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MEMORANDUM

Date: December 7, 2020
To: CAFE Board Members
Subject: Legislative Update
From: Martha Zaragoza Diaz, Lobbyist
Cc: Jan Gustafson Corea, C.E.O.

Post 2020 General Election Results

a. Presidential Election:

Joe Biden received 51.3 % of the popular vote (81 million) and 306 electoral votes. President Trump received 46.9% of the votes (74 million) and 232 electoral votes. Joe Biden received the most popular votes and is considered the 46th President Elect and Kamala Harris the 49th Vice-President. Vice-President Elect Harris will be 1st woman, 1st African-American and 1st Asian-American as vice-president of U.S.A.

Other events must take place in order to officially declare Biden the President but the most significant ones are:

- December 14, 2020 when electors meet in their respective states and cast votes for the US President. takes place on December 14th when the Electoral votes are cast.
- January 6, 2021 the Electoral votes are counted when members of the House and Senate all meet in the House chamber, the votes are tallied and Vice-President Pence announces the results.
- January 20, 2021 President-Elect Biden takes oath of the office of the President at noon.

Hopefully, all of these events will occur smoothly.

President-Elect Biden has created his transition teams. Dr. Linda Darling Hammond is the chairperson of the education transition team. Two names have been banted about regarding who will be appointed Secretary of Education: Lily

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Eskelsen Garcia -former president of NEA and Randi Weingarten, president of the AFT. SSPI Tony Thurmond was reported by the *Washington Post* as being under consideration as well.

b. Congress:

Results for the U.S. Senate elections: 48 Democrats, 50 GOP, 2 Ind. & 2 not yet called. As you all know, on Jan 5, 2021 a very important election will be taking place to determine who will control the Senate. Two significant races in Georgia: Perdue® vs Ossoff (D) & Loeffler® vs Warnock. (D) If the two Democratic candidates win, a 50-50 split will occur with no clear majority by either party. On a tie vote, Vice-President Elect Harris will cast the deciding vote! So, this is a very, very high stakes election!! It will make a difference in how much resistance Biden/Harris will face from Republican members in implementing their agenda. If the Democrats do not win, be prepared to “gridlock” as was experienced by the Obama Administration.

In the U.S. House of Representatives 222 Democrats and 210 Republicans were elected. Democrats lost several seats and the Republicans gained some seats. However, the Democrats are still the majority in the House albeit with a smaller margin than last year!

The California Legislature

The Democratic party remain the “super majority” in the Senate and the Assembly. In the California Senate there are 29 Democrats and 11 Republicans. In the Assembly there are 60 Democrats, 19 GOP and 1 Independent.

There was a change in leadership of the California Latino Legislative Caucus. Senator Maria Elena Durazo is now the chairperson and Assembly Member Robert Rivas is Vice-Chair. There are 9 Latino members, 18 Latino Assembly Members and 5 Latino Auxiliary members (such as Secretary of State Alex Padilla).

The 2021-22 Legislative session was convened today, December 7, 2020 and the newly elected legislators were sworn in. Changes may be made to leadership positions in the Legislature as well as chairpersons and members of legislative committees. Assembly Member Eloise Gomez Reyes was appointed Assembly Majority Leader by Assembly Speaker Rendon. Congratulations Assembly Member Gomez Reyes!

While policy and budget priorities have yet to be identified, more than likely expect to see priorities of last year that were not adequately addressed such as housing, criminal justice reform, maintenance of social safety net programs, educational recovery programs and of course, continued focus on the COVID-19.

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In light of the continued surge of COVID-19 and employees diagnosed positive with the virus, the state capitol remains closed to the public and only one essential staff person for each legislator is required per legislative office. More than likely, as was done this year, legislative, fiscal and budget committee hearings will be held virtually and opportunities to testify will be made available via a specific location in the Capitol park and in a specific legislative hearing room, all done virtually.

Legislation

More than likely, in light of the continued surge of COVID-19, the leadership will, similar to this year, direct legislators to introduce legislation specific to addressing issues caused by COVID-19. This will also be true of budget requests. As stated previously, stay tuned for the Legislature's policy and budget priorities, as well as the priorities of the various Caucuses, including the Latino Legislative Caucus.

Next year, CAFE in addition to Californians Together and the Advancement Project, has agreed to co-sponsor legislation sponsored by Early Edge. The bill proposes to do the following:

- Establish a definition of a DLL
- Establish A process, along with appropriate guidelines, for providers to follow to identify DLLs to (1) ensure that a child is being accurately identified as a DLL; and (2) to assess the linguistic and related developmental needs of a DLL. Importantly, this information is used to inform the institutional and program policies and practices that are necessary to support the simultaneous development a child's home language and English.
- Require providers to report key information about their DLLs to the State Superintendent as part of their existing reporting procedures.

Assembly Member Eloise Gomez Reyes has been asked as to whether she can be the author of the proposed bill. We are waiting for a response.

Additionally, CAFE's CEO and representatives from Californians Together, PIQUE, Education Trust West were contacted by SSPI Thurmond for the purpose of discussing collaborating on legislation that would specifically address issues faced by our students as a result of COVID-19 and the resulting loss of learning. CAFE is collaborating with a work group comprised of representatives from the aforementioned organizations on the development of proposed legislation and budget request. A first meeting has been held and the following ideas were brought forth:

- Look at "incentive grants" for LEAs for the purpose of developing and implementing "recovery learning plans" or something similar.

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- Frame in a “supplemental” fashion:
 - Identify supplementary opportunities such as additional time
 - Incentivize to provide supplemental learning opportunities
 - Draw comparison to what LEAs have now and what they want to do differently.
- Focus on providing intensive support for specific student groups that are particularly impacted, including those in bilingual programs.
- Establish metrics for qualifying for funding and for establishing quality programs
- Metrics identified, include:
 - Attendance
 - Participation rate
 - Chronic absenteeism
 - Grades: D’s and F’s
 - Parent use of school/district portals
 - Impact of distance learning
 - Extended learning opportunities for ELs in bilingual programs
 - Frequency of DLAD & ELAC meetings and parent attendance

Legislation and/or budget requests will be pursued once “spot bill” language or comprehensive language is developed. Stay tuned.

COVID-19

In light of the fact that California is experiencing another COVID-19 surge, there is a new “Regional Stay Home Order”, announced December 3, 2020, which goes into effect at 11:59 pm the day after a region has been announced to have less than 15% ICU availability. The supplemental order, signed December 6, 2020, clarifies retail operations and goes into effect immediately. They prohibit private gatherings of any size, close sector operations except for critical infrastructure and retail and require 100% masking and physical distancing in all others. Once triggered, these orders remain in effect for at least 3 weeks. After that period, they will be lifted when a region’s projected ICU capacity meets or exceeds 15%. This will be assessed on a weekly basis after the initial 3-week period. When a region first falls below the 15% ICU bed availability, the Regional Stay-Home order goes into effect there the next evening at 11:59 pm. For specific information go to covid19.ca.gov.

Fiscal Outlook-Good News!

The enacted 2020-21 state budget assumed a significant drop in general revenues (primarily due to COVID-19: high unemployment & business closures)

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and projected a \$54.3 billion shortfall. This lower revenue estimate led to significant reductions to Prop 98 and assumed a drop of \$3.4 billion (4.2%) in 2019-20, and \$10.2 billion (12.5%) in 2020-21. The enacted 2020-21 state budget relied heavily on payment deferrals, \$22 billion in payments for LCFF, special education and community college apportionments. Funding for public education and community college programs was held “flat” and no COLA was provided.

The fiscal situation for California has improved, at least for the next year. Per the Office of the Legislative Analyst (LAO) expect an estimated \$26 billion windfall! However, the LAO continues to caution the Legislature by stating California is still expected to face an “operating deficit” beginning in 2021-22 growing to \$17 billion by 2024-25. Overall, though, the projected windfall is great news for the Prop 98 guarantee! The LAO estimates the guarantee will be up by \$13.1 billion over the enacted state budget and will go up another \$595 million in 2021-2022. The LAO estimates the Legislature will have \$13.7 billion in one-time funds and \$4.2 billion in ongoing funds for allocation in the upcoming budget cycle, after taking in account specified baseline adjustments such as Prop 98 reserve & a COLA.

The Legislature will have to make major budget decisions such as paying down all of the school deferrals, reassessing supplemental payments that were intended to assess the funding decline of schools, how to spend one-time funding such as protecting on-going programs, addressing continued student learning loss, paying down on future pension costs and building reserves. Needless to say, there will be competing interests for the “windfall and one-time” revenues.

Stay tuned for further fiscal/budget updates!