

# MURDOCH WALRATH & HOLMES

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## MEMORANDUM

To: CABE Board Members  
Jan Gustafson-Corea, CEO

From: Jennifer Baker, Legislative Advocate

Subject: End of Session Summary

Date: September 2, 2022

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The Legislature finished their final day of the 2021-22 Legislative Session in the early morning hours of Thursday morning, hearing hundreds of bills prior to closing the end of this two-year session. Historic fiscal gains, response to the pandemic and climate change losses played a major role in shaping the goals and achievements of this Legislature. The compound effects of redistricting redefined the political make-up of the Legislature, with 26 members of the Assembly announcing their departure in November, while some immediately vacated their post. These actions created a number of political lame-ducks, leaving many bills without enough political leadership to guarantee their survival. The final impact of redistricting will be reflected in the make-up of the 2022-23 Legislature resulting in 1/3<sup>rd</sup> new Assembly Members, most of whom will have no institutional knowledge of schools or English learners.

Of significant note this year was the largest budget in state history, over \$300 billion, which created a plethora of one-time programs and economic relief for millions of Californians. The continued emergence of the State Appropriations Limit (SAL) significantly impacted how the budget was structured, by forcing the hand of the Newsom Administration and the Legislature to avoid triggering this rule. The SAL is expected to continue to play a major fiscal role over the next few years, suppressing funds that could be used to fund programs of importance to CABE. This issue will be particularly important to monitor as recent economic slowdowns, coupled with increased inflation, are resulting in less revenue which may indicate a tightening of state revenues.

Most important to CABE members were one sponsored bill and additional budget item that were still active as of the end of the Legislative Session:

**AB 1868 (Rivas)** – Would require local education agencies with specified numbers of Long-Term English Learners to delineate goals and strategies for serving the needs of these students within

their Local Control and Accountability Plan. The bill passed the Legislature on August 24th and was sent to the Governor's desk. The Governor has until September 6<sup>th</sup> to take action. Thanks to the tremendous efforts of the CAFE communications team, CAFE members have been doing a great job contacting the Governor's office and urging him to sign AB 1868.

### **Additional Educator Workforce Investment Grant Support**

CAFE and Californians Together (CalTog) achieved a significant victory by working with the Legislature to amend existing budget language regarding the Educator Workforce Investment Grant. The amendments are reflected in AB 185 (Committee on Budget), which was sent to the Governor's desk on August 31<sup>st</sup>. This important legislation will ensure the EWIG program can provide a seamless statewide service to English learners, with continued opportunities for both CAFE and CalTog to collaborate with counties offices of education. The Governor has until September 30<sup>th</sup> to take action on this key bill.

### **CAFE Priorities for 2023**

The following legislation and budget priorities that did not move forward this year due to a number of political and fiscal complexities. These items remain priorities and will be integrated into policy/fiscal goals for 2023-24.

**SB 952 (Limón)** – Would have expanded the number of schoolwide dual-language immersion programs in California.

**AB 1701 (Medina)** – Would have created a grant program within the California State University to increase full-time faculty of its Colleges of Education bilingual authorization programs, to create more teachers with bilingual authorizations.

**Bilingual Teacher Professional Development Grant** – A one-time \$10 million appropriation, with \$2 million provided annually for a series of five years, to bring back the Bilingual Teacher Professional Development Program (BTPDP), which ended in June of 2021. This important program used a "grow your own" approach to address the bilingual teacher shortage by allowing eligible local educational agencies to apply for state funds in order to provide professional learning opportunities to increase the number of bilingual authorized teachers.

### **CAFE-Supported Bills Status**

The information below provides a status on CAFE-supported measures for 2022:

**CABE - Sponsor Bills**

**AB 1701 (Medina D) California State University: Jump Start Grant Program.**

**Status:** 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 3/30/2022)

**Location:** 5/20/2022-A. DEAD

**Summary:** Would establish the California State University Jump Start Grant Program to increase the number of tenure-track and full-time and part-time limited term bilingual faculty for bilingual authorization programs of accredited schools of education. The bill would require the office of the Chancellor of the California State University and schools of education to take certain actions related to the program, and would require the chancellor's office and each school of education awarded a grant under the program to report program information, as specified. The bill would require funds awarded to schools of education to supplement any other state or federal funds appropriated to schools of education for the purpose of hiring tenure track and full-time or part-time limited term faculty.

**Position:** Sponsor Support

**AB 1868 (Rivas, Luz D) School accountability: English language acquisition status: data.**

**Last Amend:** 6/21/2022

**Status:** 8/24/2022-Assembly Rule 77(a) suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 77. Noes 0.).

**Location:** 8/24/2022-A. ENROLLMENT

**Summary:** Current law establishes the California Assessment of Student Performance and Progress (CAASPP) and requires the State Department of Education to ensure that local educational agencies comply with certain requirements related to CAASPP. This bill would require the department, on an annual basis, to include a report on its internet website that allows the public to view, among other assessment data, certain CAASPP test results by English language acquisition status, as provided. The bill would require the department to publicly report on an annual basis enrollment data by English language acquisition status and disability, as specified.

**Position:** Sponsor Support

**SB 952 (Limón D) Pupil instruction: dual language programs: Pathways to Success Grant Program.**

**Last Amend:** 6/20/2022

**Status:** 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/3/2022)

**Location:** 8/12/2022-A. DEAD

**Summary:** Would revise and recast the Pathways to Success Grant Program. The bill would require the State Department of Education to instead award a minimum of 20 one-time grants of up to \$750,000 per grant, as provided, and additional funding of up to \$37,500 when awarding a grant to an applicant proposing to establish a dual language immersion program or developmental bilingual program for English learners in a target language other than Spanish, as provided. The bill would require the department to, among other things, determine grant award selection criteria and meet quarterly with grantees to share practices and resources and resolve implementation issues. The bill would require the department to hire a consultant to coordinate program activities and provide technical assistance to the department. The bill would require the department to contract for technical assistance and strategic planning services for grantees and would exempt those contracts from various state contracting requirements. The bill would require the department to submit to the appropriate policy and budget committees of the Legislature an annual progress report, a one-time

report on or before June 30, 2025, and a one-time report on or before October 1, 2029, with specified information about the progress and outcomes of the grant program, as provided.

**Position:** Sponsor Support

<b>Support</b>
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**AB 185**

**(Committee on Budget) Education finance: education omnibus trailer bill.**

**Last Amend:** 8/26/2022

**Status:** 8/31/2022-VOTE: AB 185 BUDGET Concurrence in Senate Amendments By TING (PASS)

**Location:** 8/30/2022-A. CONCURRENCE

**Summary:** Would require the Superintendent of Public Instruction, in consultation with the Director of Social Services and the executive director of the State Board of Education, to convene a statewide interest holder workgroup, as provided, to provide recommendations on best practices for increasing access to high-quality universal preschool programs for 3- and 4-year-old children offered through a mixed-delivery model that provides equitable learning experiences across a variety of settings and recommendations to update preschool standards, as provided.

**Position:** Support

**AB 1703**

**(Ramos D) California Indian Education Act: California Indian Education Task Forces.**

**Last Amend:** 8/11/2022

**Status:** 8/29/2022-Enrolled and presented to the Governor at 3:30 p.m.

**Location:** 8/29/2022-A. ENROLLED

**Summary:** Would establish the California Indian Education Act and encourage school districts, county offices of education, and charter schools to form California Indian Education Task Forces with California tribes local to their regions or tribes historically located in the region. The bill would encourage task force participants to discuss issues of mutual concern and to undertake certain work. The bill would require California Indian Education Task Forces to submit, within one year of formation and annually thereafter, a report of findings to the department, as provided. The bill would require the department to submit, within one year of receiving task force reports and annually thereafter, a report to certain education committees of both houses of the Legislature regarding the narrowing of the achievement gap and the adoption of curriculum, as provided. The bill would authorize California Indian Education Task Forces to submit curricular materials to the county office of education, or consortium of county offices of education, that contracted to develop the model curricula related to Native American studies. The bill would require the contracted county office of education, or consortium of county offices of education, to consider these submitted materials for inclusion in the model curriculum.

**Position:** Support

**AB 1777**

**(Aguilar-Curry D) Migrant education: extended school year program: average daily attendance.**

**Last Amend:** 6/30/2022

**Status:** 8/24/2022-Assembly Rule 77(a) suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 76. Noes 0.).

**Location:** 8/24/2022-A. ENROLLMENT

**Summary:** Under current law, with the concurrence of a child's parent, a child who has been identified as a "migrant child" may be deemed a migrant child for a period, not in excess of 3 years,

during which the child resides in an area where programs are provided for migrant children. Current law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified, that includes average daily attendance as a component of that calculation. This bill, commencing on January 1, 2024, would authorize up to 2 local educational agencies to provide an extended school year program, as defined, to migratory pupils who, due to family agricultural migratory movement, enroll in kindergarten, including transitional kindergarten, or any of grades 1 to 6, inclusive, on or after March 1 of the school year and depart on or before December 1 of the next school year, and would authorize average daily attendance funding for those pupils if certain requirements are met, as provided.

**Position:** Support

**AB 1838** **(Bauer-Kahan D) Parental notices: primary language translations.**

**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 2/18/2022)

**Location:** 4/29/2022-A. DEAD

**Summary:** Would, commencing January 1, 2024, require school districts, all public schools in those school districts, and charter schools to send all notices, reports, statements, or records in the primary language other than English when the primary language is one of the two most commonly spoken languages by pupils enrolled in the school of the school district or the charter school, is spoken by 15% or more of the pupils enrolled in the school of the school district or the charter school, or is spoken by 15% or more of the residents in any county where the school district, school of the school district, or charter school is located and is also one of the top two languages spoken by county residents not included in other calculations, as provided. By imposing additional duties on schools and school districts, the bill would impose a state-mandated local program.

**Position:** Support

**AB 1948** **(Ting D) Education finance: local control funding formula: low-income pupils: pupils experiencing homelessness.**

**Last Amend:** 5/3/2022

**Status:** 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. ED. on 6/8/2022)

**Location:** 7/5/2022-S. DEAD

**Summary:** Current law requires funding pursuant to the local control funding formula to include a base grant that in each fiscal year is adjusted for inflation 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 specified. Current law requires the local control funding formula to include, in addition to the base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are unduplicated pupils, as defined to include English learners, pupils eligible for free or reduced-price meals, and foster youth, as specified. Current law requires county superintendents of schools, school districts, and charter schools to annually report their enrollment of unduplicated pupils to the Superintendent of Public Instruction, as specified. Current law requires pupils who are classified in more than one of these groups to be counted only once for these purposes. This bill would require, for the 2022–23 fiscal year, the inflation adjustment to the base grant for a school district or charter school to instead be 15%. For purposes of the local control funding formula, the bill would replace pupils who are eligible for free or reduced-price meals with low-income pupils, as defined to include pupils whose household income level is at or below 250% of the federal poverty level, as adjusted annually, or who is eligible for free or reduced-price meals, and would include pupils experiencing homelessness, as defined, in the categories of

pupils who are unduplicated pupils for purposes of determining eligibility for supplemental and concentration grants. In order to determine income level, the bill would require a school to use an alternative household income data collection form for any pupil not determined to be eligible for free or reduced-price meals, as specified, and would require the State Department of Education to develop a sample form.

**Position:** Support

**AB 2235** **(Medina D) Teacher credentialing: supplementary authorization: ethnic studies.**  
**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 3/3/2022)  
**Location:** 4/29/2022-A. DEAD  
**Summary:** Would require the Commission on Teacher Credentialing to develop an added or supplementary authorization in ethnic studies. The bill would require the commission to grant the added or supplementary authorization in ethnic studies to a credentialholder who has met the requirements and standards of the commission for the added or supplementary authorization in ethnic studies, as provided.  
**Position:** Support

**AB 2255** **(Fong, Mike D) The Affordable Broadband Service Program for California Dreamers.**  
**Last Amend:** 3/22/2022  
**Status:** 5/19/2022-In committee: Held under submission.  
**Location:** 5/4/2022-A. APPR. SUSPENSE FILE  
**Summary:** Would establish the Affordable Broadband Service Program for California Dreamers. The bill would require the program to be developed and administered by the Student Aid Commission, in consultation with the Public Utilities Commission, to provide affordable broadband service to eligible students, as defined. The bill would make an unspecified appropriation from the General Fund to the Student Aid Commission for purposes of the program.  
**Position:** Support

**AB 2465** **(Bonta, Mia D) Pupil instruction: third-grade literacy: literacy grant program.**  
**Last Amend:** 6/23/2022  
**Status:** 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)  
**Location:** 8/12/2022-S. DEAD  
**Summary:** Would create the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program for the purpose of supporting the goal of all of California's pupils reading at grade level by third grade and engaging families at every stage of that process. The bill would require the department to award competitive grants from the California Family Literacy Innovation Project to local educational agencies, as provided.  
**Position:** Support

**AB 2598** **(Weber, Akilah D) Pupil rights: restorative justice practices.**  
**Last Amend:** 8/22/2022  
**Status:** 8/31/2022-VOTE: AB 2598 Akilah Weber Concurrence in Senate Amendments (PASS)  
**Location:** 8/30/2022-A. CONCURRENCE  
**Summary:** Current law requires suspension to be imposed on a pupil only when other means of

correction fail to bring about proper conduct, and specifies that other means of correction may include, among other things, participation in a restorative justice program. This bill would require the State Department of Education to develop evidence-based best practices for restorative justice practice implementation on a school campus and to make these best practices available on the department's internet website on or before June 1, 2024, as specified. The bill would require the department to take specified actions in developing best practices and would encourage the department to, to the extent feasible, take into account resources and best practices that have been identified or developed as part of aligned efforts, as specified.

**Position:** Support

**AB 2924 (O'Donnell D) Education finance: base grants: adjustments: reduced class size.**

**Status:** 3/17/2022-Referred to Com. on ED.

**Location:** 3/17/2022-A. ED.

**Summary:** Current law establishes a public school financing system. Current law requires funding pursuant to the local control funding formula to include, in addition to a grade span adjusted base grant, a 10.4% adjustment to the kindergarten and grades 1 to 3, inclusive, base grant for school districts that maintain, or make progress toward, as specified, an average class enrollment of not more than 24 pupils for each schoolsite. This bill would instead require, commencing with the 2022–23 fiscal year, the above 10.4% adjustment to be applied to the kindergarten and grades 1 to 3, inclusive, base grant, the grades 4 to 6, inclusive, base grant, and the grades 7 and 8 base grant for a school district or charter school that maintains an average class enrollment of not more than 24 pupils for each schoolsite, unless a collectively bargained alternative ratio is agreed to by the school district or charter school, and would make conforming changes.

**Position:** Support

**SB 185 (Committee on Budget and Fiscal Review) Education finance: education omnibus trailer bill.**

**Last Amend:** 8/26/2022

**Status:** 8/29/2022-Assembly Rule 96 suspended. Withdrawn from committee. Ordered to third reading.

**Location:** 8/29/2022-A. THIRD READING

**Summary:** Would require the Superintendent of Public Instruction, in consultation with the Director of Social Services and the executive director of the State Board of Education, to convene a statewide interest holder workgroup, as provided, to provide recommendations on best practices for increasing access to high-quality universal preschool programs for 3- and 4-year-old children offered through a mixed-delivery model that provides equitable learning experiences across a variety of settings and recommendations to update preschool standards, as provided.

**Position:** Support

**Total Measures: 14**