

MURDOCH WALRATH & HOLMES

MEMORANDUM

Date: October 14, 2022

To: CAFE Board Members
Jan Gustafson-Corea, CEO

From: Jennifer Baker, Legislative Advocate

Subject: Legislative Update

The Legislature wrapped up the 2021-22 Legislative Session in the early morning hours of August 31st, having sent a total of 1,166 bills to the Governor Newsom. He and his staff sifted through the final measures that made it to his desk and took final action by the September 30th deadline, which included signing 997 and vetoing 169. While he gave the green light to a number of bills, he did veto many bills he otherwise would have been favorable to due to a significant slowdown of revenue projections, which indicate a lower-than-expected yield. Many bills met their doom via a veto as the Governor cited a need to remain economically disciplined moving forward, which will be important to consider as next years' budget begins to be crafted.

CAFE had some big victories this year. Most notably was updated language in the final budget bill, AB 185 (Committee on Budget), which was passed on the final day of the Legislative Session. This final budget bill, often cited as "Budget Bill Jr.," included a key amendment to the Educator Workforce Investment Grant (EWIG) that will allow CAFE to submit a grant in partnership with a county office of education or a consortium of county offices of education. The main budget bill, SB 154 (Skinner), which was signed into law in June, shifted funding for EWIG program into Proposition 98 as the Legislature and Governor intentionally worked to minimize funding for programs out of the General Fund. As a result of this fiscal shift, CAFE was not able to directly apply for funding, and could have potentially been shut out, while the overall program would likely have had to be recreated from scratch. CAFE worked tirelessly to convince the Legislature that the language needed to be amended to allow non-profit organizations to be incorporated more strongly into the budget language. Fortunately, our efforts were successful and more favorable language was included in AB 185, which was passed on August 31st by the Legislature and was signed by the Governor in September.

Co-Sponsored Legislation

AB 1868 (Rivas): Long-Term English Learners Data – Would disaggregate data in order to strengthen California's guidance and resources to ensure Long-Term English Learner students are correctly identified and provided with targeted interventions that best meet their needs.

AB 1868 was passed by the Legislature on August 24th and was signed by the Governor on September 30th. As a result, this measure will become effective on January 1, 2023. This is a tremendous victory for CAFE and is illustrative of your collective action urging the Governor's support.

SB 952 (Limon): Dual Language Immersion – Would have expanded existing dual language immersion programs in California, as well as expanded expense responsibilities within the California Department of Education (CDE). Unfortunately, this measure failed to pass off the Assembly Appropriations Committee Suspense File, which was a disappointment to all of the bill’s sponsors as well as to Senator Limòn. It is unknown why the measure failed to move forward, which makes the result frustrating to understand. We are discussing future action regarding this issue with Senator Limòn and CDE and hope to have new bill next year.

Assembly Budget Hearing: The Assembly Budget Subcommittee No. 2 on Education Finance will be holding a hearing on November 15th at the Capitol regarding the educator workforce shortages and pipeline oversight. I am currently working with the Subcommittee staff to try to get a CABE witness on the agenda to focus on the shortages of bilingual teachers in the classroom and in the pipeline. If an agenda spot is not available, public comment will be provided to reflect the need for increased bilingual educators and support throughout the process and in the classroom.

CABE Bill Positions: Below is a list of bills CABE took positions on, along with their final outcome. It is important to note how few bills were able to pass the legislative process this year.

Sponsor Support

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

Introduced: 1/25/2022

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

Location: 5/20/2022-A. DEAD

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

Organization	Position
CABE	Sponsor Support

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

Introduced: 2/8/2022

Last Amend: 6/21/2022

Status: 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 907, Statutes of 2022.

Location: 9/30/2022-A. CHAPTERED

Summary: Current law establishes the California Assessment of Student Performance and Progress (CAASPP) and requires the State Department of Education to ensure that local educational agencies

comply with certain requirements related to CAASPP. This bill would require the department, on an annual basis, to include a report on its internet website that allows the public to view, among other assessment data, certain CAASPP test results by English language acquisition status, as provided. The bill would require the department to publicly report on an annual basis enrollment data by English language acquisition status and disability, as specified.

Organization	Position
CABE	Sponsor Support

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

Introduced: 2/9/2022

Last Amend: 6/20/2022

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

Location: 8/12/2022-A. DEAD

Summary: Would revise and recast the Pathways to Success Grant Program. The bill would require the State Department of Education to instead award a minimum of 20 one-time grants of up to \$750,000 per grant, as provided, and additional funding of up to \$37,500 when awarding a grant to an applicant proposing to establish a dual language immersion program or developmental bilingual program for English learners in a target language other than Spanish, as provided. The bill would require the department to, among other things, determine grant award selection criteria and meet quarterly with grantees to share practices and resources and resolve implementation issues. The bill would require the department to hire a consultant to coordinate program activities and provide technical assistance to the department. The bill would require the department to contract for technical assistance and strategic planning services for grantees and would exempt those contracts from various state contracting requirements. The bill would require the department to submit to the appropriate policy and budget committees of the Legislature an annual progress report, a one-time report on or before June 30, 2025, and a one-time report on or before October 1, 2029, with specified information about the progress and outcomes of the grant program, as provided.

Organization	Position
CABE	Sponsor Support

Support

AB 185 (Committee on Budget) Education finance: education omnibus trailer bill.

Introduced: 1/8/2021

Last Amend: 8/26/2022

Status: 9/27/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 571, Statutes of 2022.

Location: 9/28/2022-A. CHAPTERED

Summary: Would require the Superintendent of Public Instruction, in consultation with the Director of Social Services and the executive director of the State Board of Education, to convene a statewide interest holder workgroup, as provided, to provide recommendations on best practices for increasing access to high-quality universal preschool programs for 3- and 4-year-old children

offered through a mixed-delivery model that provides equitable learning experiences across a variety of settings and recommendations to update preschool standards, as provided.

Organization	Position
CABE	Support

AB 1703 (Ramos D) California Indian Education Act: California Indian Education Task Forces.

Introduced: 1/26/2022

Last Amend: 8/11/2022

Status: 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 477, Statutes of 2022.

Location: 9/23/2022-A. CHAPTERED

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

Organization	Position
CABE	Support

AB 1777 (Aguiar-Curry D) Migrant education: extended school year program: average daily attendance.

Introduced: 2/3/2022

Last Amend: 6/30/2022

Status: 9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 483, Statutes of 2022.

Location: 9/23/2022-A. CHAPTERED

Summary: Current law requires the State Board of Education to adopt a state master plan for services to migrant children. Under current law, with the concurrence of a child's parent, a child who has been identified as a "migrant child" may be deemed a migrant child for a period, not in excess of 3 years, during which the child resides in an area where programs are provided for migrant children. Current law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified, that includes average daily attendance as

a component of that calculation. This bill, commencing on January 1, 2024, would authorize up to 2 local educational agencies to provide an extended school year program, as defined, to migratory pupils who, due to family agricultural migratory movement, enroll in kindergarten, including transitional kindergarten, or any of grades 1 to 6, inclusive, on or after March 1 of the school year and depart on or before December 1 of the next school year, and would authorize average daily attendance funding for those pupils if certain requirements are met, as provided.

Organization	Position
CABE	Support

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

Introduced: 2/7/2022

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

Location: 4/29/2022-A. DEAD

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

Organization	Position
CABE	Support

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

Introduced: 2/10/2022

Last Amend: 5/3/2022

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

Location: 7/5/2022-S. DEAD

Summary: Current law requires funding pursuant to the local control funding formula to include a base grant that in each fiscal year is adjusted for inflation by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as specified. Current law requires the local control funding formula to include, in addition to the base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are unduplicated pupils, as defined to include English learners, pupils eligible for free or reduced-price meals, and foster youth, as specified. Current law requires county superintendents of schools, school districts, and charter schools to annually report their enrollment of unduplicated pupils to the Superintendent of Public Instruction, as specified. Current law requires pupils who are classified in more than one of these groups to be counted only once for these purposes. This bill would require, for the 2022–23 fiscal year, the inflation adjustment to the base grant for a school district or charter school to instead be 15%. For purposes of the local control funding formula, the bill would replace pupils who are eligible for free or

reduced-price meals with low-income pupils, as defined to include pupils whose household income level is at or below 250% of the federal poverty level, as adjusted annually, or who is eligible for free or reduced-price meals, and would include pupils experiencing homelessness, as defined, in the categories of pupils who are unduplicated pupils for purposes of determining eligibility for supplemental and concentration grants. In order to determine income level, the bill would require a school to use an alternative household income data collection form for any pupil not determined to be eligible for free or reduced-price meals, as specified, and would require the State Department of Education to develop a sample form.

Organization	Position
CABE	Support

AB 2235 (Medina D) Teacher credentialing: supplementary authorization: ethnic studies.

Introduced: 2/16/2022

Status: 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was ED. on 3/3/2022)

Location: 4/29/2022-A. DEAD

Summary: Would require the Commission on Teacher Credentialing to develop an added or supplementary authorization in ethnic studies. The bill would require the commission to grant the added or supplementary authorization in ethnic studies to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization in ethnic studies, as provided.

Organization	Position
CABE	Support

AB 2255 (Fong, Mike D) The Affordable Broadband Service Program for California Dreamers.

Introduced: 2/16/2022

Last Amend: 3/22/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was APPR. SUSPENSE FILE on 5/4/2022)

Location: 8/31/2022-A. DEAD

Summary: Would establish the Affordable Broadband Service Program for California Dreamers. The bill would require the program to be developed and administered by the Student Aid Commission, in consultation with the Public Utilities Commission, to provide affordable broadband service to eligible students, as defined. The bill would make an unspecified appropriation from the General Fund to the Student Aid Commission for purposes of the program.

Organization	Position
CABE	Support

AB 2465 (Bonta, Mia D) Pupil instruction: third-grade literacy: literacy grant program.

Introduced: 2/17/2022

Last Amend: 6/23/2022

Status: 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)

Location: 8/12/2022-S. DEAD

Summary: Would create the Family and Community Literacy: Supporting Literacy and Biliteracy in Schools, Families, and Communities Grant Program for the purpose of supporting the goal of all of California’s pupils reading at grade level by third grade and engaging families at every stage of that process. The bill would require the department to award competitive grants from the California Family Literacy Innovation Project to local educational agencies, as provided.

Organization	Position
CABE	Support

AB 2598 (Weber, Akilah D) Pupil rights: restorative justice practices.

Introduced: 2/18/2022

Last Amend: 8/22/2022

Status: 9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 914, Statutes of 2022.

Location: 9/30/2022-A. CHAPTERED

Summary: Would require the State Department of Education to develop evidence-based best practices for restorative justice practice implementation on a school campus and to make these best practices available on the department’s internet website on or before June 1, 2024, as specified. The bill would require the department to take specified actions in developing best practices and would encourage the department to, to the extent feasible, take into account resources and best practices that have been identified or developed as part of aligned efforts, as specified.

Organization	Position
CABE	Support

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

Introduced: 2/18/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was ED. on 3/17/2022)

Location: 8/31/2022-A. DEAD

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

Organization	Position
CABE	Support

SB 70 (Rubio D) Elementary education: kindergarten.

Introduced: 12/8/2020

Last Amend: 8/15/2022

Status: 9/25/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.

Location: 9/26/2022-S. VETOED

Summary: Current law, a person between the ages of 6 and 18 years who is not exempted by law is subject to compulsory full-time education. Existing law excludes a child under 6 years of age from the public schools, subject to specified exceptions. This bill, beginning with the 2024–25 school year, would require a child to have completed one year of kindergarten before that child may be admitted to the first grade at a public elementary school, except for a child who has been lawfully admitted to a public school kindergarten or a private school kindergarten in California, but has not yet completed one school year, and is judged to be ready for first-grade work, as specified, thereby imposing a state-mandated local program.

Organization	Position
CABE	Support

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

Introduced: 1/8/2021

Last Amend: 8/26/2022

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was THIRD READING on 8/29/2022)

Location: 8/31/2022-A. DEAD

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

Organization	Position
CABE	Support

Total Measures: 15