

Zaragoza-Diaz & Associates
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MEMORANDUM

Date: September 24, 2020
To: CAFE Board of Directors
Subject: Legislative Report
From: Martha Zaragoza Diaz, Lobbyist
Cc: Jan Gustafson Corea, C.E.O.

I.Legislation

AB 331 (Medina) High School Graduation Requirements: Ethnic Studies (A-8/28/2020)

Summary: The bill would add the completion of a one-semester course in ethnic studies, meeting specified requirements, to the high school graduation requirements commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school. The bill would expressly authorize local educational agencies, including charter schools, to require a full-year course in ethnic studies at their discretion and would require local educational agencies, including charter schools, to offer an ethnic studies course commencing with the 2025–26 school year, as specified.

Status: Governor's Desk

Position: Support

AB 1835 (Weber) Education finance: local control funding formula: supplemental and concentration grants. (I-1/6/2020)

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

Status: Governor's Desk

Position: Support

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SB 820 (Committee on Budget and Fiscal Review) Education Budget Trailer Bill. Ch. 110, Statutes of 2020.

Summary: This bill makes clarifying changes and technical corrections associated with changes to education programs adopted as part of the Budget Act of 2020. Significant provisions include, but are not limited to, the following:

- Extends the postponement of the state's development of an observation protocol for teaching English Language Learners by an additional year from the Budget Act, to 2022, to allow for in-person instruction to inform the protocol development. The 2020-21 Budget Act postponed the state's development of an observation protocol for teaching English Language Learners to 2021.
- Allows the State Superintendent of Public Instruction to designate alternatives for students who would graduate in 2020 or 2021 to earn the State Seal of Biliteracy, and to waive the California Assessment of Student Performance and Progress for students graduating in 2020 and 2021.
- Extends the timeline for the initial assessment of pupils for English language proficiency using the English Language Proficiency Assessment for California (ELPAC) by 45 calendar days for the 2020-21 fiscal year. Requires LEAs to screen new pupils, pending assessment results, to ensure pupils informally determined to be English learners receive appropriate supports as soon as possible.
- Amends the appropriation for the California Dyslexia Initiative to reflect \$2 million in one-time Proposition 98 General Fund and \$2 million in one-time federal funds instead of \$4 million in one-time federal funds to reflect the final budget agreement. Extends the timeline for designating the county office of education to administer the program to November 15, 2020. English learners are included in this initiative.
- Amends the date by which LEAs must certify that they meet the financial hardship qualifications to receive a deferral hardship waiver for the February through May 2020 deferrals from January 5, 2021 to Dec 15, 2020.
- Clarifies that Education Code Section 51512 does not prohibit an LEA from adopting online instruction, including the use of synchronous or asynchronous video, as part of a Distance Learning program under the requirements of the 2020-21 Budget Act, and that except as require under a Distance Learning program, individuals may not record an online course without teacher and principal consent.
- Conforms the Parent Budget Summary, template, and timelines to the 2020-21 Learning Continuity and Attendance Plan. Current law requires

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an annual Parent Budget Summary as part of each LEA's Local Control Accountability Plan (LCAP) process. The 2020-21 Budget Act created a Learning Continuity and Attendance Plan for the 2020-21 school year, to replace the 2020-21 LCAP process during the transition of most LEAs to pandemic-induced Distance Learning programs.

- Sunsets the provisions of Executive Order N-26-20 and SB 117 (Committee on Budget, Chapter 3, Statutes of 2020) at the end of the 2019-20 fiscal year.
- Specifies that in completing the annual update to the LCAP for the 2021-22 school year, an LEA must include the LCAP adopted in the 2019-20 school year. Requires the Superintendent of Public Instruction to update the template for the annual update by January 31, 2021, to also include the learning continuity and attendance plan in the 2021-22 annual update.
- Extends the expenditure deadline for the General Fund allocation for Learning Loss Mitigation from December 30, 2020 to June 30, 2021. Aligns record retention requirements to federal law, from the current three years to five years. Specifies that eligible uses include cleaning and safety measures for re-opening schools. Makes other technical changes to ensure Learning Loss Mitigation calculations align with statutory language.
- Enumerates the Youth Task Force's design and charge, including the co-chairing of the State Superintendent of Public Instruction and State Board of Education president or designee, up to 15 gubernatorial youth appointees, a defined "youth facilitator" for the Taskforce, and a required report by November 1, 2021 of the Task Force's balanced recommendations on the impacts of peace officer presence on campus and in facilitating students' transport to school. The 2020-21 Budget Act Education Trailer bill established a Youth Task Force to provide recommendations on the impacts of peace officers and other law enforcement on school campuses.
- Updates the definition of instructional materials for local education agencies and community colleges to allow the use of lottery funds to include laptop computers and devices that provide internet access for use by pupils, students, faculty and teachers.

Position: Monitor

II. California Department of Education Updates

a. State Seal of Biliteracy

As required by SB 820 (Ch. 110, Statutes of 20200. SB 820 amends EC Section 51451(d) to state, "...For pupils who are on track to graduate in 2021 and were

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unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may waive the requirement to pass that assessment.” The assessment named in paragraph (2) of subdivision (a) is the CAASPP ELA at the “standard met” level or above.

This means the requirement to demonstrate English proficiency by passing the CAASPP ELA at the “standard met” level or above will be waived for 2021 graduates who were not administered the CAASPP ELA during the 2019–20 school year due to COVID-19 related school closures. Therefore 2021 graduates must demonstrate English proficiency for the State Seal of Biliteracy by completing all ELA requirements for graduation with an overall grade point average of 2.0 or above in those classes (EC Section 51461[a][1]).

The CDE State Seal of Biliteracy FAQs web page at

<https://www.cde.ca.gov/sp/el/er/ssbfaq.asp>

has been updated to reflect the new requirements for 2021 graduates.

If you have questions about the State Seal of Biliteracy, contact Gina Garcia-Smith, Education Programs Consultant, English Learner Support Division, CDE, by phone at 916-319-0265 or by email at SEAL@cde.ca.gov.

b. Comprehensive State Literacy Plan Public Input Survey

The ESSA of 1965 authorizes the Comprehensive Literacy State Development (CLSD) Grant Program. This five-year competitive grant advances literacy skills through the use of evidence-based reading and writing instructional practices and interventions, including pre-literacy. One of the objectives of the CLSD grant is to create a Comprehensive State Literacy Plan (SLP).

The Educator Excellence and Equity Division (EEED) convened a State Literacy Team comprised of literacy experts across the state in March and August 2020 to provide input and recommendations on the draft SLP.

The purpose of this survey is to collect public feedback on the draft plan. The Instructional Quality Commission (IQC) and the State Board of Education welcome your review and comments on the draft SLP. At its November 2020 meeting, the IQC will consider all feedback to inform potential revisions to the draft plan.

The survey will remain open through October 28, 2020.

You may also send comments regarding the draft SLP to CLS DP@cde.ca.gov.

I will be forwarding you a list of comments that should be included in this survey. Stay tuned!

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c. State Superintendent of Public Instruction Tony Thurmond launches New “Education to End Hate” Initiative

State Superintendent of Public Instruction Tony Thurmond announced a new, multifaceted “Education to End Hate” initiative designed to empower educators and students to confront the hate, bigotry, and racism rising in communities across the state and nation. Under a new effort outlined during a virtual press conference, the State Superintendent said that CDE will lead a series of strategies—including educator training grants, partnerships with community leaders, and virtual classroom sessions—that leverage the power of education to create a more just society.

The initiative has three components:

- **Educator training grants:** The CDE will award up to \$200,000 in mini-grants to LEAs to support educator training in the areas of anti-racism and bias. The grants will be funded by contributions from an ongoing philanthropic partner, the S. D. Bechtel, Jr. Foundation. Organizations with extensive experience in leading related educator trainings—including **Equality California, the National Equity Project, and the Simon Weisenthal Center’s Museum of Tolerance**—have already agreed to partner and offer professional development and resources through this program. More details on grant guidelines and the application process will be released to school districts soon.
- **Virtual Classroom Series:** Throughout the month of October, the CDE will host a series of virtual classroom sessions broadcast live throughout the state that will be designed to engage students, educators, and families in a wide-ranging dialogue about the many forms of bias young people across California face—and ways schools can lead efforts to end discrimination.
- **Roundtable with leaders:** The State Superintendent will convene a public roundtable discussion among leaders from prominent racial and social justice organizations, educators, and state lawmakers to brainstorm additional ideas for ways schools can influence the change necessary to ensure a physically and emotionally safe learning environment that is inclusive for all students.

Several lawmakers, who have each worked on multiple fronts to advance

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equity, on Monday expressed their commitment to supporting this initiative, including:

- Senator Connie M. Leyva (D-Chino), Chair of the Senate Education Committee
- Senator Scott Wiener (D-San Francisco), Chair of the California Legislative LGBTQ Caucus
- Assembly Member David Chiu (D-San Francisco), Chair of the California Asian Pacific Islander Legislative Caucus
- Assembly Member Lorena Gonzalez (D-San Diego), Chair of the California Latino Legislative Caucus
- Assembly Member Monique Limón (D-Santa Barbara), Vice Chair of the California Legislative Women's Caucus

Thank you, State Superintendent for taking action in addressing racism, hatred and bigotry for our students and educators!

Further information regarding the grants is not available yet but questions should be forwarded to the Executive Office 916-319-0800.

d. Guidance on Best Practices for Distance Learning Instructional Planning

State Superintendent of Public Instruction Tony Thurmond announced a CDE released new tool—*Guidance on Best Practices for Distance Learning Instructional Planning* available on the CDE Distance Learning Instruction Planning Guidance web page at <https://www.cde.ca.gov/ls/he/hn/guidanceplanning.asp>.

This tool is to support educators implementing distance learning instruction. Suggestions are provided in four key areas: clear definitions of instructional models and language, an overview of required daily minutes for the 2020–21 school year and considerations for instruction both with live interaction and without live interaction, research-based principles for school districts to consider as they prepare to re-open; and ideas for how educators may structure learning. Other topic areas include digital platforms and assessments and ways to support families and staff when implementing distance learning.

This new guidance also includes information on the provision of ELD during distance learning. Distance learning program questions should be referred to distancelearning@cde.ca.gov.

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e. Ethnic Studies Model Curriculum Second Field Review

Members of the public are invited to submit comments on the revised draft of the Ethnic Studies Model Curriculum. All written comments will be forwarded to the members of the Instructional Quality Commission (IQC) and the State Board of Education (SBE) prior to their action upon the draft model curriculum. Personal contact information such as emails, phone numbers, and addresses will be erased. Duplicate comments (e.g., form letters or preprinted postcards) may be tallied and posted as a single copy with a note indicating the total number received. The public comment period is open from September 1 to 30, 2020. For directions on how to submit comments via email, phone, or mail, and to review the current draft, visit the CDE Ethnic Studies Model Curriculum Second Field Review web page at <https://www.cde.ca.gov/ci/cr/cf/esmc2ndfieldreview.asp>. If you have questions about the Ethnic Studies Model Curriculum or the field review, contact the CDE Curriculum Frameworks and Instructional Resources Division by phone at 916-319-0881 or by email at CFIRD@cde.ca.gov.

Announcements

a. Newly Appointed CSU Chancellor Joseph I. Castro

The California State University (CSU) Board of Trustees named Joseph I. Castro as Chancellor of the CSU system. The grandson of farmworkers and a native of the San Joaquin Valley, he is the first in his family to graduate from a university, Chancellor Castro is also the first-ever California native and Mexican American to helm the CSU. He will begin his duties January 4, 2021. Congratulations Mr. Castro!

b. Seeking Reviewers for the 2021 World Languages Instructional Materials Adoption

The CDE and SBE are seeking reviewers to participate in the 2021 World Languages Instructional Materials Adoption. Reviewers will evaluate the instructional materials for alignment to the California World Languages Standards and the newly revised World Languages Framework for California Public Schools, Kindergarten Through Grade Twelve, utilizing the standards maps and evaluation criteria maps that have been approved by the SBE for this adoption. More information and the online application may be found on the CDE World Languages Instructional Materials web page at <https://www.cde.ca.gov/ci/fl/im>.

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c. Applications Invited for Appointment to the California Practitioners Advisory Group

Please consider applying for this important advisory group or forward to others who may be interested and have evidence of demonstrated experience with California's K-12 public education system, including EL expertise.

The State Board of Education (SBE) is currently seeking applications to fill a position on the California Practitioners Advisory Group (CPAG), to provide input to the SBE on ongoing efforts to establish a single coherent local, state, and federal accountability system. The advisory committee serves as the state's committee of practitioners under federal Title I requirements. All applicants must currently meet the practitioner category of Specialized instructional support personnel and paraprofessionals. All applicants are to provide evidence of demonstrated experience with California's K-12 public education system, including familiarity with the Local Control Funding Formula. Applicants should also provide evidence of familiarity with federal program requirements, including Title I, as amended by ESSA (Public Law 114-95).

The purpose of the advisory committee is to provide input to the SBE on practical implications of decisions before the SBE, which may include providing input on the design of California's accountability system and other decisions related to implementing the Local Control Funding Formula. An example would be providing input on the Residual Gain Growth Model and implications for English learners. The committee will also review any State rules and regulations relating to Title I of the Elementary and Secondary Education Act, as amended by ESSA, in order to advise the State in carrying out its Title I responsibilities.

Members serve for a term of up to three years. Terms of office will be staggered to avoid the need to replace the majority of members at the same time. Regular meetings of the CPAG will be conducted annually or as needed. During the COVID-19 pandemic, CPAG meetings will be held remotely, consistent with state and local public health orders.

The application can be found at the **SBE Application Information Web page** and must be received by 5:00 p.m. on Thursday, October 8, 2020. They will be considered by the SBE Screening Committee for appointment at the November 5-6, 2020 State Board of Education meeting. Completed applications may be submitted via email at: sbe@cde.ca.gov. A single PDF of the application that includes a resume and two letters of recommendation is preferred.

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