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Final Report of 2021 Legislation

The first year of the 2021-22 two-year legislative session adjourned on September 10, 2021, at which time Interim Recess officially began. The legislators are now in their district offices taking care of district and constituent concerns, determining bills to be introduced in 2022 and determining which 2-year bills (if they have any) will proceed in 2022. Approximately 800 bills were on the Governor's desk for him to either sign, veto, or make law without his signature. October 10, 2021, was the deadline for Governor Newsom decide the fate on the bills on his desk. Below is the final outcome of the bills monitored by CABE and Californians Together. Please note that there are quite a few 2-year bills. This means that during the Interim Recess, should the legislator of a 2-year bill choose to do so, they can address the problems or issues affecting the bill(s) and continue to work on amendments to the bill. Again, legislators will determine whether they will proceed with their 2-year bills in 2022. Two-year bills must clear their house of origin by January 31st, or they die. Two-year bills can only occur in the first year of a two-year legislative session.

For specific content of the bills, please go to: <https://leginfo.legislature.ca.gov/>.

Co-Sponsored Legislation:

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

Status: Ch. 498, Statutes of 2021.

Summary: This bill would (1) establish a definition for DLLs, (2) require SPI Thurmond to develop procedures 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 about DLLs that inform future policy and program decisions.

Position: Support 



Other Legislation:

AB 301 (Kiley) English Language Learner Acquisition and Development Pilot Program: repeal. (1-1/25/2021)

Status: 2-Year bill.

Summary: Current law establishes the English Language Learner Acquisition and Development Pilot Program, under the administration of the State Department of Education, as a 3-year competitive grant pilot project of 25,000 or more English language learners to be conducted during the 2007–08 to 2009–10, inclusive, school years. This bill would repeal the statutes that establish the program.



Position: Monitor 

AB 486 (Assembly Education Committee) Elementary and secondary education: omnibus bill. (1-9/3/2021)

Status: Ch. 666, Statutes of 2021.

Summary: An “education omnibus” bill generally contains education provisions that are obsolete, and which have no “opposition” to their inclusion. This bill would replace gendered terms with nongendered terms and make various other non-substantive changes to provisions related to those persons. Also updated language and reorganization of bilingual education code sections will be included. These provisions were reviewed by attorneys, and they suggested the recommendations below,

Position: Express the following recommendations:

Reenact or insert a new provision reflecting EC 52176 which would:

- include the functions and responsibilities of the ELACs and DELACs that were in effect at the time of the sunset.
- describe the role of the committees and aligned to Prop. 58 including choice of programs.
- Resurrecting EC 52164.1, the census provision, would also be good.

Position: Monitor 

AB 10 (Ting) Pupil instruction: in-person instruction: distance learning. (A-1/12/2021)

Status: 2-Year bill.

Summary: Current law, for purposes of calculating apportionments for the 2020–21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified. This bill would specify that the requirement to provide in-person instruction applies when that instruction is allowed under state and local public health order.



Position: Watch 

AB 86 (Assembly Committee on Budget) COVID-19 relief and school reopening, reporting, and public health requirements. (A-3/1/2021)

Status: Ch.10, Statutes of 2021.

Summary: Current law, for purposes of calculating apportionments for the 2020-21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified. 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 at the public or private school campus has tested positive for COVID-19 and was present on campus while infectious, to immediately, and in no case later than 24 hours after learning of the positive COVID-19 case, notify the local health officer or the local health officer's representative about the positive case, as specified.



Position: Support 👍

AB 99 (Irwin) Statewide longitudinal data system: California Cradle-to-Career Data System: governance and support. (A-4/27/2021)

Status: 2-Year bill.

Summary: Current law establishes the California Cradle-to-Career Data System Workgroup to assess, recommend, and advise about statewide data infrastructure that integrates data from state entities responsible for elementary and secondary education data, entities responsible for early learning data, segments of public higher education, private colleges and universities, state entities responsible for student financial aid, childcare providers, state labor and workforce development agencies, and state departments administering health and human services programs. This bill would express the intent of the Legislature in enacting the bill is to codify certain recommendations in the California Cradle-to-Career Data System Legislative Report published in December 2020, which describes the planning process and recommendations for phase one of the Cradle-to-Career Data System. The bill would:

- establish the California Cradle-to-Career Data System Governing Board in state government, comprised of certain representatives from state agencies, educational organizations, and members of the public, to, among other things, ensure the data system is serving its intended purpose and oversee participation in the data system and provide for its governance structure.
- require the governing board to also provide operational oversight of the Cradle-to-Career Data Office that the bill would establish within the Government Operations Agency under the direction of the Department of General Services to serve as the managing entity of the data system, as provided.
- Establish the Data and Tools Advisory Board and the Community Engagement Advisory Board, comprised of 16 members each of end users of the data in the data system, to perform certain tasks and make recommendations and suggestions to the governing board, as provided.

As amended April 27, 2021, the bill proposes to establish a governing board with specified duties.

Position: Support 👍

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

Status: Ch. 661, Statutes of 2021.

Summary: The bill would require students, commencing with the graduating class of 2029-30, to complete a one semester course in ethnic studies, as specified, in order to receive a high school diploma, and requires, commencing with the 2025–26 school year, that local educational agencies (LEAs) and charter schools serving students in grades nine through 12 offers at least a one-semester course in ethnic studies.



Position: Support 👍

AB 104 (Gonzalez, L) Pupil instruction: learning recovery opportunities: COVID-19. (A-6/2/2021)

Status: Ch. 41, Statutes of 2021.

Summary: As amended, this bill, an urgency measure, establishes several interventions for students impacted by the COVID-19 pandemic, including a process to initiate a discussion on whether retention may be appropriate and a process for students to receive a “pass” or “no pass” instead of a letter grade for the 2020-21 academic year. The bill also requires the California State University (CSU) and encourages the University of California (UC) and private postsecondary institutions to accept a “pass” for credit for admissions purposes.

Position: Support 👍

AB 312 (Seyarto) Teacher credentialing: basic skills proficiency test: exemption. (I-1/25/2021)

Status: 2-Year bill.

Summary: This bill would:

- exempt from the basic skills proficiency test requirement an applicant who earns at least a letter grade of B in qualifying coursework, as defined, determined by a credential preparation program or the commission, as specified, to sufficiently serve as an alternative indicator of proficiency in basic reading, writing, and mathematics skills in the English language.
- exempt an applicant who has demonstrated proficiency in the basic skills through a combination of qualifying coursework, passage of components of the state basic skills proficiency test, and scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT English and mathematics tests, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University.

Position: Support 👍

AB 321 (Valladares) Childcare services: eligibility. (Amended-4/6/2021)

Status: 2-Year bill.

Summary: The bill would authorize a part-day California state preschool program to provide services to 3- and 4-year-old children in families whose income is above the income eligibility threshold if those children come from a family in which the primary home language is a language other than English. The bill would also require that priority be given to a family in which the primary home language is a language other than English be admitted first if there is no family of the same priority with a child with exceptional needs.



Position. Referred to ECE organizations.

AB 437 (Kalra) Teacher credentialing: subject matter competence. (I-6/21/2021)

Status: 2-Year bill.

Summary: Would authorize a candidate for the preliminary multiple or single subject teaching credential to demonstrate subject matter competence by completing higher education coursework in the subject matters related to the content area of the credential, as provided. The bill would authorize a program of professional preparation to verify a candidate's subject matter competence in this manner for this purpose. The bill would additionally authorize a candidate to demonstrate subject matter competence through a combination of a subject matter examination and higher education coursework in the subject matters related to the content area of the credential.

Position: Support 👍

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

Status: Ch. 560, Statutes of 2021.

Summary: The bill would require local education agencies (LEAs) and charter schools to confirm that students enrolled in the 12th grade complete a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application (CADAA).



Position: Support 👍

AB 531 (Quirk Silva) Education finance: local control funding formula: supplemental and concentration grants. (I-2/10/2021)

Status: 2-Year bill.

Summary: The bill would require each school district, county office of education, and charter school to identify unspent supplemental and concentration grant funds by annually reconciling and reporting to the State Department of Education its estimated and actual spending of those moneys. The bill would require unspent funds identified pursuant to these provisions to continue to be required to be expended to increase and improve services for unduplicated pupils, and would require each local educational agency to report the amounts of unspent funds identified in its local control and accountability plan.



Position: **Support** 👍 This bill is similar to last year's AB 1835 which Californians Together supported.

AB 533 (Quirk Silva) Education finance: local control funding formula: supplemental and concentration grants. (I-2/10/2021)

Status: 2-year bill.

Summary: The bill would require the State Department of Education to develop, on or before January 1, 2022, a tracking mechanism for school districts, county offices of education, and charter schools to use to report the types of services on which they spend their supplemental and concentration grant funds. The bill would require each local educational agency, commencing July 1, 2022, to annually report to the department the types of services on which it spends its supplemental and concentration grant funds using the tracking mechanism developed by the department.

Position: **Support** 👍 This bill is similar to AB 1834 of last year, which CalTog supported.

AB 599 (Jones-Sawyer) Public schools: accountability: county superintendents of schools. (A-7/15/2021)

Status: Ch. 667, Statutes of 2021.

Summary: This bill updates the criteria under existing law used for identifying schools in need of inspection by the county superintendent of schools. Specifically, this bill requires the Superintendent of Public Instruction (SPI), commencing with the 2022-23 fiscal year and every third year thereafter, to identify a list of low-performing schools using an up-dated criteria. The bill requires the SPI to include additional information on its low-performing schools list to identify schools where 15% or more of teachers do not hold a "clear" teaching credential. The bill also requires a county superintendent of each county to annually inspect those schools in their county and submit a report that describes the state of those schools.

Position: **Support** 👍

AB 814 (Levine) Personal information: contact tracing. (I-7/8/2021)

Status: 2-Year bill.

Summary: Prohibits any data collected, received, or prepared for purposes of contact tracing from being used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts, and would

require this data to be deleted within 60 days, unless it is in the possession of a state or local health department. The bill additionally prohibits law enforcement, as defined, from engaging in contact tracing.

Position: Support 👍

AB 1140 (Rivas, R) Foster care: rights. (I-9/7/2021)

Status: Ch. 297, Statutes of 2021.

Summary: Current law provides for the licensing and regulation of community care facilities, including foster family homes and group homes, by the State Department of Social Services, and requires the department to ensure that licensed or certified foster care facilities and providers accord children and nonminor dependents in foster care their personal rights. Current law establishes the Office of the State Foster Care Ombudsperson to, among other things, investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services. This bill would specify that these duties of the department and the Office of the State Foster Care Ombudsperson include children who are in state-licensed foster facilities and homes in the custody of the Office of Refugee Resettlement of the federal Department of Health and Human Services.

Position: Support 👍

SB 70 (Rubio, S) Elementary education: kindergarten. (A-5/20//2021)

Status: 2-Year Bill.

Summary: Under current law, a person between the ages of 6 and 18 years who is not exempted by law is subject to compulsory full-time education. Current law excludes a child under 6 years of age from the public schools, subject to specified exceptions. This bill, beginning with the 2022–23 school year, would require a child to have completed one year of kindergarten before that child may be admitted to the first grade, thereby imposing a state-mandated local program.



Position: Support 👍

SB 224 (Portantino) Pupil instruction: mental health education. (A-8/30/2021)

Status: Ch.675, Statutes of 2021.

Summary: The bill would require each school district to ensure that all pupils in grades 1 to 12, inclusive, receive medically accurate, age-appropriate mental health education from instructors trained in the appropriate courses at least once in elementary school, at least once in junior high school or middle school, as applicable, and at least once in high school. The bill would require that instruction to include, among other things, reasonably designed instruction on the overarching themes and core principles of mental health. The bill would require that instruction and related materials to, among other

things, be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.

Position: Support 👍

SB 237 (Portantino) Special Education: Dyslexia Risk Screening (A-6/8/2021)

Status: 2-Year Bill

Summary: Existing law requires a pupil who is assessed as being dyslexic and meets specified eligibility criteria to be entitled to special education and related services. The bill would require, on or before June 30, 2022, the State Board of Education to establish an approved list of screening instruments to be used by a local educational agency, as defined, to screen pupils for risk of dyslexia, as provided. The bill would require, beginning in the 2022–23 school year, and annually thereafter, a local educational agency serving pupils in any of the grades kindergarten to grade 2, inclusive, to screen each pupil in those grades for risk of dyslexia by using the screening instrument or instruments identified above, as provided. The bill would require results from the screening, among other things, to be made available to a pupil’s parent or guardian in a timely manner, but no more than 45 calendar days from administering the screening.



Position: Oppose 👎

SB 488 (Rubio, S) Teacher Credentialing: Reading Instruction (A-8/30/2021)

Status: Ch. 678, Statutes of 2021. **Summary:** This bill requires the Commission on Teacher Credentialing (CTC) to revise their teacher preparation program standards and teaching performance expectations for literacy, authorizes candidates who have been unable to take the Reading Instruction Competence Assessment (RICA) due to the COVID-19 pandemic to take a CTC-approved assessment in reading instruction and requires the CTC to update the Teaching Performance Assessment (TPA) to replace the RICA by July 1, 2025.

Position: Watch 👁

SB 532 (Caballero) Pupil instruction: high school coursework and graduation requirements: exemptions. (A-4/8/2021)

Status: 2-Year Bill.

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

Position: Support 

SB 699 (Eggman) School climate: statewide school climate indicator: surveys. (A-6/28/2021)

Status: 2-Year bill.

Summary: This bill (1) requires the State Board of Education (SBE) to adopt a statewide school climate indicator consisting of a subset of data from the California Healthy Kids Survey (CHKS), adopt standards for school district and individual school site performance and expectations for improvement on that indicator, and to publicly report performance data; (2) requires the California Department of Education (CDE), contingent on an appropriation, to make available the CHKS, provide technical assistance to local educational agencies (LEAs), develop a list of approved alternative school climate survey tools, and collect and analyze specified data; and (3) requires LEAs to annually administer the CHKS or an alternative school climate survey that includes a subset of questions from the CHKS.

Position: Support 

2021-22 State Budgets and Budget Trailer Bills

The 2021-22 “State Budget” is usually a “package” of budget bills and budget trailers bills that provide more details on budget items in the budget bills. Below are the budgets and budget trailer bills that were introduced this year and that were monitored by me. Again, for more details and information regarding the content of these bills go to: <https://leginfo.legislature.ca.gov/>. I included the trailer bills for higher education as well as one trailer bill on health due to provisions that impact K-12.

A. Budget Acts:

- Budget Act: AB 128, Chapter 21, signed June 28, 2021.
- Budget Act: SB 170, Chapter 240, signed September 23, 2021.
- Budget Bill Jr., Senate Bill 129, Chapter 69, signed July 28, 2021.
- Budget Bill Jr #3 (Preschool): AB 164, Chapter 84, signed July 16, 2021.

B. Budget Trailer Bills (TB):

- Education Omnibus TB: AB 130, Chapter 44, signed July 9, 2021.
- Education Omnibus TB (Early Education): AB 131, Chapter 116, signed July 23, 2021.
- Education Omnibus TB #2: AB 167, Chapter 252, signed September 23, 2021.
- Education Omnibus TB #2 (Early Education): SB 168, Chapter 261, signed September 23, 2021.

C. Higher Education Trailer Bills:

- Higher Education TB: AB 161, Chapter 43, signed July 9, 2021.
- Higher Education TB #2: SB 169, Chapter 262, signed September 23, 2021.