

Zaragoza-Diaz & Associates
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MEMORANDUM

Date: March 9, 2021
To: CAFE Board Members
Subject: Legislative Report
From: Martha Zaragoza Diaz, Lobbyist
Cc: Jan Gustafson-Corea, CEO

Co-Sponsored Legislation:

AB 1363 (Rivas, L) Childcare: dual language learners. (I-2/19/2021)

Status: Assembly Desk

Summary: This bill would (1) establish a definition for DLLs, (2) develop a standard process 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

Closely Monitor Legislation

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

Status: Assembly Education Committee

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: Watch. This is a “spot” bill per the author’s office.

AB 486 (Assembly Education Committee) Elementary and secondary education: omnibus bill. (I-2/8/2021)

Status: Assembly Education Committee

Summary: T An “education omnibus” bill generally contains education provisions that are obsolete and which have no “opposition” to their inclusion. This bill would

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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.

Also recommended is to resurrect EC 52176 by reenacting or amending it into another Ed Code section and needs to be done if the repeal the sunset statute is enacted. Do not link this section to the receipt of specific funds.

Other Legislation

Governor Newsom signed AB 86 on March 5, 2021 which provides additional funding to accelerate the safe return to in-person instruction across California and for schools to immediately expand learning opportunities such as summer school, tutoring, and mental health services. Details are below.

AB 86 (Assembly Committee on Budget)

Status: Chapter 10, Statutes of 2021

Summary: AB 86:

- Allocates \$6.6 billion in total to public schools throughout the state of which:
 - \$2 billion will fund safety measures to support in-person instruction, such as personal protective equipment, ventilation upgrades and COVID-19 testing, and
 - \$4.6 billion will fund expanded learning opportunities such as summer school, tutoring and mental health services.
- Requires public schools to offer in-person instruction to grades K-2 for all students and for high-needs students, in all grades by the end of the month, losing 1 percent of eligible funds every day thereafter if they do not.
- Requires schools in the state's Red Tier or better to offer in-person instruction to all students in all elementary grades and at least one middle or high school grade, or risk the same penalty.

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- Allocates \$4.6 billion of the Expanded Learning Opportunities Grant, to local educational agencies based on the equity-based Local Control Funding Formula, with an additional \$1,000 for each homeless student.
- Specifies that these funds will be used for supplemental instruction and support for social and emotional well-being. Schools will be able to use the funds for providing more instructional time, such as summer school, and accelerating progress to close learning gaps through tutoring, learning recovery programs, mental health services, access to school meal programs, programs to address pupil trauma and social-emotional learning, supports for credit-deficient students and more.

Multiple successful state programs to support safe school re-openings are also “codified” (made law):

- **Vaccine Prioritization for K-12 School Staff.** The package codifies the Governor’s commitment to set aside 10 percent of vaccines for education workers. This commitment ensures that the state prioritization of school staff, in place since January, is made real in all 58 counties. Per the Administration, the state has collaborated with county health departments, the Biden Administration and providers such as Kaiser Permanente to accelerate vaccine access for K-12 school staff starting March 1.
- **Data Reporting.** The package codifies data reporting requirements, including requirements for schools to report reopening status and COVID-19 safety measures. These statutory requirements will help build on efforts to increase transparency, including interactive geospatial maps displayed on the Safe Schools Hub.
- **State Safe Schools Team.** The package also allocates \$25 million to the State Safe Schools Team, which serves to provide technical assistance, oversight and accountability to the over 10,000 public schools in the state. The capacity will enhance the Team’s reach, and the Team will conduct a safety review of any school with two or more COVID-19 outbreaks.

Federal approval has been obtained to use Medicaid funding for voluntary COVID-19 testing in schools, delivering three months of PPE and safety supplies to all schools at no cost, and providing direct support to over 1,000 schools in 41 counties to implement COVID-19 testing and direct technical assistance to over 300 school districts.

For full text of the bill, visit: <http://leginfo.legislature.ca.gov>

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State Board of Education Activities

There is a 3-day State Board of Education meeting, March 16-18, 2021. The proposed Growth Model is not an agenda item for the March meetings.

Federal Waivers:

At its meeting on February 24, 2021, SBE voted on several motions specific to seeking waivers of the federal accountability and reporting requirements consistent with the guidance from the US Department of Education (ED) of February 22, 2021.

SBE directed CDE staff to pursue the following:

- Prepare a waiver, consistent with the federal template, regarding the flexibilities offered by ED for accountability and school identification, which includes decoupling accountability from this year's assessments and waiving the requirement that the Academic Achievement indicator be adjusted to account for a participation rate below 95 percent as applicable.
- Extend the 2020-21 test administration window for both the CAASPP and ELPAC to July 30, 2021 as applicable.
- Prepare a general waiver of the California science tests for the 2020-21 school year.
- Create a policy means to provide assessment information this school year to parents, educators and the public.
- Delegate authority to the State Board of Education Executive Director, in collaboration with CDE staff, to develop a waiver proposal to bring back to the Board that focuses on a plan for assessments that provide data to parents, educators, and the public which monitors the progress of students in ELA/math and that will propose a means for uniform reporting of that data in both aggregated and disaggregated forms.

The SBE and CDE staff are developing a waiver proposal that focuses on a plan for assessment flexibilities and will attach them as an Item Addendum along with an analysis and recommendations for the SBE's consideration. So, at this time, this information is not available. It was made clear by SBE staff, that some of these actions will require legislation. I believe bullets 3, 4 and 5 require legislation.

This discussion will take place on Day 1-March 16, 2021- Agenda Item 01.

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Approval of the Comprehensive Literacy State Development Grant: State Literacy Plan Approval:

On Day 2-March 17, 2021- Agenda Item 04, the SBE will take action as to whether or not approve the proposed State Literacy Plan.

On September 27, 2019, CDE received a federal award in the amount of approximately \$37.5 million for the Comprehensive Literacy State Development (CLSD) grant program. Agenda Item 04 provides the final draft of the State Literacy Plan (SLP), a key CLSD grant deliverable, for State Board of Education (SBE) approval. The plan is available on the CDE CLSD web page at <https://www.cde.ca.gov/pd/ps/clsd.asp>.

The CDE staff recommends that the SBE approve the SLP, pending SBE Executive Director approval of final revisions requested by the SBE and correction of any typographical errors.

The final revision of the State Literacy Plan addressed some of ours and Californians Together concerns specific to English learners. These include, but are not limited to:

- An expanded focus on biliteracy,
- Clarification that designated and integrated English Language Development is a legal requirement and therefore something that all LEA's "shall" provide as opposed to "should",
- Updated language in the statewide priorities TK – 12th grade to replace "English language instruction" with "comprehensive English language development",
- Clarification regarding guidance on universal screening, including appropriate timing and precautions against the misdiagnosis of disabilities,
- Details added regarding the Local Literacy Lead Agencies grant clarifying that each grantee, regardless of statewide priority focus, will be required to include, but not be limited to, focus on the needs of underserved students, including children living in poverty, English learners, children with disabilities, and children of color.

However, there remains one major significant concern specific to English Learners, the need for further clarification regarding the Universal Screening for Dyslexia.

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The following inclusions to the State Literacy Plan is recommended by Californians Together:

- Moving the timing for dyslexia screening to the spring of first grade to allow for sufficient literacy instruction to be able to identify those students struggling with reading.
- Eliminating the requirement that all students be assessed. Not all students need to be screened. Those students who read well, meet grade level reading standards and/or meet local benchmark or other formative reading assessments do not need to be assessed.
- Valuable instructional time will be lost on assessing every student.
- Monitoring by local educational agencies the proportionality of EL students and other subgroups identified as dyslexic to their percentage of the total student population
- Reporting to the granting County Office of Education and the Department the numbers of identified students by student subgroups.

Please considering volunteering to provide public comment on one or more of the aforementioned recommendations at the SBE meeting of March 17, 2021.