

**Assembly Budget Committee Hearing**  
**Wednesday, July 7, 2021**

**July 8, 2021 Eligible Budget-Related Bill Analyses**

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AB 161	Amendment to 2021 Budget Act	SB 161	19

## **SUMMARY**

This is the TK-12 Public Education Omnibus Budget Trailer bill, which in coordination with SB 129 (Skinner, 2021), appropriates Proposition 98 funding at \$79.329 Billion, for the 2019-20 Budget Year, \$93.429 Billion for the 2020-21 Budget Year, and \$93.728 Billion in ongoing Proposition 98 funding for the 2021-22 Budget Year, and all conforming statutory changes. The bill authorizes Universal Transitional Kindergarten, Expanded Learning programs, Special Education Preschool, and the Educator Effectiveness Block Grant, and expands many existing programs including the California Community Schools Partnership Program, and various educator pipeline programs. The bill amends Independent Study statute, and makes major changes to the Local Control Funding formula.

### **Major Provisions**

- 1) Specifies the pay-off in 2021-22 of the total amount (\$11 billion) of Proposition 98 payment deferrals enacted during the 2020-21 budget.
- 2) Eliminates the multi-year payment obligation adopted in the 2020-21 budget designed to supplement funding provided by Proposition 98. This obligation designated 1.5 percent of General Fund Revenues per year to K-14 education beginning in 2021-22 to provide \$12.4 billion over a multi-year period and to rebench the Test 1 percentage of the Proposition 98 Guarantee going forward. With the General Fund revenues estimated in the proposed budget, the recovery of the Proposition 98 Guarantee from reductions related to COVID-19 is achieved under the preexisting Guarantee calculations.
- 3) Increases the value of the concentration grant add-on adjustment as part of the Local Control Funding Formula calculation from fifty percent to sixty-five percent of the base grant. Local educational agencies generate a concentration grant add-on for each low-income, foster youth, or English learner student, that is in excess of fifty-five percent of the total enrollment of the local educational agency, and specifies that this increased funding be used to increase school site staffing, including custodial staff.
- 4) Provides \$2.8 billion one-time Proposition 98 funding for the California Community Schools Partnership Program. Funds are provided to establish new, and expand existing, community schools supported by local educational agencies that help coordinate services and manage learning networks for these schools, through start-up, implementation, and coordination grant types. Creates regional technical assistance centers to support applicants and provide resources and best practices.
- 5) Establishes the Expanded Learning Opportunities Program to provide students access to after school and intersessional expanded learning opportunities. Classroom-based local educational agencies will be allocated funds based on their enrollment of unduplicated pupils (low income, foster youth, and English learners) in grades TK through sixth grade. For the 2021-22 fiscal year, local educational agencies with unduplicated enrollment at 80 percent or more of total enrollment receive a higher rate. Provides \$753.1 million in one-time Proposition 98 funding and, combined with funds allocated in the budget act, a total

of \$1.75 billion is provided for this program in the 2021-22 fiscal year. Subject to future appropriations, the program is intended to grow to provide funding of \$2,500 per unduplicated pupil, and reach a total scale of \$5 billion in annual funding. In the 2021-22 school year, local educational agencies must offer specified expanded learning to all pupils in grades TK through 6 on school days and for at least 30 nonschool days during intersessional periods, and provide these services to at least fifty percent of unduplicated enrollment in the specified grade span. Commencing in the 2022-23 fiscal year, local educational agencies must provide services to any pupil within the grade spans whose parent or guardian requests it.

- 6) 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.

## **TK**

- 7) 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 1<sup>st</sup> shall be admitted to a Transitional Kindergarten Program. Beginning in the 2022-23 school year, a school district or charter school shall maintain an average of at least one adult for every 12 pupils, transitioning to one adult for every 10 pupils in a transitional kindergarten classroom in 2023-24, subject to Budget appropriations. 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.
- 8) Provides \$490 million in one-time General Fund for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program. Grant funds may be used to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms, full-day kindergarten classrooms, or preschool classrooms.
- 9) Provides \$300 million in one-time Proposition 98 for the California Pre-Kindergarten Planning and Implementation Grant Program. Of the total, \$200 million is provide to local educational agencies for costs associated with creating or expanding California state preschool programs or transitional kindergarten programs, or to establish or strengthen partnerships with other providers of prekindergarten education for costs including but not limited to planning, hiring and recruitment, staff training and professional development, classroom materials, and supplies. The remaining \$100 million is provided for competitive grants to local educational agencies to increase the number of highly-qualified teachers and administrators available to serve California state preschool programs and transitional kindergarten pupils, including for related professional development.

## Ongoing

- 10) Increases ongoing Proposition 98 funding for the Career Technical Education Incentive Grant program by \$150 million, for a total of \$300 million ongoing. Makes a variety of changes to the grant program, eligibility, and related reporting requirements.
- 11) Requires local educational agencies to provide two school meals free of charge for grades Transitional Kindergarten through grade twelve during each school day, regardless of a student's eligibility for federally funded free or reduced-price meals, commencing with the 2022-23 school year. Provides for the state reimbursement of school meals up to the combined free breakfast and lunch reimbursement rate amounts not covered by federal meal reimbursements for schools participating in the federally funded school meals programs.

## Independent Study

- 12) Amends the requirements for Independent Study Programs as follows:
  - a) Allows independent study for pupils whose parent or guardian determines that in-person instruction would put the pupil's health at risk.
  - b) For the 2021-22 school year requires school districts and county offices of education to offer independent study, which could include through a contract with a county office of education or by entering into an interdistrict transfer agreement with another school district. School districts and county offices of education may seek a waiver under specified hardship circumstances.
  - c) Requires a local educational agency to adopt and implement policies to:
    - i. Require a level of satisfactory educational progress that would allow a student to remain in an Independent study program, including pupil achievement and engagement, completion of assignments, learning required concepts, progressing toward completion of the course of study or specific course;
    - ii. Provide content aligned to grade level standards and equivalent to in-person instruction, including access to courses for graduation and meeting college going requirements, teacher qualifications, and ratios;
    - iii. Provide procedures for tiered re-engagement for students who are not generating attendance for three or more school days, or 60 percent, of instructional days in a school week, or are violating the independent study agreement;
    - iv. Provide a plan for specified synchronous instruction requirements by grade level, and
    - v. Provide a plan to transition pupils when families wish to return to in-person instruction.
    - vi. Makes a variety of other changes related to communication with students and families, the requirements of written independent study agreements, resources to be provided to students, documentation required by local educational agencies, and updated requirements for background checks for staff and contractors.

- vii. Includes amended requirements to school closures for unanticipated events or natural disasters to include a plan for independent study.
- viii. Makes similar changes to the course-based independent study program.

## **Teachers/PD**

- 13) Provides \$1.5 billion in one-time Proposition 98 General Fund for the Educator Effectiveness Block Grant available over five years to provide LEAs with flexible resources to expedite professional development for teachers, administrators, and other in-person staff. The focus areas include those immediately relevant given COVID-19, distance learning, student and staff stress and anxiety, and social equity issues, as well as ethnic studies standards-aligned instruction, accelerated learning, inclusive practices, dual language acquisition, positive school climate, re-engaging students, restorative practices, and implicit bias training.
- 14) 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.
- 15) Provides \$250 million in one-time Proposition 98 funds, available over five years, for the National Board for Professional Teaching Standards Certification Incentive Program. Of the total, \$225 million is available to award grants to school districts for the purpose of providing awards to teachers who are employed by school districts or charter schools, are assigned to teach in California public schools, and have attained or will attain certification from the National Board for Professional Teaching Standards. The remaining \$25 million shall be used to cover National Board for Professional Teaching Standards certification fees for first-time candidates.
- 16) Provides \$125 million in one-time Proposition 98 funds, available over five years, to the Commission on Teacher Credentialing for the California Classified School Employee Teacher Credentialing Program, to assist classified employees in attaining teaching credentials, and expands program eligibility to expanded learning and early childhood education program staff.
- 17) Provides \$37.7 million in one-time Proposition 98 funds, available over three years, for the Early Math Initiative at the Fresno County Office of Education.
- 18) Provides \$15 million in one-time Proposition 98 funds, available over a five year period, to the Commission on Teacher Credentialing for the Computer Science Supplementary Authorization Incentive Grant Program, to providing one-time grants to local educational agencies to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework in settings authorized by the underlying credential.
- 19) Provides \$15 million in one-time Proposition 98 funds, available over a three year period, for the California Collaborative for Educational Excellence to contract with a county office of education to identify and curate a repository of high-quality open educational resources

for use by local educational agencies as part of the statewide system of support.

- 20) 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. Grants would be provided to one or more local educational agencies with expertise in developing and providing professional learning to educators in public schools serving kindergarten and grades 1 to 12, inclusive, to strengthen reading instruction for all pupils and in a manner that aligns with the statewide system of support.
- 21) Provides \$50 million in one-time Proposition 98 funds for allocation to local educational agencies on a per pupil basis, to be used to support the creation or expansion of ethnic studies course offerings, allocated contingent upon the enactment of AB 101 in the 2021-22 Regular Session.
- 22) Provides \$5 million in one-time Proposition 98 funds, to contract out with a county office of education, to provide professional development and resources to support local educational agencies offering new and expanded ethnic studies courses.
- 23) 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, though through specified means, and provides alternative assessment authority to the CTC.

### **Special Education:**

- 24) Increases the base rate per unit of average daily attendance for each Special Education Local Plan Area (SELPA) to \$715 and applies a cost of living adjustment to SELPAs with rates above the statewide base rate.
- 25) Provides \$100 million in one-time Proposition 98 funds to Special Education Local Plan Areas for the purpose of supporting member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 pandemic. Funds will be allocated on a per pupil basis based on pupils with exceptional needs, ages 3 through 22, inclusive.
- 26) Provides \$450 million in one-time Proposition 98 funds to Special Education Local Plan Areas for purposes of providing learning recovery support to pupils, associated with impacts to learning due to school disruptions stemming from the COVID-19 pandemic. Funds will be allocated on a per pupil basis, based on pupils with exceptional needs, ages 3 through 22, inclusive.
- 27) Specifies that ongoing appropriation of funds for Special Education programs, in the 2022-23 fiscal year is contingent upon notice from Director of Finance to the Joint Legislative Budget Committee that trailer bill legislation for the Budget Act of 2022 makes statutory changes designed to improve the academic outcomes of individuals with exceptional needs,

that may include changes to special education funding formulas, expansions of early intervention and inclusive practices, and other changes as a result of ongoing studies.

- 28) Updates the Out of Home Care formula and provides funding for out of home placements based on one rate for foster youth (\$1,509) and a different rate for Short-Term Residential Therapeutic Programs (\$14,603) and applies a cost of living adjustment in future years.
- 29) Specifies that funding provided to school districts for the Special Education Early Intervention Preschool Grant is provided proportional to the total number of pupils with exceptional needs in 1<sup>st</sup> grade residing in the school district. Specifies that funds, appropriated in the Budget Act, shall supplement existing special education resources, and shall be used to provide services and supports in inclusive settings for infants, toddlers, and preschool pupils from birth to five years of age.
- 30) Expands Family Empowerment Centers on Disability to regions in the state that do not currently have a family empowerment center. The Superintendent shall award grants for this purpose by March 1, 2022. Makes a variety of other changes to the Family Empowerment Centers on Disability Grant program, including establishing a minimum grants, specifying services provided by the centers, and establishing a data collection process for the centers.
- 31) Provides \$15 million in one-time Proposition 98 funds for allocation to the Riverside County Office of Education and the El Dorado County Office of Education for support of the Supporting Inclusive Practices project, for purposes of increasing opportunities for pupils with disabilities to meaningfully participate in the least restrictive environment, as appropriate, and improving local educational agencies' outcomes on federal and state performance indicators. Funds are available for encumbrance until June 30, 2026.

### **Other One-Time Authorizations**

- 32) Provides \$547.5 million in one-time Proposition 98 funds for the A-G Completion Improvement Grant Program for the purpose of providing additional supports to local educational agencies to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate from high school with A–G eligibility. Of the total, \$400 grants for activities that directly support pupil access to, and successful completion of, the A–G course requirements. The remaining \$147.5 million is for to allow pupils who failed an A–G approved course in the spring semester of 2020 or the 2020–21 school year to retake those A–G courses or for other credit recovery.
- 33) Provides \$250 million in one-time General Fund the State Allocation Board for deposit into the 2016 State School Facilities Fund for TK-12 state school new construction and modernization projects.
- 34) Provides \$150 million in one-time Proposition 98 funds for local educational agencies, related to provision of school meals. Of the total, \$120 million shall be available for kitchen infrastructure upgrades to increase pupil access to, or improve the quality of, fresh and nutritious school meals. The remaining \$30 million is available for food staff training.
- 35) Provides \$86.4 million in one-time Proposition 98 funds for apportionment to career technical education regional occupational centers or programs operated by a joint powers

authority in the 2021-22 fiscal year, for uses related to providing in-person instruction.

- 36) Provides \$80 million in one-time Proposition 98 funds for the county offices of education for allocation on per average daily attendance for students in county community schools and juvenile court schools for costs related to in-person instruction.
- 37) Provides \$60 million in one-time Proposition 98 funds, available over a three year period, for the Classified School Employee Summer Assistance Program.
- 38) Provides \$50 million in one-time Proposition 98 funds to the Orange County Department of Education for the Multitiered Systems of Support. Of the total, \$30 million is for grants to local educational agencies for the purpose of funding schoolwide and districtwide implementation of services or practices aligned to the Multi-Tiered Systems of Support framework. The remaining \$20 million shall be used to fund a local educational agency, a local educational agency in partnership with an institution of higher education or nonprofit educational service provider, or a consortia, to partner with the Orange County Department of Education and the Butte County Office of Education to expand the state's capacity to support local educational agencies' implementation of social-emotional learning, trauma screening, trauma-informed practices, and culturally relevant, affirming, and sustaining practices.
- 39) Provides \$50 million in one-time Proposition 98 funds for the California Collaborative for Educational Excellence to contract with county office of education establish a statewide professional development infrastructure to expand the use of evidence-based accelerated learning strategies.
- 40) Provides \$30 million in one-time Proposition 98 funds, available over a two year period, for the support of foster youth students to provide direct services to foster youth. Of the total, at least \$5 million shall be used to provide direct services to improve postsecondary education enrollment and outcomes for foster youth.
- 41) Provides \$25 million in one-time Proposition 98 funds, for the Kern County Office of Education to contract with the Child Mind Institute for purposes of developing mental health and wellness instructional resources and trainings for caregivers, educators, and youth to address impacts of the COVID-19 pandemic on children's mental health and to promote mental wellness within families and school communities.
- 42) Provides \$10.5 million in one-time Proposition 98 funds for the California Interscholastic Federation for expenses related to the COVID-19 pandemic.
- 43) 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.
- 44) Provides \$10 million in one-time Proposition 98 funding for Antibias Education Grant Program for grants to prevent, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people. The State Department of Education shall award a minimum of 50 one-time grants to local educational agencies or consortia, funds are available for expenditure over a period of five fiscal years. An Antibias Education Grant awarded under this program shall be used for



training and resources to prevent and address bias or prejudice toward any group of people.

- 45) Provides \$6 million in one-time Proposition 98 funds for the San Mateo County Office of Education to contract for the creation of free and open education resources that are K–12 standards-based curriculum units on climate change and environmental justice and the integration of environmental principles and concepts developed pursuant to Section 71301 of the Public Resources Code.
- 46) Provides \$6 million in one-time general funds, available over three years, to contract for training for local educational agencies on interpreting data from their local school climate survey tool, and for the development of an optional trauma-informed practice module to provide local educational agencies with data to assess the impact the COVID-19 pandemic and other community trauma has on pupils as part of a school climate survey. Provides \$150,000 one-time Proposition 98 funds, to identifying and evaluating the feasibility of standardized items for local educational agencies to use as part of a school climate survey to strengthen data collected for the California School Dashboard.
- 47) Provides \$6 million in one-time Proposition 98 funds, available over three years, for the Special Olympics of Northern and Southern California.
- 48) Provides \$5.2 million in one-time Proposition 98 funds, available over a three year period, for the Broadband Infrastructure Grant Program for identified broadband connectivity solutions.
- 49) Establishes the Office of School-Based Health Programs at the Department of Education. The responsibilities of the office shall include collaborating with the State Department of Health Care Offices, and assisting local educational agencies with information on Medi-Cal billing and administrative claiming process, and provide technical assistance for local educational agencies on health-related programs and services. Of the staff of the Office of School-Based Health Programs, the department shall establish a school nurse consultant.
- 50) Provides \$5 million in one-time Proposition 98 funds for the School Health Demonstration Project. The School Health Demonstration Project, housed in the Office of School-Based Health Programs, is a pilot project to provide local educational agencies with intensive technical assistance and support to participate in billing and claiming in the Med-Cal program. The Department of Education shall select three technical assistance teams to provide assistance to up to 25 local educational agencies for a two year period.
- 51) Provides \$3.5 million in one-time Proposition 98 funds to San Francisco Unified School District for the Exploratorium in the City and County of San Francisco for purposes of supporting professional development and leadership training for education professionals, expanding access to quality science, technology, engineering, and mathematics learning opportunities, and supporting statewide implementation of the Next Generation Science Standards.
- 52) Provides \$3.1 million in one-time Proposition 98 funds and commencing with the 2022-23 fiscal year, provides \$3.9 million in ongoing Proposition 98 funds for Kern County Office of Education for the Standardized Account Code Structure system replacement project.

- 53) Provides \$2.4 million in one-time Proposition 98 funds for the creation of an online training on school-site and community resources focused on strategies to support LGBTQ+ pupils.
- 54) Provides \$2 million in one-time Proposition 98 funds, available over a three year period, to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and Holocaust education to develop resources and provide related professional development.
- 55) Provides \$2 million in one-time General Fund for grants to community-based organizations supporting local educational agencies with the implementation of high quality integrated academic, behavioral, and social-emotional learning practices.
- 56) Provides \$1.7 million in one-time Proposition 98 funds to the Commission on Teacher Credentialing to be transferred to the Tulare County Office of Education to continue to administer the California Center on Teaching Careers.
- 57) Provides \$1.2 million in one-time Proposition 98 funds, contingent upon the passage of legislation during the 2021-22 legislative session, for the model curricula development process for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.
- 58) Provides \$400,000 in one-time General Fund for an independent evaluation of technical assistance provided to local educational agencies identified for such assistance and other parts of the accountability systems and California School Dashboard. The report shall be completed on or before October 1, 2022.

### **Additional Major Policy Changes**

- 59) Allows local educational agencies to administer standards-aligned assessments in place of the California Assessment of Student Performance and Progress summative assessments, and receive an apportionment at the rate approved by the State Board of Education. Makes a variety of other technical amendments to assessments.
- 60) Amends the requirements for publishing the 2021 California School Dashboard and identifying local educational agencies for technical assistance in response to the COVID-19 pandemic, including: (1) eliminating the requirement to publish the 2021 California School Dashboard; (2) requiring the Department to publish all valid and reliable data that would have been included in the 2021 Dashboard on Dataquest or through some other internet website; (3) eliminating the requirement to identify local educational agencies for technical assistance in 2021-22, (4) clarifying that all local educational agencies identified for technical assistance in the 2019 School Dashboard shall retain the identification until the release of the 2022 Dashboard; and, (5) clarifying which data years will be used to identifying local educational agencies for technical assistance in accordance with Education Code section 52072 in December 2022-December 2024.
- 61) Provides flexibility for the Superintendent to grant the State Seal of Biliteracy to students who are on track to graduate in the 2021-22 school year and are unable to take the required assessments in the 2020-21 school year due to the COVID-19 pandemic.
- 62) Requires differentiated assistance to focus on critical inputs for local educational agencies identified for differentiated assistance for the 2021-22 school year, plus any additional local

educational agencies that seek support.

- 63) Directs the California Collaborative for Educational Excellence to collect data required in the biweekly instructional status survey to provide transparency around local educational agencies academic and student support offerings, student engagement and actions related to health and safety. Updates the required data elements collected to align with the 2021-22 school year.
- 64) Extends the moratorium on the establishment of new non-classroom based charter schools from through January 1, 2022, to through January 1, 2025.
- 65) Allows for a lead state agency that administers state bond proceeds may meet the annual reporting process requirements using a digital method of providing information.
- 66) Adds a mandated requirement to provide feminine hygiene products in schools to the school mandates block grant.
- 67) Requires the local school district, community college district, or county superintendent of schools to increase its appropriations limit in an amount equal to its proceeds of taxes when those taxes exceed the limit, and in the 2021-22 fiscal year and later, to reduce the appropriations limit when it exceeds the proceeds of taxes. Specifies related reporting and notification timelines.
- 68) Includes language to make technical amendments to clarify the requirements for the annual update to the LCAPs, in line with the provisions of Chapter 24, Statutes of 2020 (SB 98). Also includes language to make technical amendments to clarify the deadline for the learning continuity and attendance plans for local educational agencies impacted by natural disasters and the requirements of the budget overview for parents.
- 69) Specifies that for the 2021-22 school year, unannounced visits of local education agencies required to assess facilities by the County Superintendent of Schools may only be conducted in consultation with local health officials and in compliance with any orders or guidance issued by any local or state public health official and the requirement may be waived if the visits are unable to be conducted for health and safety reasons.
- 70) Allows for the backfill of property tax revenues with General Fund for the Special Education program, related to changes in revenues due to the dissolution of redevelopment agencies.
- 71) Makes technical clarifying changes to the AB 1200 process by which county office of education budgets are certified and overseen by the Superintendent of Public Instruction.
- 72) Adjusts funding calculations for Pioneer Union School District and Paradise Unified School District to provide funding relief related to natural disasters.
- 73) Allows the Superintendent of Public Instruction to reduce funding apportioned for charter schools that close during the 2020-21 school year if the school operated for 175 days or less.
- 74) Provides a one-time extension to the audit deadlines for local educational agencies' annual audit reports to be filed, as well as the deadline for the governing body review of the annual

audit in 2021-22.

- 75) Extends the terms of all existing charter schools by two years, except for charter schools renewed or first approved in the 2020-21 school year. Charter school renewal is based on two years of Dashboard data, however, due to the ongoing pandemic and distance learning, sufficient assessment data is not available.
- 76) Provides for additional control over the school district lapsation process at the local level, allowing lapsation to occur upon resolution of the local governing board of the school district with written concurrence of the county superintendent.
- 77) Suspends the calculation of allocating charter school average daily attendance (ADA) to a sponsoring school district in the 2021-22 fiscal year, to conform to other ADA changes made during the pandemic.
- 78) Clarifies requirements for the After School Education and Safety program to specify that low income students receive priority for services, in addition to pupils in foster care or experiencing homelessness.
- 79) Specifies that the State Board of Education shall adopt a one-time supplemental template to the annual update of the 2021-22 Local Control and Accountability Plan. The supplemental plan will provide additional information and accountability on the use of funds provided in the Budget Act of 2021 and additional federal stimulus funds provided to school districts.
- 80) Adds additional oversight by County Offices of Education on actions that satisfy the Minimum Proportionality Percentage (MPP) for Local Control and Accountability Plans that propose to expend less on actions to increase or improve services than their Local Control Funding Formula (LCFF) apportionment attributable to supplemental and concentration funds, and require a specific justification of how services are improved, and that dollars associated with unimplemented actions that are counted toward meeting the MPP be used for actions that meet the needs of unduplicated students in future years.
- 81) Aligns distance learning attendance and record-keeping penalties by revising the calculation of penalties associated with distance learning attendance to reflect penalties only for the specific number of days out of compliance with requirements.
- 82) Grants the SBE waiver authority on Distance Learning instructional day penalties if LEAs provide the instructional days in out-years to supplement statutorily required instructional days.
- 83) Specifies that funds available in the Budget Act of 2020 for a statewide data system for early education will include a unique child identifier across all state funded childcare and development programs and extends the encumbrance date through June 30, 2023.
- 84) Reduces the appropriation for the Adults in Correctional Facilities to align funding with the program expenditures.
- 85) Allows the Commission on Teacher Credentialing to convene a group of stakeholders to assess how current transitional kindergarten credentialing requirements are being

implemented and align with the recently released Master Plan for Early Learning and Care.

86) Changes the maximum repayment period for funds owed by districts to the School Facilities Program from 5 years to 20 years, aligning with the repayment period for repaying emergency apportionments. In addition, this language updates the requirements to repayment of funds not expended in accordance with the terms of the School Facilities Program to include funds from the 2006 and 2016 State School Facilities Funds.

87) Suspends the split of funding between K-12 and Community Colleges for purposes of Proposition 98 expenditures.

88) Makes a variety of other technical changes, including a correction to the Grade Span adjustment code citation.

## COMMENTS

This bill is necessary to adopt the TK-12 public education Budget for the 2021-22 school year. This bill is part of the 2021 budget package, as articulated in the 2021 Budget Act, AB 128 (Ting, Chapter 21, Statutes of 2021), as amended by SB 129 (Skinner).

### According to the Author

This budget trailer bill is necessary to fully implement the 2021 budget act.

### Arguments in Support

None on file.

### Arguments in Opposition

None on file.

## FISCAL COMMENTS

This bill, in coordination with SB 129 (Skinner, 2021), appropriates Proposition 98 funding at \$79.329 Billion, for the 2019-20 Budget Year, \$93.429 Billion for the 2020-21 Budget Year, and \$93.728 Billion in ongoing Proposition 98 funding for the 2021-22 Budget Year.

It also makes deposits in the State School Reserve of \$1.889 Billion for 2020-21, and \$2.617 Billion for 2021-22 Budget Years. Provides total TK-12 funding from all sources \$121.7 Billion, and \$21,152 per student, including \$2.331 Billion in new one-time federal relief funding.

## VOTES

### SENATE FLOOR: 29-8-2

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**NO:** Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

**ABS, ABST OR NV:** Borgeas, Limón

## UPDATED

CONSULTANT: Erin Gabel / BUDGET / (916) 319-2099

VERSION: July 5, 2021

## SUMMARY

This bill is the higher education budget trailer bill as part of the Budget Act of 2021.

### Major Provisions

1. *Cradle to Career Data System.* Creates the Cradle to Career data system within the Government Operations Agency. The system is intended to link education, workforce, health and human service data systems to better provide public data on educational outcomes and services for students and families. The system will be governed by a 21-person board, comprised of representatives from data providers, eight members of the public appointed by the Governor and Legislature, and two members of the Legislature.
2. *Financial Aid applications.* Creates a new requirement for 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) in 2022-23. Establishes opt-out options for students as well.
3. *Dual Admissions.* Creates a new dual admissions program at the University of California and California State University to allow student transfer admissions at UC and CSU before they enroll in a community college transfer program.
4. *Basic Needs Coordinators.* Establishes basic needs coordinators and basic needs centers at community colleges to address food and housing security among students.
5. *Cal Grant Expansion.* Creates the California Community College Expanded Entitlement Program, which removes age and time-out-of-high-school barriers to Cal Grant for income-eligible community college students. Students would be eligible to receive a Cal Grant in community college, and Cal Grant support would continue if the student transfer to UC or CSU. This action includes an expansion of the Students with Dependent Children award, to allow up to \$250 million to be used to provide \$6,000 stipends to Cal Grant recipients who are parents.
6. *Cal Grant Expansion for Foster Youth.* Provides \$6,000 in non-tuition support for all Cal Grant students who are former foster youth.
7. *Golden State Teacher 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.
8. *Golden State Education and Training Grant Program.* Creates the Golden State Education and Training Grant Program, which provides education grants of up to \$2,500 for workers displaced by COVID 19. Grant recipients can use the funding to cover costs for higher education or other training programs.

9. *Cal Grant A Eligibility Restoration*. Modifies for the 2020-21 and 2021-22 award year, a Cal Grant A recipient's eligibility who is impacted by a change of living arrangement due to the pandemic, and specifies that their eligibility would be based on their financial need would have been if they had remained on campus.
10. *Learning Aligned Employment*. Establishes the Learning Aligned Employment program, a state work-study program for students attending the UC, CSU, and CCC, to be administered by CSAC. This program is available for students from an underrepresented background who is enrolled at least part time, a resident student and maintains satisfactory academic progress, and demonstrate financial need. The learning aligned employment position is to be related to the student's area of study or career interest, and placements with employers that are able to provide them with or connect them to full-time employment opportunities upon graduation.
11. *College Savings Program*. Expands the CalKIDS college savings program to make it an ongoing program, providing all California newborns with a college savings account, and additional funding for college savings accounts for low-income K-12 students.
12. *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. Starting with the 2022-23, the annual appropriation for the program is determined by the budget act.
13. *Federal Funds for Fee Waivers*. Allows community colleges to use federal funds to waive student fees.
14. *Zero-Textbook-Cost degrees*. Provides \$115 million one-time Proposition 98 General Fund for zero-textbook-cost degrees. Amends the CCC zero-textbook cost degrees to also include open educational resources for courses, as well as clarify that zero-textbook cost degrees may also include low-cost degrees if no-cost degrees are not available.
15. *Community College Deferrals*. Retires all community college deferrals created in the 2020 Budget Act.
16. *CCC Student Centered Funding Formula*. Extends the hold CCC Student Centered Funding Formula hold harmless provision from 2023-24 to 2024-25.
17. *CCC Pathways to Law School Program*. Establishes the CCC Pathways to Law School Program to expand pathways to law school programs by supporting dual enrollment partnerships, partnerships with CSU and UC to expand or implement transfer pathways and provide student support services at the CCCs. The bill also provides \$5 million one-time Proposition 98 General Fund for this purpose.
18. *LAO Reporting*. Repeals an upcoming report from the Legislative Analyst's Office regarding CSU's remedial reforms. This reporting has been conducted by another research entity.
19. *UC and CSU Summer Financial Aid*. Repeals the suspension language for UC and CSU summer financial aid.

20. *UC outsourcing certification.* Strengthens the UC outsourcing certification process, to require third-party verification that UC is not outsourcing service work that could be done by UC workers on state building.
21. *Animal Shelter Assistance Act.* Establishes the Animal Shelter Assistance Act to provide competitive grants for outreach, regional conference sand resources on best practices for improving animal health and care in animal shelters, and in person assessments and training for local animal control agencies or shelters, societies for prevention of cruelty to animals, and humane societies. This bill requires UC to report by March 31, 2023 and March 31, 2026 on the use of funds, activities supported, list of grantees and analysis of the programs impact.
22. *UC Nonresident Reduction.* States legislative intent that UC limit the share of nonresident students to 18% per campus, and that the Legislature will appropriate funds to reduce nonresident students and replace them with California students at UC Berkeley, UCLA and UC San Diego.
23. *Bench to School Initiative.* Creates the California Institute on Law, Neuroscience and Education, a collaboration between the Memory and Aging Center of UCSF, Hastings College of the Law, and the UC/CSU California Collaborative for Neurodiversity and Learning to provide research on socioeconomic factors' impacts on learning, and to transfer that research to educational settings.
24. *California Veterinary Emergency Team Program.* Establishes the California Veterinary Emergency Team to assist in support and training of government agencies, nongovernmental organizations and individuals to assist in the evacuation and care of household and domestic animals and livestock in emergencies statewide. The program shall also conduct or support research on best practices for evaluation and care of animals in disasters.
25. *State Grants Portal.* Requires state agencies to provide the State Library post award data for grants by July 1, 2022. Specifies that the data include various information including the number of grants awarded and information about the award recipient and geographic location served.
26. *CCC College Buys Program.* Extends the sunset date from July 1, 2022 to July 1, 2023 for the College Buys program, which allows procurement of goods and services in bulk for community college system.
27. *Part Time Faculty Office Hours.* Provides \$90 million one-time Proposition 98 General Fund to support increases to community college part-time faculty office hours.
28. *Student Aid Commission Adjustments.* Adjusts the 2020-21 California Student Aid Commission budget to reflect caseload adjustments.
29. *College Access Tax Credit Fund.* Increases the 2020 appropriation for the College Access Tax Credit by \$760,000.
30. *Community College Deferred Maintenance.* Provides \$511 million one-time Proposition 98 General Fund to support community college deferred maintenance projects.



31. *Community College Student Retention and Recruitment.* Provides \$100 million one-time Proposition 98 General Fund to increase student retention and enrollment at community colleges.
32. *CCC Guided Pathways Program.* Provides \$50 million one-time for the continued implementation of the CCC Guided Pathways program. Requires colleges to submit a plan outlining plans to implement guided pathways program, and integrate student success programs. Requires the Chancellor’s Office to report on each colleges progress towards implement guided pathways activities and practices.
33. *CCC Basic Needs.* Provides \$100 million one-time to address CCC student basic needs including food insecurity and to assist homeless and housing-insecure students in securing stable housing. The bill requires the Chancellors Office to report to the Legislature by January 1, 2025 on use of funds.
34. *CCC Equal Employment Opportunity.* Provides \$20 million one-time to community college districts to support the implementation of best practices for success in promoting equal opportunity employment and faculty and staff diversity at the CCCs.
35. *CCC High Road Training Partnerships.* Provides \$20 million for CCCs to establish and expand High Road Training Partnerships and High Road Construction Careers, as well as regional equity partnerships with local workforce development boards.
36. *CCC Faculty Professional Development.* Provides \$20 million one-time to community college districts to support culturally competent professional development for CCC faculty.
37. *Community College LGBTQ+ Student Support.* Provides \$10 million one-time Proposition 98 General Fund to support LGBTQ+ students at community colleges, including student centers, LGBTQ+ learning communities, curriculum development, and other activities.
38. *Various CCC Appropriations.* Provides \$72.8 million Proposition 98 General Fund one-time for various CCC investments.

## COMMENTS

This bill contains statutory provisions relating to higher education necessary to implement the 2021 budget package, as articulated in AB 128 (Ting, Chapter 21, Statutes of 2021), as amended by SB 129 (Skinner).

### **According to the Author**

This bill is necessary to implement the 2021 budget package.

### **Arguments in Support**

AFSCME 3299 states the proposed trailer bill language in Section 67 of the bill “comes after six years of University of California efforts to continue outsourcing service jobs despite prior legislative actions” and despite previous agreements, the “University has nonetheless continued to outsource thousands of custodial, food service, grounds keeping, sterile processing, medical assistant and other jobs.”

### **Arguments in Opposition**

The California Chamber of Commerce states that “Section 67 affects the UC’s ability to timely complete facilities projects, including current projects, in a cost effective manner.”

The San Francisco and Los Angeles / Orange Counties Building and Construction Trades Council state that “Section 67 of SB 132 will significantly curtail the UC’s ability to finance every construction project, including those that would address life-safety needs, medical/hospital facilities, and student housing.”

The University of California states that Section 67 “would delay \$7.8B in construction projects, eliminating prevailing wage construction work while the state is still recovering from the COVID recession.”

### **FISCAL COMMENTS**

This bill is a budget trailer bill within the overall 2021-22 budget package to implement actions related to higher education.

### **VOTES**

#### **SENATE FLOOR: 29-8-2**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**NO:** Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

**ABS, ABST OR NV:** Borgeas, Limón

### **UPDATED**

VERSION: June 29, 2021

CONSULTANT: Mark Martin / BUDGET / (916) 319-2099

FN:

## SUMMARY

Amends the 2021 Budget Act to make technical and clarifying changes.

### Major Provisions

Specifically, this bill:

- 1) Clarifies that an additional \$500 million for wildfire prevention and forest resiliency could be available in 2021-22, reflecting the July 1, 2021 letter to the Assembly Budget Committee from the Department of Finance;
- 2) Increases funding provided to local governments for the 2021 recall election to \$243,548,000, and increase of \$28.4 million, pursuant to the estimate additional costs from the enactment of SB 152 (Senate Budget and Fiscal Review, Chapter 34, Statutes of 2021) submitted by the Department of Finance to the Assembly Budget Committee on July 1, 2021.
- 3) Includes provisional language for San Joaquin Conservancy funding to clarify the use and encumbrance period for the funds; and
- 4) Corrects drafting errors to provisional language and schedules for the University of California, Community Colleges, Scholarshare Investment Board, and Student Aid Commission.

## COMMENTS

The bill corrects and clarifies provisions in SB 129 (Skinner) which amends the 2021 Budget Act, AB 128 (Ting, Chapter 21 Statutes of 2021), to reflect the overall budget package agreed to by the Legislature and the Administration. At the time this bill is being considered, SB 129 is already enrolled, therefore it is intended that the provisions of this bill chapter out the previous versions in that bill to make the corrections.

The proposed change relating to wildfires clarifies that the budget package assumed \$500 additional in General Fund for wildfire prevention and forest resiliency, but the budget bill itself did not reference that funding directly.

The Department of Finance also proposed language to provide an extension of the \$200 million Greenhouse Gas Reductions funds for healthy forests and fire prevention programs until 2028-29. That language must be considered in a separate budget trailer bill due to single subject rule, Article IV, Section 9 of the California Constitution.

The bill also reflects the additional costs for the 2021 Recall election resulting from the chaptering of SB 152 (Senate Budget and Fiscal Review, Chapter 34 Statutes of 2021) which designed the recall election as a regular election, instead of a special election. This bill increases funding for counties for the special election to reflect these updated costs, which increased overall by \$24.8 million, based on an analysis, by county, conducted by the Secretary of State.

**According to the Author**

This bill makes technical changes to the 2021 budget act to clarify and correct the intent of SB 129 and reflect updated local 2021 recall costs.

**Arguments in Support**

None on file.

**Arguments in Opposition**

None on file.

**FISCAL COMMENTS**

This contains \$24.8 million in new costs, associated with the updated recall election costs that are not assumed in the 2021-22 budget package. The remaining provisions of this bill reflect the 2021-22 overall budget package scoring that is reflect in SB 129 (Skinner).

**VOTES****SENATE FLOOR: 29-8-2**

**YES:** Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

**NO:** Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

**ABS, ABST OR NV:** Borgeas, Limón

**UPDATED**

VERSION: July 5, 2021

CONSULTANT: Christian Griffith / BUDGET / (916) 319-2099

FN: