

Zaragoza-Diaz & Associates

Martha Zaragoza-Diaz

MEMORANDUM

To: CABE Board Members

From: Martha Zaragoza Diaz, Lobbyist

Subject: Bill Update

Date: September 15, 2021

Cc: Jan Gustafson-Corea, CEO

The California Legislature finished its work on Friday, September 19, 2021 at which time Interim Recess begins. Legislators are now in their district offices working and will return to Sacramento on January 2, 2022. The last day for Governor Newsom to sign or veto bills on his desk is October 10, 2021.

Authors (legislators) of 2-year bills will determine during this interim recess whether they will proceed next year through the legislative process. Making a bill a "2-year bill" provides additional time for legislators and/or sponsors to address issues that prevented bills from reaching the governor's desk.

To date, below is the status of bills monitored by CABE. A final report will be submitted by October 18, 2021. I am happy to report that CABE's co-sponsored bill is on the desk of Governor Newsom. An action alert will be forwarded to you shortly seeking a letter of support to the governor on this bill. Also, SB 237 (Portantino) Annual Screening for At-Risk Dyslexia continued to be a 2-year bill. There is no word yet as to whether the Senator will be seeking amendments to the bill and whether he will move the bill in 2022. For those of you interested in reading the content of the bills please go to this link:
<https://leginfo.legislature.ca.gov/>.

I. Co-Sponsored Legislation:

AB 1363 (L. Rubio) Childcare: Dual Language Learners. (A-8/26/2021)

Status: Governor's Desk.

Summary: This bill requires the Superintendent of Public Instruction (SPI) to develop procedures for State Preschool contractors to identify and report data on dual language learners, and requires the SPI to develop implementation

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procedures and related guidance for contractors. Senate amendments include, but not limited to, deleting the proposed definition of "dual language learner." A definition of DLL was included in AB 131 (Budget Committee), Chapter 116, Statutes of 2021. The DLL definition is the following: "(o) "Dual language learner children" means children whose first languages a language other than English or children who are developing two or more languages, one of which may be English."

Position: Support

II. Other Legislation:

AB 47 (Reyes) Coordinated Immigration Support Services. (A-5/24/2021)

Status: 2-Year Bill.

Summary: This bill would require the State Department of Social Services to establish a grant program that provides grants to qualified nonprofit organizations, as defined, for the provision of multitiered and coordinated immigration support services in California to undocumented and mixed-status families who reside in the state and were separated by the federal government. The bill would require those support services to meet specified criteria.

Position: Support

AB 101 (Medina) Pupil instruction: High School Graduation Requirements: Ethnic Studies. (A-8/31/2021)

Status: Governor's Desk

Summary: This bill: (1) requires local educational agencies (LEAs) serving grades 9-12, commencing with the 2024-25 school year, to offer at least a one-semester course in ethnic studies; (2) adds, commencing with the 2029-30 school year, a semester-long course in ethnic studies to the list of statewide graduation requirements; and (3) expressly applies all statewide graduation requirements to charter schools. The August amendments do the following: 1) Remove the provisions regarding charter school graduation requirements; 2) make clarifying changes regarding the ethnic studies course; 3) add intent language specifying that LEAs not use the draft curriculum that was not adopted by the Instructional Quality Commission; and add the Uniform Complaint Procedures process to resolve complaints regarding the bill's requirement.

Position: Support

AB 320 (Medina) Teacher Preparation Programs: Regionally Accredited Programs. (A-9/3/2021)

Status: Governor's Desk

Summary: Clarifies that an individual who earned a bachelor's degree at a higher education institution that was in the process of gaining full regional accreditation is eligible to enter a teacher training program and earn their

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credential. The Senate amendments state coursework completed at a community or junior college that is regionally accredited by an accrediting agency, as specified, or by the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges may count for purposes qualifying coursework toward subject matter competency and the basic skills requirement

Position: Neutral

AB 469 (Reyes) Pupil Instruction: Financial Aid Applications. (A-8/26/2021)

Status: Governor's Desk

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

Position: Support

AB 486 (Assembly Committee on Education) Elementary and Secondary Education: Omnibus Bill. (A-8/16/2021)

Status: Governor's Desk

Summary: This bill is the annual K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code.

Position: Watch/Monitor

AB 599 (Jones-Sawyer) Public Schools: Accountability: County Superintendents of Schools. (A-7/15/2021)

Status: Governor's Desk

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

Position: Support

AB 814 (Levine) Personal information: Contact Tracing. (A-7/8/2021)

Status: 2-Year Bill

Summary: This bill provides that data collected, received, or prepared for purposes of contact tracing shall not be used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts, except as provided. The bill requires such data to be deleted, as specified, and prohibits the involvement of law enforcement, as defined, in contact tracing, except as provided.

Position: Support

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SB 224 (Portantino) Pupil instruction: mental health education.

(A-7/13/2021)

Status: Governor's Desk.

Summary: Requires each local educational agency (LEA) and charter school to ensure that all students in grades 1 to 12 receive medically accurate, age-appropriate mental health education from trained instructors, at least once in elementary school, junior high school or middle school, and high school.

Position: Support

SB 237 (Portantino) Special education: dyslexia risk screening.

(A-6/28/2021)

Status: 2-Year Bill

Summary: This bill requires local educational agencies (LEAs) serving students in kindergarten to grade 2 to annually screen all students for risk of dyslexia using state-approved instruments, unless objected to in writing by a student's parent or guardian, beginning in the 2022-23 school year. Specific provisions, include but are not limited to, the following:

- Requires the State Board of Education to establish by June 30, 2022 a list of culturally, linguistically, and developmentally appropriate screening instruments to be used by LEAs to screen pupils for risk of dyslexia. The areas to be screened shall include at least the following:
 - a) Phonological and phonemic awareness, including phoneme blending, phoneme segmenting, and phoneme manipulation tasks.
 - b) Sound-symbol recognition and symbol-sound recognition.
 - c) Alphabet knowledge.
 - d) Decoding skills, including real and nonsense words.
 - e) Rapid automatized naming, with letters, digits, objects, or colors.
- Provides that a student who is assessed as being dyslexic and meets eligibility criteria for the category of specific learning disabilities is entitled to special education and related services.
- Requires LEAs serving students in kindergarten to grade 2 to annually screen all students for risk of dyslexia using state-approved instruments, unless objected to in writing by a student's parent or guardian, beginning in the 2022-23 school year.
- Requires, during the 2022-23 school year, LEAs serving pupils in grade 3 to conduct the screening described above to identify and provide support to pupils at risk of dyslexia and experiencing significant learning loss due to the COVID-19 pandemic.
- Encourages LEAs to use structured literacy instruction and progress monitoring recommended in the California Dyslexia Guidelines, as appropriate, for pupils assessed as being dyslexic in their regular education program.

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- Provides that a student who is assessed as being dyslexic and meets eligibility criteria for the category of specific learning disabilities is entitled to special education and related services.
- Provides that if a student who exhibits the characteristics of dyslexia or another related reading dysfunction is not found to be eligible for special education and related services, the student's instructional program is to be provided in the regular education program

Position: Oppose

SB 393 (Hurtado) Migrant Childcare and Development Programs.

(A-8-30-2021)

Status: Governor's Desk.

Summary: This bill aligns the funding structure for the migrant childcare alternative payment program (voucher) with other voucher programs by shifting the reimbursement rate for migrant childcare alternative payment programs from the Standard Reimbursement Rate to the Regional Market Rate. This bill also expands reimbursement allowances to include additional costs. The Assembly Amendments (1) delete authority for the Migrant Alternative Payment Program to spend more than the standards reimbursement rate for a particular child; and (2) move provisions of the bill from the Education Code to the Welfare and Institutions Code to reflect the transfer of programmatic administration to the California Department of Social Services.

Position: Watch

SB 488 (Rubio) Teacher Credentialing: Reading Instruction (A 6/24/2021)

Status: Senate Floor-Concurrence in Assembly Amendments.

Summary: Current law requires the Commission on Teacher Credentialing to, among other duties, establish standards for the issuance and renewal of credentials, certificates, and permits. Current law requires the commission to develop, adopt, and administer a reading instruction competence assessment consisting of one or more instruments to measure an individual's knowledge, skill, and ability relative to effective reading instruction, as provided. Current law requires the requirements for the issuance of the preliminary multiple subject teaching credential to include successful passage of one of specified components of the reading instruction competence assessment. This bill would additionally authorize the passage of a combination of those specified components, as approved by the commission to meet that requirement, and would extend these requirements to the issuance of a preliminary education specialist credential.

Position: Watch

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SB 684 (Hueso) California Border Commission. (A-7-5-2021)

Status: 2-Year Bill

Summary: This bill Would establish, until January 1, 2029, the California Border Commission, consisting of 9 voting and 2 nonvoting members, as specified. The bill would require the commission to, among other things, develop policy proposals and provide recommendations as to issues pertaining to the border between California and Mexico, as specified, and to make recommendations to the Legislature and the Governor on matters of particular concern to this state in relation to border issues and matters with Mexico. The bill would expressly authorize the commission to develop and inform the Legislature of its position on pending legislative proposals, to make other legislative recommendations, and to state its position and viewpoint on issues developed in the performance of its duties and responsibilities.

Position: Watch

SB 705 (Hueso) Workforce Development: Binational Education and Workforce Opportunities. (A-4-19-2021)

Status: 2-Year Bill

Summary: Requires the California Department of Education (CDE) and the California Workforce Development Board (CWDB), in consultation with the California-Mexico Border Relations Council, to jointly form a study group of subject matter experts in specified fields to analyze unique challenges and opportunities arising from the presence of a large binational student population and workforce on both sides of the California-Mexico border.

Position: Support

III. **Chaptered Legislation (Bills that are now law.)** The chaptered bills include the 2021-22 State Budget and its budget trailer bills. Please note that the state budget, budget trailer bills and bills with an urgency clause go into effect immediately.

2021-2022 California State Budget. Enacted June 28, 2021.

To read the entire 2021-2022 state budget please go to:

<http://www.ebudget.ca.gov/budget/2021-22EN/#/BudgetSummary>.

AB 86 (Ting) COVID-19 relief and school reopening, reporting, and public health requirements. (Budget Trailer Bill)

Status: Chapter 10, Statutes of 2021

Summary: This bill makes necessary changes related to funding for local educational agency operations during the COVID-19 pandemic, and other technical changes. Provisions include, but are not limited to, the following:

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- Appropriates a total of \$6.6 billion in one-time Proposition 98 General Fund for In-Person Instruction and Expanded Learning Opportunities Grants. Funding will be provided in equal portions in May and August of 2021, and funds are available for expenditure until August 31, 2022. Funding requirements are subject to audit, as specified.
- \$4.6 billion in Expanded Learning Opportunities Grants are provided to LEAs proportionate to each LEA's share of the Local Control Funding Formula allocation. State Special Schools would receive \$725 per average daily attendance and LEAs would receive \$1,000 per homeless pupil in addition to their LCFF-based allocation. These funds are for LEAs to provide supplemental instruction and support to students. Specified allowable uses include extended instructional learning time, accelerated learning strategies, summer school, tutoring or one-on-one support, professional development, and social-emotional wellbeing supports, among others.
- Appropriates \$5 million one-time Proposition 98 General Fund for the California Collaborative of Educational Excellence for the purpose of providing support to LEAs in maximizing positive pupil outcomes and effectively using funds provided under the Expanded Learning Opportunities Grant, subject to an expenditure plan and notification to the Joint Legislative Budget Committee and the appropriate legislative committees. Funds are available for expenditure until June 30, 2023.

Position: Support

AB 104 (L. Gonzalez) Pupil instruction: retention, grade changes, and exemptions.

Status: Chapter 41, Statutes of 2021

Summary: This bill requires, as an urgency measure, local educational agencies (LEAs) to offer a consultation with a parent requesting that their student be retained in grade in the 2021-22 academic year; creates a process for parents to request that students receive a "pass" or "no pass" instead of a letter grade in the 2020-21 academic year; requires that specified institutions of higher education accept a "pass" for credit for admissions purposes; and requires that students who were in their third or fourth year of high school in the 2020-21 and who are not on track to graduate within specified years be exempted from local graduation requirements and be given the opportunity to complete the coursework required for graduation.

Position: Watch

AB 128 (Ting) Budget Act of 2021

Status: Chapter 21, Statutes of 2021

Summary: This bill contains the 2021 Budget Act. This bill represents the Legislature's Budget agreement. A budget package that authorizes General Fund

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expenditures of \$195.5 billion and assumes \$201.9 billion in total General Fund resources. Under this budget act, there are combined total reserves in the Budget Stabilization Account (BSA), the Special Fund for Economic Uncertainties (SFEU), the Public School System Stabilization Account (PSSSA) and the Safety Net Reserve of approximately \$25.5 billion.

Position: Support of K-12 Education and Child Care/ECE provisions.

AB 130 (Assembly Budget Committee) Education Omnibus Bill (Budget Trailer Bill)

Status: Chapter 44, Statutes of 2021

Summary: This bill, as part of the 2021-22 Budget Package, makes statutory changes to implement the 2021-22 Budget Act. Specific provisions include, but are not limited to the following:

- Makes several changes to provisions in AB 86, including: (1) replaces \$2 billion in one time Proposition 98 General Fund with federal Elementary and Secondary School Emergency Relief funds (2) excludes charter schools that closed during 2020-21, prior to enactment of AB 86, from being eligible to receive Expanded Learning Opportunities and In-Person Instruction Grants funding, and (3) makes technical amendments to AB 86 language so it does not conflict with existing statute as it relates to instructional time.
- Expands the Transitional Kindergarten Program beginning in the 2022-23 school year, and achieves Universal Transitional Kindergarten eligibility by 2025-2026. For each school year during the period of 2022-23 through 2025-26, the Transitional Kindergarten program enrollment date is extended two months later, with the final year extending the enrollment date by three months such that a child who has their fourth birthday by September 1st shall be admitted to a Transitional Kindergarten Program.
- Specifies that age eligibility for a transitional kindergarten program does not impact family eligibility for other child care and preschool programs, and authorizes California State Preschool Programs to offer wraparound childcare services for eligible transitional kindergarten and kindergarten programs.
- Provides \$10 million in one-time Proposition 98 funding for the Dual Language Immersion Grant Program. The State Department of Education shall award a minimum of 25 one-time grants to local educational agencies or consortia over a period of three fiscal years to expand existing and establish new dual language immersion programs.
- Amends the requirements for Independent Study Programs as specified.

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- Provides \$1.5 billion in one-time Proposition 98 General Fund for the Educator Effectiveness Block Grant available over five years to provide local education agencies (LEAs) with flexible resources to expedite professional development for teachers, administrators, and other in-person staff.
- Provides \$350 million in one-time Proposition 98 funds, available over five years, for the Teacher Residency Grant Program to support existing and create new teacher residency programs that recruit and support the preparation of teachers in designated shortage fields, including special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten, and others, and to support efforts to recruit and retain a diverse teacher workforce.
- Provides \$250 million in one-time Proposition 98 funds, available over five years, for the National Board for Professional Teaching Standards Certification Incentive Program.
- Provide \$10 million in one-time Proposition 98 funds, available over a five-year period, to generate and disseminate professional learning opportunities for educators across the state in the areas of evidence-based literacy, intensive literacy interventions, and support of pupils' executive functioning skills.
- Amends the demonstrations of competence for teacher basic skills and subject matter knowledge. Specifically, language expands the list of allowable exemptions from the basic skills proficiency test to include applicants that earn at least a "B" grade in qualifying coursework to demonstrate subject matter proficiency or are designated proficient by a credential program, would specify that the minimum requirements for a preliminary single or multiple subject teaching credential include verification of subject matter competence, through specified means, and provides alternative assessment authority to the CTC.

AB 131 (Assembly Committee on Budget) Child Development Programs

Status: Chapter 116, Statutes of 2021

Summary: This bill, as part of the 2021-22 Budget package, makes statutory changes to implement the 2021-22 Budget Act. Specifically, this bill includes, but is not limited to, the provisions below.

1) Transfers child care program and authority from the Education Code and the Department of Education to the Welfare and Institutions Code and the Department of Social Services including:

- General Child Care and Development Program.
- Migrant Child Care and Development Program.
- California Alternative Payment Program.
- CalWORKs Stage 2 & 3 programs.

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- Resource and Referral agencies.
 - Local Child Care and Development Planning Councils.
 - Head Start & Early Head Start.
 - Trustline.
 - The Child and Adult Care Food Program.
 - Family Child Care Home Education Networks.
 - Child Care and Development Services for Children with Special Needs
 - Child Care facility programs.
 - Early Learning and Care Workforce Development program.
 - Early Childhood Policy Council.
 - Lead Agency for federal Child Care and Development Fund & quality improvement projects.
 - California Child Care Initiative Project.
- 2) Increases, beginning January 1, 2022, all direct-contract childcare and preschool program rates, including for the school-based California State Preschool Program, to the 75th percentile of their county 2018 Regional Market Rate or the new Standard Reimbursement Rate as of December 31, 2021, whichever is highest.
- 3) Ratifies the Child Care Providers United - California bargaining contracts agreed to on April 20 and June 25, 2021 and codifies portions of the agreements, including allocating funding appropriated in the Budget Act of 2021, as specified.
- Position:** Watch

AB 132 (Assembly Committee on Budget) Postsecondary Education Trailer Bill

Status: Chapter 144, Statutes of 2021

Summary: This bill makes necessary changes to implement the higher education provisions adopted as a part of the Budget Act of 2021. Provisions include, but are not limited to, the following:

- 1) **Cradle to Career Data System.** Establishes the Cradle to Career Data System to link data on student progress through education, workforce training, employment, health and social services. Specifies that the data system shall support user-facing tools and services to students, educators, parents, and advisers. Specifies that the data system shall be subject to the Project Approval Lifecycle at the Department of Technology, and shall comply with state and federal privacy laws. This bill establishes the Office of Cradle-to-Career Data within Government Operations Agency until July 1, 2026. This bill also establishes a governing board comprised of 21 members, including representatives from higher education,

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various state departments, eight members of the public appointed by the Governor and Legislature, and two representatives of the Legislature.

- 2) **Free Application for Federal Student Aid (FAFSA) Requirement.** Requires local education agencies, starting in the 2022-23 school year, to confirm that students complete and submit FAFSA and Dream Act applications. This bill also authorizes students or families to opt out of this requirement and requires local education agencies to direct families to support and services to comply with this requirement. This bill specifies that information shared by parents and students be handled in compliance of federal and state privacy laws.
- 3) **Golden State Teachers Grant Program.** Makes technical changes to the Golden State Teacher Grant Program, which provides financial aid to teacher certification students. Extends expenditure date until 2024, allows eligibility for transitional kindergarten certificate students, and redefines priority schools to specify 55 percent or more of its pupils as unduplicated.
- 4) **Golden State Education and Training Grant Program.** Creates the Golden State Education and Training Grant Program, to be administered by the California Student Aid Commission, which provides education and training grants of up to \$2,500 for workers displaced by COVID-19. Grant recipients may use funds to cover costs of higher education or other training programs.
- 5) **Middle Class Scholarship.** Specifies that starting with the 2022-23 academic year, an eligible student shall receive a Middle-Class Scholarship that helps cover the total cost of attendance at UC and CSU. The award amount for each student is the difference between the cost of attendance and other financial aid and family and student contributions. This bill adjusts the 2020-21 and 2021-22 appropriation for the program to \$117 million each based on projected caseload. Starting with the 2022-23, the annual appropriation for the program is determined by the budget act.

Position: Watch

AB 161 (Ting) Budget Act of 2021

Status: Chapter 43, Statutes of 2021

Summary: This is a Budget Bill Junior associated with the Budget Act of 2021. This bill makes technical, clarifying and substantive changes to the Budget Act. Provisions include appropriations to the San Joaquin River Conservancy and wildfire prevention and forest resilience activities in the 2021-22 fiscal year and an augmentation to counties for the recall election.

Position: Neutral

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AB 167 (Assembly Committee on Budget) Education Omnibus Budget Trailer Bill

Status: Governor's Desk

Summary: This bill makes clarifying changes and technical corrections associated with changes to K-12 Education programs adopted as part of the Budget Act of 2021. Provisions, include but are not limited to:

- 1) Makes the following changes related to Independent Study:
 - a) Specifies that local educational agencies may receive apportionment for students participating in independent study because of COVID-19 related quarantine, beginning on the first day of quarantine.
 - b) Specifies that a classroom-based charter school providing independent study to students who are unable to attend classes in person because of COVID-19 related quarantine is not required to count these students as non-classroom-based charter school average daily attendance and is not required to file for a funding determination.
 - c) Clarifies that a local educational agency may obtain signed independent study master agreements up to 30 days after a student begins an independent study program.
 - d) Clarifies that synchronous instruction under independent study may be provided by the teacher of record or the certificated teacher of the local education agency providing instruction for course-based independent study.
 - e) Makes a variety of other amendments to clarify tiered re-engagement and attendance-related requirements, specifies audit requirements and makes other technical changes.
- 2) Allows the Commission on Teacher Credentialing to collect voluntary demographic data and self-identification data from applicants for teacher preparation programs.
- 3) Clarifies that the Commission on Teacher Credentialing may issue single subject teaching credentials for mathematics with a specified concentration.
- 4) Specifies that a local educational agency may not receive apportionment for material decreases in attendance or closures related to COVID-19, except due to COVID-19 related staffing shortages if local educational agency offers independent study to students and the following conditions are established:
 - i) The local educational agency is unable to provide in-person instruction due to staffing shortages (certificated or classified) related to COVID-19.
 - ii) The local educational agency has exhausted all options for obtaining staff coverage and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

Position: Watch

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SB 129 (Skinner) Budget Act of 2021

Status: Chapter 69, Statutes of 2021.

Summary: This is a "Budget Bill Junior" associated with the Budget Act of 2021. This bill makes technical and substantive changes to the Budget Act. The Assembly Amendments delete the Senate version of the bill and insert the current language. This bill, combined with AB 128, reflects a total spending plan of \$262.6 billion, of which \$196.4 billion is from the General Fund, and total General Fund reserves equaling a record \$25.2 billion. Total Proposition 98 spending is a record, \$93.7 billion, including \$66.4 billion from the General Fund.

Position: Support the K-12 Education and Child Care provisions.