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**AB-130 Education finance: education omnibus budget trailer bill.** (2021-2022)

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## Assembly Bill No. 130

### CHAPTER 44

An act to amend Sections 1240, 1241, 1630, 8482.6, 8483, 8483.1, 11800, 14041.5, 14041.6, 14041.65, 17076.10, 17199.4, 17375, 32091, 35780, 41020, 41020.3, 41203.1, 42238.01, 42238.02, 42238.051, 42238.07, 43504, 43507, 43509, 43521, 43522, 43523, 43525, 44252, 44259, 44280, 44310, 44395, 44396, 44399.1, 44830, 45500, 46111, 46300, 46392, 47607, 47607.2, 47612.7, 48000, 51461, 51745, 51745.6, 51747, 51747.3, 51747.5, 51749, 51749.5, 51749.6, 52064, 52070, 52070.5, 53070, 53070.1, 53071, 53071.1, 53073, 53074, 53075, 53076, 53076.2, 56400, 56402, 56406, 56408, 56410, 56836.146, 56836.148, 56836.165, 56836.173, 56836.21, 56836.24, 56836.31, 56836.40, 60640, and 60810 of, to amend and repeal Section 49564 of, to amend, repeal, and add Section 45125.1 of, to add Sections 42238.022, 43504.5, 44415.5, 44417.5, 46120, 46393, 47607.4, 49501.5, 49564.3, 51745.5, 53076.1, 56411, 56836.045, and 56836.168 to, to add Article 13.2 (commencing with Section 8281.5) to Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Article 1 (commencing with Section 41480), Article 2 (commencing with Section 41490), and Article 9 (commencing with Section 41590) to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to add Article 1.5 (commencing with Section 49418) to Chapter 9 of Part 27 of Division 4 of Title 2 of, to add Chapter 6 (commencing with Section 8900) to Part 6 of Division 1 of Title 1 of, to repeal Section 41204.2 of, and to repeal and add Section 56415 of, the Education Code, to amend Sections 7902.1, 7906, 7907, 7908, 16724.4, and 17581.6 of, and to add Section 7902.2 to, the Government Code, to amend Items 6100-001-0890 and 6100-158-0001 of Section 2.00 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020), and to amend Section 95 of Chapter 24 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor July 09, 2021. Filed with Secretary of State July 09, 2021. ]

### LEGISLATIVE COUNSEL'S DIGEST

AB 130, Committee on Budget. Education finance: education omnibus budget trailer bill.

(1) Existing law places various requirements on county superintendents of schools and the Superintendent of Public Instruction in reviewing and determining whether a county office of education's adopted budget will allow the county office of education to meet its financial obligations during the fiscal year and, based on current forecasts, for 2 subsequent fiscal years.

This bill would revise certain requirements on county superintendents of schools and the Superintendent regarding determinations of fiscal distress for county offices of education, and would require the Superintendent to provide a written notice of going concern determination to the county board of education and the county superintendent of schools under certain circumstances.

Existing law requires a county superintendent of schools to annually submit a report, at a regularly scheduled November board meeting, to the governing board of each school district in the county, the county board of education, and the county board of supervisors describing the state of schools in the county that meet specified criteria for low performance. Existing law requires the county superintendent of schools, or a designee of the county superintendent of schools, to visit those schools at least annually for purposes of developing that report, and requires at least 25% of those visits to be unannounced.

This bill, for the 2021–22 school year only, would require unannounced visits pursuant to those provisions to only be undertaken at the discretion of the county superintendent of schools in consultation with local health officials and in compliance with any orders or guidance issued by any local or state public health official, and would waive the 25% requirement if the county superintendent of schools, in consultation with local public health officials, determines that unannounced visits are unable to be conducted due to identified health and safety concerns.

(2) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program. Existing law requires, in the 2014–15 school year and each school year thereafter, and as a condition of receipt of apportionments for pupils in a transitional kindergarten program, a child who will have their 5th birthday between September 2 and December 2, to be admitted to a transitional kindergarten program maintained by a school district or charter school. Existing law authorizes, for the 2015–16 school year and each school year thereafter, a school district or charter school to admit a child to a transitional kindergarten program who will have their 5th birthday after December 2 but during that same school year, as provided.

This bill would revise the timespans for those mandatory and optional admittance requirements to be phased in from the 2022–23 school year to the 2025–26 school year, as provided, at which time a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, would be required to admit to a transitional kindergarten program maintained by the school district or charter school a child who will have their 4th birthday by September 1.

This bill would establish the California Prekindergarten Planning and Implementation Grant Program as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at local educational agencies, defined as school districts, county offices of education, and charter schools. The bill would appropriate \$300,000,000 from the General Fund to the State Department of Education for allocation to local educational agencies for grants for the 2021–22 fiscal year. The bill would require the Superintendent to allocate \$200,000,000 of that amount to local educational agencies as base grants, enrollment grants, and supplemental grants for specified purposes. The bill would require the Superintendent to award \$100,000,000 in competitive grants to local educational agencies to increase the number of highly qualified teachers available to serve in specified capacities.

(3) This bill would enact the California Community School Partnership Act, and would appropriate \$2,836,660,000 from the General Fund to the Superintendent to administer the California Community Schools Partnership Program. The bill would require the Superintendent of Public Instruction to award grants on a competitive basis to qualifying entities, as defined, to support the establishment of new, and for the expansion or continuation of existing, community schools at local educational agencies, as provided, and to contract with local educational agencies to create a network of at least 5 regional technical assistance centers to provide support and assistance to local educational agencies and community schools.

(4) The After School Education and Safety Program Act of 2002 establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act requires first priority enrollment to pupils who are identified by the program as homeless youth, as defined, and pupils who are identified by the program as being in foster care, and 2nd priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend the program daily.

This bill would require pupils who are eligible for free or reduced-price meals to additionally receive first priority enrollment.

Existing law requires a program established under the act to charge family fees, requires a program that charges family fees to waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals, and prohibits a program from charging a fee to a family for a child if the program knows that the child is a homeless youth or for a child who the program knows is in foster care.

This bill would instead require a program that charges family fees to waive the cost of these fees for pupils who are eligible for free or reduced-price meals, for a child who is a homeless youth, or for a child who the program

knows is in foster care. The bill would also require a program that charges family fees to schedule fees on a sliding scale that considers family income and ability to pay.

(5) Existing law requires the Controller to draw warrants on the State Treasury throughout each year in specified amounts for purposes of apportioning funding to school districts, county offices of education, and charter schools. Existing law, commencing with the 2019–20 fiscal year, requires the warrants scheduled to be drawn in June to instead be drawn in July of the same calendar year.

This bill instead would amend that provision to no longer require that deferral to be conducted after the 2020–21 fiscal year.

Existing law, commencing with the 2020–21 fiscal year, requires specified amounts of warrants scheduled to be drawn in February to instead be drawn in November of the same calendar year, requires specified amounts of warrants scheduled to be drawn in March to instead be drawn in October of the same calendar year, requires specified amounts of warrants scheduled to be drawn in April to instead be drawn in September of the same calendar year, and requires specified amounts of warrants scheduled to be drawn in May to instead be drawn in August of the same calendar year.

This bill instead would only require those deferrals to be conducted for the 2020–21 fiscal year. The bill would require warrants for principal apportionments for the months of February, March, and April of the 2020–21 fiscal year described above to instead be drawn in August 2021, as specified.

(6) The Leroy F. Greene School Facilities Act of 1998 (the Greene Act) requires the State Allocation Board to allocate to applicant school districts, as defined, prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law authorizes the board to require an audit of expenditure reports submitted by a school district pursuant to the Greene Act and to require repayment of certain funds a school district failed to expend in accordance with the law. Existing law requires a school district to repay the funds within 60 days of the notice requiring repayment unless the board determines that repayment of the full liability within 60 days would constitute a severe financial hardship, as defined by the board, for the school district, in which case the board is required to approve a plan of equal annual payments over a period of up to 5 years.

This bill would expand the maximum time for repayment in the case of severe financial hardship from a period of up to 5 years to a period of up to 20 years. The bill would also expressly include the 2006 State School Facilities Fund and the 2016 State School Facilities Fund within those provisions.

(7) Existing law establishes the Full-Day Kindergarten Facilities Grant Program, under the administration of the State Allocation Board, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms, as specified. For purposes of the program, existing law specifies that kindergarten includes transitional kindergarten. Commencing with the 2019–20 fiscal year, existing law makes the grant program contingent upon an appropriation by the Legislature.

This bill would change the name of this program to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program and would expressly add providing California state preschool program and transitional kindergarten classrooms as another purpose of the grants. The bill would make county offices of education eligible to receive grants for preschool facilities under the program. The bill would prohibit a school district from using these funds to purchase or install portable classrooms, as defined. The bill would appropriate \$490,000,000 for the program for the 2021–22 fiscal year.

(8) Existing law requires a school district that has been organized for more than three years to be lapsed under certain conditions related to the number of registered electors or average daily attendance of pupils in the school district. Existing law authorizes a school district to also be lapsed when there are no school facilities or sites on which to maintain any school in the school district.

This bill would revise the conditions and procedures for the required lapsation of a school district, would authorize a county board of education to defer the lapsation of a school district under certain conditions, and would additionally authorize a school district to be lapsed upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools.

(9) For the 1990–91 fiscal year and each fiscal year thereafter, existing law requires that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing

the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the 1992–93 to 2020–21 fiscal years, inclusive.

This bill would also make that provision inapplicable to the 2021–22 fiscal year.

(10) The Classroom Instructional Improvement and Accountability Act, an initiative approved by the voters as Proposition 98 at the November 8, 1988, statewide general election, amended the California Constitution to, among other things, set forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts based on one of 3 tests in any given fiscal year. Commencing with the 2021–22 fiscal year, existing law requires an appropriation to be made from the General Fund in the annual Budget Act for the support of elementary and secondary public schools and community colleges to supplement funding appropriated pursuant to Proposition 98 annually in an amount equal to 1.5% of total General Fund revenues, as calculated pursuant to Proposition 98, until the sum of the supplemental appropriations equals \$12,366,107,000.

This bill would repeal the latter provision requiring a supplemental appropriation.

(11) This bill would appropriate \$1,500,000,000 from the General Fund to the Superintendent for the Educator Effectiveness Block Grant, which the bill would establish, and would require the Superintendent to apportion those funds to school districts, county offices of education, charter schools, and the state special schools to provide professional learning for teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils.

(12) This bill would appropriate \$50,000,000 from the General Fund to the Superintendent to apportion to the Orange County Department of Education to award no less than \$30,000,000 as 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 bill would require the Superintendent to establish a process, in consultation with and subject to the approval of the executive director of the state board, to select 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-informed practices, and culturally relevant, affirming, and sustaining practices, and would require no more than \$20,000,000 of the \$50,000,000 appropriation to be available for these purposes. To the extent the bill would impose additional duties on certain county offices of education, the bill would impose a state-mandated local program.

(13) This bill would appropriate \$547,513,000 from the General Fund to the Superintendent for purposes of the A–G Completion Improvement Grant Program, which the bill would establish, to provide additional supports to local educational agencies to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate high school meeting the A–G subject matter requirements for admission to the University of California and the California State University. For the 2021–22 fiscal year, the bill would require the Superintendent to allocate \$300,000,000 as A–G Access Grants, and \$100,000,000 as A–G Success Grants to school districts, county offices of education, and charter schools meeting certain requirements to be used for activities that directly support pupil access to, and successful completion of, the A–G course requirements, as prescribed. For the 2021–22 fiscal year, the bill would require the Superintendent to allocate \$147,513,000 as A–G Learning Loss Mitigation Grants to be used to allow pupils who receive a grade of "D," "F," or "Fail" in an A–G approved course in the spring semester of 2020 or the 2020–21 school year to retake those A–G courses or to offer credit recovery opportunities to all pupils to ensure pupils are able to graduate high school on time, as prescribed. The bill would require the Superintendent to annually post on the department's internet website in an easily accessible location a list of each local educational agency's and each individual high school's A–G completion rate, as defined.

(14) Existing 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. Existing law requires funding pursuant to the local control funding formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are English learners, foster youth, or eligible for free or reduced-price meals, as specified, served by the county superintendent of schools, school district, or charter school.

This bill, commencing with the 2021–22 fiscal year, would increase the amount of funding received for concentration grant add-ons for school districts and charter schools, as specified.

(15) Under existing law, the local control funding formula uses the numbers of pupils enrolled in a school district or a charter school who are eligible for free or reduced-price meals as part of the calculation of the apportionment of state funds to be received by that school district or charter school pursuant to the formula. Existing law defines "eligible for free or reduced-price meals" for these purposes. Existing law requires each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday.

This bill would adjust the definition of "eligible for free or reduced-price meals" to carry over the number of pupils at the school who were eligible for free or reduced-price meals from the school year in which the school applied to use a federal universal school meal provision, and to use each pupil's eligibility status in the base year to report eligibility for up to each of the following 3 school years. The bill, commencing with the 2022–23 school year, would require a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, or charter school to provide 2 nutritiously adequate school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The bill would require the department to reimburse local educational agencies for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals, as specified. This provision would be operative only if the Legislature appropriates funds for its purposes. The bill would require the department to develop and adopt regulations to implement this provision, as specified. To the extent that this provision would impose new duties on local educational agencies, it would constitute a state-mandated local program.

(16) Existing law requires certain components of funding for county superintendents of schools, school districts, charter schools, and certain special education programs to be adjusted for inflation in each fiscal year, as specified. Existing law, notwithstanding those specified inflation adjustments, requires those inflation adjustments for the 2020–21 fiscal year to instead be zero.

This bill, when making those specified inflation adjustments for the 2021–22 fiscal year, would require those adjustments to be 2.7% and to be calculated by first assuming that the adjustments for the 2020–21 fiscal year were 2.31% instead of zero.

(17) Existing law requires the local control funding formula, in part, to be based on average daily attendance, as defined. Existing law specifies how to calculate the average daily attendance for school districts, and requires an adjustment for the calculation of average daily attendance for a sponsoring school district, as defined.

This bill would make the provisions requiring an adjustment for the calculation of average daily attendance for a sponsoring school district inapplicable to the 2021–22 fiscal year.

(18) Existing law requires, on or before March 31, 2014, the State Board of Education to adopt a template for use by school districts, county superintendents of schools, and charter schools for purposes of local control and accountability plans. Existing law requires the state board to adopt regulations that require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase of funds apportioned on the basis of the number and concentration of unduplicated pupils, and requires a local control and accountability plan to include the specific actions and budgeted expenditures that contribute to the demonstration that this requirement is met.

This bill would require the state board's template to be revised, on or before January 1, 2022, to include a demonstration that the full proportionality obligation described above is being met annually through the listed actions and services, that each action's quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, and, for local educational agencies that receive concentration grant funding, that the additional funding received as a result of the increased concentration grant add-ons described in (14) above is being used to increase the number of credentialed staff, classified staff, or both of those, that provide direct services to pupils on certain school campuses. The bill would require, commencing with the local control and accountability plan and the annual update to the local control and accountability adopted on or before July 1, 2022, by each school district, county office of education, and charter school to include certain calculations relating to those actions and the actions that contribute to the demonstration that the above-described requirement is met. The bill would require the state board to, on or before November 30, 2021, adopt a one-time supplement template to the annual update to the 2021–22 local control and accountability plan to require certain information from local educational agencies relating to certain additional moneys received. By requiring local educational agencies to include additional information in a local control and accountability plan, the bill would impose a state-mandated local program.

(19) Existing law, for the 2020–21 school year, waives the minimum requirements for instructional minutes offered during the school year and authorizes a local educational agency to meet the minimum requirements for instructional minutes offered during a schoolday and for instructional days offered in the 2020–21 school year through in-person instruction or a combination of in-person instruction and distance learning, as provided. Existing law requires the Superintendent to withhold a portion of a local educational agency's funding apportionments for failing to offer the minimum number of instructional days in the 2020–21 school year and for noncompliance with documentation requirements of pupils participating in distance learning.

This bill would revise the calculations for the withholding of a local educational agency's funding apportionments for noncompliance with those requirements, and would authorize the state board to waive certain fiscal penalties for a school district or charter school that fails to maintain the prescribed minimum number of instructional days for the school year if the school district or charter school adheres to certain requirements to make up lost instructional days.

(20) For the 2020–21 fiscal year, existing law appropriates \$6,557,443,000 from the General Fund to the Superintendent, of which \$4,557,443,000 would be apportioned to school districts, county offices of education, charter schools, and state special schools, as prescribed, and available for expenditure through August 31, 2022, for certain activities, including offering supplemental instruction and support. Existing law requires the remaining \$2,000,000,000 to be apportioned to school districts, county offices of education, and certain charter schools, and available for expenditure through August 31, 2022, if those local educational agencies, among other things, provide optional in-person instruction to certain pupil groups within prescribed timelines.

This bill instead would appropriate \$4,542,003,000 from the General Fund and \$2,015,440,000 from the Federal Trust Fund to the Superintendent for the above-described purpose. The bill would extend the expenditure period for state funds by 25 months, thereby making an appropriation, and would specify certain expenditure periods for federal funds. The bill would prohibit a charter school that has ceased operation on or before March 5, 2021, from being allocated funding pursuant to those provisions.

(21) Existing law requires the Commission on Teacher Credentialing, among other duties, to establish standards and procedures for the issuance and renewal of credentials, certificates, and permits. Existing law prohibits the commission from issuing initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language by passing the state basic skills proficiency test. Existing law exempts specified applicants from this basic skills proficiency test requirement. Existing law specifies the minimum requirements for the preliminary multiple or single subject teaching credential, including a subject matter competence requirement demonstrated by either completion of a subject matter program that has been approved by the commission or passage of a subject matter examination.

This bill would exempt from the basic skills proficiency test requirement an applicant who earns at least a letter grade of B in qualifying coursework, as defined, determined by a credential preparation program or the commission, as specified, to sufficiently serve as an indicator of proficiency in basic reading, writing, and mathematics skills in the English language. The bill would also exempt an applicant who has demonstrated proficiency in the basic skills through a combination of qualifying coursework, passage of components of the state basic skills proficiency test, and scores on certain tests.

This bill would authorize a candidate for the preliminary multiple or single subject teaching credential to demonstrate subject matter competence by completing higher education coursework in the subject matters related to the content area of the credential, as provided. The bill would authorize a program of professional preparation to verify a candidate's subject matter competence in this manner and would authorize a candidate to demonstrate subject matter competence through a combination of a subject matter examination and higher education coursework in the subject matters related to the content area of the credential.

(22) Existing law establishes the National Board for Professional Teaching Standards Certification Incentive Program to award grants to teachers who, among other things, have attained certification from the National Board for Professional Teaching Standards. Under the program, a teacher attaining a national board certification is eligible for an award of up to \$20,000 if the teacher agrees to teach at a high-priority school, which is a school ranked at the bottom  $\frac{1}{2}$  of all schools based on the Academic Performance Index rankings, for at least 4 years.

This bill, commencing July 1, 2021, would increase that award to up to \$25,000 and instead would require the teacher to agree to teach for 5 years at a high-priority school, which this bill would instead define as a school with 55% or more of its pupils classified as an English learner or foster youth, or eligible for a free or reduced-price meal. The bill, commencing July 1, 2021, would award a grant of \$2,500 to any teacher who initiates the

process of pursuing a certification from the National Board for Professional Teaching Standards when teaching at a high-priority school. The bill would appropriate \$250,000,000 from the General Fund to the department for purposes of the program, as specified.

(23) Existing law appropriates \$75,000,000 from the General Fund to the commission to establish the Teacher Residency Grant Program, including \$50,000,000 to provide one-time competitive grants to develop new, or expand existing, teacher residency programs that recruit and support the preparation of special education teachers, and \$25,000,000 to provide one-time competitive grants to develop new, or expand existing, teacher residency programs that recruit and support the preparation of bilingual education, science, technology, engineering, or mathematics teachers, as provided.

This bill would appropriate \$350,000,000 from the General Fund to the commission for the Teacher Residency Grant Program for the commission to make one-time grants to develop new, or expand, strengthen, or improve access to existing, teacher residency programs that support designated shortage fields or local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a local educational agency community's diversity, as provided. The bill would require a candidate in a teacher residency program sponsored by a grant to agree in writing to serve in a school within the jurisdiction of the grant recipient that sponsored the candidate for at least 4 school years after completing an initial year of preparation and obtaining a preliminary teaching credential. If a candidate fails to earn a preliminary credential or complete the period of the placement, the bill would require the candidate to reimburse the sponsoring grant recipient the amount of grant funding invested in the candidate's residency training, as provided.

(24) Existing law requires an employee of an entity that has a contract with a school district, county office of education, or charter school to provide specified services for the school, if that employee may have contact with pupils, to submit or have submitted their fingerprints to the Department of Justice to ascertain if that individual has been arrested or convicted of a crime and to notify the employer designated by the individual of that fact. Under existing law, these requirements do not apply to an entity providing those services to a local educational agency in an emergency or exceptional situation, or when the local educational agency determines that the employees of the entity will have limited contact with pupils. Existing law authorizes a local educational agency, on a case-by-case basis, as specified, to require an entity providing other schoolsite services to submit or have submitted its employee's fingerprints. Existing law authorizes the Department of Justice to forward a copy of the fingerprints to the Federal Bureau of Investigation to verify the record of previous arrests or convictions of the applicant. The Department of Justice is required to review the criminal record summary it obtains from the Federal Bureau of Investigation and notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses which, if committed in California, would have been punishable as a violent or serious felony and is required to provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes.

Commencing January 1, 2022, this bill instead would require any entity that has a contract with a school district, county office of education, or charter school to ensure that any employee who interacts with pupils, outside of the immediate supervision and control of the pupil's parent or guardian or a school employee, has a certain valid criminal records summary. When the contracting entity performs the criminal background check, the bill would require it to immediately provide any subsequent arrest and conviction information it receives to any local educational agency that it is contracting with pursuant to the subsequent arrest service. The bill instead would authorize a local educational agency, on a case-by-case basis, to require an entity with whom it has a contract to comply with the requirements of these provisions for employees in addition to those described above. The bill instead would require the Department of Justice to forward a copy of the fingerprints to the Federal Bureau of Investigation to verify the record of previous arrests or convictions of the applicant. To the extent these provisions impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(25) Existing law establishes the Classified School Employee Summer Assistance Program. Existing law authorizes local educational agencies to elect to participate in the program, and authorizes a classified employee of a participating local educational agency who meets specified requirements to withhold an amount from the employee's monthly paycheck during the school year to be paid out during the summer recess period, as provided. Existing law authorizes a classified employee to be eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for fewer than 11 months out of a 12-month period.

This bill would instead authorize a classified employee to be eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for 11 months or fewer out of a 12-month period. The bill would also, for purposes of determining a classified employee's total months employed by the local educational agency, require the local educational agency to exclude any hours worked by the classified employee as a result of an extension of the academic school year, for specified school years, directly related to the COVID-19 pandemic, as provided. The bill would appropriate \$60,000,000 from the General Fund to the department for the program.

(26) Existing law generally prohibits a pupil in a kindergarten from being kept in school on any day for more than 4 hours excluding recesses, except as specified.

This bill would establish the Expanded Learning Opportunity Program, and would appropriate \$753,131,000 from the General Fund to the Superintendent for allocation to school districts and certain charter schools under the program. The bill would require the Superintendent to allocate moneys appropriated for purposes of the program to school districts and charter schools on a per unit basis of the school district or charter school's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance attributable to unduplicated pupils, as specified. The bill would require, as a condition of receipt of these funds, school districts and charter schools to offer to at least all unduplicated pupils in kindergarten and grades 1 to 6, inclusive, and to provide to at least 50% of unduplicated pupils enrolled in kindergarten and grades 1 to 6, inclusive, classroom-based instructional programs with expanded learning opportunity programs that provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities, as defined, per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 nonschooldays during intersessional periods. The bill would make an exception to the above-described prohibition for kindergarten pupils in expanded learning opportunity programs provided by school districts under these provisions.

(27) For purposes of state apportionments, if the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of an emergency, and the fact of which is established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the local educational agency, existing law requires the Superintendent to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school the total average daily attendance that would have been credited had the emergency not occurred. Existing law requires the Superintendent to make specified calculations for purposes of state apportionments to a school district, county office of education, or charter school affected by a state of emergency declared by the Governor in November 2018. Existing law continuously appropriates the amounts necessary to provide those apportionments.

This bill would require the Superintendent to provide additional apportionments, as specified, for the 2021–22 fiscal year to certain school districts and charter schools affected by a state of emergency declared by the Governor in November 2018. The bill would require the Superintendent to make specified calculations for purposes of state apportionments to a school district or charter school for the 2021–22 fiscal year affected by a state of emergency declared by the Governor in September 2020. The bill would require a school district, county office of education, or charter school that submits an affidavit under certain provisions for an event occurring after September 1, 2021, to certify that it has a plan for which independent study will be offered to pupils that complies with certain requirements.

(28) The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes the governing board of a school district, a county board of education, or the State Board of Education to approve a petition for the establishment of a charter school, as specified. Existing law authorizes a chartering authority to renew the approval of a charter school petition under specified procedures. Existing law authorizes a charter to be granted by a chartering authority under designated provisions for a period not to exceed 5 years.

This bill, notwithstanding the renewal process and criteria effective July 1, 2021, would require all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, to have their term extended by two years. The bill would revise criteria in provisions that require or prohibit the renewal of a charter school if the 2 consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year.

Existing law prohibits, from January 1, 2020, to January 1, 2022, inclusive, the approval of a petition for the establishment of a new charter school offering nonclassroom-based instruction and funded as specified.

This bill would extend that prohibition by 3 years until January 1, 2025.

(29) Existing law requires, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, a school district or charter school to ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, met one of 3 designated criteria establishing qualification for the position.

This bill would delay until August 1, 2023, the deadline for a credentialed teacher first assigned to a transitional kindergarten classroom after July 1, 2015, to meet one of the designated criteria referenced above. The bill would additionally require, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, a school district or charter school to maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite, and to maintain certain average adult-to-pupil ratios for transitional kindergarten classrooms.

(30) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid program provisions. Existing law also provides that specified services provided by local educational agencies are covered Medi-Cal benefits and are reimbursable on a fee-for-service basis under the local educational agency Medi-Cal billing option.

This bill would require the State Department of Education to, no later than January 1, 2022, establish an Office of School-Based Health Programs for the purpose of assisting local educational agencies regarding the current health-related programs under the purview of the State Department of Education. The bill would require the office to, among other things, provide technical assistance, outreach, and informational materials to local educational agencies on allowable services and on the submission of claims. The bill would authorize the office to form, or participate in, advisory groups, as specified, and, to the extent necessary, would require the State Department of Health Care Services to make available to the office any information on other school-based dental, health, and mental health programs, and school-based health centers, that may receive Medi-Cal funding.

This bill would require the State Department of Education to, by January 1, 2022, appoint a state school nurse consultant to be housed within the office. The bill would require the state school nurse consultant to be a school nurse credentialed by the commission, as specified, who has a minimum of 5 years of experience in school health program management. The bill would require the state school nurse consultant to work with local educational agencies and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils, among other responsibilities.

This bill would appropriate \$5,000,000 from the General Fund to the Superintendent for the School Health Demonstration Project, which the bill would establish within the office as a pilot project, to be administered by the department, in consultation with the State Department of Health Care Services, to expand comprehensive health and mental health services to public school pupils by providing training and support services to selected local educational agencies to secure ongoing Medi-Cal funding for those health and mental health services, as provided. The bill would require a local educational agency selected to serve as a pilot project participant to receive \$100,000 each year of the 2-year pilot project, to be used for contracting with one of 3 technical assistance teams selected by the Superintendent.

This bill would continuously appropriate \$250,000 each fiscal year from the General Fund to the State Department of Education to be awarded to a local educational agency to perform specified tasks for purposes of providing guidance related to Medi-Cal billing and increasing local educational agencies' capacity to successfully submit claims through the Local Educational Agency Medi-Cal Billing Option Program.

(31) Existing law requires a school district or county superintendent of schools that has a very high poverty school, as defined, in its jurisdiction to, on or before September 1, 2018, apply to operate a federal universal meal service provision pursuant to specified federal law, and to begin providing breakfast and lunch free of charge through the universal meal service to all pupils at the very high poverty school upon state approval to operate that service. Under existing law, certain charter schools are considered very high poverty schools for purposes of these provisions, and the law requires those charter schools to comply with the requirements imposed on, and authorizes those charter schools to exercise the authority granted to, school districts and county superintendents of schools pursuant to these provisions.

This bill would make these provisions inoperative on July 1, 2022, and would repeal them as of January 1, 2023. The bill would require a school district or county superintendent of schools that has a high-poverty school, as defined, in its jurisdiction to, on or before June 30, 2022, apply to operate a federal universal meal service provision pursuant to specified federal law, and to begin providing breakfast and lunch free of charge through the

universal meal service to all pupils at the high-poverty school upon state approval to operate that service. The bill would consider certain charter schools to be high-poverty schools for purposes of these provisions, and would require those charter schools to comply with the requirements imposed on, and would authorize to exercise the authority granted to, school districts and county superintendents of schools pursuant to these provisions. Because the bill would impose additional duties on school districts, county superintendents of schools, and charter schools, it would impose a state-mandated local program.

(32) Existing law authorizes a school district, charter school, or county office of education to provide an independent study program for, and independent study courses to, pupils enrolled in kindergarten and grades 1 to 12, inclusive, in accordance with prescribed conditions. Existing law prohibits a school district or county office of education from being eligible to receive apportionments for independent study by pupils unless the school district or county office has adopted written policies and implemented those policies in accordance with rules and regulations adopted by the Superintendent, as specified, including a requirement that a current written agreement with specified content for each independent study pupil is maintained on file.

This bill would revise and recast provisions relating to independent study programs and courses to, among other things, authorize independent study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian, require a charter school to adopt and implement written policies related to independent study to be eligible to receive apportionments for independent study by pupils, impose additional requirements for the contents of the required written agreement, authorize a written agreement to be signed using an electronic signature, and impose certain audit requirements. For the 2021–22 school year only, the bill would require the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with specified requirements, unless waived as provided. By imposing additional duties on school districts and county offices of education, the bill would impose a state-mandated local program.

(33) Existing law prohibits a local educational agency, including, but not limited to, a charter school, from claiming state funding for the independent study of a pupil if the agency has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians. Existing law prohibits a charter school from claiming state funding for the independent study of a pupil if the charter school has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district or to the pupil's parent or guardian. Existing law authorizes school districts, charter schools, and county offices of education to claim apportionment credit for independent study only to the extent of the time value of pupil work product, as personally judged in each instance by a certificated teacher.

This bill would clarify that providing access to connectivity and local educational agency-owned devices adequate to participate in an independent study program or course and complete assigned work is not considered funds or other things of value for purposes of those provisions. For purposes of claiming apportionments, the bill would require a local educational agency to document daily participation for each pupil on each schoolday, in whole or in part, for which independent study is provided, and would require a pupil who does not participate in independent study on a schoolday to be documented as nonparticipatory for that schoolday. The bill would require a local educational agency to maintain written or computer-based evidence of pupil engagement.

(34) Existing law establishes the California Career Technical Education Incentive Grant Program, administered by the State Department of Education, with the purpose of encouraging, maintaining, and strengthening the delivery of high-quality career technical education programs. Existing law appropriates specified amounts for the program from the General Fund for the 2015–16, 2016–17, and 2017–18 fiscal years. Existing law provides, for the 2018–19 fiscal year and every fiscal year thereafter, that \$150,000,000 is made available for the program upon appropriation by the Legislature. Existing law specifies minimum eligibility requirements for grant applicants.

This bill would provide that, for the 2021–22 fiscal year and each fiscal year thereafter, \$300,000,000 would be made available to the department, upon appropriation by the Legislature in the Budget Act or another statute, for the program. The bill would make adjustments to program provisions relating to eligibility requirements for grant applicants, and for ensuring compliance with program requirements.

(35) Existing law requires the department to award grants for the establishment of Family Empowerment Centers on Disability in 32 regions in the state to provide training and services to children and young adults with disabilities and their families. Existing law establishes a minimum base rate of \$150,000 for each center awarded a grant and requires a center that receives a grant to complete specified actions related to providing that training and those services. Existing law establishes a Family Empowerment and Disability Council composed of the

executive directors of the centers and certain other members, and establishes a base amount of \$150,000 to be made available annually to the council.

This bill would revise and recast the provisions related to Family Empowerment Centers on Disability, including requiring the department to award grants by March 1, 2022, to applicants in those of the 32 regions in the state that do not have a center and to give priority to certain applicants, increasing the minimum base rate for each center awarded a grant from \$150,000 to \$246,000 commencing on July 1, 2021. The bill would also increase the base amount to be made available annually to the council from \$150,000 to \$246,000.

(36) Existing law provides for the calculation of apportionments to fund the provision of special education instruction and services for pupils who qualify for these programs. Existing law requires the Superintendent, for the 2021–22 fiscal year and each fiscal year thereafter, to calculate the amount of funding per unit of average daily attendance for each special education local plan area as either \$625 per unit of average daily attendance, as adjusted annually by a specified inflation factor, or the amount of funding per unit of average daily attendance the special education local plan area received in the 2019–20 fiscal year, whichever is greater.

This bill would revise those funding calculations to increase the amount of funding per unit of average daily attendance for each special education local plan area to be either \$715 per unit of average daily attendance, as adjusted annually by a specified inflation factor, or the amount of funding per unit of average daily attendance the special education local plan area received in the 2020–21 fiscal year, as adjusted annually by a specified inflation factor, whichever is greater. The bill would revise various other special education funding calculations and would make related clarifying and conforming changes.

(37) Existing law requires the Superintendent, commencing with the 2004–05 fiscal year and each fiscal year thereafter, to make certain calculations for, and the department to apportion certain amounts to, special education local plan areas, as provided, for children and youth residing in foster family homes, small family homes, foster family agencies, group homes, skilled nursing facilities, intermediate care facilities, and community care facilities. Existing law requires the department to calculate an out-of-home care funding amount for each special education local plan area, as provided, for each fiscal year.

This bill would require, for the 2021–22 fiscal year and each fiscal year thereafter, the Superintendent to instead calculate, and the department to apportion, certain amounts of funding generated by foster youth, short-term residential therapeutic program placements, and children and youth residing in community care facilities, intermediate care facilities, and skilled nursing facilities.

(38) Existing law establishes the special education early intervention preschool grant, which requires the Superintendent, in any year moneys are appropriated for this purpose, to allocate grant funding to school districts for preschool children with exceptional needs, as provided.

This bill would revise the allocation formula for the grant funding, and would require those moneys to be used to provide services and supports in inclusive settings that have been determined to improve school readiness and long-term outcomes for infants, toddlers, and preschool pupils from birth to 5 years of age, inclusive.

(39) The California Constitution prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior year, as adjusted. Existing law authorizes a school district, county superintendent of schools, or community college district to increase its appropriations limit pursuant to certain provisions, and requires any increase in a local jurisdiction's appropriations limit, in the fiscal year in which the change is made, to reduce the appropriations limit of the state by an equal amount.

If, in the 2021–22 fiscal year or any fiscal year thereafter, the appropriations limit for that fiscal year of a school district, community college district, or county superintendent of schools exceeds its proceeds of taxes, this bill would require the governing body of the school district or community college district, or the county superintendent of schools to decrease its appropriations limit to an amount equal to its proceeds of taxes, and would increase the appropriations limit of the state by an equal amount. The bill would also require these reductions to a local jurisdiction's appropriations limit and increase to the state's appropriations limit for the 2019–20 and 2020–21 fiscal years. If in the 2021–22 fiscal year or any fiscal year thereafter, the proceeds of taxes of a school district, community college district, or county superintendent of schools exceeds its appropriations limit, the bill would require the governing body of the school district or community college district, or the county superintendent of schools to increase its appropriations limit to an amount equal to its proceeds of taxes, and would decrease the appropriations limit of the state by an equal amount. To the extent these

provisions impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(40) Existing law requires certain funds appropriated in the annual Budget Act for reimbursement for the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, charter schools, and county offices of education, to support specified state-mandated local programs. Existing law provides that a school district, charter school, or county office of education that submits a letter requesting funding to the Superintendent and receives this block grant funding is not eligible to submit a claim for reimbursement for those specified mandated programs for the fiscal year in which the block grant funding is received.

This bill would add to the list of programs that are authorized for block grant funding in lieu of program-specific reimbursement to include requirements relating to feminine hygiene products in certain public school restrooms.

(41) The Budget Act of 2020 appropriates \$15,746,000 to allocate to each school district maintaining a secondary school or county superintendent of schools that offers adult education classes for adults in correctional facilities, as provided.

This bill would reduce that appropriation by \$7,746,000.

(42) Existing law establishes the California Assessment of Student Performance and Progress (CAASPP) for the assessment of certain elementary and secondary pupils and which is composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the CAASPP by the Superintendent, the state board, and affected local educational agencies.

This bill would require a local educational agency to administer, in person, subject to public health guidelines, an assessment in English language arts and in mathematics to all pupils who were in grades 3 to 8, inclusive, and grade 11 in the 2020–21 school year, designed to measure academic progress and performance that are aligned to the common core academic standards and would authorize the administration of a science test, as specified.

(43) Existing law requires the county superintendent of schools, if the governing board of a school district requests technical assistance, if a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by the governing board of a school district, and for any school district or charter school for which one or more pupil subgroups meet certain criteria, to provide technical assistance, as provided. Existing law requires the Superintendent of Public Instruction to, if the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, if the county board of education requests technical assistance, and for any county office of education for which one or more pupil subgroups meet certain criteria, to provide technical assistance, as provided.

This bill would expand the scope of technical assistance activities under those provisions to include an analysis of various pupil and school outcomes from the 2021–22 school year, the results of which would inform technical assistance activities focused on building capacity to develop and implement actions and services responsive to pupil and community needs.

(44) Existing law requires the State Department of Education to develop and maintain the California School Dashboard for publicly reporting local educational agency performance data. Existing law prohibits the department from publishing the California School Dashboard in 2020 and from identifying a local educational agency during the 2020–21 school year for the technical assistance or intervention process based on the performance criteria used for the California School Dashboard.

This bill would, until December 2022, prohibit the department from publishing the California School Dashboard and identifying a local educational agency during the 2021–22 school year for the technical assistance or intervention process based on the performance criteria used for the California School Dashboard.

(45) This bill would appropriate \$125,000,000 from the General Fund to the Commission on Teacher Credentialing for the California Classified School Employee Teacher Credentialing Program.

(46) This bill would separately appropriate \$708,000 and \$36,966,000 from the General Fund to the department for allocation to the Fresno County Office of Education to continue to administer the statewide early math initiative established in a certain item of the Budget Act of 2018.

(47) This bill would appropriate \$5,000,000 from the General Fund to the department to provide professional development and resources to support local educational agencies offering new and expanded ethnic studies courses.

The bill would appropriate \$50,000,000 from the General Fund to the Superintendent for allocation to school districts, county offices of education, charter schools, and state special schools serving pupils in grades 9 to 12, inclusive, on a per-pupil basis to support the creation or expansion of ethnic studies course offerings. The bill would make the allocation of those funds contingent upon the enactment of Assembly Bill 101 of the 2021–22 Regular Session.

(48) This bill would appropriate \$6,000,000 from the General Fund to the Superintendent to augment an existing contract to perform certain activities relating to school climate surveys.

(49) This bill would appropriate \$3,100,000 from the General Fund to the department for the 2021–22 fiscal year for allocation to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project. Commencing with the 2022–23 fiscal year, the bill would continuously appropriate \$3,920,000 each fiscal year from the General Fund to the department for allocation to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for maintenance and operation support for the Standardized Account Code Structure system.

(50) This bill would appropriate \$6,000,000 from the General Fund to the State Department of Education to be allocated by the Superintendent to the Special Olympics of Northern and Southern California for specified purposes.

(51) This bill would appropriate \$150,000,000 from the General Fund to the department to allocate to local educational agencies, \$120,000,000 of which is to be used on kitchen infrastructure upgrades that will increase pupil access to, or improve the quality of, fresh and nutritious school meals, and \$30,000,000 of which is to be used for food service staff to receive training on promoting nutritious foods.

(52) This bill would appropriate \$86,416,000 from the General Fund to the Superintendent for apportionment to career technical education regional occupational centers or programs operated by a joint powers authority to be used for any purposes consistent with providing in-person instruction for any participating pupil.

(53) This bill would appropriate \$30,000,000 from the General Fund to the department to provide grants to county offices of education to operate an education-based foster youth services coordinating program to provide educational support for pupils in foster care. The bill would require \$5,000,000 of the \$30,000,000 appropriation to be used to provide direct services to improve postsecondary education enrollment and outcomes, including, but not limited to, postsecondary preparation and matriculation.

(54) This bill would appropriate \$25,000,000 from the General Fund to the department for purposes of the 21st Century School Leadership Academy.

(55) This bill would appropriate \$15,000,000 from the General Fund to the Commission on Teacher Credentialing for the Computer Science Supplementary Authorization Incentive Grant Program, which the bill would establish, as provided, for the purpose of 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.

(56) This bill would appropriate \$15,000,000 from the General Fund to the Superintendent to designate 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, as provided. To the extent this bill would impose obligations on the designated local educational agency, the bill would impose a state-mandated local program.

(57) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent to generate and disseminate professional learning opportunities for educators in the areas of evidence-based literacy, intensive literacy interventions, and support of pupils' executive functioning skills, as specified.

(58) This bill would appropriate \$5,200,000 from the General Fund to the Controller for allocation to the department for the Broadband Infrastructure Grant Program to be expended for identified broadband connectivity solutions.

(59) This bill would require the Superintendent, commencing with the 2021–22 fiscal year, to add \$3,500,000 to the local control funding formula allocation for the San Francisco Unified School District, to be made available for the San Francisco Unified School District to contract with 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.

(60) This bill would appropriate \$2,402,000 from the General Fund to the Superintendent to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils.

(61) This bill would appropriate \$10,500,000 from the Coronavirus Fiscal Recovery Fund to the Superintendent to be allocated to the California Interscholastic Federation (CIF) to be used to support the expenses associated with either the CIF State or ten CIF Section offices that have experienced significant revenue reductions in the 2020–21 fiscal year as a result of closures and cancellations due to the COVID-19 pandemic.

(62) The Community Redevelopment Law authorized the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies. Existing law requires a successor agency to, among other things, continue to make payments due for enforceable obligations, remit unencumbered balances to the county auditor-controller for distribution, and dispose of assets, as directed.

This bill would, on or before June 30, 2022, appropriate an amount to be determined by the Director of Finance from the General Fund to the Superintendent in augmentation of a certain item in the Budget Act of 2021. The bill would make these funds available only to the extent that revenues distributed to local educational agencies for special education programs from successor agencies are less than the estimated amount determined by the Director of Finance. The bill would require, on or before June 30, 2022, the Director of Finance to determine if the revenues distributed to local educational agencies for special education programs from successor agencies exceed the estimated amount reflected in the Budget Act of 2021 and, if so, would require the Director of Finance to reduce the specified appropriation in the Budget Act of 2021 by the amount of that excess.

(63) This bill would appropriate \$6,000,000 from the General Fund to the Superintendent to allocate to the San Mateo County Office of Education to contract for the creation of free and open education resources on climate change and environmental justice and the integration of certain environmental principles and concepts.

(64) This bill would appropriate \$50,000,000 from the General Fund to the Superintendent to allocate to the California Collaborative for Educational Excellence to administer, in partnership with selected county offices of education, evidence-based professional education for educators that can support learning acceleration, particularly in mathematics, literacy, and language development.

(65) This bill would appropriate \$80,000,000 from the General Fund to the Superintendent for apportionment to county offices of education in the 2021–22 fiscal year, as prescribed, to be used for any purposes consistent with providing in-person instruction.

(66) This bill would appropriate \$1,700,000 from the General Fund 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.

(67) This bill would appropriate \$2,000,000 from the General Fund to the Superintendent for allocation to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and Holocaust education to perform certain activities relating to genocide and Holocaust education.

(68) Contingent upon the enactment of legislation during the 2021–22 Regular Session prescribing the process for the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, this bill would appropriate \$1,200,000 from the General Fund to the Superintendent to support the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

(69) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent for purposes of the Antibias Education Grant Program, which the bill would establish, for purposes of preventing, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people. The bill would require the Superintendent to award a minimum of 50 Antibias Education Grants to school districts, county offices of education, and charter schools meeting certain requirements to be used for training and resources to prevent and address bias or prejudice toward any group of people based on certain characteristics.

(70) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent for purposes of the Dual Language Immersion Grant Program, which the bill would establish, to expand access to quality dual language learning and foster languages that English learners bring to California's education system. The bill would require the department to award a minimum of 25 one-time Dual Language Immersion Grants over a period of 3 fiscal years to eligible entities to expand or establish dual language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language.

(71) This bill would require the Superintendent to add \$25,000,000 to the amount to be apportioned pursuant to the county local control funding formula to the Kern County Office of Education to contract with the Child Mind Institute for the purposes of developing mental health and wellness instructional resources and trainings, as specified.

(72) This bill would appropriate \$100,000,000 from the General Fund to the Superintendent for allocation 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, as specified.

(73) This bill would appropriate \$450,000,000 from the General Fund to the Superintendent for allocation to special education local plan areas to be expended by special education local plan areas and their member local educational agencies for the purposes of providing learning recovery support to certain pupils, including individuals with exceptional needs.

(74) This bill would appropriate \$15,000,000 from the General Fund to the State Department of Education for allocation to the Riverside County Office of Education and the El Dorado County Office of Education in equal amounts in support of the Supporting Inclusive Practices project.

(75) This bill would appropriate \$250,000,000 from the General Fund to the State Allocation Board for deposit into the 2016 State School Facilities Fund for certain school new construction and modernization projects.

(76) This bill would appropriate \$2,000,000 from the General Fund to the Superintendent to, in consultation with the executive director of the State Board of Education, award grants to community-based organizations supporting local educational agencies with the implementation of high quality integrated academic, behavioral, and social-emotional learning practices.

(77) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(78) Certain funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(79) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1240 of the Education Code is amended to read:

**1240.** The county superintendent of schools shall do all of the following:

(a) Superintend the schools of that county.

(b) Maintain responsibility for the fiscal oversight of each school district in that county pursuant to the authority granted by this code.

(c) (1) Visit and examine each school in the county at reasonable intervals to observe its operation and to learn of its problems. The county superintendent of schools annually may present a report of the state of the schools in the county, and of the county office of education, including, but not limited to, observations from visiting the schools, to the board of education and the board of supervisors of the county.

(2) (A) For fiscal years 2004–05 to 2006–07, inclusive, to the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county describing the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API), as described in subdivision (b) of Section 17592.70, and shall include, among other things, observations from visiting the schools and determinations for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. As a condition for receipt of funds, the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details for each school.

(B) Commencing with the 2007–08 fiscal year, the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county describing the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the 2006 base API, pursuant to former Section 52056, as that section read on June 30, 2013. The annual report shall include the determinations for each school made by the county superintendent, or their designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details with the same level of specificity that is otherwise required by this subdivision. For purposes of this section, schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall include schools determined by the department to meet either of the following:

(i) The school meets all of the following criteria:

(I) Does not have a valid base API score for 2006.

(II) Is operating in fiscal year 2007–08 and was operating in fiscal year 2006–07 during the Standardized Testing and Reporting (STAR) Program testing period.

(III) Has a valid base API score for 2005 that was ranked in deciles 1 to 3, inclusive, in that year.

(ii) The school has an estimated base API score for 2006 that would be in deciles 1 to 3, inclusive.

(C) The department shall estimate an API score for any school meeting the criteria of subclauses (I) and (II) of clause (i) of subparagraph (B) and not meeting the criteria of subclause (III) of clause (i) of subparagraph (B), using available test scores and weighting or corrective factors it deems appropriate. The department shall post the API scores on its internet website on or before May 1.

(D) For purposes of this section, references to schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall exclude schools operated by county offices of education pursuant to Section 56140, as determined by the department.

(E) (i) Commencing with the 2010–11 fiscal year and every third year thereafter, the Superintendent shall identify a list of schools ranked in deciles 1 to 3, inclusive, of the API for which the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county that describes the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the base API, as defined in clause (ii).

(ii) For the 2010–11 fiscal year, the list of schools ranked in deciles 1 to 3, inclusive, of the base API shall be updated using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the 2009 base API and thereafter shall be updated every third year using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the base API of the year preceding the third year consistent with clause (i).

(iii) The annual report shall include the determinations for each school made by the county superintendent, or their designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(F) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(G) On a quarterly basis, the county superintendent, or their designee, shall report the results of the visits and reviews conducted that quarter to the governing board of the school district at a regularly scheduled meeting held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or their designee, for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. If the county superintendent, or their designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(H) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.

(I) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair, as required by Sections 17014, 17032.5, 17070.75, and 17089.

(J) The county superintendent may make the status determinations described in subparagraph (I) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and the availability of qualified reviewers.

(K) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent, among other things, may do any of the following:

(i) Return to the school to verify repairs.

(ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the school district has not provided evidence of successful repairs within 30 days of the visit of the county superintendent or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on the internet website of the county superintendent. The report shall be removed from the internet website when the county superintendent verifies the repairs have been completed.

(d) Distribute all laws, reports, circulars, instructions, and blanks that the county superintendent may receive for the use of the school officers.

(e) Annually, on or before September 15, present a report to the governing board of the school district and the Superintendent regarding the fiscal solvency of a school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in the office of the county superintendent the reports of the Superintendent.

(g) Keep a record of the official acts of the county superintendent and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of an applicant or an authorized agent of the applicant.

(h) Enforce the course of study.

(i) (1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3) (A) Commencing with the 2005–06 school year, if a school is ranked in any of deciles 1 to 3, inclusive, of the base API, as specified in paragraph (2) of subdivision (c), and not currently under review pursuant to a state or federal intervention program, the county superintendent specifically shall review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be completed by the fourth week of the school year. For the 2004–05 fiscal year only, the county superintendent shall make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the base API, as specified in paragraph (2) of subdivision (c), may use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent elects to conduct written surveys of teachers, the county superintendent shall visit the schools surveyed within the same academic year to verify the accuracy of the information reported on the surveys. If a county superintendent surveys teachers at a school in which the county superintendent has found sufficient textbooks and instructional materials for the previous two consecutive years and determines that the school does not have sufficient textbooks or instructional materials, the county superintendent shall, within 10 business days, provide a copy of the insufficiency report to the school district as set forth in paragraph (4).

(C) For purposes of this paragraph, “written surveys” may include paper and electronic or online surveys.

(4) If the county superintendent of schools determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), or, if applicable, provide a copy of the report to the school district within 10 business days pursuant to subparagraph (B) of paragraph (3).

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure the deficiency is remedied no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district to determine which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to county superintendent's successor, at the close of the county superintendent's official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the department.

(l) (1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent, for purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to a county office of education that, based upon current projections, will not meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to a county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to a county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent may reclassify a certification. If a county office of education receives a negative certification, the Superintendent, or the Superintendent's designee, may exercise the authority set forth in subdivision (d) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.

(i) For the 2011–12 fiscal year, notwithstanding any of the standards and criteria adopted by the state board pursuant to Section 33127, each county office of education budget shall project the same level of revenue per unit of average daily attendance as it received in the 2010–11 fiscal year and shall maintain staffing and program levels commensurate with that level.

(ii) For the 2011–12 fiscal year, the county superintendent shall not be required to certify in writing whether or not the county office of education is able to meet its financial obligations for the two subsequent fiscal years.

(iii) For the 2011–12 fiscal year, notwithstanding any of the standards and criteria adopted by the state board pursuant to Section 33127, the Superintendent, as a condition on approval of a county office of education budget, shall not require a county office of education to project a lower level of revenue per unit of average daily attendance than it received in the 2010–11 fiscal year nor require the county superintendent to certify in writing

whether or not the county office of education is able to meet its financial obligations for the two subsequent fiscal years.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent, and shall be based on standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent to an interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent.

(4) The county superintendent is not responsible for the fiscal oversight of the community colleges in the county, however, the county superintendent may perform financial services on behalf of those community colleges.

(5) A county office of education having a negative or qualified certification, or classified as qualified or negative by the Superintendent, shall continue to be classified as qualified or negative until the next report required under this subdivision is filed.

(m) If requested, act as agent for the purchase of supplies for the city and high school districts of that county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of a certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of an educational program. This requirement applies only if, in the course of normal duties, the county superintendent discovers information that gives the county superintendent reasonable cause to believe that false fiscal expenditure data relative to the conduct of an educational program has been reported.

(o) If any activities authorized pursuant to this section are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts and county offices of education pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.

**SEC. 2.** Section 1241 of the Education Code is amended to read:

**1241.** (a) Due to the COVID-19 pandemic, the provisions described in subdivision (b) are waived or modified, in accordance with this section, during the portion of the 2019–20 school year in which schools were closed due to the pandemic and during the 2020–21 school year.

(b) (1) The authorization pursuant to subparagraph (B) of paragraph (3) of subdivision (i) of Section 1240 for a county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the base Academic Performance Index (API), to use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119 is extended to every county superintendent of schools regardless of the number of schools in the county that are ranked in any of deciles 1 to 3, inclusive, of the base API.

(2) For purposes of the annual report required pursuant to subparagraph (B) of paragraph (2) of subdivision (c) of Section 1240, a county superintendent of schools may rely on information obtained only through means other than a physical visit to the schoolsite, including school administrator or teacher surveys. However, the report shall include a justification indicating why a schoolsite visit was not conducted and an outline of plans to conduct a schoolsite visit as soon as possible, and the county superintendent of schools shall provide an updated report before July 1, 2021.

(3) The requirement in subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that the county superintendent of schools annually conduct a visit of schools is waived for any school that does not offer in-person instruction, as defined in Section 43500, from March 2020 to June 2021, inclusive. This waiver applies only for the time during which the school does not provide in-person instruction, and the county superintendent of schools shall make a plan to visit all necessary schoolsites as soon as possible, which must be noted in the outline required pursuant to paragraph (2). If, following the resumption of in-person instruction, a county superintendent of schools is unable to visit a schoolsite in sufficient time to include the observations in the report required pursuant to subdivision (c) of Section 1240, any schoolsite not visited shall be prioritized for a visit as soon as possible during the following school year.

(4) The requirement in clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that 25 percent of the visits required by paragraph (2) of subdivision (c) of Section 1240 be unannounced is waived. An unannounced visit may be undertaken at the discretion of the county superintendent of schools in compliance with any orders or guidance issued by any local or state public health official.

(c) For the 2021–22 school year only, unannounced visits pursuant to clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 shall only be undertaken at the discretion of the county superintendent of schools in consultation with local health officials and in compliance with any orders or guidance issued by any local or state public health official. The requirement in clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that 25 percent of the visits required by paragraph (2) of subdivision (c) of Section 1240 be unannounced shall be considered waived if the county superintendent of schools, in consultation with local public health officials, determines that unannounced visits are unable to be conducted due to identified health and safety concerns.

**SEC. 3.** Section 1630 of the Education Code is amended to read:

**1630.** (a) The Superintendent shall review and consider studies, reports, evaluations, or audits of the county office of education that contain evidence that the county office of education is demonstrating fiscal distress according to the standards and criteria developed pursuant to Section 33127, or that contain a finding by an external reviewer that the county office of education is at moderate or high risk of intervention based on the most common indicators of school agencies needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team. If those findings are made, the Superintendent shall investigate the financial condition of the county office of education and determine if the county office of education may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 1240.

(b) If at any time during the fiscal year the Superintendent determines that the county office of education may be unable to meet its financial obligations for the current or two subsequent fiscal years, or if the county office has a qualified certification pursuant to Section 1240, the Superintendent shall provide a written notice of going concern determination to the county board of education and the county superintendent of schools and the basis for the determination. The notification shall include the assumptions used in making the determination and shall be available to the public. The Superintendent shall do the following, as necessary, to ensure that the county office of education meets its financial obligations:

(1) Assign a fiscal expert, paid for by the Superintendent, to advise the county office of education on its financial problems.

(2) Conduct a study of the financial and budgetary conditions of the county office of education. If, in the course of this review, the Superintendent determines that their office requires analytical assistance or expertise that is not available through the county office, the Superintendent may employ, at the county office of education's expense, on a short-term basis, staff, including certified public accountants, to provide the assistance and expertise.

(3) Direct the county office of education to submit a financial projection of all fund and cash balances of the county office of education as of June 30 of the current year and subsequent fiscal years as the Superintendent requires.

(4) Require the county office of education to encumber all contracts and other obligations, to prepare appropriate cashflow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables.

(5) Direct the county office of education to submit a proposal for addressing the fiscal conditions that resulted in the determination that the county office of education may not be able to meet its financial obligations.

(6) Withhold compensation of the county board of education and the county superintendent of schools for failure to provide requested financial information.

(c) If, after taking the actions identified in subdivision (a), the Superintendent determines that a county office of education will be unable to meet its financial obligations for the current or subsequent fiscal year, the Superintendent shall notify the county board of education and the county superintendent of schools in writing of that determination and the basis for that determination. The notification shall include the assumptions used in making the determination and shall be available to the public.

(d) If the Superintendent makes the determination in subdivision (c), or if the county office of education has a negative certification pursuant to Section 1240, the Superintendent, shall, as necessary to enable the county office of education to meet its financial obligations, do one or more of the following:

(1) Develop and impose, in consultation with the county board of education and the county superintendent, a budget that will enable the county office of education to meet its financial obligations.

(2) Stay or rescind an action that is determined to be inconsistent with the ability of the county office of education to meet its obligations for the current or subsequent fiscal year and may, as necessary, appoint a fiscal adviser to perform some or all of the duties prescribed by this paragraph on the Superintendent's behalf. This includes actions up to the point that the subsequent year's budget is approved by the Superintendent. The Superintendent shall inform the county board of education in writing of the Superintendent's justification for an exercise of authority under this paragraph.

(3) Assist in developing, in consultation with the county board of education and the county superintendent of schools, a multiyear financial recovery plan that will enable the county office of education to meet its future obligations.

(4) Assist in developing, in consultation with the county board of education and the county superintendent, a budget for the subsequent fiscal year. If necessary, the Superintendent shall continue to work with the county board of education and the county superintendent until the budget for the subsequent year is adopted by the county board of education and approved by the Superintendent.

(e) Actions taken by the Superintendent pursuant to paragraph (1) or (2) of subdivision (d) shall be accompanied by a notification that includes the actions to be taken, the reasons for the actions, and the assumptions used to support the necessity for those actions. That notification shall be available to the public.

(f) This section does not authorize the Superintendent to abrogate a provision of a collective bargaining agreement that was entered into by a county office of education before the date upon which the Superintendent assumed authority pursuant to subdivision (d).

(g) The county office of education shall pay reasonable fees charged by the Superintendent for administrative expenses incurred pursuant to subdivision (d) or costs associated with improving the county office of education's financial management practices.

(h) Notwithstanding any other law, a county treasurer shall not honor a warrant when the Superintendent, as appropriate, has disapproved that warrant, or has disapproved the order on county office of education funds for which a warrant was prepared.

(i) For all purposes of errors and liability insurance policies, a fiscal expert appointed pursuant to this section shall be deemed to be an employee of the county office of education. The Superintendent may require that the fiscal adviser be placed on the county office of education payroll for purposes of remuneration, benefits, and payroll deductions.

(j) If staff persons are hired pursuant to paragraph (2) of subdivision (b), the Superintendent may certify to the Controller an amount to be transferred to the department, from the funds that otherwise would be apportioned to the county office of education pursuant to Section 2574 or 2575, for the purpose of paying all costs incurred by that staff in performing their respective services. The Controller, upon receipt of that certification, shall transfer that amount.

(k) To facilitate the appointment of a county office of education fiscal officer and the employment of additional staff pursuant to paragraphs (1) and (2), respectively, of subdivision (b), for purposes of those paragraphs, the Superintendent is exempt from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

**SEC. 4.** Article 13.2 (commencing with Section 8281.5) is added to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to read:

**Article 13.2. California Prekindergarten Planning and Implementation Grant Program**

**8281.5.** (a) The California Prekindergarten Planning and Implementation Grant Program is hereby established as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at

local educational agencies.

(b) For the 2021–22 fiscal year, the sum of three hundred million dollars (\$300,000,000) is hereby appropriated from the General Fund to the department for allocation to local educational agencies for the California Prekindergarten Planning and Implementation Grant Program pursuant to this section. These funds shall be available for encumbrance until June 30, 2024.

(c) (1) Of the total amount appropriated under subdivision (b), the Superintendent shall allocate two hundred million dollars (\$200,000,000) in the 2021–22 fiscal year to local educational agencies as follows:

(A) A minimum base grant of one hundred thousand dollars (\$100,000) to all local educational agencies that operate kindergarten programs.

(B) A minimum base grant for each county office of education equal to 15 percent of the total allocation awarded to each local educational agency in their county pursuant to subparagraph (A) to support countywide planning and capacity building.

(C) Of the remaining funds after allocations under subparagraphs (A) and (B):

(i) Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share of total kindergarten enrollment for the 2019–20 fiscal year, as applied to the total amount of program funds available for the enrollment grant.

(ii) Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's kindergarten enrollment for the 2019–20 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage. Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

(2) Grant funds may be used 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 within the local educational agency, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

(3) Local educational agencies receiving grants pursuant to this subdivision shall do both of the following:

(A) Commit to providing program data to the department, as specified by the Superintendent, including, but not limited to, recipient information and participating in overall program evaluation.

(B) Develop a plan for consideration by the governing board or body at a public meeting on or before June 30, 2022, for how all children in the attendance area of the local educational agency will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the local educational agency's expanding learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs.

(d) (1) Of the total amount appropriated under subdivision (b), the Superintendent shall award one hundred million dollars (\$100,000,000) in competitive grants to local educational agencies to increase the number of highly-qualified teachers available to serve California state preschool programs and transitional kindergarten pupils, and to provide California state preschool program, transitional kindergarten, and kindergarten teachers with training in providing instruction in inclusive classrooms, culturally responsive instruction, supporting dual language learners, enhancing social-emotional learning, implementing trauma-informed practices and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline, pursuant to this section. These funds shall be available for encumbrance until June 30, 2024.

(2) The Superintendent shall develop and administer a process to award grants under paragraph (1), subject to approval of the executive director of the state board, on a competitive basis to local educational agencies. To apply for a grant, a local educational agency shall submit an application to the department describing how it will allocate funds and increase either the number of credentialed teachers meeting the requirements of subdivision (g) of Section 48000, or the competencies of California state preschool programs, transitional kindergarten, and kindergarten teachers to enhance their ability to provide instruction in inclusive classrooms, provide culturally responsive instruction, support dual language learners, enhance social-emotional learning, implement trauma-informed and restorative practices, and mitigate implicit biases to eliminate exclusionary discipline.

(3) A local educational agency may apply on behalf of a consortium of providers within the local educational agency's program area, including California state preschool programs and Head Start programs operated by community-based organizations.

(4) An applicant shall demonstrate all of the following to be considered for a grant award:

(A) A need for preschool and transitional kindergarten or kindergarten professional development in a region.

(B) A need for preschool and transitional kindergarten teachers in a region.

(C) The presence of, or plan to create, inclusive classroom settings.

(D) The ability to connect the preschool, transitional kindergarten, or kindergarten program to before and after school programs and extended day services.

(E) A plan to integrate preschool, transitional kindergarten, and kindergarten professional development opportunities.

(F) A plan for recruiting new preschool, transitional kindergarten, or kindergarten teachers with experience in early learning and care settings and collaborating with institutions of higher education to ensure a qualified prekindergarten teacher pipeline.

(G) A plan for how principals and administrators overseeing the transitional kindergarten program, or other prekindergarten program, will receive training and professional development on the value and tenets of effective instruction for young children.

(5) In awarding grants under paragraph (1), the Superintendent shall establish a methodology that accounts for all of the following:

(A) The percentage of transitional kindergarten and kindergarten pupils eligible for free and reduced-price meals.

(B) The percentage of dual language learners that the local educational agency is serving or is planning to serve in a California state preschool program or transitional kindergarten program.

(C) The percentage of pupils with disabilities the local educational agency is serving or planning to serve in an inclusive California state preschool program or transitional kindergarten program.

(D) The percentage of pupils served, or planned to be served in full-day California state preschool, transitional kindergarten, or kindergarten programs offered by the local educational agency or community-based organizations.

(E) The extent to which applicants operate in an attendance area where a significant disproportionality of particular races or ethnicities, as described in Section 1418(d) of Title 20 of the United States Code, has been identified in special education.

(F) The extent to which the local educational agency is located in an area that has more than three young children, three to five years of age, inclusive, for every licensed childcare slot.

(G) The extent to which applicants plan to partner with community-based California state preschool programs and Head Start programs in their program area to ensure those teachers have access to professional development along with teachers employed by the local educational agency.

(6) Grants awarded under paragraph (1) for professional development may be used for costs associated with the educational expenses of current and future California state preschool program, transitional kindergarten, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners. Professional development grant funds shall be used for any of the following purposes:

(A) Tuition, supplies, and other related educational expenses.

(B) Transportation and childcare costs incurred as a result of attending classes.

(C) Substitute teacher pay for California state preschool program, transitional kindergarten, and kindergarten professionals that are currently working in a California state preschool program, transitional kindergarten, or kindergarten classroom.

(D) Stipends and professional development expenses, as determined by the Superintendent.

(E) Career, course, and professional development coaching, counseling, and navigation services.

(F) Linked courses, cohorts, or apprenticeship models.

(G) Training and professional development for principals and other administrators of transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, on the value and tenets of effective instruction for young children.

(H) Other educational expenses, as determined by the Superintendent.

(7) Local educational agencies awarded funding pursuant to paragraph (1) may partner with local or online accredited institutions of higher education or local agencies that provide high-quality or credit-bearing trainings, or apprenticeship programs that integrate and embed higher education coursework with on-the-job training of professionals.

(8) Professional learning provided pursuant to this subdivision shall, as applicable, be aligned to the preschool learning foundations and academic standards pursuant to Sections 51226, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.8, and 60605.11, as those sections read on June 30, 2020, and former Section 60605.85, as that section read on June 30, 2014.

(9) Local educational agencies receiving grants under this subdivision shall commit to providing program data to the department, as specified by the Superintendent, including, but not necessarily limited to, recipient information, including demographic information, educational progress, and the type of courses taken, and participating in overall program evaluation.

(10) The Superintendent shall provide a report to the Department of Finance and the appropriate policy and fiscal committees of the Legislature on or before October 1, 2024, on the expenditure of funds and relevant outcome data in order to evaluate the impact of the grants awarded under this subdivision.

(11) Notwithstanding any other law, on June 30, 2027, any unexpended funds of the amount awarded for purposes this subdivision shall revert to the General Fund.

(e) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 5.** Section 8482.6 of the Education Code, as added by Section 10.2 of Chapter 470 of the Statutes of 2016, is amended to read:

**8482.6.** Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article may charge family fees. Programs that charge family fees shall waive the cost of these fees for pupils who are eligible for free or reduced-price meals, for a child that is a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), or for a child who the program knows is in foster care. A program that charges family fees shall schedule fees on a sliding scale that considers family income and ability to pay.

**SEC. 6.** Section 8483 of the Education Code is amended to read:

**8483.** (a) (1) (A) (i) Every after school component of a program established pursuant to this article shall commence immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday.

(ii) Notwithstanding clause (i), a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m.

(B) Every after school component of the program shall establish a policy regarding reasonable early daily release of pupils from the program. For those programs or schoolsites operating in a community where the early release

policy does not meet the unique needs of that community or school, or both, documented evidence may be submitted to the department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except as allowed by the early release policy pursuant to subparagraph (B) of paragraph (1) of this section or paragraph (2) of subdivision (f) of Section 8483.76.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a program established pursuant to this article may operate during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) (1) Priority for enrollment of pupils in an after school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, to pupils who are identified by the program as being in foster care, and to pupils who are eligible for free or reduced-price meals.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) This subdivision does not require a program to verify, or a school district to disclose to an after school program, that a pupil applying for or participating in the program is a homeless youth, a foster youth, or eligible for free or reduced-price meals.

(3) This subdivision does not require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(d) A program shall inform the parent or caregiver of a pupil of the right of homeless children, foster children, and children eligible for free or reduced-price meals to receive priority enrollment and how to request priority enrollment.

(e) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (c), the administrators of a program shall allow self-certification of the pupil as a homeless youth, a foster youth, or eligible for free or reduced-price meals. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

**SEC. 7.** Section 8483.1 of the Education Code, as added by Section 11.2 of Chapter 470 of the Statutes of 2016, is amended to read:

**8483.1.** (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except when arriving late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a before school program established pursuant to this article may operate during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal described in Section 49553 for all program participants.

(d) (1) Priority for enrollment of pupils in a before school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, to pupils who are identified by the program as being in foster care, and to pupils who are eligible for free or reduced-price meals.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) This subdivision does not require a program to verify, or a school district to disclose to a before school program, that a pupil applying for or participating in the program is a homeless youth, foster youth, or eligible for free or reduced-price meals.

(3) This subdivision does not require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(e) A program shall inform the parent or caregiver of a pupil of the right of homeless children, foster children, and children eligible for free or reduced-price meals to receive priority enrollment and how to request priority enrollment.

(f) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (d), the administrators of a program shall allow self-certification of the pupil as a homeless youth, a foster youth, or eligible for free or reduced-price meals. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

**SEC. 8.** Chapter 6 (commencing with Section 8900) is added to Part 6 of Division 1 of Title 1 of the Education Code, to read:

**CHAPTER 6. California Community Schools Partnership Act**

**8900.** This chapter shall be known, and may be cited, as the California Community Schools Partnership Act.

**8901.** For purposes of this chapter, the following definitions apply:

(a) "Community school" means a public school serving preschool, kindergarten, or any of grades 1 to 12, inclusive, with strong and intentional community partnerships ensuring pupil learning and whole child and family development, and specifically includes the following:

(1) Integrated supports services, including the coordination of trauma-informed health, mental health, and social services that ensure coordination and support with county and local educational agency resources and nongovernmental organizations, and early screening and intervention for learning and other needs.

(2) Family and community engagement, which may include home visits, home-school collaboration, culturally responsive community partnerships to strengthen family well-being and stability, and school climate surveys.

(3) Collaborative leadership and practices for educators and administrators, including professional development to transform school culture and climate, that centers on pupil learning and supports mental and behavioral health, trauma-informed care, social-emotional learning, restorative justice, and other key areas relating to pupil learning and whole child and family development.

(4) Extended learning time and opportunities, including before and after school care and summer programs.

(b) "Consortium" means two or more local educational agencies, or one or more local educational agencies and one or more cooperating agencies.

(c) "Cooperating agency" means a federal, state, or local agency or public or private nonprofit entity that agrees to offer support services at a schoolsite, an adjacent location, or virtually through a program implemented under this chapter.

(d) "Lead agency" means the department.

- (e) "Local educational agency" means a school district, charter school, or county office of education.
- (f) "Partner" means a private business, nonprofit, or foundation that provides financial assistance or otherwise assists a program operating under this chapter.
- (g) "Qualifying entity" means an entity that is any of the following:
- (1) A local educational agency that meets any of the following:
    - (A) Fifty percent or more of the enrolled pupils at the local educational agency are unduplicated pupils.
    - (B) The local educational agency has higher than state average dropout rates.
    - (C) The local educational agency has higher than state average rates of suspension and expulsion.
    - (D) The local educational agency has higher than state average rates of child homelessness, foster youth, or justice-involved youth.
  - (2) A school that is not within a local educational agency that satisfies any of the criteria in paragraph (1), but the school demonstrates two or more of the criteria in paragraph (1), and the school demonstrates other factors that warrant the school's consideration, including, but not limited to, fulfilling an exceptional need or providing service to a particular target population.
  - (3) A local educational agency or consortium, on behalf of one or more schools that are qualifying entities within the local educational agency or consortium.
  - (4) A county behavioral health agency that will operate the program in partnership with at least one local educational agency that is a qualifying entity.
  - (5) A federal Head Start or Early Head Start program or other government-funded early childhood program or agency that will operate the program in partnership with at least one local educational agency that is a qualifying entity.
  - (6) A childcare program or agency within a public institution of higher education that will operate the program in partnership with at least one local educational agency that is a qualifying entity.
- (h) "Support services" includes case-managed health, mental health, social, and academic support services benefiting children and their families, and may include, but is not limited to, all of the following:
- (1) Health care, including all of the following:
    - (A) Immunizations.
    - (B) Vision and hearing testing and services.
    - (C) Dental services.
    - (D) Physical examinations and diagnostic and referral services.
    - (E) Prenatal care.
  - (2) Mental health services, including all of the following:
    - (A) Primary prevention.
    - (B) Crisis intervention.
    - (C) Assessments and referrals.
  - (3) Trauma-informed mental health care, including substance abuse prevention, early intervention, and treatment services, including all of the following:
    - (A) Training for teachers, early educators, and school personnel in the detection of mental health problems, the impact of trauma and toxic stress, trauma-informed care and education, building resiliency, and helping pupils and families heal.
    - (B) Outreach, risk assessment, and education for pupils and families.

(C) Youth-focused substance use disorder prevention and treatment programs that are culturally and gender competent, trauma informed, and evidence based.

(4) Family support and parenting education, including child abuse prevention and parenting programs, such as home visits or, when in-person home visits are not possible, virtually conducted home visits.

(5) Academic support services, including tutoring, mentoring, employment, and community service internships, and in-service training for teachers and administrators.

(6) Counseling, including family counseling, peer-to-peer counseling, and suicide prevention.

(7) Services and counseling for children who experience violence, toxic stress, or adverse childhood experiences in their communities.

(8) Nutrition services to reduce food insecurity.

(9) Youth development services, including tutoring, mentoring, career development, and job placement.

(10) Case management services.

(11) Provision of onsite or virtual Medi-Cal eligibility workers, as allowed via telehealth pursuant to Section 1320b-5 of Title 42 of the United States Code.

(i) "Technical assistance" means a structure to deliver training and technical assistance to grantees using regional collaboratives and state, regional, and local technical assistance providers that have expertise in pupil and family engagement, school-community collaboration of service delivery and financing, the coordination and integration of support services, and multiindicator data collection and evaluation.

(j) "Unduplicated pupil" has the same meaning as defined in Section 42238.02.

**8902.** (a) The Legislature finds and declares all of the following:

(1) The COVID-19 pandemic has continued to exacerbate conditions associated with poverty, including food insecurity, housing and employment instability, and inadequate health care.

(2) Community schools offer unique models to more efficiently and effectively provide trauma-informed integrated educational, health, and mental health services to pupils with a wide range of needs that have been affected by the COVID-19 pandemic.

(3) Additional investment in community schools that provide integrated pupil supports, community partnerships, and expanded learning opportunities will help address the trauma and loss of learning that have resulted from the COVID-19 pandemic.

(b) For the 2021–22 fiscal year, the sum of two billion eight hundred thirty-six million six hundred sixty thousand dollars (\$2,836,660,000) is hereby appropriated from the General Fund to the Superintendent to administer the California Community Schools Partnership Program, established by Section 117 of Chapter 24 of the Statutes of 2020, as amended by Section 63 of Chapter 110 of the Statutes of 2020, in the manner and for the purposes set forth in this section. These funds shall be available for encumbrance or expenditure until June 30, 2028. The funds shall be distributed as follows:

(1) At least two billion six hundred ninety-four million eight hundred twenty-seven thousand dollars (\$2,694,827,000) shall be allocated to establish new, and expand existing, community schools supported by local educational agencies that help coordinate services and manage learning networks for these schools.

(2) Up to one hundred forty-one million eight hundred thirty-three thousand dollars (\$141,833,000) shall be allocated to contract with local educational agencies to create a network of at least five regional technical assistance centers, pursuant to subdivision (k), to provide support and assistance to local educational agencies and community schools through the 2027–28 school year. Regional technical assistance center responsibilities shall include both of the following:

(A) Outreach and technical assistance to potential applicants as needed before or after awarding a grant under the program.

(B) Development of community school resources, sharing of best practices, and data collection.

(c) On or before November 15, 2021, the Superintendent, with the approval of the state board, shall update as necessary, the application process and administration plan for the selection of grant recipients under the program. After November 15, 2021, the Superintendent shall update the state board on an annual basis regarding the administration of this chapter and present to the state board any proposed changes to the application process and administration plan.

(d) The Superintendent shall award, subject to the approval of the state board, grants on a competitive basis to qualifying entities for planning grants for new community schools, implementation grants for new community schools or for the expansion or continuation of existing community schools, and coordination grants to representative qualifying entities in northern, central, and southern California, and in urban, suburban, and rural areas.

(e) A qualifying entity seeking a grant under this chapter shall submit an application to the Superintendent at a time and in a manner, and with any appropriate information, as the Superintendent may reasonably require. Each grant application submitted shall include all of the following:

(1) A description and documentation of how the participating community and cooperating agencies have been and will be engaged in the community school model.

(2) A description of all of the programs and services to be provided at the schoolsite, at a site near or adjacent to the school, or virtually.

(3) A description of all direct and indirect resources to be used for the community school program, and the agencies responsible for the implementation of the program.

(4) Provisions for data collection and recordkeeping, including records of the population served, the components of the service, the outcomes of the service, and costs, including all of the following:

(A) Direct costs.

(B) Indirect costs.

(C) Costs to other agencies.

(D) Cost savings.

(f) The Superintendent shall prioritize grant funding to qualifying entities who meet all of the following:

(1) Serve pupils in schools or a partner school or schools in which at least 80 percent of the pupil population are unduplicated pupils.

(2) Demonstrate a need for expanded access to integrated services, including those disproportionately impacted by the COVID-19 pandemic.

(3) Involve pupils, parents, certificated and classified school staff, and cooperating agency personnel in the process of identifying the needs of pupils and families, and in the planning of support services to be offered.

(4) Commit to providing trauma-informed health, mental health, and social services for pupils within a multitiered system of support at or near the schoolsite, and partner with other schools, school districts, county agencies, or nongovernmental organizations.

(5) Commit to providing early care and education services for children from birth to five years of age, inclusive, through one or more local educational agencies or community-based organizations.

(6) Identify a cooperating agency collaboration process, including cosignatories, a mechanism for sharing governance, and for integrating or redirecting existing resources and other school support services.

(7) Identify a plan to sustain community school services after grant expiration, including by maximizing reimbursement for services from available sources, including, but not limited to, the Local Educational Agency Medi-Cal Billing Option Program, School-Based Medi-Cal Administrative Activities program, and reimbursable mental health specialty care services provided under the federal Early and Periodic Screening, Diagnosis and Treatment program (42 U.S.C. Sec. 1396d(a)(4)(B)).

(g) Of the amount identified in paragraph (1) of subdivision (b), at least 10 percent shall be available for planning grants of up to two hundred thousand (\$200,000) per qualifying entity, and shall be allocated in the

2021–22 and 2022–23 fiscal years, for up to a two-year planning grant period, for local educational agencies with no existing community schools. The planning grant may be used for any of the following purposes:

- (1) Staffing costs for a community school coordinator.
- (2) Conducting a comprehensive school and community needs and asset assessment, including, but not limited to, pupil and community demographics, school climate, integrated support services, expanded learning time, family and community engagement, new or existing partnerships with governmental entities or community-based organizations, and available funding sources.
- (3) Grant application support, service billing development, and other administrative costs necessary to launch a community school model at scale.
- (4) Partnership development and coordination support between the grantee and cooperating agencies.
- (5) Providing training and support to local educational agency and cooperating agency personnel to develop best practices for integrating pupil supports.
- (6) Preparing a community school implementation plan for submission to the governing board or body of the local educational agency and to the department.

(h) (1) Of the amount identified in paragraph (1) of subdivision (b), up to 70 percent shall be available for implementation grants to qualified entities of up to five hundred thousand dollars (\$500,000) annually for new community schools or for the expansion or continuation of existing community schools. New community schools shall be funded for a minimum of five years, upon submission to the department of a community school plan. The implementation grant may be used for any of the following purposes:

- (A) Staffing, including, but not limited to, a community school coordinator, and contractor capacity.
- (B) Coordinating and providing support services to pupils and families at or near community schools, including through childcare, expanded learning time before and after school, and during school intersessions.
- (C) Providing training and support to local educational agency personnel, and partner agency personnel on integrating school-based pupil supports, social-emotional well-being, trauma-informed practices, and establishing sustainable community school funding sources.
- (D) Designing and executing community stakeholder engagement strategies.
- (E) Ongoing data collection and program evaluations.

(2) The Superintendent shall prioritize new community schools for implementation grants under paragraph (1) and those moneys shall supplement, not supplant, existing services and funds.

(i) (1) All planning and implementation grants awarded under subdivisions (g) and (h) shall be matched by the qualifying entity or its cooperating agencies with a local match equal to one-third of the grant amount. The local match shall be contributed in cash or as services or resources of comparable value, as determined by the department.

(2) The Superintendent shall reserve adequate funding pursuant to this section to preserve capacity for qualifying entities receiving planning grants pursuant to subdivision (g) to receive implementation grants pursuant to subdivision (h) at the end of their planning grant period, if all planning grant requirements are met.

(j) (1) Of the amount identified in paragraph (1) of subdivision (b), at least 20 percent shall be available for coordination grants to qualifying entities of up to one hundred thousand dollars (\$100,000) annually per site of an existing community school, and shall be allocated, beginning with the 2024–25 fiscal year, through the 2027–28 fiscal year.

(2) The funding under paragraph (1) shall supplement, not supplant, existing services and funds, and shall be used for ongoing coordination of services, management of the community school, and ongoing data collection and program evaluations.

(3) All coordination grants awarded under paragraph (1) shall be matched by the participating qualifying entity or its cooperating agencies with a local match equal to one dollar (\$1) for each dollar (\$1) of coordination grant funding received. The match shall be contributed in cash or as services or resources of comparable value, as determined by the department.

(k) Of the amount identified in paragraph (2) of subdivision (b), the Superintendent shall contract, subject to the approval of the state board, on a competitive basis with at least five local educational agencies to serve as regional technical assistance centers to provide technical assistance to grant recipients seeking to establish or expand community schools. Preference shall be given to local educational agencies that commit to partner with institutions of higher education or nonprofit community-based organizations. Technical assistance shall, to the extent practicable, be provided in consultation and collaboration with the statewide system of support established pursuant to Section 52059.5, and be made available to share best practices and assist both prospective applicants and grant recipients with tasks, including, but not limited to, all of the following:

- (1) Conducting a comprehensive school and community needs and asset assessment.
- (2) Improving authentic family and community engagement in the languages spoken in the community.
- (3) Creating community partnerships.
- (4) Developing sustainable funding sources.
- (5) Coordinating services across child-serving agencies and schools.
- (6) Accessing and combining funding for services from multiple revenue sources.

(l) Grant recipients and regional technical assistance centers shall commit to providing program and expenditure data to the department, as specified by the Superintendent, and participating in overall program evaluation.

(m) (1) The impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided, shall be included in the comprehensive report that is required to be submitted on December 31, 2025, to the Governor and the appropriate policy and fiscal committees of the Legislature, pursuant to Section 117 of Chapter 110 of the Statutes of 2020.

(2) The Superintendent shall provide a comprehensive report, on December 31, 2027, to the Governor and the appropriate policy and fiscal committees of the Legislature on the impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided.

(n) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 9.** Section 11800 of the Education Code is amended to read:

**11800.** (a) (1) The K–12 High-Speed Network (K–12 HSN) is hereby established for purposes of enriching pupil educational experiences and improving pupil academic performance by providing high-speed, high-bandwidth internet connectivity to the public school system, as defined by Section 6 of Article IX of the California Constitution.

(2) The California Education Network is hereby established, consisting of the California Research and Education Network (CalREN) and the K–12 HSN.

(b) The Superintendent shall collect the information necessary to measure the success of the K–12 HSN and ensure that the benefits of the K–12 HSN are maximized to the extent possible. The K–12 HSN shall provide critical services and functions for public primary and secondary local educational agencies, including, but not limited to, all of the following:

- (1) Reliable and cost-effective internet service that, among other things, is sufficient to support videoconferencing and related independent study capabilities.
- (2) Reliable and secure interconnectivity among public school entities offering kindergarten or any of grades 1 to 12, inclusive, in California, connection to higher education institutions of California, and connection to state and local agencies to facilitate efficient interaction, including transmission of data.
- (3) Statewide coordination of network uses to benefit teaching and learning.

(c) The Superintendent shall use a competitive grant process to select a local educational agency to serve as the lead education agency to administer the K–12 HSN on behalf of the Superintendent.

(d) The Superintendent shall establish a K–12 HSN advisory board to be composed of all of the following members:

(1) The Superintendent or the Superintendent’s designee.

(2) The county superintendent of schools of the lead education agency.

(3) A county superintendent of schools of a county with an average daily attendance of more than 60,000 pupils, appointed by the Superintendent. The member appointed pursuant to this paragraph shall serve a renewable two-year term.

(4) Three school district superintendents, appointed by the Superintendent. Members appointed pursuant to this paragraph shall represent school districts that are diverse as to geography and size, and that serve socioeconomically and culturally diverse pupil populations. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(5) Two county superintendents of schools appointed by the majority of the votes of all of the county superintendents of schools. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(6) Three schoolsite representatives, who shall include not less than two classroom teachers or instructional specialists. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(7) The president of the state board or the president’s designee.

(e) The advisory board shall meet quarterly and shall recommend policy direction and broad operational guidance to the Superintendent and the lead education agency. The advisory board, in consultation with the lead education agency, shall develop recommendations for measuring the success of the network, improving network oversight and monitoring, strengthening accountability, and optimizing the use of the K–12 HSN and its ability to improve education. The advisory board shall report its recommendations to the Legislature, the Governor, the Department of Finance, the president of the state board or the president’s designee, and the Legislative Analyst’s Office by March 1, 2007. It is the intent of the Legislature that the report identify and recommend specific annual performance measures that should be established to assess the effectiveness of the network.

(f) The duties of the lead education agency shall include all of the following:

(1) (A) Before expending any funds for planned network upgrade projects that exceed twenty-five thousand dollars (\$25,000) in cost, development of a methodology to determine and prioritize planned network upgrade projects, including the size and scope of any planned network upgrade project, which takes into consideration at least all of the following:

(i) Peak network usage to circuit capacity ratios.

(ii) Multiyear trends in network traffic, as follows:

(I) For projects that begin during the 2017–18 fiscal year, at least two years of trends in network traffic.

(II) For projects that begin during the 2018–19 fiscal year, at least three years of trends in network traffic.

(III) For projects that begin during the 2019–20 fiscal year, at least four years of trends in network traffic.

(IV) For projects that begin during the 2020–21 fiscal year or later, at least five years of trends in network traffic.

(iii) Eligibility for subsidies provided through the federal E-Rate program.

(iv) Competitive bidding results within a level of capacity upgrade and across all feasible levels of capacity upgrades.

(v) Actual expected usage projections and other input, as determined through formal communication with network site administrators.

(vi) Specific network performance measures, including the frequency, cause, location, and duration of network outages or interruptions.

(vii) Useful life of proposed equipment upgrades.

(B) The lead education agency shall submit its methodology to the department, the appropriate policy and fiscal committees of the Legislature, and the Department of Finance by December 15, 2017. Commencing with the 2017–18 fiscal year and in each fiscal year thereafter, the lead education agency shall use its methodology for all planned network upgrade projects that exceed twenty-five thousand dollars (\$25,000) in cost.

(2) Entering into appropriate contracts for the provision of high-speed, high-bandwidth internet connectivity, provided the contracts secure the necessary terms and conditions to adequately protect the interests of the state. Terms and conditions shall include, but are not limited to, all of the following:

(A) Development of comprehensive service level agreements.

(B) Protection of any ownership rights of intellectual property of the state that result due to participation of the state in the K–12 HSN.

(C) Appropriate protection of assets of the state acquired due to its participation in the K–12 HSN.

(D) Assurance that appropriate fee structures are in place.

(E) Assurance that any interest earned on funds of the state for this purpose are used solely to the benefit of the project.

(3) Development of an annual budget request for the K–12 HSN for submission to the department and the Department of Finance to be considered for the annual Budget Act.

(4) Development, in consultation with the advisory board established pursuant to subdivision (d), of specific goals and objectives for the program with appropriate reporting of success measures developed by the Superintendent pursuant to subdivision (b).

(5) Ongoing fiscal oversight of the program, including mechanisms to control statewide costs and exposure. To accomplish this objective, the lead education agency shall contract for an annual independent audit of the program. The independent auditor shall report the audit findings to the Superintendent, the Legislature, and the Department of Finance by December 15 of each year.

(6) Ongoing technical oversight of the program, including external evaluation and independent validation, where appropriate. To accomplish this objective, the lead education agency shall contract for an independent evaluation to be completed and provided to the Superintendent by March 1, 2009. The Superintendent shall report the results of the evaluation, including a response and recommendations to correct any adverse findings from the evaluation, to the Governor and the Legislature by April 30, 2009.

(7) (A) Administering grant programs to promote the most cost-effective manner for the completion of connectivity for all public schools of the state and cost-effective applications that meet instructional needs to the extent that funds are provided for these purposes in the annual Budget Act.

(B) Before the appropriation of any state funds for purposes of this paragraph, the lead education agency shall submit information justifying the need for additional grant funds, including, but not limited to, all of the following:

(i) The number of schools and school districts that are already connected.

(ii) The means by which the costs associated with connectivity were covered for schools and school districts that are already connected.

(iii) Obstacles to connection for those schools and school districts that are not yet connected.

(iv) Other local options and funding sources for purposes of connectivity and applications.

(g) The Superintendent shall apportion funds appropriated for the program in a given fiscal year in compliance with both of the following:

(1) Three-fourths of the total amount appropriated shall be apportioned by August 31.

(2) Up to one-fourth of the total amount appropriated shall be apportioned by January 31.

(h) The Superintendent may request data and other programmatic information from the lead education agency as needed to oversee the program.

**SEC. 10.** Section 14041.5 of the Education Code is amended to read:

**14041.5.** (a) Notwithstanding subdivision (a) of Section 14041, for the 2002–03 fiscal year to the 2013–14 fiscal year, inclusive, and for the 2019–20 to the 2020–21 fiscal year, inclusive, warrants for the principal apportionments for the month of June instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41335.

(b) Except as otherwise provided in this section, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivision (a) shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202 for the fiscal year in which the warrants are drawn and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

(c) For the 2003–04 school year, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2004–05 fiscal year shall be seven hundred twenty-six million two hundred seventy thousand dollars (\$726,270,000). Any amount in excess of seven hundred twenty-six million two hundred seventy thousand dollars (\$726,270,000) that is apportioned in July of 2004 is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2003–04 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2003–04 fiscal year.

(d) For the 2004–05 school year to the 2007–08 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the following fiscal year shall be seven hundred fifteen million one hundred eighteen thousand dollars (\$715,118,000). Any amount in excess of seven hundred fifteen million one hundred eighteen thousand dollars (\$715,118,000) that is apportioned in July of any year is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the prior fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the prior fiscal year.

(e) For the 2008–09 school year to the 2013–14 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the following fiscal year shall be one billion one hundred one million six hundred fifty-five thousand dollars (\$1,101,655,000). Any amount in excess of one billion one hundred one million six hundred fifty-five thousand dollars (\$1,101,655,000) that is apportioned in July of any year is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the prior fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the prior fiscal year.

(f) (1) (A) For the 2019–20 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2020–21 fiscal year and included within the "total allocations to school districts and community college

districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year shall be one billion eight hundred fifty million three hundred seventy-seven thousand dollars (\$1,850,377,000). Any amount in excess of one billion eight hundred fifty million three hundred seventy-seven thousand dollars (\$1,850,377,000) that is apportioned in July 2020 is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2019–20 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(B) For the 2020–21 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2021–22 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2021–22 fiscal year shall be two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000). Any amount in excess of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) that is apportioned in July 2021 is deemed "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 for the 2020–21 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

(2) For the 2019–20 fiscal year, the principal apportionment deferred from June to July pursuant to subdivision (a) shall be paid by the Controller no later than July 15, 2020.

**SEC. 11.** Section 14041.6 of the Education Code is amended to read:

**14041.6.** (a) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2008–09 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(b) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2009–10 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars (\$678,611,000) and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(c) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2010–11 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000), for the month of May in the amount of eight hundred million dollars (\$800,000,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars (\$678,611,000) and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(d) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2011–12 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000), for the month of May in the amount of eight hundred million dollars (\$800,000,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of March in the amount of one billion three hundred million dollars (\$1,300,000,000), for the month of April in the amount of one billion four hundred forty-two million four hundred five thousand dollars (\$1,442,405,000), and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(e) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2012–13 fiscal year, warrants for the principal apportionments for the month of February in the amount of five hundred thirty-one million seven hundred twenty thousand dollars (\$531,720,000), for the month of April in the amount of five hundred ninety-

four million seven hundred forty-eight thousand dollars (\$594,748,000), for the month of May in the amount of one billion nine hundred seventy-six million seven hundred one thousand dollars (\$1,976,701,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of March in the amount of one billion twenty-nine million four hundred ninety-three thousand dollars (\$1,029,493,000) and for the month of April in the amount of seven hundred sixty-three million seven hundred ninety-four thousand dollars (\$763,794,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(f) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of April in the amount of nine hundred seventeen million five hundred forty-two thousand dollars (\$917,542,000), for the month of May in the amount of two billion one hundred fifty-two million four hundred thirty thousand dollars (\$2,152,430,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(g) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of May in the amount of two hundred million dollars (\$200,000,000) and for the month of June in the amount of six hundred ninety-nine million four hundred seventy-three thousand dollars (\$699,473,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339. The Superintendent shall allocate this deferred amount and repayment to local educational agencies based on their proportionate share of funding appropriated to local educational agencies pursuant to Section 92 of Chapter 38 of the Statutes of 2012.

(h) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2014–15 fiscal year, warrants for the principal apportionments for the month of June in the amount of eight hundred ninety-seven million one hundred eighty-four thousand dollars (\$897,184,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(i) (1) (A) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of February in the amount of one billion five hundred forty million three hundred three thousand dollars (\$1,540,303,000) shall instead be drawn in November of the same calendar year pursuant to the certification made pursuant to Section 41332.

(B) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of March in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in October of the same calendar year pursuant to the certification made pursuant to Section 41332.

(C) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of April in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41332.

(D) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of May in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in August of the same calendar year pursuant to the certification made pursuant to Section 41335.

(2) Pursuant to Section 8.28 of the Budget Act of 2020, if the Director of Finance determines that there are sufficient federal funds provided to the state for the 2020–21 fiscal year that may be used to offset the deferral of payments in the amount specified in Section 8.28 of the Budget Act of 2020, the Director of Finance shall reduce the amounts described in paragraph (1). In reducing these amounts, the Director of Finance shall first reduce the amounts deferred from any months occurring earliest in the 2020–21 fiscal year.

(j) Except as provided in subdivisions (c) and (e) of Section 41202, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivisions (a) to (i), inclusive, shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes

appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

(k) Notwithstanding subdivision (j), for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion five hundred ninety million four hundred forty-nine thousand dollars (\$1,590,449,000) of the warrants drawn in August of 2013 pursuant to subdivision (e) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2012–13 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2012–13 fiscal year.

(l) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion two hundred ninety-four million seven hundred twenty thousand dollars (\$1,294,720,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2012–13 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2012–13 fiscal year.

(m) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, two billion seven hundred eighty million five hundred twenty-six thousand dollars (\$2,780,526,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2013–14 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2013–14 fiscal year.

(n) (1) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, eight billion forty-one million five hundred thirty-five thousand dollars (\$8,041,535,000) of the warrants drawn in the 2021–22 fiscal year pursuant to subdivision (i) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

(2) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, six hundred twenty-four million six hundred ninety-two thousand dollars (\$624,692,000) of the warrants drawn in the 2021–22 fiscal year pursuant to subdivision (i) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

**SEC. 12.** Section 14041.65 of the Education Code is amended to read:

**14041.65.** (a) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of twenty-four million seven hundred thousand dollars (\$24,700,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(b) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of one billion four hundred five million five hundred thousand dollars (\$1,405,500,000) instead shall be drawn in August of the same calendar year pursuant to the certification made pursuant to Section 41339.

(c) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of five hundred sixty-nine million eight hundred thousand dollars (\$569,800,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(d) Notwithstanding subdivision (c) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(e) Notwithstanding subdivision (c) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of May in the amount of eight hundred million dollars (\$800,000,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(f) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of February 2021 scheduled to be drawn in November 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

(g) Notwithstanding subparagraph (B) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of March 2021 scheduled to be drawn in October 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

(h) Notwithstanding subparagraph (C) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of April 2021 scheduled to be drawn in September 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

**SEC. 13.** Section 17076.10 of the Education Code is amended to read:

**17076.10.** (a) A school district that receives any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other school district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.

(b) If the board finds that a participating school district has not made substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of receiving any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.

(c) (1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount to be repaid by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as appropriate.

(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.

(d) If a school district receives an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

**SEC. 14.** Section 17199.4 of the Education Code is amended to read:

**17199.4.** (a) Notwithstanding any other law, any participating party, in connection with securing financing or refinancing of projects, or working capital pursuant to this chapter, may, in accordance with this section, elect to provide for funding, in whole or in part, one or more of the following:

(1) Payments on authority bonds.

(2) Payments under credit enhancement or liquidity support agreements in connection with authority bonds.

(3) Amounts pledged or assigned under one or more pledges or assignments to pay authority bonds or obligations under these credit enhancement or liquidity support agreements.

(4) Payments to fund reserves available to pay any of the payments described in paragraphs (1), (2), and (3), exclusively until paid.

(5) Fees and charges contemplated by the instruments of the authority, trustees, tender agents, remarketing agents, credit enhancement and liquidity support providers, and service providers.

(6) Any other costs necessary or incidental to any financing or refinancing conducted under this chapter.

(b) The payments made pursuant to subdivision (a) may be in connection with a financing or refinancing benefiting the participating party itself, one or more other participating parties, or any combination of participating parties.

(c) To participate under this section, the participating party shall do all of the following:

(1) Elect to participate by an action of its governing board taken in compliance with the rules of that board.

(2) Provide written notice to the Controller, no later than the date of the issuance of the bonds or 60 days before the next payment, whichever is later, of all of the following:

(A) Its election to participate.

(B) A schedule of the payments subject to that election.

(C) The payee or payees of those payments, or the trustee or agent on their behalf to receive those payments.

(D) (i) Payment delivery instructions, which may be by wire transfer or other method approved by the Controller.

(ii) If the method of payment delivery is wire transfer, the participating party shall complete and submit the appropriate authorization form as prescribed by the Controller.

(d) The participating party may amend, supplement, or restate the notice required pursuant to paragraph (2) of subdivision (c) for any reason, including, but not necessarily limited to, providing for new or increased payments. The participating party shall certify in the notice and in any amendment, supplement, or restatement of the notice that each and every payment reflected in the schedule is a payment described in subdivision (a) and the amounts scheduled do not exceed the actual or reasonably estimated payment obligations to be funded pursuant to this section. The participating party shall also represent in the notice that it is not submitting the notice for the purpose of accelerating a participating party's receipt of its apportionments. This section does not prohibit transfer by the recipient of an apportionment under this section to the participating party submitting the notice of the excess apportionment above the amount needed to fund actual payments where the excess resulted from erroneous estimation of scheduled payments or otherwise.

(e) Upon receipt of the notice required by paragraph (2) of subdivision (c), the Controller shall make an apportionment to the indicated recipient on the date, or during the period, shown in the schedule in accordance with all of the following:

(1) If the participating party requests transfers in full as scheduled, in the amount of the scheduled transfer or such lesser amount as is available from the sources described in subdivision (f).

(2) If the participating party does not request transfers in full as scheduled, in the amount of the anticipated deficiency for the purpose of making the required payment indicated in a written request of the participating party to the Controller and in the amount of the actual shortfall in payment indicated in a written request of the recipient or the participating party to the Controller or whatever lesser amount is available from the sources described in subdivision (f).

(3) To the extent funds available for an apportionment are insufficient to pay the amount set forth in a schedule in any period, the Controller shall, if and as requested in the notice, reschedule the payment of all or a portion of the deficiency to a subsequent period.

(4) In making apportionments under this section, the Controller may rely conclusively and without liability on any notice or request delivered under this section, including any notice of request delivered before January 1, 2015. The Controller may make, but is not obligated to make, apportionments not reflected on a notice or on an amended, supplemented, or restated notice delivered under this section that the Controller receives less than 20 days before when the apportionment would otherwise be required.

(f) The Controller shall make an apportionment under this section only from moneys designated for apportionment to the participating party delivering the notice, and only from one or more of the following:

(1) Any funding apportioned for purposes of revenue limits or the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, to a school district or county office of education without regard to the specific funding source of the apportionment.

(2) Any funding apportioned for purposes of the charter school block grant or the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, to a charter school without regard to the specific funding source of the apportionment.

(3) Any funding apportioned for purposes of revenue limits or community college apportionments pursuant to Sections 84750.4 and 84750.5 to a community college district without regard to the specific funding source of the apportionment.

(g) (1) The amount apportioned for a participating party pursuant to this section shall be deemed to be an allocation to the participating party, and shall be included in the computation of allocation, limit, entitlement, or apportionment for the participating party.

(2) The participating party and its creditors do not have a claim to funds apportioned or anticipated to be apportioned by the Controller pursuant to this section.

(h) (1) The authority may require participation under this section under the terms of any financing or refinancing under this chapter to provide for one or more of the payments described in paragraphs (1) to (4), inclusive, of subdivision (a). The authority may impose limits on new participation under this section. The authority may require participating parties to apply to the authority for participation. If the authority limits participation under this section, the authority shall consider each of the following priorities in making participation available:

(A) First priority shall be given to participating parties that apply for funding for instructional classroom space under this chapter.

(B) Second priority shall be given to participating parties that apply for funding of modernization of instructional classroom space under this chapter.

(C) Third priority shall be given to participating parties that apply for funding under this chapter for any other eligible costs, as defined in Section 17173.

(2) The authority shall prioritize applications at appropriate intervals.

(3) A school district electing to participate under this section that has applied for revenue bond moneys for purposes of joint venture school facilities construction projects, pursuant to Article 5 (commencing with Section 17060) of Chapter 12, shall not be subject to the priorities set forth in paragraph (1).

(i) This section does not make the State of California liable for any payments within the meaning of Section 1 of Article XVI of the California Constitution.

(j) A school district that has a qualified or negative certification pursuant to Section 42131, or a county office of education that has a qualified or negative certification pursuant to Section 1240, may only participate under this section to intercept payments for short-term financings.

(k) This section does not obligate the State of California to make available the sources of apportionment under subdivision (f) in any amount or at any time or, except as provided in this section, to fund any payment described in this section. This subdivision is intended solely to clarify existing law.

**SEC. 15.** Section 17375 of the Education Code is amended to read:

**17375.** (a) (1) The California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms and full-day kindergarten classrooms pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite, pursuant to this section.

(2) Moneys appropriated pursuant to this section shall be deposited in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section, as it read on December 31, 2020.

(4) (A) For the 2021–22 fiscal year, the sum of four hundred ninety million dollars (\$490,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section.

(B) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a California state preschool program, a transitional kindergarten program, a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district shall be expended within one year of project completion or returned to the state as required by associated regulations and any accompanying grant agreement.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision (h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3) for a project, and meets the requirements for financial hardship pursuant to Sections 17075.10 and 17075.15. For purposes of this section, paragraph (5) of subdivision (d) of Section 17075.15 shall not apply.

(B) (i) For school districts seeking a transitional kindergarten or full-day kindergarten facilities grant, the school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(ii) For school districts seeking a preschool facilities grant, the school district is located in an underserved area, as defined in Section 8208, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8236.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new

construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district shall provide 25 percent of the cost of the project, whether the project is for new construction or retrofit, if the school district does either of the following:

(A) Converts a part-day kindergarten program to a full-day kindergarten program. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted from funds appropriated pursuant to paragraph (4) of subdivision (a) to reflect the requirements of this paragraph.

(B) Commencing with the 2021–22 fiscal year, offers, or expands enrollment in, a California state preschool program or transitional kindergarten program.

(5) (A) A school district seeking a transitional kindergarten or full-day kindergarten facilities grant from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with the State Department of Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(B) For a school district seeking a new construction grant for preschool classrooms from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

(i) The most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(ii) A current or future contract with the State Department of Education to operate a preschool program.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall do all of the following:

(1) Execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(2) For a school district applying for grant funds for a transitional kindergarten facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to offer, or expand enrollment in, a transitional kindergarten program.

(3) For a school district applying for grant funds for a California state preschool program facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to expand enrollment in a preschool program and apply for expanded program service funding, and certify that the school district has or will apply for a contract to operate a preschool program before occupying the to-be-constructed or retrofitted facility.

(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house preschool, transitional kindergarten, and kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(3) A school district shall not use funds to purchase or install portable classrooms. For purposes of this article, "portable classroom" means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

(g) For a modernization grant pursuant to this article to retrofit an existing preschool classroom, including outdoor play areas and installed equipment, the applicable classroom shall comply with all of the following:

(1) The Field Act, as set forth in Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365).

(2) The California Building Standards Code, as set forth in Title 24 of the California Code of Regulations.

(3) The regulations for early learning and care programs as set forth in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of, and Chapter 1 (commencing with Section 101151) of Division 12 of Title 22 of, the California Code of Regulations, as applicable.

(4) Written approval from the State Department of Education that the building plans comply with the standards set forth in Subchapter 1 (commencing with Section 14001) of Chapter 13 of Division 1 of Title 5 of the California Code of Regulations.

(h) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(i) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(j) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account.

(l) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(m) For purposes of this section, the following definitions apply:

(1) "Kindergarten" includes transitional kindergarten, as defined in Section 48000.

(2) "Preschool classroom" means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

(3) "Preschool program" means a full-day California state preschool program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6.

(4) "Schoolsite" or "site" means the project site for which the school district is applying for grants under this article.

(5) "School district" means as follows:

(A) For transitional kindergarten and full-day kindergarten facilities grants, "school district" means a school district.

(B) For preschool facilities grants, "school district" means a school district and county office of education.

**SEC. 16.** Section 32091 of the Education Code is amended to read:

**32091.** (a) (1) Every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, shall notify the California Collaborative for Educational Excellence of the following information in a form and adhering to the procedures to be determined by the California Collaborative for Educational Excellence, in consultation with the executive director of the state board, on or before the second and fourth Monday of each month:

(A) The number of pupils enrolled by schoolsite and, if applicable, school district.

(B) For nonclassroom-based charter schools, the total number of pupils enrolled and the number of pupils attending each resource center, if any.

(C) The number of school employees who work onsite at a school by schoolsite and, if applicable, school district.

(D) (i) The number of pupils who have opted into independent study provided by the local educational agency.

(ii) How the local educational agency is meeting the daily or weekly synchronous requirement for pupils described in clause (i).

(iii) Actions the local educational agency is taking to encourage the transition of the pupils described in clause (i) to in-person instruction.

(E) The expanded learning opportunities provided to pupils.

(F) How the school is addressing the mental health and wellness needs of pupils.

(G) The supports and interventions the school is using to address the academic needs of pupils.

(H) The enrichment opportunities provided to pupils.

(I) The safety protocols the school is using to ensure the health and safety of pupils and staff.

(J) Any additional information requested by the California Collaborative for Educational Excellence, in consultation with the executive director of the state board.

(2) The California Collaborative for Educational Excellence, in consultation with the executive director of the state board, shall do all of the following:

(A) Develop the form and identify the procedures to be used for reporting information pursuant to this subdivision.

(B) Provide the form and procedures to local health officers, local educational agencies, and private schools.

(C) Post the form and procedures described in subparagraphs (A) and (B) on its internet website.

(D) Maintain a data report on its internet website, updated every two weeks with new educational entity-level and statewide aggregate data received by the California Collaborative for Educational Excellence pursuant to this section.

(E) Report all data related to this section on a monthly basis to the appropriate fiscal and policy committees of the Legislature.

(F) Provide technical assistance and support to local educational agencies in the submission of the data.

(G) Monitor data submitted and follow up with local educational agencies as needed to confirm data submission.

(H) Review and analyze data to ensure data quality and to identify trends.

(b) (1) Every local educational agency and private school offering in-person instruction for kindergarten or any of grades 1 to 12, inclusive, shall post a completed COVID-19 safety plan on its internet website home page. For a local educational agency or private school that is not offering in-person instruction as of March 5, 2021, but begins offering in-person instruction after March 5, 2021, the local educational agency or private school shall, at least five days before offering in-person instruction, post a completed COVID-19 safety plan on its internet website home page.

(2) At least five days before providing in-person instruction, a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy shall submit its COVID-19 safety plan to its local public health department and the State Department of Public Health pursuant to the COVID-19 industry sector guidance for schools and school-based programs. If the local public health department or the State Department of Public Health identifies a deficiency in the local educational agency's COVID-19 safety plan within the review period specified in the guidance, the local educational agency and its county office of education shall be notified of the deficiency by the local public health department or the State Department of Public Health. The local educational agency shall resolve the deficiency to the satisfaction of the local public health department or the State Department of Public Health before providing in-person instruction.

(3) For purposes of this subdivision, the COVID-19 safety plan shall consist of both of the following:

(A) The written COVID-19 prevention program required by subdivision (c) of Section 3205 of Title 8 of the California Code of Regulations, adopted by the Occupational Safety and Health Standards Board as part of COVID-19 Emergency Standards.

(B) The supplemental COVID-19 School Guidance Checklist approved by the State Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs, including descriptions of any planned periodic asymptomatic testing cadences for staff and pupils.

**SEC. 17.** Section 35780 of the Education Code is amended to read:

**35780.** (a) A school district that has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in kindergarten and grades 1 to 8, inclusive, or is less than 11 in grades 9 to 12, inclusive. The county board of education may defer the lapsation of the school district for one year upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools. The county board of education shall make no more than three deferments for any school district.

(b) For a new district that has been unable to provide the school facilities necessary for instructional services by employees of the school district to all of the pupils who are residents of the school district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the state board, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

(c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the school district.

(d) A school district may also be lapsed upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools.

**SEC. 18.** Section 41020 of the Education Code is amended to read:

**41020.** (a) It is the intent of the Legislature to encourage sound fiscal management practices among local educational agencies for the most efficient and effective use of public funds for the education of children in California by strengthening fiscal accountability at the school district, county, and state levels.

(b) (1) Not later than the first day of May of each fiscal year, each county superintendent of schools shall provide for an audit of all funds under their jurisdiction and control and the governing board of each local educational agency shall either provide for an audit of the books and accounts of the local educational agency, including an audit of income and expenditures by source of funds, or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing.

(2) A contract to perform the audit of a local educational agency that has a disapproved budget or has received a negative certification on any budget or interim financial report during the current fiscal year or either of the two preceding fiscal years, or for which the county superintendent of schools has otherwise determined that a lack of going concern exists, is not valid unless approved by the responsible county superintendent of schools and the governing board of the local educational agency.

(3) If the governing board of a local educational agency has not provided for an audit of the books and accounts of the local educational agency by April 1, the county superintendent of schools having jurisdiction over the local educational agency shall provide for the audit of the local educational agency.

(4) An audit conducted pursuant to this section shall comply fully with the Government Auditing Standards issued by the Comptroller General of the United States.

(5) For purposes of this section, "local educational agency" does not include community colleges.

(c) Each audit conducted in accordance with this section shall include all funds of the local educational agency, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the local educational agency. Each audit shall also include an audit of pupil attendance procedures. Each audit shall include a determination of whether funds were expended pursuant to a local control and accountability plan or an approved annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4.

(d) All audit reports for each fiscal year shall be developed and reported using a format established by the Controller after consultation with the Superintendent and the Director of Finance.

(e) (1) The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each school district from school district funds.

(2) The cost of the audit provided for by a governing board of a local educational agency shall be paid from local educational agency funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

(f) (1) The audits shall be made by a certified public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the local educational agency, as applicable, from a directory of certified public accountants and public accountants deemed by the Controller as qualified to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

(2) Commencing with the 2003–04 fiscal year and except as provided in subdivision (d) of Section 41320.1, it is unlawful for a public accounting firm to provide audit services to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous fiscal years. The Education Audits Appeal Panel may waive this requirement if the panel finds that no otherwise eligible auditor is available to perform the audit.

(3) It is the intent of the Legislature that, notwithstanding paragraph (2), the rotation within public accounting firms conform to provisions of the federal Sarbanes-Oxley Act of 2002 (Public Law 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of the report required by the act of the Comptroller General of the United States addressing the mandatory rotation of registered public accounting firms, the Legislature intends to reconsider paragraph (2). In determining which certified public accountants and public accountants shall be included in the directory, the Controller shall use the following criteria:

(A) The certified public accountants or public accountants shall be in good standing as certified by the Board of Accountancy.

(B) The certified public accountants or public accountants, as a result of a quality control review conducted by the Controller pursuant to Section 14504.2, shall not have been found to have conducted an audit in a manner constituting noncompliance with subdivision (a) of Section 14503.

(g) (1) The auditor's report shall include each of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3 (commencing with Section 14500) of Part 9 of Division 1 of Title 1.

(B) A summary of audit exceptions and management improvement recommendations.

(C) An evaluation by the auditor on whether there is substantial doubt about the ability of the local educational agency to continue as a going concern for a reasonable period of time. This evaluation shall be based on the Statement on Auditing Standards (SAS) No. 59, as issued by the AICPA regarding disclosure requirements relating to the ability of the entity to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as "will implement," "accepted the recommendation," or "will discuss at a later date."

(h) (1) Not later than December 15, a report of each local educational agency audit for the preceding fiscal year shall be filed with the county superintendent of schools of the county in which the local educational agency is located, the department, and the Controller. The Superintendent shall make any adjustments necessary in future apportionments of all state funds to correct any audit exceptions revealed by those audit reports.

(2) For the 2021-22 fiscal year, the report referenced in paragraph (1) shall instead be filed no later than January 31, 2022.

(i) (1) Commencing with the 2002-03 audit of local educational agencies pursuant to this section and subdivision (d) of Section 41320.1, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under their jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions have been either corrected or an acceptable plan of correction has been developed.

(2) Commencing with the 2004-05 audit of local educational agencies pursuant to this section and subdivision (d) of Section 41320.1, each county superintendent of schools shall include in the review of audit exceptions performed pursuant to this subdivision those audit exceptions related to use of instructional materials program funds, teacher misassignments pursuant to Section 44258.9, and information reported on the school accountability report card required pursuant to Section 33126, and shall determine whether the exceptions are either corrected or an acceptable plan of correction has been developed.

(j) Upon submission of the final audit report to the governing board of each local educational agency and subsequent receipt of the audit by the county superintendent of schools having jurisdiction over the local educational agency, the county office of education shall do all of the following:

(1) Review audit exceptions related to attendance, inventory of equipment, internal control, and other miscellaneous exceptions. Attendance exceptions or issues shall include, but not be limited to, those related to local control funding formula allocations pursuant to Section 42238.02, as implemented by Section 42238.03, and independent study.

(2) (A) If a description of the correction or plan of correction has not been provided as part of the audit required by this section, the county superintendent of schools shall notify the local educational agency and request the

governing board of the local educational agency to provide to the county superintendent of schools a description of the corrections or plan of correction by March 15.

(B) For the 2021–22 fiscal year, the description of the corrections or plan of correction referenced in subparagraph (A) shall instead be filed no later than April 15, 2022.

(3) Review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate, the county superintendent of schools shall require the local educational agency to resubmit that portion of its response that is inadequate.

(k) (1) Each county superintendent of schools shall certify to the Superintendent and the Controller, not later than May 15, that the county superintendent of schools' staff has reviewed all audits of local educational agencies under the county superintendent of schools' jurisdiction for the prior fiscal year, that all exceptions that the county superintendent was required to review were reviewed, and that all of those exceptions, except as otherwise noted in the certification, have been corrected by the local educational agency or that an acceptable plan of correction has been submitted to the county superintendent of schools. In addition, the county superintendent shall identify, by local educational agency, any attendance-related audit exception or exceptions involving state funds, and require the local educational agency to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent.

(2) For the 2021–22 fiscal year, the deadline for certification referenced in paragraph (1) shall instead be filed no later than June 15, 2022.

(l) In the audit of a local educational agency for a subsequent year, the auditor shall review the correction or plan or plans of correction submitted by the local educational agency to determine if the exceptions have been resolved. If an exception has not been resolved, the auditor shall immediately notify the appropriate county office of education and the department and restate the exception in the audit report. After receiving that notification, the department shall either consult with the local educational agency to resolve the exception or require the county superintendent of schools to follow up with the local educational agency.

(m) (1) The Superintendent is responsible for ensuring that local educational agencies have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identified in the audit.

(B) Exceptions that the county superintendent of schools certifies as of May 15 have not been corrected.

(C) Repeat audit exceptions that are not assigned to a county superintendent of schools to correct.

(2) In addition, the Superintendent is responsible for ensuring that county superintendents of schools and each county board of education that serves as the governing board of a local educational agency either correct all audit exceptions identified in the audits of county superintendents of schools and of the local educational agencies for which the county boards of education serve as the governing boards or develop acceptable plans of correction for those exceptions.

(3) The Superintendent shall report annually to the Controller on the Superintendent's actions to ensure that school districts, county superintendents of schools, and each county board of education that serves as the governing board of a school district have either corrected or developed plans of correction for any of the exceptions noted pursuant to paragraph (1).

(n) To facilitate correction of the exceptions identified by the audits issued pursuant to this section, the Controller shall require auditors to categorize audit exceptions in each audit report in a manner that will make it clear to both the county superintendent of schools and the Superintendent which exceptions they are responsible for ensuring the correction of by a local educational agency. In addition, the Controller annually shall select a sampling of county superintendents of schools, perform a followup of the audit resolution process of those county superintendents of schools, and report the results of that followup to the Superintendent and the county superintendents of schools that were reviewed.

(o) County superintendents of schools shall adjust subsequent local property tax requirements to correct audit exceptions relating to local educational agency tax rates and tax revenues.

(p) If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for the audit pursuant to this section, the Controller shall make arrangements for the audit and the cost of the audit shall be paid from local educational agency funds or the county school service fund, as the case may be.

(q) Audits of regional occupational centers and programs are subject to this section.

(r) This section does not authorize examination of, or reports on, the curriculum used or provided for in any local educational agency.

(s) Notwithstanding any other law, a nonauditing, management, or other consulting service to be provided to a local educational agency by a certified public accounting firm while the certified public accounting firm is performing an audit of the agency pursuant to this section shall be in accord with Government Accounting Standards, Amendment No. 3, as published by the United States General Accounting Office.

**SEC. 19.** Section 41020.3 of the Education Code is amended to read:

**41020.3.** (a) By January 31 of each year, the governing body of each local educational agency shall review, at a public meeting, the annual audit of the local educational agency for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or management letter issue. This review shall be placed on the agenda of the meeting pursuant to Section 35145.

(b) During the 2021–22 fiscal year, the annual audit for the 2020–21 fiscal year and its relevant components, as identified pursuant to subdivision (a), shall instead be reviewed by February 28, 2022.

**SEC. 20.** Section 41203.1 of the Education Code is amended to read:

**41203.1.** (a) For the 1990–91 fiscal year and each fiscal year thereafter, allocations calculated pursuant to Section 41203 shall be distributed in accordance with calculations provided in this section. Notwithstanding Section 41203, and for purposes of this section, school districts, community college districts, and direct elementary and secondary level instructional services provided by the State of California shall be regarded as separate segments of public education, and each of these three segments of public education shall be entitled to receive respective shares of the amount calculated pursuant to Section 41203 as though the calculation made pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution were to be applied separately to each segment and the base year for purposes of this calculation under paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution were based on the 1989–90 fiscal year. Calculations made pursuant to this subdivision shall be made so that each segment of public education is entitled to the greater of the amounts calculated for that segment pursuant to paragraph (1) or (2) of subdivision (b) of Section 8 of Article XVI of the California Constitution.

(b) If the single calculation made pursuant to Section 41203 yields a guaranteed amount of funding that is less than the sum of the amounts calculated pursuant to subdivision (a), the amount calculated pursuant to Section 41203 shall be prorated for the three segments of public education.

(c) Notwithstanding any other law, this section does not apply to the 1992–93 to the 2021–22 fiscal years, inclusive.

**SEC. 21.** Section 41204.2 of the Education Code is repealed.

**SEC. 22.** Article 1 (commencing with Section 41480) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

**Article 1. Educator Effectiveness Block Grant**

**41480.** (a) (1) The sum of one billion five hundred million dollars (\$1,500,000,000) is hereby appropriated from the General Fund to the Superintendent for the Educator Effectiveness Block Grant. The Superintendent shall apportion these funds to school districts, county offices of education, charter schools, and the state special schools in an equal amount per full-time equivalent certificated staff and classified staff, which shall not exceed the total certificated staff and classified staff count, respectively, for each eligible local educational agency, in the 2020–21 fiscal year. The Superintendent shall make the calculations pursuant to this section using the data submitted through the California Longitudinal Pupil Achievement Data System and classified staff data submitted through the California Basic Educational Data System as of October 2020.

(2) A school district, county office of education, charter school, or state special school may expend the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2025–26 fiscal year, inclusive. School districts, county offices of education, charter schools, and state special schools shall coordinate the use of any

federal funds received under Title II of the federal Every Student Succeeds Act of 2015 (Public Law 114-95) to support teachers and administrators with the expenditure of funds received pursuant to this subdivision.

(b) A school district, county office of education, charter school, or state special school shall expend funds apportioned pursuant to this section to provide professional learning for teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils, with a focus on any of the following areas:

(1) Coaching and mentoring of staff serving in an instructional setting and beginning teacher or administrator induction, including, but not limited to, coaching and mentoring solutions that address a local need for teachers that can serve all pupil populations with a focus on retaining teachers, and offering structured feedback and coaching systems organized around social-emotional learning, including, but not limited to, promoting teacher self-awareness, self-management, social awareness, relationships, and responsible decisionmaking skills, improving teacher attitudes and beliefs about one's self and others, and supporting learning communities for educators to engage in a meaningful classroom teaching experience.

(2) Programs that lead to effective, standards-aligned instruction and improve instruction in literacy across all subject areas, including English language arts, history-social science, science, technology, engineering, mathematics, and computer science.

(3) Practices and strategies that reengage pupils and lead to accelerated learning.

(4) Strategies to implement social-emotional learning, trauma-informed practices, suicide prevention, access to mental health services, and other approaches that improve pupil well-being.

(5) Practices to create a positive school climate, including, but not limited to, restorative justice, training around implicit bias, providing positive behavioral supports, multitiered systems of support, transforming a schoolsite's culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation.

(6) Strategies to improve inclusive practices, including, but not limited to, universal design for learning, best practices for early identification, and development of individualized education programs for individuals with exceptional needs.

(7) Instruction and education to support implementing effective language acquisition programs for English learners, which may include integrated language development within and across content areas, and building and strengthening capacity to increase bilingual and biliterate proficiency.

(8) New professional learning networks for educators not already engaged in an education-related professional learning network to support the requirements of subdivision (c).

(9) Instruction, education, and strategies to incorporate ethnic studies curricula adopted pursuant to Section 51226.7 into pupil instruction for grades 7 to 12, inclusive.

(10) Instruction, education, and strategies for certificated and classified educators in early childhood education, or childhood development.

(c) To ensure professional development meets educator and pupil needs, local educational agencies are encouraged to allow schoolsite and content staff to identify the topic or topics of professional learning. Professional learning provided pursuant to this section shall do both of the following:

(1) Be content focused, incorporate active learning, support collaboration, use models of effective practice, provide coaching and expert support, offer feedback and reflection, and be of sustained duration.

(2) As applicable, be aligned to the academic content standards adopted pursuant to Sections 51226, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.8, and 60605.11, and the model curriculum adopted pursuant to Section 51226.7, as those sections read on June 30, 2020, and former Section 60605.85, as that section read on June 30, 2014.

(d) As a condition of receiving funds apportioned pursuant to this section, a school district, county office of education, charter school, or state special school shall do both of the following:

(1) On or before December 30, 2021, develop and adopt a plan delineating the expenditure of funds apportioned pursuant to this section, including the professional development of teachers, administrators, paraprofessionals,

and classified staff. The plan shall be presented in a public meeting of the governing board of the school district, county board of education, or governing body of the charter school, before its adoption in a subsequent public meeting.

(2) On or before September 30, 2026, report detailed expenditure information to the department, including, but not limited to, specific purchases made and the number of teachers, administrators, paraprofessional educators, or classified staff that received professional development. The department shall determine the format for this report.

(e) The department shall summarize the information reported pursuant to subdivision (d) and shall submit the summary to the appropriate budget subcommittees and policy committees of the Legislature and to the Department of Finance on or before November 30, 2026. The department shall determine the format for this report to optimize its production within existing resources. The report shall be submitted in compliance with Section 9795 of the Government Code.

(f) Funding apportioned pursuant to this section is subject to the annual audits required by Section 41020.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 23.** Article 2 (commencing with Section 41490) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

**Article 2. Multitiered Systems of Support**

**41490.** (a) For the 2021–22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent to apportion to the Orange County Department of Education in the manner, and for the purposes, set forth in this section. The Orange County Department of Education shall encumber or expend the funds apportioned pursuant to this subdivision on or before June 30, 2026.

(b) The Orange County Department of Education, in consultation with the Superintendent and the executive director of the state board, shall award no less than thirty million dollars (\$30,000,000) of the amount appropriated in subdivision (a) as 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 developed under the "Scale Up MTSS Statewide" (SUMS) project. The grants shall be awarded to local educational agencies on or before December 15, 2021.

(1) Grant funds awarded to local educational agencies shall be used to support the implementation of high quality integrated academic, behavioral, and social-emotional learning practices in an integrated multitiered system of support at the schoolwide level, including, but not limited to, all of the following:

(A) Educator and leader training on the foundations of the California Multi-Tiered System of Support framework and practices, as developed by the SUMS project.

(B) Ongoing training and coaching support to schoolsite educators and leaders in deepening the implementation of high leverage practices for integrated academic, behavioral, and social-emotional learning across tiers throughout the school community.

(C) Ongoing training and support to school and local educational agency leaders in aligning practices, policies, and structures to create and sustain a schoolwide and agencywide integrated multitiered system of support.

(D) Establishing school- and local educational agency-level multitiered system of support teams to support implementation efforts.

(2) Grants shall be awarded with priority to local educational agencies serving a high number of unduplicated pupils, as defined in Section 42238.02, that have participated in local educational agency-level training to implement an integrated multitiered system of support.

(3) Local educational agencies receiving funds shall measure and report on implementation fidelity at least annually using the tools and resources developed by the SUMS project. Data shall be reported to the Orange

County Department of Education in a form available to the public.

(4) (A) On or before September 30 of each fiscal year until the Orange County Department of Education has fully expended the funds allocated pursuant to this subdivision, the Orange County Department of Education shall submit an annual report to the Superintendent summarizing how it used the funds in the prior fiscal year. The Superintendent shall provide copies of these reports to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, the state board, and the Legislative Analyst's Office.

(B) A report to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(c) (1) The Superintendent shall establish a process, in consultation with and subject to the approval of the executive director of the state board, to select 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. The selected entity, known as a partner entity, shall be selected on or before February 15, 2022. No more than twenty million dollars (\$20,000,000) of the amount appropriated in subdivision (a) is available for purposes of this subdivision.

(2) The partner entity shall have demonstrated expertise in developing and delivering high quality professional learning to educators in social-emotional learning, trauma-informed practices, and culturally relevant, affirming, and sustaining practices in a manner that aligns with local multitiered systems of support. The partner entity shall support the Orange County Department of Education and the Butte County Office of Education in offering high quality professional learning to educators and school leaders by performing all of the following functions:

(A) Creating, collecting, and curating resources for educators on social-emotional learning, trauma screening, trauma-informed practices, and culturally relevant, affirming, and sustaining practices.

(B) Providing ongoing training and support in the use of trauma screening tools and mental health service referrals, school climate surveys, and the use of tool and survey data.

(C) Providing grants to local educational agencies to support both of the following:

(i) Convening professional learning communities of educators and school leaders.

(ii) Providing ongoing training and coaching to educators and school leaders.

(3) In performing the work described in this subdivision, the partner entity, in partnership with the Orange County Department Education and the Butte County Office of Education, shall, to the extent practicable, leverage current research and work related to how educators and school leaders can best address the social-emotional needs of pupils, and consult with experts in the field on matters related to trauma screening and trauma-informed practices.

(4) For purposes of this subdivision, "high quality professional learning" shall include, but not be limited to, professional learning that is content-focused, incorporates active learning using adult learning theory, supports collaboration in job-embedded contexts, uses models and modeling of effective practices, provides coaching and expert support, and offers opportunities for feedback.

(d) A local educational agency that receives a grant pursuant to subdivision (b), or high quality professional learning pursuant to subdivision (c), shall, as a condition of receiving the grant or high quality professional learning, provide to the Orange County Department of Education, the Butte County Office of Education, and the department any available outcome data resulting from the practices implemented, and participate in overall program evaluation.

(e) The Orange County Department of Education may expend up to one million dollars (\$1,000,000) of the amount appropriated pursuant to subdivision (a) to support the administration of grants and provide support to the grantees pursuant to Department of Finance approval of an expenditure plan. The Orange County Department of Education shall not expend moneys pursuant to this subdivision sooner than 30 days after the Department of Finance provides written notification of the approval of the expenditure plan to the Joint Legislative Budget Committee.

(f) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 24.** Article 9 (commencing with Section 41590) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

**Article 9. A–G Completion Improvement Grant Program**

**41590.** (a) For the 2021–22 fiscal year, the sum of five hundred forty-seven million five hundred thirteen thousand dollars (\$547,513,000) is hereby appropriated from the General Fund to the Superintendent for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent to establish the A–G Completion Improvement Grant Program in the manner and for the purpose set forth in this section.

(b) The A–G Completion Improvement Grant Program is hereby established 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.

(c) (1) (A) For the 2021–22 fiscal year, the Superintendent shall allocate three hundred million dollars (\$300,000,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency that is identified by the department pursuant to subdivision (h) as having an overall A–G completion rate of less than 67 percent. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this paragraph shall be known as an A–G Access Grant.

(2) (A) For the 2021–22 fiscal year, the Superintendent shall allocate one hundred million dollars (\$100,000,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency that is identified by the department pursuant to subdivision (h) as having an overall A–G completion rate of 67 percent or higher. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this paragraph shall be known as an A–G Success Grant.

(d) (1) A–G Access Grants and A–G Success Grants shall be used for activities that directly support pupil access to, and successful completion of, the A–G course requirements. Eligible activities may include, but are not limited to, any of the following:

(A) Providing teachers, administrators, and counselors with professional development opportunities to improve the local educational agency's A–G completion rate.

(B) Developing comprehensive advising plans and pupil supports, including tutoring programs, to improve the local educational agency's A–G completion rate.

(C) Expanding access to coursework or other opportunities to satisfy A–G course requirements to all pupils, including, but not necessarily limited to, unduplicated pupils. These opportunities may include, but shall not be limited to, course development, course review, incorporating A–G course requirements into the local educational agency's graduation requirements, and new or expanded partnerships with other secondary or postsecondary educational institutions.

(D) Advanced Placement and International Baccalaureate fees for unduplicated pupils.

(2) The Legislature encourages local educational agencies to direct A–G Success Grant funds towards pupils in danger of not achieving a grade of "C" or better in A–G courses.

(e) (1) (A) For the 2021–22 fiscal year, the Superintendent shall allocate one hundred forty-seven million five hundred thirteen thousand dollars (\$147,513,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this subdivision shall be known as an A–G Learning Loss Mitigation Grant.

(2) (A) (i) A–G Learning Loss Mitigation Grants shall be used to allow pupils who receive a grade of “D,” “F,” or “Fail” in an A–G approved course in the spring semester of 2020 or the 2020–21 school year to retake those A–G courses.

(ii) The method of offering pupils the opportunity to retake courses provided in clause (i) shall be determined by the local educational agency.

(B) If sufficient funds are available after implementing subparagraph (A), a local educational agency may also use grant funds to offer credit recovery opportunities to all pupils to ensure pupils are able to graduate high school on time.

(f) A grant recipient shall develop a plan on or before January 1, 2022, describing how the funds received under this section will increase or improve services for unduplicated pupils to improve A–G eligibility, including information about the number of pupils identified for opportunities to retake courses pursuant to paragraph (2) of subdivision (e). The plan shall include information regarding how the plan and described services supplement, and do not supplant, those services identified in the school district’s local control and accountability plan required pursuant to Section 52060, the county superintendent of schools’ local control and accountability plan required pursuant to Section 52066, or the charter school’s local control and accountability plan required pursuant to Section 47605 or 47605.6 and Section 47606.5, and the local educational agency’s learning recovery program plan adopted pursuant to Section 43522. The plan shall also include a description of the extent to which all pupils within the local educational agency, particularly unduplicated pupils, will have access to A–G courses approved by the University of California. In order to ensure community and stakeholder input, the plan shall be discussed at a regularly scheduled meeting by the governing board of the school district, county board of education, or governing body of the charter school and adopted at a subsequent regularly scheduled meeting.

(g) A grant recipient shall report to the Superintendent on or before December 31, 2023, on how they are measuring the impact of the funds received under this section on their A–G completion rate, as identified within their plan, and the outcomes based on those measurements. The department shall compile the information reported pursuant to this subdivision and submit a report to the appropriate policy and fiscal committees of the Legislature on or before April 30, 2024, and shall update the state board on the contents of that report at a regularly scheduled meeting of the state board. A grant recipient shall report to the Superintendent on or before August 31, 2026, on final outcomes that measure the impact of the funds received under this section on their A–G completion rate.

(h) The Superintendent shall annually post on the department’s internet website in an easily accessible location a list of each local educational agency’s and each individual high school’s A–G completion rate.

(i) For purposes of this section, the following definitions apply:

(1) “A–G completion rate” means the percentage of pupils who have satisfied the A–G subject matter requirements for admission to the California State University and the University of California with a grade of “C” or better in each of the required courses upon graduation for the prior year.

(2) “A–G course” means a course that may be used to satisfy the A–G subject matter requirements for admission to the California State University and the University of California.

(3) “A–G eligibility” means the pupil has satisfied the A–G subject matter requirements for admission to the California State University and the University of California with a grade of “C” or better in each of the required courses.

(4) “Local educational agency” means a school district, county office of education, or charter school.

(5) “Unduplicated pupil” has the same meaning as in Sections 42238.01 and 42238.02.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 25.** Section 42238.01 of the Education Code is amended to read:

**42238.01.** For purposes of Section 42238.02, the following definitions shall apply:

(a) "Eligible for free or reduced-price meals" means determined to meet federal income eligibility criteria, either through completing an application for the federal National School Lunch Program or through an alternative household income data collection form, or deemed to be categorically eligible for free or reduced-price meals under the federal National School Lunch Program, as described in Part 245 of Title 7 of the Code of Federal Regulations.

(1) (A) A school participating in a special assistance alternative authorized by Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act (Public Law 113-79), including Provision 2, Provision 3, or the Community Eligibility Provision, may establish a base year for purposes of the local control funding formula by doing either of the following:

(i) Determining the pupils at the school who are eligible for free or reduced-price meals and using each pupil's eligibility status in that base year to report eligibility for up to each of the following three school years.

(ii) Carrying over the number of pupils at the school who were eligible for free or reduced-price meals from the school year in which the school applied to use a federal universal school meal provision, and using each pupil's eligibility status in the base year to report eligibility for up to each of the following three school years.

(B) The school may include between base year eligibility determinations, any newly enrolled pupils who are determined to be eligible for free or reduced-price meals or any current pupils found to be newly eligible for free or reduced-price meals as identified through a local or state direct certification match or another categorical designation.

(2) A school that uses the special assistance alternative shall maintain information on each pupil's eligibility status and annually submit information on that status in the California Longitudinal Pupil Achievement Data System pursuant to paragraph (2) of subdivision (b) of Section 42238.02 or subparagraph (A) of paragraph (3) of subdivision (b) of Section 2574, as applicable.

(3) For a pupil who transfers to a school using a special assistance alternative and who is transferring between schools within the same school district, documentation supporting eligibility for that pupil for purposes of the local control funding formula may be transferred from the pupil's old school to the pupil's new school, as long as the documentation supporting eligibility for that pupil is less than four years old and is updated at least once every four years.

(4) To the extent permitted by federal law, a school may choose to establish a new base year for purposes of the federal National School Lunch Program at the same time the school establishes a new base year for purposes of the local control funding formula. A school may use federal National School Lunch Program application forms to collect household income data as permitted under the federal National School Lunch Program. If the use of federal National School Lunch Program application forms is not permitted, a school shall use alternative household income data collection forms.

(5) An alternative household income data collection form shall be confidential and shall not be shared by the school other than as necessary for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding. An alternative household income data collection form shall contain, at a minimum, all of the following information:

(A) Information sufficient to identify the pupil or pupils.

(B) Information sufficient to determine that the pupil or household meets federal income eligibility criteria sufficient to qualify for either a free or reduced-priced meal under the federal Richard B. Russell National School Lunch Act (Public Law 113-79).

(C) Certification that the information is true and correct by the pupil's adult household member.

(6) Paragraphs (1) and (3) are effective commencing with the 2014–15 fiscal year.

(b) "Foster youth" means any of the following:

(1) A child who is the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code, whether or not the child has been removed from their home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code, has been removed from their home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code, and is in foster care as defined by subdivision (d) of Section 727.4 of the Welfare and Institutions Code.

(3) A nonminor under the transition jurisdiction of the juvenile court, as described in Section 450 of the Welfare and Institutions Code, who satisfies all of the following criteria:

(A) The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Section 10103.5 of the Welfare and Institutions Code.

(B) The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.

(C) The nonminor is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and Institutions Code.

(4) (A) A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, provided that the child would also meet one of the descriptions in Section 300 of the Welfare and Institutions Code describing when a child may be adjudged a dependent child of the juvenile court.

(B) This paragraph is effective no later than the 2020–21 fiscal year.

(c) "Pupils of limited English proficiency" means pupils who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English at a level substantially equivalent to pupils of the same age or grade whose primary language is English. "English learner" shall have the same meaning as provided for in subdivision (a) of Section 306 and as "pupils of limited English proficiency."

**SEC. 26.** Section 42238.02 of the Education Code is amended to read:

**42238.02.** (a) The amount computed pursuant to this section shall be known as the school district and charter school local control funding formula.

(b) (1) For purposes of this section "unduplicated pupil" means a pupil enrolled in a school district or a charter school who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. A pupil shall be counted only once for purposes of this section if any of the following apply:

(A) The pupil is classified as an English learner and is eligible for a free or reduced-price meal.

(B) The pupil is classified as an English learner and is a foster youth.

(C) The pupil is eligible for a free or reduced-price meal and is classified as a foster youth.

(D) The pupil is classified as an English learner, is eligible for a free or reduced-price meal, and is a foster youth.

(2) Under procedures and timeframes established by the Superintendent, commencing with the 2013–14 fiscal year, a school district or charter school shall annually submit its enrolled free and reduced-price meal eligibility, foster youth, and English learner pupil-level records for enrolled pupils to the Superintendent using the California Longitudinal Pupil Achievement Data System.

(3) (A) Commencing with the 2013–14 fiscal year, a county office of education shall review and validate certified aggregate English learner, foster youth, and free or reduced-price meal eligible pupil data for school districts and charter schools under its jurisdiction to ensure the data is reported accurately. The Superintendent shall provide each county office of education with appropriate access to school district and charter school data reports in the California Longitudinal Pupil Achievement Data System for purposes of ensuring data reporting accuracy.

(B) The Controller shall include the instructions necessary to enforce paragraph (2) in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the English learner, foster youth, and free or reduced-price meal eligible pupil counts are consistent with the school district's or charter school's English learner, foster youth, and free or reduced-price meal eligible pupil records.

(4) The Superintendent shall make the calculations pursuant to this section using the data submitted by local educational agencies, including charter schools, through the California Longitudinal Pupil Achievement Data System. Under timeframes and procedures established by the Superintendent, school districts and charter schools may review and revise their submitted data on English learner, foster youth, and free or reduced-price meal eligible pupil counts to ensure the accuracy of data reflected in the California Longitudinal Pupil Achievement Data System.

(5) The Superintendent shall annually compute the percentage of unduplicated pupils for each school district and charter school by dividing the enrollment of unduplicated pupils in a school district or charter school by the total enrollment in that school district or charter school pursuant to all of the following:

(A) For the 2013–14 fiscal year, divide the sum of unduplicated pupils for the 2013–14 fiscal year by the sum of the total pupil enrollment for the 2013–14 fiscal year.

(B) For the 2014–15 fiscal year, divide the sum of unduplicated pupils for the 2013–14 and 2014–15 fiscal years by the sum of the total pupil enrollment for the 2013–14 and 2014–15 fiscal years.

(C) For the 2015–16 fiscal year and each fiscal year thereafter, divide the sum of unduplicated pupils for the current fiscal year and the two prior fiscal years by the sum of the total pupil enrollment for the current fiscal year and the two prior fiscal years.

(D) (i) For purposes of the quotients determined pursuant to subparagraphs (B) and (C), the Superintendent shall use a school district's or charter school's enrollment of unduplicated pupils and total pupil enrollment in the 2014–15 fiscal year instead of the enrollment of unduplicated pupils and total pupil enrollment in the 2013–14 fiscal year if doing so would yield an overall greater percentage of unduplicated pupils.

(ii) It is the intent of the Legislature to review each school district and charter school's enrollment of unduplicated pupils for the 2013–14 and 2014–15 fiscal years and provide one-time funding, if necessary, for a school district or charter school with higher enrollment of unduplicated pupils in the 2014–15 fiscal year as compared to the 2013–14 fiscal year.

(E) (i) Notwithstanding any other law, for purposes of subparagraph (C), the unduplicated pupils and total pupil enrollment in prior fiscal years shall be the following:

(I) For a transferred charter school, the counts shall be equal to the counts reported for the original charter school.

(II) For an acquiring charter school, the counts shall be equal to the counts reported for the original charter school. This subclause shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(III) For the restructured portions of a divided charter school, the counts shall be zero.

(IV) For the remaining portion of a divided charter school, the counts shall be equal to the counts reported for the original charter school.

(ii) The definitions in Section 47654 apply for purposes of this subparagraph.

(6) Notwithstanding subdivision (a) of Section 14002, the data used to determine the percentage of unduplicated pupils shall be final once that data is no longer used in the current fiscal year calculation of the percentage of unduplicated pupils. This paragraph does not apply to a change that is the result of an audit exception, as described in paragraph (2) of subdivision (a) of Section 41341.

(c) Commencing with the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall annually calculate a local control funding formula grant for each school district and charter school in the state pursuant to this section.

(d) The Superintendent shall compute a grade span adjusted base grant equal to the total of the following amounts:

(1) For the 2013–14 fiscal year, a base grant of:

(A) Six thousand eight hundred forty-five dollars (\$6,845) for average daily attendance in kindergarten and grades 1 to 3, inclusive.

(B) Six thousand nine hundred forty-seven dollars (\$6,947) for average daily attendance in grades 4 to 6, inclusive.

(C) Seven thousand one hundred fifty-four dollars (\$7,154) for average daily attendance in grades 7 and 8.

(D) Eight thousand two hundred eighty-nine dollars (\$8,289) for average daily attendance in grades 9 to 12, inclusive.

(2) In each year the grade span adjusted base grants in paragraph (1) shall be adjusted 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 published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(3) (A) The Superintendent shall compute an additional adjustment to the kindergarten and grades 1 to 3, inclusive, base grant as adjusted for inflation pursuant to paragraph (2) equal to 10.4 percent. The additional grant shall be calculated by multiplying the kindergarten and grades 1 to 3, inclusive, base grant, as adjusted by paragraph (2), by 10.4 percent.

(B) Until paragraph (4) of subdivision (b) of Section 42238.03 is effective, as a condition of the receipt of funds in this paragraph, a school district shall make progress toward maintaining an average class enrollment of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to by the school district, pursuant to the following calculation:

(i) Determine a school district's average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the prior year. For the 2013–14 fiscal year, this amount shall be the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the 2012–13 fiscal year.

(ii) Determine a school district's proportion of total need pursuant to paragraph (2) of subdivision (b) of Section 42238.03.

(iii) Determine the percentage of the need calculated in clause (ii) that is met by funding provided to the school district pursuant to paragraph (3) of subdivision (b) of Section 42238.03.

(iv) Determine the difference between the amount computed pursuant to clause (i) and an average class enrollment of not more than 24 pupils.

(v) Calculate a current year average class enrollment adjustment for each schoolsite for kindergarten and grades 1 to 3, inclusive, equal to the adjustment calculated in clause (iv) multiplied by the percentage determined pursuant to clause (iii).

(C) School districts that have an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of 24 pupils or less for each schoolsite in the 2012–13 fiscal year, shall be exempt from the requirements of subparagraph (B) so long as the school district continues to maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 pupils, unless a collectively bargained alternative ratio is agreed to by the school district.

(D) Upon full implementation of the local control funding formula, as a condition of the receipt of funds in this paragraph, all school districts shall maintain an average class enrollment for each schoolsite for kindergarten and

grades 1 to 3, inclusive, of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative ratio is agreed to by the school district.

(E) The average class enrollment requirement for each schoolsite for kindergarten and grades 1 to 3, inclusive, established pursuant to this paragraph shall not be subject to waiver by the state board pursuant to Section 33050 or by the Superintendent.

(F) The Controller shall include the instructions necessary to enforce this paragraph in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, exceeds 24 pupils, or an alternative average class enrollment for each schoolsite pursuant to a collectively bargained alternative ratio. The procedures for determining average class enrollment for each schoolsite shall include criteria for employing sampling.

(4) The Superintendent shall compute an additional adjustment to the base grant for grades 9 to 12, inclusive, as adjusted for inflation pursuant to paragraph (2), equal to 2.6 percent. The additional grant shall be calculated by multiplying the base grant for grades 9 to 12, inclusive, as adjusted by paragraph (2), by 2.6 percent.

(e) The Superintendent shall compute a supplemental grant add-on equal to 20 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b). The supplemental grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 20 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in that school district or charter school. The supplemental grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(f) (1) (A) The Superintendent shall compute a concentration grant add-on equal to 50 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 50 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

(B) Commencing with the 2021–22 fiscal year, the concentration grant add-on referenced in subparagraph (A) shall instead be equal to 65 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 65 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

(2) (A) For a charter school physically located in only one school district, the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district in which the charter school is physically located. For a charter school physically located in more than one school district, the charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed that of the school district with the highest percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school districts in which the charter school has a school facility. The concentration grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1) of subdivision (f) of Section 42238.03, a charter school shall report its physical location to the department under timeframes established by the department. For a charter school authorized by a school district, the department shall include the authorizing school district in the department's determination of physical location. For a charter school authorized on appeal

pursuant to subdivision (k) of Section 47605, the department shall include the school district that initially denied the petition in the department's determination of physical location. Notwithstanding subdivision (a) of Section 14002, the reported physical location of the charter school shall be considered final as of the second principal apportionment for that fiscal year, and, for purposes of this paragraph, the percentage of unduplicated pupils of the school district associated with the charter school pursuant to subparagraph (A) shall be considered final as of the second principal apportionment for that fiscal year.

(g) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Targeted Instructional Improvement Block Grant program, as set forth in Article 6 (commencing with Section 41540) of Chapter 3.2, for the 2012–13 fiscal year, as that article read on January 1, 2013. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount of funding received by the school district or charter school from that program in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(h) (1) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Home-to-School Transportation program, as set forth in former Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5, former Article 10 (commencing with Section 41850) of Chapter 5, and the Small School District Transportation program, as set forth in former Article 4.5 (commencing with Section 42290), as those articles read on January 1, 2013, for the 2012–13 fiscal year. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount received by the school district or charter school for those programs in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(2) If a home-to-school transportation joint powers agency, established pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation, received an apportionment directly from the Superintendent from any of the funding sources specified in paragraph (1) for the 2012–13 fiscal year, the joint powers agency may identify the member local educational agencies and transfer entitlement to that funding to any of those member local educational agencies by reporting to the Superintendent, on or before September 30, 2015, the reassignment of a specified amount of the joint powers agency's 2012–13 fiscal year entitlement to the member local educational agency. Commencing with the 2015–16 fiscal year, the Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of the entitlement to funding transferred by the joint powers agency to the member school district or charter school.

(i) (1) The sum of the local control funding formula rates computed pursuant to subdivisions (c) to (f), inclusive, shall be multiplied by:

(A) For school districts, the average daily attendance of the school district in the corresponding grade level ranges computed pursuant to Section 42238.05, excluding the average daily attendance computed pursuant to paragraph (2) of subdivision (a) of Section 42238.05 for purposes of the computation specified in subdivision (d).

(B) For charter schools, the total current year average daily attendance in the corresponding grade level ranges.

(2) The amount computed pursuant to Article 4 (commencing with Section 42280) shall be added to the amount computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (d), as multiplied by subparagraph (A) or (B) of paragraph (1), as appropriate.

(j) The Superintendent shall adjust the sum of each school district's or charter school's amount determined in subdivisions (g) to (i), inclusive, pursuant to the calculation specified in Section 42238.03, less the sum of the following:

(1) (A) For school districts, the property tax revenue received pursuant to Chapter 3.5 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(B) For charter schools, the in-lieu property tax amount provided to a charter school pursuant to Section 47635.

(2) The amount, if any, received pursuant to Part 18.5 (commencing with Section 38101) of Division 2 of the Revenue and Taxation Code.

(3) The amount, if any, received pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code.

(4) Prior years' taxes and taxes on the unsecured roll.

(5) Fifty percent of the amount received pursuant to Section 41603.

(6) The amount, if any, received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), less any amount received pursuant to Section 33401 or 33676 of the Health and Safety Code that is used for land acquisition, facility construction, reconstruction, or remodeling, or deferred maintenance and that is not an amount received pursuant to Section 33492.15, or paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities.

(7) The amount, if any, received pursuant to Sections 34177, 34179.5, 34179.6, 34183, and 34188 of the Health and Safety Code.

(8) Revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(k) A school district shall annually transfer to each of its charter schools funding in lieu of property taxes pursuant to Section 47635.

(l) (1) This section does not authorize a school district that receives funding on behalf of a charter school pursuant to Section 47651 to redirect this funding for another purpose unless otherwise authorized in law pursuant to paragraph (2) or pursuant to an agreement between the charter school and its chartering authority.

(2) A school district that received funding on behalf of a locally funded charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or a school district that was required to pass through funding to a conversion charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42606, as that section read on January 1, 2013, may annually redirect for another purpose a percentage of the amount of the funding received on behalf of that charter school. The percentage of funding that may be redirected shall be determined pursuant to the following computation:

(A) (i) Determine the sum of the need fulfilled for that charter school pursuant to paragraph (3) of subdivision (b) of Section 42238.03 in the then current fiscal year for the charter school.

(ii) Determine the sum of the need fulfilled in every fiscal year before the then current fiscal year pursuant to paragraph (3) of subdivision (b) of Section 42238.03 adjusted for changes in average daily attendance pursuant to paragraph (3) of subdivision (a) of Section 42238.03 for the charter school.

(iii) Subtract the amount computed pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) of Section 42238.03 from the amount computed for that charter school under the local control funding formula entitlement computed pursuant to subdivision (i) of this section.

(iv) Compute a percentage by dividing the sum of the amounts computed pursuant to clauses (i) and (ii) by the amount computed pursuant to clause (iii).

(B) Multiply the percentage computed pursuant to subparagraph (A) by the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013.

(C) The maximum amount that may be redirected shall be the lesser of the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or the amount computed pursuant to subparagraph (B).

(3) Commencing with the 2013–14 fiscal year, a school district operating one or more affiliated charter schools shall provide each affiliated charter school schoolsite with no less than the amount of funding the schoolsite received pursuant to the charter school block grant in the 2012–13 fiscal year.

(m) Any calculations in law that are used for purposes of determining if a local educational agency is an excess tax school entity or basic aid school district, including, but not limited to, this section and Sections 41544,

42238.03, 47632, 47660, 47663, 48310, and 48359.5, and Section 95 of the Revenue and Taxation Code, shall exclude the revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(n) The funds apportioned pursuant to this section and Section 42238.03 shall be available to implement the activities required pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4.

(o) A school district that does not receive an apportionment of state funds pursuant to this section, as implemented pursuant to Section 42238.03, excluding funds apportioned pursuant to the requirements of subparagraph (A) of paragraph (2) of subdivision (e) of Section 42238.03, shall be considered a "basic aid school district" or an "excess tax entity."

**SEC. 27.** Section 42238.022 is added to the Education Code, to read:

**42238.022.** Notwithstanding any other law, for the 2021–22 fiscal year, the adjustments required pursuant to paragraph (4) of subdivision (a) of Section 2574, subparagraph (B) of paragraph (1) of subdivision (c) of Section 2574, subdivision (b) of Section 2575.1, paragraph (2) of subdivision (d) of Section 42238.02, and subdivision (b) of Section 42287 shall be 2.7 percent and shall be calculated by first assuming the adjustment referenced in Section 42238.021 is 2.31 percent instead of zero.

**SEC. 28.** Section 42238.051 of the Education Code is amended to read:

**42238.051.** (a) For purposes of paragraph (1) of subdivision (a) of Section 42238.05, a sponsoring school district's average daily attendance shall be computed as follows:

(1) Compute the sponsoring school district's regular average daily attendance in the current year, excluding the attendance of pupils in charter schools.

(2) (A) Compute the regular average daily attendance used to calculate the second principal apportionment of the school district for the prior year, excluding the attendance of pupils in charter schools.

(B) Compute the attendance of pupils who attended one or more noncharter schools of the school district between July 1, and the last day of the second period, inclusive, in the prior year, and who attended a charter school sponsored by the school district between July 1, and the last day of the second period, inclusive, in the current year. For purposes of this subparagraph, a pupil enrolled in a grade at a charter school sponsored by the school district shall not be counted if the school district does not offer classes for pupils enrolled in that grade. The amount of the attendance counted for any pupil for the purpose of this subparagraph shall not be greater than the attendance claimed for that pupil by the charter school in the current year.

(C) Compute the attendance of pupils who attended a charter school sponsored by the school district in the prior year and who attended one or more noncharter schools of the school district in the current year. The amount of the attendance counted for any pupil for the purpose of this subparagraph shall not be greater than the attendance claimed for that pupil by the school district in the current year.

(D) From the amount determined pursuant to subparagraph (B), subtract the amount determined pursuant to subparagraph (C). If the result is less than zero, the amount shall be deemed to be zero.

(E) The prior year average daily attendance determined pursuant to subparagraph (A) shall be reduced by the amount determined pursuant to subparagraph (D).

(3) To the greater of the amounts computed pursuant to paragraphs (1) and (2), add the regular average daily attendance in the current year of all pupils attending charter schools sponsored by the school district that are not funded through the charter schools local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03.

(b) For purposes of this section, a "sponsoring school district" shall mean a "sponsoring local educational agency," as defined in Section 47632, as that section read on January 1, 2013.

(c) Notwithstanding any other law, this section does not apply to the 2021–22 fiscal year.

**SEC. 29.** Section 42238.07 of the Education Code is amended to read:

**42238.07.** (a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number of unduplicated pupils for schoolwide purposes, or, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).

(b) The state board may adopt emergency regulations for purposes of this section.

(c) Commencing with the local control and accountability plan and the annual update to the local control and accountability adopted on or before July 1, 2022, each school district, county office of education, and charter school shall do both of the following:

(1) Annually calculate the total difference between the total budgeted expenditures on planned actions reported in the local control and accountability plan pursuant to paragraph (4) of subdivision (b) of Section 52064 and the total estimated actual expenditures for those actions reported in the local control and accountability plan pursuant to paragraph (7) of subdivision (b) of Section 52064.

(2) If the total budgeted expenditures on planned actions reported in the local control and accountability plan pursuant to paragraph (4) of subdivision (b) of Section 52064 is less than the estimate described in paragraph (5) of subdivision (b) of Section 52064, annually determine the total percentage point difference, if any, between the total planned quality improvements based on the planned specific actions reported in the local control and accountability plan pursuant to subparagraph (B) of paragraph (4) of subdivision (b) of Section 52064 and the total actual quality improvements for those actions reported in the local control and accountability plan pursuant to paragraph (7) of subdivision (b) of Section 52064.

(d) If the total estimated actual expenditures and the total actual quality improvements described in paragraphs (1) and (2) of subdivision (c) are less than the total budgeted expenditures and the total planned quality improvements described in paragraphs (1) and (2) of subdivision (c), and together these efforts are less than the total increase or improvement in services required by paragraph (1) of subdivision (a), all of the following requirements shall apply:

(1) The difference shall be expressed as an unused portion of the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school set forth in paragraph (1) of subdivision (a).

(2) The funds herein shall be expended only to implement specific actions that satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to the regulations adopted by the state board pursuant to subdivision (a).

(3) The local educational agency shall report the planned uses of the funds in its local control and accountability plan pursuant to Section 52064.

(e) The requirements in subdivision (d) are independent and additional to the requirement to increase or improve services for the ensuing fiscal year established in regulations adopted by the state board pursuant to subdivision (a).

**SEC. 30.** Section 43504 of the Education Code is amended to read:

**43504.** (a) The compulsory education requirements described in Section 48200 continue to apply for the 2020–21 school year.

(b) A local educational agency shall offer in-person instruction to the greatest extent possible.

(c) For the 2020–21 school year, for purposes of the requirement on school districts to offer 180 instructional days per school year pursuant to Section 46208 and the requirement on charter schools to offer 175 instructional

days per school year pursuant to Section 11960 of Title 5 of the California Code of Regulations, an instructional day is a day in which all pupils are scheduled for the length of the day established by the governing board or body of the local educational agency in a classroom under the immediate supervision of a certificated employee or in distance learning that meets the minimum requirements described in this part. For purposes of this section, for charter schools, distance learning shall be provided by a certificated employee pursuant to the requirements of Sections 47605, 47605.4, and 47605.6.

(d) (1) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which distance learning is provided. A pupil who does not participate in distance learning on a schoolday shall be documented as absent for that schoolday.

(2) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians.

(e) Each local educational agency shall ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of distance learning, verifying daily participation, and tracking assignments.

(f) (1) A pupil who does not participate daily in either in-person instruction pursuant to subdivision (b) or distance learning pursuant to subdivision (d) shall be deemed absent by the local educational agency. A local educational agency shall use documentation of the absence for purposes of reporting its chronic absenteeism rates in its local control and accountability plan.

(2) Each local educational agency shall develop written procedures for tiered reengagement strategies for all pupils who are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week. These procedures shall include, but are not limited to, verification of current contact information for each enrolled pupil, daily notification to parents or guardians of absences, a plan for outreach from the school to determine pupil needs including connection with health and social services as necessary and, when feasible, transitioning the pupil to full-time in-person instruction.

(g) Each school shall regularly communicate with parents and guardians regarding a pupil's academic progress.

(h) The Controller shall include instructions necessary to enforce the requirements of this section in the 2020–21 audit guide required by Section 14502.1.

(i) (1) (A) For a school district or charter school that offers fewer than the instructional days required in subdivision (c), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment for the prior year average daily attendance of each affected grade level, the sum of .0056 multiplied by that apportionment for each day less than what was required pursuant to this section.

(B) Notwithstanding subparagraph (A), the Superintendent shall proportionately reduce the amount of funding pursuant to subdivision (b) of Section 11960 of Title 5 of the California Code of Regulations for a charter school that has ceased operation during the 2020–21 school year if school was actually taught in the charter school on fewer than 175 calendar days during that school year.

(2) (A) For a school district or charter school that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the school district's or charter school's local control funding formula grant apportionment an amount equal to the total days out of compliance divided by the number of instructional days required to be offered, multiplied by the derived value of average daily attendance.

(B) For a county office of education that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the county office of education's local control funding formula grant apportionment an amount equal to the total days out of compliance divided by 175 multiplied by the derived value of average daily attendance.

(3) A local educational agency that provides distance learning shall not be penalized for instruction provided before September 1, 2020, that fails to meet the requirements of this section.

**SEC. 31.** Section 43504.5 is added to the Education Code, to read:

**43504.5.** (a) The state board may waive the fiscal penalties set forth in subparagraph (A) of paragraph (1) of subdivision (i) of Section 43504 for a school district or charter school that fails to maintain the prescribed

minimum number of instructional days for the school year.

(b) For fiscal penalties incurred as a result of a shortfall on instructional days in the 2020–21 fiscal year, a waiver may only be granted pursuant to subdivision (a) upon the condition that the school or schools in which the days were lost maintain days of instruction equal in number to those lost and in addition to the amount otherwise prescribed in this part for twice the number of years that it failed to maintain the prescribed minimum number of instructional days for the school year following the year commencing not later than the school year following the year in which the waiver was granted and continuing for each succeeding school year until the condition is satisfied. Days of instruction added in the 2021–22 fiscal year or later for the purpose of making up lost instructional days in the 2020–21 fiscal year shall be days on which all pupils are offered days of in-person instruction for the length of the schoolday under the immediate physical supervision and control of a certificated employee of the school district or charter school that failed to meet the prescribed minimum number of instructional days in the 2020–21 fiscal year. Compliance with the condition shall be specifically verified in the report of the annual audit of the school district or charter school for each year in which the additional days are to be maintained. If an audit report for a year in which the additional days are to be maintained does not verify that the time was provided, that finding shall be addressed as set forth in Section 41344.

(c) It is the intent of the Legislature that school districts and charter schools make every effort to make up any instructional days lost during the school year in which the loss occurred, rather than seeking a waiver under this section.

**SEC. 32.** Section 43507 of the Education Code is amended to read:

**43507.** Notwithstanding Sections 15498.1 and 15103 of Title 5 of the California Code of Regulations, for purposes of calculating the local control funding formula grade span adjustment pursuant to Section 42238.02 or the class size penalty pursuant to Sections 41376 and 41378, “class” may include instruction offered through distance learning or in-person instruction pursuant to this part.

**SEC. 33.** Section 43509 of the Education Code is amended to read:

**43509.** (a) (1) For the 2020–21 school year, the governing board of a school district, a county board of education, and the governing body of a charter school shall adopt both of the following:

(A) (i) By September 30, 2020, a learning continuity and attendance plan pursuant to this section.

(ii) For a school district, county office of education, or charter school impacted by natural disasters on September 30, 2020, the adoption date referenced in clause (i) shall instead be November 15, 2020, or 30 days after normal operations have resumed, whichever is later.

(B) By December 15, 2020, with the first interim report required pursuant to Sections 1240, 42131, and 47604.33, the local control funding formula budget overview for parents required pursuant to Section 52064.1.

(2) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to adopt a local control and accountability plan or an annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 or Section 47606.5 for the 2020–21 school year.

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to comply with paragraph (2) of Executive Order No. N-56-20.

(b) The governing board of a school district, a county board of education, and the governing body of a charter school shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, county office of education, or charter school, parents, and pupils in developing a learning continuity and attendance plan pursuant to this section. Specifically, engagement under this section shall include all of the following:

(1) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan.

(2) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan, using

the most efficient method of notification possible. This paragraph does not require a school district, county board of education, or charter school to produce printed notices or to send notices by mail. The superintendent of a school district, a county superintendent of schools, and a charter school shall ensure that all written notifications related to the learning continuity and attendance plan are provided consistent with Section 48985.

(3) The superintendent of a school district and a county superintendent of schools shall present the learning continuity and attendance plan to the parent advisory committee and the English learner parent advisory committee established pursuant to Section 52063 separately for review and comment. The superintendent of a school district and a county superintendent of schools shall respond, in writing, to comments received from the parent advisory committee and the English learner parent advisory committee.

(4) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall present the learning continuity and attendance plan at a public hearing of the governing board of the school district, the county board of education, or the governing body of the charter school for review and comment by members of the public. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the learning continuity and attendance plan will be available for public inspection.

(5) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall adopt the learning continuity and attendance plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing held pursuant to paragraph (4).

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall provide options for remote participation in the public hearings required by paragraph (4) and subparagraph (A) and include efforts to solicit feedback pursuant to paragraphs (1), (2), and (3) to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

(c) (1) Not later than five days after adoption of a learning continuity and attendance plan, the governing board of a school district shall file the learning continuity and attendance plan with the county superintendent of schools. The county superintendent of schools may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations. If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this paragraph.

(2) Not later than five days after adoption of a learning continuity and attendance plan, the county board of education shall file the learning continuity and attendance plan with the Superintendent. The Superintendent may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(3) Not later than five days after adoption of a learning continuity and attendance plan, the governing body of a charter school shall file the learning continuity and attendance plan with its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.

(d) A learning continuity and attendance plan adopted pursuant to this section shall be posted consistent with the requirements of Sections 47606.5 and 52065.

(e) A learning continuity and attendance plan adopted by the governing board of a school district, a county board of education, or the governing body of a charter school shall address continuity of learning and include, for the school district, county office of education, or charter school and each school within the school district, county office of education, or charter school, all of the information specified in the template developed by the Superintendent pursuant to subdivision (f).

(f) On or before August 1, 2020, the Superintendent, in consultation with the executive director of the state board, shall develop a template for the learning continuity and attendance plan that includes, but is not limited to, all of the following:

(1) A description of how the school district, county office of education, or charter school will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community in the following areas, and the

specific actions and expenditures the school district, county office of education, or charter school anticipates taking to support its ability to address the impacts of COVID-19:

(A) In-person instructional offerings, and specifically, the actions the school district, county office of education, or charter school will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures.

(B) Plans for a distance learning program, including all of the following:

(i) How the school district, county office of education, or charter school will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery. This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.

(ii) A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs.

(iii) How the school district, county office of education, or charter school will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, and how the time value of pupil work will be measured.

(iv) What professional development and resources will be provided to staff to support the provision of distance learning, including technological support.

(v) To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be.

(vi) What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided.

(C) How the school district, county office of education, or charter school will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

(i) How the school district, county office of education, or charter school will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics.

(ii) What actions and strategies the school district, county office of education, or charter school will use to address learning loss and accelerate learning progress for pupils, as needed, and how these strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section 42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness.

(iii) How the effectiveness of the services or supports provided to address learning loss will be measured.

(D) How the school district, county office of education, or charter school will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

(E) What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

(F) Pupil engagement and outreach, including the procedures of the school district, county office of education, or charter school for tiered reengagement strategies for pupils who are absent from distance learning, and how the school district, county office of education, or charter school will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or the school district, county office of education, or charter school determines the pupil is not engaging in instruction and is at risk of learning loss.

(G) School nutrition, including how the school district, county office of education, or charter school will provide meals for pupils who are eligible for free or reduced-price meals, as defined in Section 42238.01, for pupils participating in both in-person instruction and distance learning, as applicable and contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(2) For each of the areas described in paragraph (1), the learning continuity and attendance plan shall describe how federal and state funding included in the original or revised budget adopted by the governing board of a school district, a county board of education, or the governing body of a charter school is used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of Chapter 24 of the Statutes of 2020. If the actions and expenditures described in paragraph (1) are not included in the budget, the learning continuity and attendance plan shall reference how these expenditures will be included in the first interim report of the school district, county office of education, or charter school pursuant to Section 1240, 42131, or 47604.33.

(3) The learning continuity and attendance plan shall include a description of how the school district, county office of education, or charter school is increasing or improving services in proportion to funds generated on the basis of the number and concentration of unduplicated pupils under the local control funding formula pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the 2020–21 fiscal year pursuant to the regulations adopted by the state board pursuant to Section 42238.07.

(g) (1) Notwithstanding subdivision (e) of Section 52064.1, the template and instructions for the local control funding formula budget overview for parents required pursuant to subdivision (a) shall be updated to reflect alignment with the learning continuity and attendance plan adopted pursuant to this section.

(2) By September 15, 2020, the template and instructions for the local control funding formula budget overview for parents shall be updated by the Superintendent, in consultation with the executive director of the state board, to do the following:

(A) Replace references to the local control and accountability plan with references to the learning continuity and attendance plan, where applicable.

(B) Specify the amount of federal funds allocated to the school district, county office of education, or charter school under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136).

(C) Replace the requirements of paragraphs (2) and (3) of subdivision (b) of Section 52064.1 with total budgeted expenditures and total budgeted expenditures that contribute to increased or improved services for unduplicated pupils in the learning continuity and attendance plan, respectively.

**SEC. 34.** Section 43521 of the Education Code is amended to read:

**43521.** (a) The sum of four billion five hundred forty-two million three thousand dollars (\$4,542,003,000) from the General Fund, and the sum of two billion fifteen million four hundred forty thousand dollars (\$2,015,440,000) from the Federal Trust Fund, are hereby appropriated to the Superintendent for apportionment in the 2020–21 fiscal year pursuant to this chapter. Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to this subdivision shall be used for costs dating back to March 13, 2020, and be consistent with the terms, tracking and reporting requirements, and period of fund availability in accordance with federal law for all of the following:

(1) Six hundred seventy million nine hundred sixty-three thousand dollars (\$670,963,000) from the Elementary and Secondary School Emergency Relief Fund pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, (Public Law 116-260) available for obligation through September 30, 2023, unless otherwise provided in federal law.

(2) One hundred fifty-three million nine hundred sixty-six thousand dollars (\$153,966,000) from the Governor's Emergency Education Relief Fund pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, (Public Law 116-260) available for obligation through September 30, 2023, unless otherwise provided in federal law.

(3) Four hundred thirty-seven million sixty-seven thousand dollars (\$437,067,000) from the Elementary and Secondary School Emergency Relief Fund pursuant to the federal American Rescue Plan Act of 2021 (Public Law 117-2) available for obligation through September 30, 2024, unless otherwise provided in federal law. For the purposes of Section 2001(f)(4) of the federal American Rescue Plan Act of 2021 (Public Law 117-2), this constitutes the state's reserve of funds for emergency needs.

(4) Seven hundred fifty-three million four hundred forty-four thousand (\$753,444,000) from the Elementary and Secondary School Emergency Relief Fund state level reservation to address learning loss, pursuant to the federal American Rescue Plan Act of 2021 (Public Law 117-2) available for obligation through September 30, 2024, unless otherwise provided in federal law. For the purposes of Section 2001(f)(1) of the federal American Rescue

Plan Act of 2021 (Public Law 117-2), this constitutes the state's reserve of funds to carry out activities to address learning loss.

(b) Of the amount appropriated pursuant to subdivision (a), four billion five hundred fifty-seven million four hundred forty-three thousand dollars (\$4,557,443,000) shall be apportioned to local educational agencies and state special schools in the following manner:

(1) A local educational agency shall receive one thousand dollars (\$1,000) per homeless pupil enrolled in the 2020–21 fiscal year as reported in the California Longitudinal Pupil Achievement Data System as of the 2020–21 Fall 1 Submission.

(2) A state special school shall receive seven hundred twenty-five dollars (\$725) for each unit of average daily attendance as of the 2020–21 second principal apportionment certification. The average daily attendance for each state special school shall be deemed to be 97 percent of the enrollment as reported in the California Longitudinal Pupil Achievement Data System as of the 2020–21 Fall 1 Submission.

(3) (A) The funds remaining after the apportionments in paragraphs (1) and (2) shall be apportioned proportionally on the basis of a local educational agency's local control funding formula entitlement determined as of the 2020–21 second principal apportionment certification, pursuant to Sections 42238.02 and 42238.025, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575, as applicable. For purposes of this paragraph, entitlements shall include apportionments allocated pursuant to Section 41544 and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27.

(B) Consistent with Section 2576, a county office of education's local control funding formula entitlement for purposes of subparagraph (A) shall include funding that the Superintendent transferred to the county where a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 for each unit of average daily attendance credited to the school district of residence as of the 2020–21 second principal apportionment certification.

(c) (1) Of the amount appropriated pursuant to subdivision (a), two billion dollars (\$2,000,000,000) shall be apportioned to local educational agencies, excluding a charter school classified as a nonclassroom-based charter school as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, based on the apportionment methodology described in paragraph (3) of subdivision (b).

(2) (A) A local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced pursuant to subparagraph (B) if the local educational agency does not provide in-person instruction pursuant to paragraph (3).

(B) (i) From April 1, 2021, to May 15, 2021, inclusive, a local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced by 1 percent for each day of instruction provided for in the school calendar that the local educational agency does not provide in-person instruction pursuant to paragraph (3), as identified in the school calendar adopted for the 2020–21 school year that is in effect on March 1, 2021.

(ii) If a local educational agency does not provide in-person instruction pursuant to paragraph (3) on or before May 15, 2021, it shall forfeit all funds apportioned pursuant to paragraph (1).

(iii) If a local educational agency does not offer continuous in-person instruction for pupils pursuant to subparagraphs (A) to (C), inclusive, of paragraph (3) from when it commences offering in-person instruction through the end of the scheduled 2020–21 school year, unless otherwise ordered by a state or local health officer, it shall forfeit all funds apportioned pursuant to paragraph (1). The scheduled school year is the adopted school calendar for the 2020–21 school year that is in effect on March 1, 2021.

(3) For purposes of this subdivision, a local educational agency shall be considered to be offering in-person instruction if it does at least all of the following:

(A) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy that is neither open nor eligible to open as defined in the COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction pursuant to the State Department of Public Health's Guidance Related to Cohorts to all pupils who are individuals with exceptional needs, if consistent with each pupil's individualized education program, and to all prioritized pupil groups described in paragraph (4), unless the number of pupils in the prioritized pupil groups seeking in-person instruction exceeds the practical capacity of a local educational agency to maintain health and safety pursuant to its COVID-19 safety plan, in which case the local educational agency may limit the

number of pupils within the prioritized pupil groups that receive in-person instruction to its maximum practical capacity.

(B) For elementary schools, for kindergarten and grades 1 to 6, inclusive, as applicable, the following applies:

(i) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in kindergarten and grades 1 and 2.

(ii) When eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to clause (i), and to all pupils in grade 3 through the highest elementary school grade, up to grade 6, inclusive.

(C) For middle schools and high schools, for grades 6 to 12, inclusive, as applicable, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in at least one full grade level.

(D) (i) Except as provided in clause (ii), for a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy, the local educational agency conducts asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(ii) The requirement in clause (i) does not apply if, on or before March 31, 2021, the local educational agency is providing in-person instruction or the governing board or body of the local educational agency has adopted a plan to provide in-person instruction and has publicly posted its COVID-19 safety plan on its internet website. A local educational agency in a county that moves from the purple tier into the red, orange, or yellow tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy, is not required to maintain asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(4) For the purposes of this subdivision, "prioritized pupil groups" shall include all of the following:

(A) Pupils at risk for abuse, neglect, or exploitation.

(B) Homeless pupils.

(C) Foster youth.

(D) English learners.

(E) Pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, as determined by the local educational agency.

(F) Disengaged pupils.

(5) On or before June 1, 2021, a local educational agency shall certify its compliance with paragraph (3) using a form the State Department of Education shall provide for this purpose. The State Department of Education shall make this form available publicly on its internet website on or before May 1, 2021.

(6) (A) The State Department of Education's calculation of a local educational agency's August 2021 apportionment of funds pursuant to subdivision (f) shall include a reduction equal to the amount of funds reduced pursuant to clause (i) of subparagraph (B) of paragraph (2) or forfeited pursuant to clause (ii) of subparagraph (B) of paragraph (2).

(B) Any funds reduced pursuant to clause (i) of subparagraph (B) of paragraph (2) or forfeited pursuant to clause (ii) of subparagraph (B) of paragraph (2) shall be redistributed in the calculations made pursuant to paragraph (1).

(d) A local educational agency receiving funds pursuant to this section shall comply with the requirements of Section 43503 for all pupils participating in distance learning, instructional time requirements pursuant to

Section 43501 for the 2020–21 school year, and applicable instructional day requirements pursuant to Chapter 2 (commencing with Section 46100) of Part 26 of Division 4 for the 2021–22 school year.

(e) Within 15 days of March 5, 2021, the State Department of Education shall notify each local educational agency and state special school of its estimated apportionments under subdivisions (b) and (c), as applicable.

(f) (1) State funds apportioned to a local educational agency or state special school pursuant to this section shall be provided by the Controller to the local educational agency or state special school as follows:

(A) In May 2021, an amount equal to 50 percent of the amount determined under subdivision (e) for the local educational agency or state special school using 2020–21 first principal apportionment certification data and 2020–21 preliminary California Longitudinal Pupil Achievement Data System Fall 1 data.

(B) On or before December 31, 2021, the remaining amount of state funds owed under this section, after reductions pursuant to paragraph (6) of subdivision (c), to the local educational agency or state special school using 2020–21 second principal apportionment data and 2020–21 final California Longitudinal Pupil Achievement Data System Fall 1 data. If based on the final data, the amount paid by the Controller in May 2021 exceeds the amount of state funding owed to a local educational agency, the State Department of Education may offset the local educational agency's monthly principal apportionment payment to recover the overpayment of state funds.

(2) State funds apportioned to a local educational agency or state special school pursuant to this section shall be available for expenditure through September 30, 2024. Federal funds apportioned to a local educational agency or state special school pursuant to this section shall be available for expenditure pursuant to the period of fund availability specified in paragraphs (1) to (4), inclusive, of subdivision (a).

(g) Neither the funding conditions or other requirements established in this chapter or Article 8 (commencing with Section 32090) of Chapter 1 of Part 19 of Division 1 of Title 1, nor the issuance of any nonmandatory guidance by the State Department of Public Health shall be construed as creating or establishing an affirmative obligation for a local educational agency to revise its completed COVID-19 safety plan that is publicly posted on its internet website on or before March 31, 2021.

(h) Notwithstanding subdivisions (b) and (c), a charter school that has ceased operation on or before March 5, 2021, shall not be allocated funding pursuant to this section.

(i) For purposes of apportionments made pursuant to this section from federal funds described in paragraphs (1) to (4), inclusive, of subdivision (a), funding for a locally funded charter school shall be included in the apportionment of the chartering authority.

(j) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), one billion three hundred sixty-four million nine hundred thirty-one thousand dollars (\$1,364,931,000) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2019–20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), three billion one hundred seventy-seven million seventy-two thousand dollars (\$3,177,072,000) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 35.** Section 43522 of the Education Code is amended to read:

**43522.** (a) (1) A local educational agency receiving funds under subdivision (b) of Section 43521 shall implement a learning recovery program that, at a minimum, provides supplemental instruction, support for social and emotional well-being, and, to the maximum extent permissible under the guidelines of the United States Department of Agriculture, meals and snacks to, at a minimum, pupils who are eligible for free or reduced-price meals, English learners, foster youth, homeless pupils, pupils who are individuals with exceptional needs, pupils at risk of abuse, neglect, or exploitation, disengaged pupils, and pupils who are below grade level, including, but

not limited to, those who did not enroll in kindergarten in the 2020–21 school year, credit-deficient pupils, high school pupils at risk of not graduating, and other pupils identified by certificated staff.

(2) Consistent with the plan created pursuant to subdivision (e), a local educational agency shall plan supplemental instruction and support in a tiered framework that bases universal, targeted, and intensive supports on pupils' needs for academic, social-emotional, and other integrated pupil supports, and provides the services through a program of engaging learning experiences in a positive school climate.

(b) Specifically, funds received under subdivision (b) of Section 43521 shall be expended only for any of the following purposes:

(1) Notwithstanding Section 37202, instructional learning time in addition to what is required pursuant to Part 24.5 (commencing with Section 43500) of Division 3 for the 2020–21 school year and Chapter 2 (commencing with Section 46100) of Part 26 of, or Chapter 3 (commencing with Section 47610) of Part 26.8 of, Division 4, and Section 300.106 of Title 34 of the Code of Federal Regulations for the 2021–22 and the 2022–23 school years by increasing the number of instructional days or minutes provided during the school year, providing summer school or intersessional instructional programs, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(2) Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports including, but not limited to, any of the following:

(A) Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff.

(B) Learning recovery programs and materials designed to accelerate pupil academic proficiency, English language proficiency, or both.

(C) Educator training, for both certificated and classified staff, in accelerated learning strategies and effectively addressing learning gaps, including training in facilitating quality and engaging learning opportunities for all pupils.

(3) Integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and social-emotional learning, or referrals for support for family or pupil needs.

(4) Community learning hubs that provide pupils with access to technology, high-speed internet, and other academic supports.

(5) Supports for credit deficient pupils to complete graduation or grade promotion requirements and to increase or improve pupils' college eligibility.

(6) Additional academic services for pupils, such as diagnostic, progress monitoring, and benchmark assessments of pupil learning.

(7) Training for school staff on strategies, including trauma-informed practices, to engage pupils and families in addressing pupils' social-emotional health needs and academic needs.

(c) (1) Of the funds apportioned under paragraph (3) of subdivision (b) of Section 43521, a local educational agency shall use at least 10 percent of its apportionment to hire paraprofessionals to provide supplemental instruction and support through the duration of this program, with a priority for full-time paraprofessionals. Supplemental instruction and support shall be prioritized for English learners and pupils who are individuals with exceptional needs. It is the intent of the Legislature that a local educational agency prioritize rehiring paraprofessionals subject to layoff or release after the expiration of the protections included for classified employees in Section 94 of Chapter 24 of the Statutes of 2020, and further increasing the number of paraprofessional staff to meet the requirements of this subdivision.

(2) The department shall identify for each local educational agency the amount of funding received pursuant to paragraph (3) of subdivision (b) of Section 43521 that is required to be expended pursuant to this subdivision.

(3) Funds expended pursuant to this subdivision shall count towards meeting the minimum use of funds requirement described in paragraph (1) of subdivision (d).

(4) For purposes of this subdivision, "paraprofessional" has the same meaning as in subdivision (a) of Section 45330.

(d) (1) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency shall use at least 85 percent of its apportionment for expenditures related to providing in-person services allowable pursuant to subdivision (b).

(2) A local educational agency that has forfeited funding pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521 may expend up to 10 percent of funding received pursuant to subdivision (b) of Section 43521 in the 2020–21 school year to support school reopening for costs consistent with allowable uses under subdivision (f). Funds expended pursuant to this paragraph shall be considered “expenditures related to providing in-person services allowable pursuant to subdivision (b)” for purposes of paragraph (1).

(3) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency may expend up to 15 percent to increase or improve services for pupils participating in distance learning or to support activities intended to prepare a local educational agency for in-person instruction, before in-person instructional services are offered.

(e) (1) On or before June 1, 2021, the governing board or body of a local educational agency that receives funds under subdivision (b) of Section 43521 shall adopt at a public meeting a plan describing how the apportioned funds will be used in accordance with this section. Within 5 days of adoption, a school district shall submit the plan to its county office of education, a charter school shall submit its plan to its chartering authority, and a county office of education or a school district in a single-district county shall submit its plan to the department. A county office of education or a chartering authority shall send received plans to the Superintendent upon request. Local educational agencies shall provide an opportunity for parents and schoolsite staff to be involved in the development of the plan.

(2) (A) Within 21 days of March 5, 2021, the Superintendent, with the concurrence of the executive director of the state board, shall develop and post on the department’s internet website a template for the plan required pursuant to paragraph (1). The template shall include all of the following:

(i) A description of the local educational agency’s plan for assessing the needs of its pupils.

(ii) A description of the local educational agency’s plan for informing the parents and guardians of all of its pupils requiring learning recovery supports of the availability of these opportunities, including in parents’ and guardians’ primary languages pursuant to Section 48985.

(iii) A description of how the local educational agency involved parents and schoolsite staff, including classified and certificated staff, in the development of the plan.

(iv) A description of how the local educational agency has planned supplemental instruction and support pursuant to paragraph (2) of subdivision (a).

(v) The local educational agency’s expenditure plan for funds received under subdivision (b) of Section 43521 and how they will be coordinated with funds received from the federal Elementary and Secondary School Emergency Relief Fund provided through the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (Public Law 116-260) that were received by the local educational agency. The expenditure plan shall include an indication of how much of the apportioned funds the local educational agency will allocate and expend for each allowable purpose pursuant to this section, and shall reflect both estimated and actual expenditures. Actual expenditures shall be reported when they are available.

(B) The development of the template for the plan pursuant to subparagraph (A) shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) This subdivision does not preclude a local educational agency from receiving or expending funds apportioned under subdivision (b) of Section 43521 before the adoption of its plan pursuant to paragraph (1).

(f) Funds apportioned under subdivision (c) of Section 43521 may be used for any purpose consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, and social and mental health support services provided in conjunction with in-person instruction.

(g) A local educational agency and state special school apportioned funds under Section 43521 shall ensure all services delivered to pupils who are individuals with exceptional needs are delivered in accordance with an applicable individualized education program.

(h) Local educational agencies are encouraged to engage, plan, and collaborate on program operation with community partners and expanded learning programs, and leverage existing behavioral health partnerships and Medi-Cal billing options, in the design and implementation of services provided under this section.

**SEC. 36.** Section 43523 of the Education Code is amended to read:

**43523.** (a) For 2021–22 fiscal year audits, the Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining all of the following for local educational agencies that receive apportionments under Section 43521:

(1) Compliance with clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521.

(2) Compliance with subdivisions (c), (d), and (e) of Section 43522.

(3) Compliance with submitting to the department the expenditure report required pursuant to subdivision (c).

(b) (1) For a local educational agency with audit findings of noncompliance pursuant to subdivision (c) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures from state funds that are noncompliant pursuant to subdivision (c) of Section 43522.

(2) For a local educational agency with audit findings of noncompliance pursuant to subdivision (d) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures from state funds that are noncompliant pursuant to subdivision (d) of Section 43522.

(c) Local educational agencies receiving apportionments under Section 43521 shall report final expenditures of those apportioned funds to the department by December 1, 2024, and the Superintendent shall initiate collection proceedings for unexpended funds. A local educational agency that does not submit the expenditure report shall forfeit all funds apportioned pursuant to Section 43521.

**SEC. 37.** Section 43525 of the Education Code is amended to read:

**43525.** This part shall become inoperative on June 30, 2025, and, as of January 1, 2026, is repealed.

**SEC. 38.** Section 44252 of the Education Code is amended to read:

**44252.** (a) (1) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(2) (A) The commission shall require an initial or renewal applicant who submits an initial or renewal application for the applicant's credential online, as part of the application process, to read and attest by electronic signature a statement that the applicant for the credential understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever the credentialholder, in the credentialholder's professional capacity or within the scope of the credentialholder's employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(B) The commission shall require an initial applicant who submits an application in paper form, as part of the application process, to read and attest by signature a statement that the applicant understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever the credentialholder, in the credentialholder's professional capacity or within the

scope of the credentialholder's employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(C) The statement described in subparagraphs (A) and (B) shall be substantially in the following form:

"As a documentholder authorized to work with children, it is part of my professional and ethical duty to report every instance of child abuse or neglect known or suspected to have occurred to a child with whom I have professional contact.

I understand that I must report immediately, or as soon as practicably possible, by telephone to a law enforcement agency or a child protective agency, and will send a written report and any evidence relating to the incident within 36 hours of becoming aware of the abuse or neglect of the child.

I understand that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for making a mandated report to a law enforcement agency or a child protective agency.

I understand that the reporting duties are individual and no supervisor or administrator may impede or inhibit my reporting duties.

I understand that once I submit a report, I am not required to disclose my identity to my employer.

I understand that my failure to report an instance of suspected child abuse or neglect as required by the Child Abuse and Neglect Reporting Act under Section 11166 of the Penal Code is a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

I acknowledge and certify that as a documentholder, I will fulfill all the duties required of a mandated reporter."

(b) The commission shall not issue initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5 or 44252.7. The commission shall exempt the following persons from the basic skills proficiency test requirement:

- (1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.
- (2) An applicant for an adult education designated subject credential for other than an academic subject.
- (3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination administered by the state where the person is credentialed.
- (4) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination that has been developed and administered by the school district offering that person employment, by cooperating school districts, or by the appropriate county office of education. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. The applicant shall be granted a nonrenewable credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44252.5.
- (5) An applicant for a childcare center permit or a permit authorizing service in a development center for the handicapped if the holder of the permit is not required to have a baccalaureate degree.
- (6) The holder of a credential, permit, or certificate to teach, other than an emergency permit, who seeks an additional authorization to teach.
- (7) An applicant for a credential to provide service in the health profession.
- (8) An applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University.
- (9) An applicant for an eminence credential to be issued pursuant to Section 44262.

(10) (A) An applicant who earns at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by the commission for an applicant not enrolled in a California credential preparation program, to sufficiently serve as an indicator of proficiency in basic reading, writing, and mathematics skills in the English language. As used in this section, "qualifying coursework" means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate's degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate's degree, baccalaureate degree, or higher degree.

(B) (i) For purposes of subparagraph (A), the following courses are sufficient to serve as indicators of proficiency in basic reading, writing, and mathematics skills:

(I) For reading proficiency, a course in the subjects of critical thinking, literature, philosophy, reading, rhetoric, or textual analysis.

(II) For writing proficiency, a course in the subjects of composition, English, rhetoric, written communications, or writing.

(III) For mathematics proficiency, a course in the subjects of algebra, geometry, mathematics, quantitative reasoning, or statistics.

(ii) A course that does not fall within a subject described in clause (i) may serve as an alternative indicator of proficiency if the applicant provides documentation in writing from the registrar or relevant department chair of the regionally accredited institution of higher education where the course was taken that the course includes the study of subjects in reading, writing, or mathematics, as those terms are described in clause (i). A course that meets these standards may combine the study of reading and writing.

(C) Qualifying coursework shall be a semester-length course of at least three units or the equivalent number of quarter units.

(11) A credential preparation program may determine that an applicant has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language through a combination of qualifying coursework described in paragraph (10), passage of a component or components of the state basic skills proficiency test described in subdivision (d) of Section 44252.5, and scores described in paragraph (8).

(c) (1) The Superintendent shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the Superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The advisory board also shall include representatives of school boards, school administrators, parents, and postsecondary educational institutions.

(2) The Superintendent shall adopt a normed test that the Superintendent determines will sufficiently test basic skills for purposes of this section.

(3) The Superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to ensure the effective implementation of this section.

(d) This section does not require the holders of, or applicants for, a designated subjects special subjects credential to pass the state basic skills proficiency test unless the requirements for the specific credential required the possession of a baccalaureate degree. The governing board of a school district, the governing board of a consortium of school districts, or a governing board involved in a joint powers agreement that employs a holder of a designated subjects special subjects credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

(f) (1) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with

information regarding the proficiency level of the applicant. Test results shall be forwarded to each California postsecondary educational institution to which the applicant has applied. The program shall use test results to ensure that, upon admission, each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

(2) It is the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.

**SEC. 39.** Section 44259 of the Education Code is amended to read:

**44259.** (a) Except as provided in clauses (i) and (iii) of subparagraph (A) of paragraph (3) of subdivision (b), a program of professional preparation for multiple or single subject teaching credentials shall not include more than two years of full-time study of professional preparation.

(b) The minimum requirements for the preliminary multiple or single subject teaching credential are all of the following:

(1) A baccalaureate degree or higher degree from a regionally accredited institution of higher education. Except as provided in subdivision (c) of Section 44227, for single subject teaching credentials, the baccalaureate degree shall not be in professional education. The commission shall encourage regionally accredited institutions of higher education to offer undergraduate minors in education and special education to students who intend to become single subject credentialed teachers.

(2) Demonstration of basic skills proficiency pursuant to Section 44252.5.

(3) (A) Satisfactory completion of a program of professional preparation that has been accredited by the Committee on Accreditation on the basis of standards of program quality and effectiveness that have been adopted by the commission. In accordance with the commission's assessment and performance standards, a program shall include a teaching performance assessment as set forth in Section 44320.2 that is aligned with the California Standards for the Teaching Profession. The commission shall ensure that a candidate recommended for a credential or certificate has demonstrated satisfactory ability to assist pupils to meet or exceed academic content and performance standards for pupils adopted by the state board. Programs that meet this requirement for professional preparation shall include any of the following:

(i) Integrated programs of subject matter preparation and professional preparation pursuant to subdivision (a) of Section 44259.1.

(ii) Postbaccalaureate programs of professional preparation, pursuant to subdivision (d) of Section 44259.1.

(iii) Internship programs of professional preparation, pursuant to Section 44321, Article 7.5 (commencing with Section 44325), Article 11 (commencing with Section 44380), and Article 3 (commencing with Section 44450) of Chapter 3.

(iv) Degree programs offered pursuant to Article 5 (commencing with Section 78060) of Chapter 1 of Part 48 of Division 7 of Title 3.

(B) A program of professional preparation pursuant to subparagraph (A) shall provide experience that addresses all of the following:

(i) Health education, including study of nutrition, cardiopulmonary resuscitation, and the physiological and sociological effects of the abuse of alcohol, narcotics, and drugs and the use of tobacco. Training in cardiopulmonary resuscitation shall also meet the standards established by the American Heart Association or the American Red Cross.

(ii) Field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs.

(iii) Advanced computer-based technology, including the uses of technology in educational settings.

(C) A program of professional preparation pursuant to subparagraph (A) for the multiple subject teaching credential shall also include the study of integrated methods of teaching language arts.

(4) Study of alternative methods of developing English language skills, including the study of reading as described in subparagraphs (A) and (B), among all pupils, including those for whom English is a second language, in accordance with the commission's standards of program quality and effectiveness. The study of reading shall meet the following requirements:

(A) Commencing January 1, 1997, satisfactory completion of comprehensive reading instruction that is research based and includes all of the following:

(i) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding skills.

(ii) A strong literature, language, and comprehension component with a balance of oral and written language.

(iii) Ongoing diagnostic techniques that inform teaching and assessment.

(iv) Early intervention techniques.

(v) Guided practice in a clinical setting.

(B) For purposes of this section, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text, and the relationship of direct, systematic, explicit phonics to the components set forth in clauses (i) to (v), inclusive, of subparagraph (A).

(5) (A) Verification of subject matter competence, demonstrated through one of the following methods:

(i) Completion of a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310).

(ii) Passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280).

(iii) Successful completion of coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282, as verified by a commission-approved program of professional preparation.

(iv) Successful completion of a baccalaureate or higher degree from a regionally accredited institution of higher education with the following, as applicable:

(I) For single subject credentials, a major in one of the subject areas in which the commission credentials candidates.

(II) For multiple subject credentials, a liberal studies major or other degree that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(III) For education specialist credentials, either a major in one of the subject areas in which the commission credentials candidates or a liberal studies or other major that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(v) Demonstration that the candidate, through a combination of the methods described in clauses (i), (ii), and (iii) in whole or in part, has met or exceeded each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282 for multiple and single subject credentials, or pursuant to Section 44265 for education specialist credentials.

(B) The commission shall ensure that subject matter standards and examinations are aligned with the academic content and performance standards for pupils adopted by the state board.

(6) Demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Section 44335.

(7) Demonstration, in accordance with the commission's standards of program quality and effectiveness, of basic competency in the use of computers in the classroom as determined by one of the following:

(A) Successful completion of a commission-approved program or course.

(B) Successful passage of an assessment that is developed, approved, and administered by the commission.

(c) The minimum requirements for the clear multiple or single subject teaching credential shall include all of the following requirements:

(1) Possession of a valid preliminary teaching credential, as prescribed in subdivision (b), possession of a valid equivalent credential or certificate, or completion of equivalent requirements as determined by the commission.

(2) Except as provided in paragraph (3), completion of a program of beginning teacher induction, including either of the following:

(A) A program of beginning teacher induction that is provided by one or more local educational agencies and has been approved by the commission on the basis of initial review and periodic evaluations of the program in relation to appropriate standards of credential program quality and effectiveness that have been adopted by the commission pursuant to this subdivision. The program standards shall encourage innovation and experimentation in the continuous preparation and induction of beginning teachers.

(B) A program of beginning teacher induction that is sponsored by a regionally accredited institution of higher education in cooperation with one or more local school districts, that addresses the individual professional needs of beginning teachers and meets the commission's standards of induction. The commission shall ensure that preparation and induction programs that qualify candidates for professional credentials extend and refine each beginning teacher's professional skills in relation to the California Standards for the Teaching Profession and the academic content and performance standards for pupils adopted by the state board.

(3) (A) If a candidate satisfies the requirements of subdivision (b) through completion of an accredited internship program of professional preparation, and if that internship program fulfills induction standards and is approved as set forth in this subdivision, the commission shall determine that the candidate has fulfilled the requirements of paragraph (2).

(B) If an approved induction program is verified as unavailable to a beginning teacher, the commission shall accept completion of an approved clear credential program after completion of a baccalaureate degree at a regionally accredited institution of higher education as fulfilling the requirements of paragraph (2). The commission shall adopt regulations to implement this subparagraph.

(d) The commission shall develop and implement standards of program quality and effectiveness that provide for the areas of application listed in clauses (i) to (iii), inclusive, of subparagraph (B) of paragraph (3) of subdivision (b), starting in professional preparation and continuing through induction.

(e) A credential that was issued before January 1, 1993, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission shall not, by regulation, invalidate an otherwise valid credential, unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no more restrictive than the credential for which it was substituted with respect to the kind of service authorized and the grades, classes, or types of schools in which it authorizes service.

(f) A credential program that is approved by the commission shall not deny an individual access to that program solely on the grounds that the individual obtained a teaching credential through completion of an internship program when that internship program has been accredited by the commission.

(g) Notwithstanding this section, persons who were performing teaching services as of January 1, 1999, pursuant to the language of this section that was in effect before that date, may continue to perform those services without complying with any requirements that may be added by the amendments adding this subdivision.

(h) Subparagraphs (A) and (B) of paragraph (4) of subdivision (b) do not apply to any person who, as of January 1, 1997, holds a multiple or single subject teaching credential, or to any person enrolled in a program of professional preparation for a multiple or single subject teaching credential as of January 1, 1997, who subsequently completes that program. It is the intent of the Legislature that the requirements of subparagraphs (A) and (B) of paragraph (4) of subdivision (b) apply only to persons who enter a program of professional preparation on or after January 1, 1997.

**SEC. 40.** Section 44280 of the Education Code is amended to read:

**44280.** (a) The adequacy of subject matter preparation and the basis for assignment of certified personnel shall be determined by the successful demonstration of subject matter competence as set forth in paragraph (5) of

subdivision (b) of Section 44259.

(b) For the purpose of determining the adequacy of subject matter knowledge of languages for which there are no adequate examinations, the commission may establish guidelines for accepting alternative assessments performed by organizations that are expert in the language and culture assessed.

**SEC. 41.** Section 44310 of the Education Code is amended to read:

**44310.** (a) The commission shall waive the subject matter examination requirement for graduates of a regionally accredited institution of higher education who successfully do any of the following:

(1) Complete a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to this article.

(2) (A) Complete coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282.

(B) A program of professional preparation may review transcripts supplied by a candidate and confirm that each domain has been addressed.

(3) Address each of the domains of the subject matter requirements adopted by the commission in the content area of the credential being sought through a combination of examination subtests and coursework described in paragraph (2).

(b) The commission may require that the approved examination be taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

**SEC. 42.** Section 44395 of the Education Code is amended to read:

**44395.** (a) (1) The National Board for Professional Teaching Standards Certification Incentive Program is hereby established 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. Awards shall be granted to the extent that funds have been appropriated for this purpose in the annual Budget Act.

(2) (A) Commencing July 1, 2021, any teacher who has attained certification from the National Board for Professional Teaching Standards is eligible to receive an award of up to twenty-five thousand dollars (\$25,000) if the teacher agrees to teach at a high-priority school for at least five years. Teaching service before July 1, 2021, may not be counted towards satisfaction of this five-year commitment.

(B) Awards granted pursuant to this paragraph shall be disbursed in annual payments of five thousand dollars (\$5,000) over a five-year period. The annual payment shall be made upon completion of the school year, and upon approval of a district-certified application pursuant to the guidelines of subdivision (c) of Section 44396.

(3) (A) Commencing July 1, 2021, any teacher who initiates the process of pursuing a certification from the National Board for Professional Teaching Standards when teaching at a high priority school is eligible to receive an award of two thousand five hundred dollars (\$2,500).

(B) Awards granted pursuant to this paragraph shall be disbursed in two parts, 50 percent upon application for the funds, and fifty percent upon completion of a certification from the National Board for Professional Teaching Standards.

(C) A teacher who receives an award pursuant to this paragraph may still apply to receive funds under paragraph (2) after completion of a certification from the National Board for Professional Teaching Standards to the extent funds are available.

(b) The department shall administer the awards authorized by subdivision (a), and shall develop, in consultation with the Commission on Teacher Credentialing, certification and award information, criteria, procedures, and applications, all of which shall be submitted to the state board for approval. Amendments requested by the state board to that information, criteria, procedures, and applications shall be made before the dissemination of the material and the granting of any award under this article.

(c) The department shall distribute the materials described in subdivision (b) to school districts. Each school district is strongly encouraged to ensure that teachers employed by the district or by charter schools affiliated with the district are informed about the program and can acquire the necessary application and information materials.

(d) School districts are encouraged to provide for adequate release time and support for a teacher to complete the certification process. As a condition to providing that release time and support, a school district may require that a teacher serve in a mentor teacher capacity.

(e) For purposes of this article, the following definitions apply:

(1) "School district" means school district, county board of education, county superintendent of schools, a state operated program, including a special school, a regional occupational center or program operated by a joint powers authority or a county office of education, or an education program providing instruction in kindergarten or any of grades 1 to 12, inclusive, that is offered by a state agency, including the Department of Youth and Community Restoration and the State Department of Developmental Services.

(2) "High-priority school" means a school with 55 percent or more of its pupils being unduplicated pupils, as defined in subdivision (b) of Section 42238.02. This designation shall be determined as of the date of the agreement by the teacher described in paragraph (1) of subdivision (a).

**SEC. 43.** Section 44396 of the Education Code is amended to read:

**44396.** (a) (1) To the extent that funds are available for that purpose, a teacher who meets the criteria approved by the state board pursuant to subdivision (b) of Section 44395 is eligible and may apply for an award by following the procedures and instructions developed pursuant to that subdivision.

(2) A teacher who attained certification from the National Board for Professional Teaching Standards before January 1, 2021, and who was employed by a school district or charter school and assigned to teach in a California public school on the date of certification may apply for an award authorized pursuant to this article if the teacher meets all the other requirements for that award specified by this article. For awards pursuant to this subdivision, teaching service before July 1, 2021, may not be counted toward satisfaction of the teacher's five-year agreement to teach in a high-priority school.

(b) Teachers shall submit their applications for an award authorized by this article to the school district employing them. Teachers employed by a charter school shall submit their application through the school district granting the school's charter.

(c) The department shall approve applications submitted by school districts that meet the criteria established pursuant to subdivision (b) of Section 44395. To the extent funds are available, the department shall apportion funds to the appropriate school districts in the amount of the award authorized by Section 44395 for each approved application. The school district shall use funds apportioned to it pursuant to this subdivision to provide the amount of the award authorized by subdivision (a) of Section 44395 to each teacher whose application is approved.

**SEC. 44.** Section 44399.1 of the Education Code is amended to read:

**44399.1.** (a) The commission shall issue an authorization for an additional subject or for a new teaching credential type to the holder of a valid California multiple subject or single subject teaching credential, or eligible applicant, who has earned certification from the National Board for Professional Teaching Standards in the additional single subject content area or the new multiple subject or single subject teaching credential type.

(b) Notwithstanding subdivision (a), when there is no direct equivalence between the national certification and the California subject or credential type, the commission shall determine the subject or credential type or may require the applicant to qualify for a commission-approved determination of subject matter competence before issuance of the credential or authorization request. An applicant for a multiple subject teaching credential may also be required to qualify for a commission-approved determination of subject matter competence in order to comply with state subject matter requirements.

**SEC. 45.** Section 44415.5 is added to the Education Code, to read:

**44415.5.** (a) For purposes of this section, the following definitions apply for the Teacher Residency Grant Program:

(1) "Experienced mentor teacher" means an educator who meets all of the following requirements:

(A) Has at least three years of teaching experience and holds a clear credential in the subject in which the mentor teacher will be mentoring.

(B) Has a record of successful teaching as demonstrated, at a minimum, by satisfactory annual performance evaluations for the preceding three years.

(C) Receives specific training for the mentor teacher role, and engages in ongoing professional learning and networking with other mentors.

(D) Receives compensation, appropriate release time, or both, to serve as a mentor in the initial preparation or beginning teacher induction component of the teacher residency program.

(2) "Teacher residency program" is a grant applicant-based program that partners with one or more commission-approved teacher preparation programs offered by a regionally accredited institution of higher education in which a prospective teacher teaches at least one-half time alongside a teacher of record, who is designated as the experienced mentor teacher, for at least one full school year while engaging in initial preparation coursework.

(b) For the 2021–22 fiscal year, the sum of three hundred fifty million dollars (\$350,000,000) is hereby appropriated from the General Fund to the commission for the Teacher Residency Grant Program to support teacher residency programs that recruit and support the preparation of teachers pursuant to this section. This funding shall be available for encumbrance until June 30, 2026.

(c) (1) The commission shall make one-time grants to grant applicants to establish new teacher residency programs, or expand, strengthen, or improve access to existing teacher residency programs that support either of the following:

(A) Designated shortage fields, including special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten, and any other fields identified by the commission based on an annual analysis of hiring and vacancy data.

(B) Local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a local educational agency community's diversity.

(2) Grant recipients shall work with one or more commission-accredited teacher preparation programs and may work with other community partners or nonprofit organizations to develop and implement programs of preparation and mentoring for resident teachers who will be supported through program funds and subsequently employed by the sponsoring grant recipient.

(3) A grant applicant may consist of one or more, or any combination, of the following:

(A) A school district.

(B) A county office of education.

(C) A charter school.

(D) A regional occupational center or program operated by a joint powers authority or a county office of education.

(d) Grants allocated pursuant to subdivision (c) shall be up to twenty-five thousand dollars (\$25,000) per teacher candidate in the residency program of the jurisdiction of the grant recipient, matched by that grant recipient at a rate of 80 percent of the grant amount received per participant, as described in subdivision (f). Residents are also eligible for other forms of federal, state, and local educational agency financial assistance to support the cost of their preparation. Grant program funding shall be used for, but is not limited to, any of the following:

(1) Teacher preparation costs.

(2) Stipends for mentor teachers, including, but not limited to, housing stipends.

(3) Residency program staff costs.

(4) Mentoring and beginning teacher induction costs following initial preparation.

- (e) A grant recipient shall not use more than 5 percent of a grant award for program administration costs.
- (f) A grant recipient shall provide a match of grant funding in the form of one or both of the following:
- (1) Eighty cents (\$0.80) for every one dollar (\$1) of grant funding received per participant, to be used in a manner consistent with allowable grant activities pursuant to subdivision (d).
  - (2) An in-kind match of program director personnel costs, mentor teacher personnel costs, or other personnel costs related to the Teacher Residency Grant Program, provided by the grant recipient.
- (g) Grant recipients shall do all of the following:
- (1) Ensure that candidates are prepared to earn a preliminary teaching credential that will authorize the candidate to teach either in a designated shortage field or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) upon completion of the program.
  - (2) Ensure that candidates are provided instruction in all of the following:
    - (A) Teaching the content area or areas in which the teacher will become certified to teach.
    - (B) Planning, curriculum development, and assessment.
    - (C) Learning and child development.
    - (D) Management of the classroom environment.
    - (E) Use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities.
    - (F) Professional responsibilities, including interaction with families and colleagues.
  - (3) Provide each candidate mentoring and beginning teacher induction support following the completion of the initial credential program necessary to obtain a clear credential and ongoing professional development and networking opportunities during the candidate's first years of teaching at no cost to the candidate.
  - (4) Prepare candidates to teach in a school within the jurisdiction of the grant recipient in which they will work and learn the instructional initiatives and curriculum of the grant recipient.
  - (5) Group teacher candidates in cohorts to facilitate professional collaboration among residents, and ensure candidates are enrolled in a teaching school or professional development program that is organized to support a high-quality teacher learning experience in a supportive work environment.
- (h) To receive a grant, an applicant shall submit an application to the commission at a time, in a manner, and containing information prescribed by the commission.
- (i) When selecting grant recipients, the commission shall do both of the following:
- (1) Require applicants to demonstrate a need for teachers in one or more designated shortage fields or for the purposes described in subparagraph (B) of paragraph (1) of subdivision (c), and to propose to establish a new, or expand, strengthen, or improve access to an existing, teacher residency program that recruits, prepares, and supports teachers to teach in either one or more such fields or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) in a school within the jurisdiction of the sponsoring grant applicant.
  - (2) Give priority consideration to grant applicants who demonstrate a commitment to increasing diversity in the teaching workforce, have a higher percentage than other applicants of unduplicated pupils, as defined in Section 42238.02, and have one or more schools that exhibit one or both of the following characteristics:
    - (A) A school where 50 percent or more of the enrolled pupils are eligible for free or reduced-price meals.
    - (B) A school that is located in either a rural location or a densely populated region.
- (j) A candidate in a teacher residency program sponsored by a grant provided pursuant to subdivision (c) shall agree in writing to serve in a school within the jurisdiction of the grant recipient that sponsored the candidate for a period of at least four school years beginning with the school year that begins after the candidate successfully completes the initial year of preparation and obtains a preliminary teaching credential. A candidate who fails to earn a preliminary credential or complete the period of the placement shall reimburse the sponsoring grant recipient the amount of grant funding invested in the candidate's residency training. The amount to be

reimbursed shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at a school within the jurisdiction of the sponsoring grant recipient. A candidate shall have five school years to complete the four-school-year teaching commitment.

(k) If a candidate is unable to complete a school year of teaching, that school year may still be counted toward the required four complete school years if any of the following occur:

(1) The candidate has completed at least one-half of the school year.

(2) The employer deems the candidate to have fulfilled their contractual requirements for the school year for the purposes of salary increases, probationary or permanent status, and retirement.

(3) The candidate was not able to teach due to the financial circumstances of the sponsoring grant recipient, including a decision to not reelect the employee for the succeeding school year.

(4) The candidate has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2061 et seq.) or similar state law.

(5) The candidate was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.

(l) For purposes of administering the grant program pursuant to subdivision (c), the commission shall do all of the following:

(1) Determine the number of grants to be awarded and the total amount awarded to each grant applicant.

(2) Require grant recipients to submit program and expenditure reports, as specified by the commission, as a condition of receiving grant funds.

(3) Annually review each grant recipient's program and expenditure reports to determine if any candidate has failed to meet their commitment pursuant to subdivision (j).

(m) If the commission determines or is informed that a sponsored candidate failed to earn a preliminary credential or meet their commitment to teach pursuant to subdivision (j), the commission shall confirm with the grant recipient the applicable grant amount to be recovered from the candidate and the grant recipient. The amount to be recovered shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at the sponsoring grant recipient.

(n) Upon confirming the amount to be recovered from the grant recipient pursuant to subdivision (m), the commission shall notify the grant recipient of the amount to be repaid within 60 days. The grant recipient shall have 60 days from the date of the notification to make the required repayment to the commission. If the grant recipient fails to make the required payment within 60 days, the commission shall notify the Controller and the grant recipient of the failure to repay the amount owed. The Controller shall deduct an amount equal to the amount owed to the commission from the grant recipient's next principal apportionment or apportionments of state funds, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. If the grant recipient is a regional occupational center or program operated by a joint powers authority that does not receive a principal apportionment or apportionments of state funds, or a consortia of local educational agencies, the commission shall notify the Controller of the local educational agency where the candidate taught and the Controller shall deduct the amount owed from the applicable local educational agency's next principal apportionment or apportionments of state funds, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(o) An amount recovered by the commission or deducted by the Controller pursuant to subdivision (n) shall be deposited into the Proposition 98 Reversion Account.

(p) Grant recipients may recover from a sponsored candidate who fails to earn a preliminary credential or complete the period of placement the amount of grant funding invested in the candidate's residency training. The amount to be recovered shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at a school within the jurisdiction of the sponsoring grant recipient.

(q) Grant recipients shall not charge a teacher resident a fee to participate in the Teacher Residency Grant Program.

(r) (1) Notwithstanding subdivision (c), the commission may allocate up to twenty-five million dollars (\$25,000,000) of the amount appropriated pursuant to subdivision (b) to capacity grants that shall be awarded

on a competitive basis to local educational agencies or consortia, as designated pursuant to this section, partnering with regionally accredited institutions of higher education to expand, strengthen, improve access to, or create teacher residency programs that lead to more credentialed teachers to teach either in shortage fields or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c).

(2) (A) The commission shall determine the number of capacity grants to be awarded and the amount of the applicable grants.

(B) Individual capacity grants shall not exceed two hundred fifty thousand dollars (\$250,000) per grant recipient.

(s) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**SEC. 46.** Section 44417.5 is added to the Education Code, to read:

**44417.5.** The commission shall conduct an evaluation of the Teacher Residency Grant Program described in Section 44415.5 to determine the effectiveness of this program in recruiting, developing support systems for, and retaining teachers prepared to teach either in commission-designated shortage areas or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) of Section 44415.5, and provide a report to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before December 1, 2027.

**SEC. 47.** Section 44830 of the Education Code is amended to read:

**44830.** (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law. It is contrary to the public policy of this state for a person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) (1) The governing board of a school district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in the certificated person's credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or is exempt from the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l).

(A) The governing board of a school district, with the authorization of the commission, may administer the state basic skills proficiency test required under Sections 44252 and 44252.5.

(B) The Superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

(2) It is the intent of the Legislature that in effectively implementing this subdivision, the governing boards of school districts shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. The governing board of a school district shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by a person pursuant to Section 44252 satisfies the requirements of this subdivision.

(c) A certificated person is not required to take the state basic skills proficiency examination if the certificated person has taken and passed it at least once, achieved a passing score on any of the tests specified in subdivision (b) of Section 44252, or possessed a credential before the enactment of the statute that made the test a requirement.

(d) This section does not require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Division of Apprenticeship Standards of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) This section does not require the holder of a childcare permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) This section does not require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) This section does not require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test if that person does not teach in the public schools.

(h) This section does not require the holder of a designated subjects special subjects credential to pass the state basic skills proficiency test as a condition of employment unless the requirements for the specific credential require the possession of a baccalaureate degree. The governing board of a school district, the governing board of a consortium of school districts, or a governing board involved in a joint powers agreement that employs the holder of a designated subjects special subjects credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(i) This section does not require the holder of a preliminary or clear designated subjects career technical education teaching credential to pass the state basic skills proficiency test.

(j) This section does not require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(k) This section does not require a credential applicant who qualifies for an exemption described in paragraph (10) or (11) of subdivision (b) of Section 44252 to take the state basic skills proficiency test.

(l) Notwithstanding any other law, a school district or county office of education may hire certificated personnel who have not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall take the test at the earliest opportunity and may remain employed by the school district pending the receipt of the person's test results.

**SEC. 48.** Section 45125.1 of the Education Code is amended to read:

**45125.1.** (a) Except as provided in subdivisions (b) and (c), if the employees of any entity that has a contract with a school district, as defined in Section 41302.5, to provide any of the following services may have any contact with pupils, those employees shall submit or have submitted their fingerprints in a manner authorized by the Department of Justice together with a fee determined by the Department of Justice to be sufficient to reimburse the department for its costs incurred in processing the application:

- (1) School and classroom janitorial.
- (2) Schoolsite administrative.
- (3) Schoolsite grounds and landscape maintenance.
- (4) Pupil transportation.
- (5) Schoolsite food-related.

(b) This section does not apply to an entity providing any of the services listed in subdivision (a) to a school district in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) This section does not apply to an entity providing any of the services listed in subdivision (a) to a school district when the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee has limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district has made this determination, the

school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

(d) A school district may determine, on a case-by-case basis, to require an entity providing schoolsite services other than those listed in subdivision (a) or those described in Section 45125.2 and the entity's employees to comply with the requirements of this section, unless the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district makes this determination, the school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees. If a school district requires an entity providing services other than those listed in subdivision (a) and its employees to comply with the requirements of this section, the Department of Justice shall comply with subdivision (e).

(e) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a), (d), or (k) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice. Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a), (d), or (k) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1, the Department of Justice shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or email to the employer.

(2) The Department of Justice, at its discretion, may notify the school district in instances when the employee is defined as having a pending criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice may forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses that, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(f) (1) An entity having a contract as described in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall not permit an employee to come in contact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(2) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(3) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that the employee has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which the employee is a resident.

(g) An entity having a contract as described in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall certify in writing to the school district that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may come in contact with pupils have been convicted of a felony as defined in Section 45122.1.

(h) An entity having a contract as described in subdivision (a) on September 30, 1997, and an entity required to comply with this section pursuant to subdivision (d) by a school district with which it has a contract on September 25, 1998, shall complete the requirements of this section within 90 days of the applicable date.

(i) For purposes of this section, a charter school shall be deemed to be a school district.

(j) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

(k) (1) For purposes of this section, an individual operating as a sole proprietor of an entity that has a contract with a school district, as specified in subdivision (a), or an entity required to comply with this section pursuant to subdivision (d), shall be considered an employee of that entity.

(2) To protect the safety of any pupil that may come into contact with an employee of an entity that is a sole proprietorship and has a contract as described in subdivision (a), or is required to comply with this section pursuant to subdivision (d), a school district shall prepare and submit the employee's fingerprints to the Department of Justice, as described in subdivision (a).

(l) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

**SEC. 49.** Section 45125.1 is added to the Education Code, to read:

**45125.1.** (a) Any entity that has a contract with a local educational agency shall ensure that any employee who interacts with pupils, outside of the immediate supervision and control of the pupil's parent or guardian or a school employee, has a valid criminal records summary as described in Section 44237. When the contracting entity performs the criminal background check, it shall immediately provide any subsequent arrest and conviction information it receives to any local educational agency that it is contracting with pursuant to the subsequent arrest service.

(b) This section does not apply to an entity providing services to a local educational agency, as described in subdivision (a), in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) On a case-by-case basis, a local educational agency may require an entity with whom it has a contract to comply with the requirements of this section for employees in addition to those described in subdivision (a). The entity shall prepare and submit those employee's fingerprints to the Department of Justice, as described in subdivision (a).

(d) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice. Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1, the Department of Justice shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or email to the employer.

(2) The Department of Justice, at its discretion, may notify the local educational agencies in instances when the employee is defined as having a pending criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice shall forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses that, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as

specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(e) (1) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall not permit an employee to interact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(2) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(3) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that the employee has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the local educational agency in which the employee is a resident.

(f) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall certify in writing to the local educational agency that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may interact with pupils have been convicted of a felony as defined in Section 45122.1.

(g) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

(h) (1) For purposes of this section, an individual operating as a sole proprietor of an entity that has a contract with a local educational agency, as described in subdivision (a), shall be considered an employee of that entity.

(2) To protect the safety of any pupil that may interact with an employee of an entity that is a sole proprietorship and has a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c), a local educational agency shall prepare and submit the employee's fingerprints to the Department of Justice, as described in subdivision (a).

(i) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(j) This section shall become operative on January 1, 2022.

**SEC. 50.** Section 45500 of the Education Code is amended to read:

**45500.** (a) The Classified School Employee Summer Assistance Program is hereby established.

(b) The program shall provide a participating classified employee up to one dollar (\$1) for each one dollar (\$1) that the classified employee has elected to have withheld from the classified employee's monthly paychecks pursuant to this section.

(c) A local educational agency may elect to participate in the program. A participating local educational agency shall notify classified employees, by January 1 during a fiscal year in which moneys are appropriated for purposes of this section, that the local educational agency has elected to participate in the program for the next school year. Once a local educational agency elects to participate in the program and notifies classified employees pursuant to this subdivision, the local educational agency is prohibited from reversing its decision to participate in the program for the next school year beginning after the end of a fiscal year in which moneys are appropriated for purposes of this section.

(d) (1) A classified employee who elects to participate in the program shall notify the local educational agency, in writing, by March 1 during a fiscal year in which moneys are appropriated for purposes of this section, on a form developed by the department that the classified employee wishes to participate in the program for the applicable school year. The classified employee shall specify the amount to be withheld from their monthly paychecks during the applicable school year and whether they choose to have the amounts withheld paid out during the

summer recess period in either one or two payments. A participating classified employee may elect to have up to 10 percent of the classified employee's monthly pay withheld during the applicable school year.

(2) A classified employee is eligible to participate in the program if the classified employee has been employed with the local educational agency for at least one year at the time the classified employee elects to participate in the program.

(3) (A) A classified employee is eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for 11 months or fewer out of a 12-month period. For purposes of determining a classified employee's total months employed by the local educational agency, the employing local educational agency shall exclude any hours worked by the classified employee outside of their regular assignment.

(B) For the 2020–21, 2021–22, and 2022–23 school years, for purposes of determining a classified employee's total months employed by the local educational agency, the employing local educational agency shall exclude any hours worked by the classified employee as a result of an extension of the academic school year directly related to the COVID-19 pandemic, if the hours are in addition to the employee's regular assignment and would prevent the employee from being eligible for this program.

(4) (A) A classified employee is not eligible to participate in the program if the classified employee's regular annual pay received directly from the local educational agency is more than sixty-two thousand four hundred dollars (\$62,400) for an entire school year at the time of enrollment. For purposes of determining a classified employee's regular annual pay received directly from the local educational agency, the employing local educational agency shall exclude any pay received by the classified employee during the previous summer recess period.

(B) For purposes of this section, "summer recess period" means the period that regular class sessions are not being held by a local educational agency during the months of June, July, and August. Pay earned by a classified employee with limited employment during the months of June, July, or August that is not for the summer session shall not be excluded pursuant to this paragraph.

(e) A local educational agency that elects to participate in the program shall notify the department in writing, by April 1 during a fiscal year in which moneys are appropriated for purposes of this section, on a form developed by the department that it has elected to participate in the program. The local educational agency shall specify the number of classified employees that have elected to participate in the program and the total estimated amount to be withheld from participating classified employee paychecks for the applicable school year.

(f) The department shall notify participating local educational agencies in writing, by May 1 during a fiscal year in which moneys are appropriated for purposes of this section, of the estimated amount of state match funding that a participating classified employee can expect to receive as a result of participating in the program. If the funding provided for purposes of this section is insufficient to provide one dollar (\$1) for each one dollar (\$1) that has been withheld from participating classified employee monthly paychecks, the department shall notify local educational agencies of the expected prorated amount of state match funds that a participating classified employee can expect to receive as a result of participating in the program.

(g) Participating local educational agencies shall notify participating classified employees, by June 1 during a fiscal year in which moneys are appropriated for purposes of this section, the amount of estimated state match funds that a participating classified employee can expect to receive as a result of participating in the program. After receiving that notification, a classified employee may withdraw their election to participate in the program or reduce the amount to be withheld from their paycheck pursuant to paragraph (1) of subdivision (d) by notifying the employing local educational agency no later than 30 days after the start of school instruction for the applicable school year.

(h) The local educational agency shall deposit the amounts withheld from participating classified employee monthly paychecks in accordance with the choices made by each participating classified employee pursuant to subdivision (d) in a separate account.

(i) (1) A classified employee that separates from employment with a local educational agency during the applicable school year may request from the local educational agency any pay withheld from their paycheck pursuant to this section.

(2) A classified employee, due to economic or personal hardship, may request from the local educational agency any pay withheld from their paycheck pursuant to this section.

(3) A classified employee who requests any pay withheld by the local educational agency pursuant to paragraph (1) or (2) shall not be entitled to receive any state match funds provided pursuant to this section.

(j) Participating local educational agencies shall request payment from the department, on or before July 31 following the end of a school year during which the program was operative, on a form developed by the department, for the amount of classified employee pay withheld from the monthly paychecks of participating classified employees and placed in a separate account pursuant to subdivision (h).

(k) The department shall apportion funds to participating local educational agencies within 30 days of receiving a request for payment by the participating local educational agency pursuant to subdivision (j). The apportionment shall be determined for each local educational agency by the department on the basis of the amount that has been withheld from the monthly paychecks of participating classified employees and placed in a separate account pursuant to subdivision (h).

(l) If the total amount requested by participating local educational agencies exceeds the amount appropriated for purposes of this section, the department shall prorate the amount apportioned to participating local educational agencies accordingly, based on the amounts requested pursuant to subdivision (j).

(m) The participating local educational agency shall pay participating classified employees the amounts withheld in accordance with the classified employee's choices, plus the amount apportioned by the department that is attributable to the amount withheld from that classified employee's paychecks during the applicable school year. This amount shall be paid to the participating classified employee during the summer recess period, in either one or two payments, in accordance with the classified employee's option pursuant to subdivision (d).

(n) The state match funding received by participating classified employees pursuant to this section shall not be considered compensation for purposes of determining retirement benefits for the California Public Employees' Retirement System or the California State Teachers' Retirement System.

(o) (1) For the 2019–20 fiscal year, the program shall be funded pursuant to Section 85 of Chapter 51 of the Statutes of 2019.

(2) For the 2020–21 fiscal year and each fiscal year thereafter, the operation of this section shall be contingent upon an appropriation in the annual Budget Act or another statute.

(p) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district or county office of education.

(2) "Program" means the Classified School Employee Summer Assistance Program.

(3) "Regular assignment" means a classified employee's employment during the academic school year, excluding the summer recess period.

**SEC. 51.** Section 46111 of the Education Code is amended to read:

**46111.** (a) (1) A pupil in a kindergarten shall not be kept in school in any day more than four hours excluding recesses except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6, and kindergarten pupils in expanded learning opportunity programs intended to supplement instructional time provided by a school district pursuant to Section 46120.

(2) A pupil in a kindergarten in a school operating on a program of multitrack year-round scheduling pursuant to subdivision (a) of Section 37670 may be kept in school on any day for 265 minutes of instruction, excluding recesses.

(b) This section shall not apply to the Pasadena Unified School District or counties of the third class as determined pursuant to Section 28024 of the Government Code, as it read on January 1, 1977.

(c) This section shall not apply to the San Bernardino Unified School District with regard to any pupil of that district who is determined by the principal of the school in which that pupil is enrolled, pursuant to testing, teacher recommendation, or both, to be developmentally and academically suited for the longer instructional day.

**SEC. 52.** Section 46120 is added to the Education Code, to read:

**46120.** (a) (1) It is the intent of the Legislature that all local educational agencies offer all unduplicated pupils in classroom-based instructional programs access to comprehensive after school and intersessional expanded learning opportunities.

(2) The Expanded Learning Opportunities Program is hereby established.

(b) (1) Commencing with the 2021–22 school year, as a condition of receipt of apportionment, local educational agencies that receive funds pursuant to subdivision (d) shall offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, and provide to at least 50 percent of enrolled unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs. Commencing with the 2022–23 school year, as a condition of receipt of funds allocated pursuant to subparagraph (A) of paragraph (1) of subdivision (d), all local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs, and shall ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. Expanded learning opportunity programs shall include all of the following:

(A) On schooldays, as described in Section 46100 and Sections 46110 to 46119, inclusive, and days on which school is taught for the purpose of meeting the 175-instructional-day offering as described in Section 11960 of Title 5 of the California Code of Regulations, in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, are no less than nine hours of combined instructional time and expanded learning opportunities per instructional day.

(B) For at least 30 nonschooldays, during intersessional periods, no less than nine hours of in-person expanded learning opportunities per day.

(2) Local educational agencies operating expanded learning opportunity programs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites, and shall comply with subdivisions (c), (d), and (g) of Section 8482.3, including the development of a program plan based on all of the following:

(A) The department's guidance.

(B) Section 8482.6.

(C) Paragraphs (1) to (9), inclusive, and paragraph (12) of subdivision (c) of Section 8483.3.

(D) Section 8483.4, except that programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1.

(3) Local educational agencies shall prioritize services provided pursuant to this section at schoolsites in the lowest income communities, as determined by prior year percentages of pupils eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with expanded learning opportunities programs across their attendance area.

(4) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs provided pursuant to this section.

(5) Local educational agencies may charge pupil fees for expanded learning opportunity programs provided pursuant to this section, consistent with Section 8482.6.

(6) Local educational agencies are encouraged to collaborate with community-based organizations and childcare providers, especially those participating in state or federally subsidized childcare programs, to maximize the number of expanded learning opportunities programs offered across their attendance areas.

(7) This section does not limit parent choice in choosing a care provider or program for their child outside of the required instructional minutes provided during a schoolday. Pupil participation in an expanded learning opportunities program is optional. Children eligible for an expanded learning opportunities program may participate in, and generate reimbursement for, other state or federally subsidized childcare programs, pursuant to the statutes regulating those programs.

(c) A local educational agency shall be subject to the audit conducted pursuant to Section 41020 to determine compliance with subdivision (b).

(d) (1) The Superintendent shall allocate funding appropriated in Item 6100-110-0001 of the annual Budget Act and in subdivision (f), if applicable, in the following manner:

(A) For local educational agencies with a prior year local control funding formula unduplicated pupil percentage calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 of greater than 80 percent, the amount of one thousand one hundred seventy dollars (\$1,170) per unit of the local educational agency's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage.

(B) For all other local educational agencies not receiving an allocation under subparagraph (A), the amount of funds remaining from the appropriations in Item 6100-110-0001 of the annual Budget Act and subdivision (f), if applicable, after the amount allocated pursuant to subparagraph (A), shall be allocated on a per-unit basis of the local educational agency's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage.

(2) A local educational agency with prior year classroom-based average daily attendance in kindergarten and grades 1 to 6, inclusive, shall not receive funding pursuant to paragraph (1) of less than fifty thousand dollars (\$50,000).

(3) Funds provided to a local educational agency pursuant to paragraph (1) shall be used to support pupil access to expanded learning opportunity programs.

(4) A local educational agency receiving funding pursuant to subparagraph (A) of paragraph (1) shall be provided at least three years of funding pursuant to subparagraph (A) of paragraph (1) upon becoming eligible to receive funding pursuant to that subparagraph.

(5) It is the intent of the Legislature to increase rates for expanded learning opportunities in future years to two thousand five hundred dollars (\$2,500) per unduplicated pupil on a schedule to be determined each year in the annual Budget Act pursuant to the availability of funds, prioritizing increases based on the local control funding formula unduplicated pupil percentages calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 for local educational agencies.

(e) For purposes of this section, the following definitions apply:

(1) "Expanded learning opportunities" has the same meaning as "expanded learning" is defined in Section 8482.1. "Expanded learning opportunities" does not mean an extension of instructional time, but rather, opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities.

(2) "Local educational agency" means a school district or charter school, excluding a charter school classified as a nonclassroom-based charter school pursuant to Sections 47612.5 and 47634.2.

(3) "Unduplicated pupil" has the same meaning as in Section 42238.02.

(f) For the 2021-22 fiscal year, the sum of seven hundred fifty-three million one hundred thirty-one thousand dollars (\$753,131,000) is hereby appropriated from the General Fund to the Superintendent for allocation for the Expanded Learning Opportunities Program in the manner and for the purpose set forth in this section.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (f) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020-21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020-21 fiscal year.

**SEC. 53.** Section 46300 of the Education Code is amended to read:

**46300.** (a) In computing average daily attendance of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law.

(b) (1) For purposes of a work experience education program in a secondary school that meets the standards of the California State Plan for Career Technical Education, "immediate supervision," in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement,

coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. This ratio may be waived by the state board pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 under criteria developed by the state board.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, "immediate supervision" means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the state board; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for a pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for three or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative career technical education programs and community classrooms described in Section 52372.1, "immediate supervision" means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten or pupils in a transitional kindergarten program after they have completed one year in that program if one of the following conditions is met:

(A) The school district has on file for each of those pupils an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

(B) The pupils participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.

**SEC. 54.** Section 46392 of the Education Code is amended to read:

**46392.** (a) If the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of any of the following, the fact shall be established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

- (1) Fire.
- (2) Flood.
- (3) Impassable roads.
- (4) Epidemic.
- (5) Earthquake.
- (6) The imminence of a major safety hazard as determined by the local law enforcement agency.
- (7) A strike involving transportation services to pupils provided by a nonschool entity.
- (8) An order provided for in Section 41422.

(b) (1) In the event a state of emergency is declared by the Governor in a county, a decrease in average daily attendance in the county below the approximate total average daily attendance that would have been credited to a school district, county office of education, or charter school had the state of emergency not occurred shall be deemed material. The Superintendent shall determine the length of the period during which average daily attendance has been reduced by the state of emergency.

(2) The period determined by the Superintendent shall not extend into the next fiscal year following the declaration of the state of emergency by the Governor, except upon a showing by a school district, county office of education, or charter school, to the satisfaction of the Superintendent, that extending the period into the next fiscal year is essential to alleviate continued reductions in average daily attendance attributable to the state of emergency.

(3) Notwithstanding any other law, the Superintendent shall extend through the 2018–19 fiscal year the period during which it is essential to alleviate continued reductions in average daily attendance attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.

(c) The average daily attendance of the school district, county office of education, or charter school for the fiscal year shall be estimated by the Superintendent in a manner that credits to the school district, county office of education, or charter school for determining the apportionments to be made to the school district, county office of education, or charter school from the State School Fund approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred or had the order not been issued.

(d) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in November 2018, all of the following shall apply:

(1) (A) In the 2020–21 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district's certified second principal apportionment local control funding formula entitlement pursuant to Section 42238.02 in the 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a difference, allocate the amount of that difference to the school district.

(B) In the 2021–22 fiscal year, for school districts, the Superintendent shall allocate an amount equal to 25 percent of the difference calculated in subparagraph (A) to the school district.

(2) (A) In the 2019–20 and 2020–21 fiscal years, for charter schools, the Superintendent shall calculate the difference between the charter school's certified second principal apportionment local control funding formula entitlement pursuant to 42238.02 in the current year and each respective prior year and, if there is a difference, allocate the amount of that difference to the charter school.

(B) In the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in

Section 41601, the Superintendent shall allocate 25 percent of the difference calculated in subparagraph (A) to the charter school.

(3) For a county office of education funded pursuant to paragraph (1) of subdivision (g) of Section 2575 that has within the boundaries of the county school districts or charter schools affected pursuant to this subdivision and that has in the schools operated by the county office of education at least a 10-percent decrease in average daily attendance in the current fiscal year, in the 2019–20 and 2020–21 fiscal years, the Superintendent shall calculate the difference between the county office of education’s alternative education grant entitlement certified at the annual principal apportionment pursuant to Section 2574 in the current fiscal year and each respective prior fiscal year and, if there is a difference, allocate the amount of that difference to the county office of education.

(4) A school district may transfer funds received pursuant to paragraph (1) to the county office of education for the portion of the funds that represents pupils served by the county office of education who are funded through the school district’s local control funding formula apportionment pursuant to Section 2576.

(5) In each fiscal year, the allocations pursuant to this subdivision shall be made to school districts and charter schools by the Superintendent as soon as practicable after the second principal apportionment and to county offices of education as soon as practicable after the annual principal apportionment. The allocations made shall be final. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(6) (A) The amounts described in this subdivision shall be continuously appropriated from the General Fund to the Superintendent for these purposes.

(B) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by this subdivision shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the fiscal year in which they are appropriated, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202.

(e) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district’s facilities, were destroyed as a result of a state of emergency that was declared by the Governor in September 2020, all of the following shall apply:

(1) For the 2021–22 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district’s certified annual principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, including local revenue, pursuant to subdivision (j) of Section 42238.02, and any additional funds received pursuant to subdivision (e) of Section 42238.03 in excess of the entitlement calculated pursuant to Section 42238.02 and 42238.03 and, if there is a difference, allocate the amount of that difference to the school district.

(2) For the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in Section 41601, the Superintendent shall calculate the difference between the charter school’s certified second principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, and, if there is a difference, allocate the amount of that difference to the charter school.

(3) School districts and charter schools shall notify the Superintendent of their eligibility pursuant to this subdivision by November 1, 2021, in the manner prescribed by the Superintendent.

(4) Preliminary allocations made pursuant to paragraph (1) shall be made to school districts by the Superintendent through the principal apportionment beginning with the 2021–22 fiscal year first principal apportionment certification and shall be made final as of the annual principal apportionment.

(5) Allocations pursuant to paragraph (2) shall be made to charter schools by the Superintendent as soon as practicable after the second principal apportionment and shall be made final as of the annual principal apportionment. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(f) This section applies to any average daily attendance that occurs during any part of a school year.

**SEC. 55.** Section 46393 is added to the Education Code, immediately following Section 46392, to read:

**46393.** (a) For affidavits submitted to the Superintendent for events occurring after September 1, 2021, a school district, county office of education, or charter school that provides an affidavit to the Superintendent, pursuant to Section 41422 or subdivision (a) of Section 46392, shall certify that it has a plan for which independent study will be offered to pupils, pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4. The plan shall comply with all of the following:

(1) Apply to any pupil impacted by any of the conditions listed in subdivision (a) of Section 46392 within 10 days of a school closure.

(2) Require reopening in person as soon as possible once allowable under the direction of the city or county health officer.

(3) Notwithstanding subdivision (c) of Section 51745, include information regarding establishing independent study master agreements in a reasonable amount of time.

(b) Notwithstanding subdivision (a), the plan is not required to comply with subdivision (d), (e), or (f) of Section 51747.

(c) A copy of the plan shall accompany the affidavit provided to the Superintendent described in subdivision (a).

**SEC. 56.** Section 47607 of the Education Code is amended to read:

**47607.** (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year, the chartering authority shall not deny renewal for a charter school

if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, "measurements of academic performance" means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, "subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting

pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a

charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 57.** Section 47607.2 of the Education Code, as amended by Section 45 of Chapter 24 of the Statutes of 2020, is amended to read:

**47607.2.** (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year, the chartering authority shall not renew a charter if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school's next two subsequent renewals.

(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make

sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) (1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 58.** Section 47607.4 is added to the Education Code, to read:

**47607.4.** Notwithstanding the renewal process and criteria established in Sections 47605.9, 47607, and 47607.2 or any other law, effective July 1, 2021, all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years.

**SEC. 59.** Section 47612.7 of the Education Code is amended to read:

**47612.7.** (a) Notwithstanding any other law and except as provided in subdivision (b), from January 1, 2020, to January 1, 2025, inclusive, the approval of a petition for the establishment of a new charter school, as defined in paragraph (2) of subdivision (e) of Section 47612.5, is prohibited.

(b) Subdivision (a) shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances:

(1) If Assembly Bill 1507 of the 2019–20 Regular Session amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019–20 Regular Session, or to retain current program offerings or enrollment.

(2) If a charter school is required to submit a petition to a school district or county board of education in which a resource center is located in order to comply with the court decision in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, or other relevant court ruling, and the petition is necessary to retain current program offerings or enrollment.

(3) A charter school authorized by a different chartering authority pursuant to paragraphs (1) and (2) shall be regarded by the department as a continuing charter school for all purposes to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20

U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.

(c) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions described in this section.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

**SEC. 60.** Section 48000 of the Education Code is amended to read:

**48000.** (a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year, if the child will have their fifth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.

(b) The governing board of the school district of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

- (1) The governing board of the school district determines that the admittance is in the best interests of the child.
- (2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) (1) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure the following:

(A) In the 2012–13 school year, a child who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(B) In the 2013–14 school year, a child who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(C) From the 2014–15 school year to the 2021–22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(D) In the 2022–23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(2) (A) In any school year, a school district or charter school may, at any time during a school year, admit a child to a transitional kindergarten program who will have their fifth birthday after the date specified for the applicable year in subparagraphs (A) to (F), inclusive, of paragraph (1) but during that same school year, with the approval of the parent or guardian, subject to the following conditions:

(i) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.

(ii) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(B) Notwithstanding any other law, a pupil admitted to a transitional kindergarten program pursuant to subparagraph (A) shall not generate average daily attendance for purposes of Section 46300, or be included in the enrollment or unduplicated pupil count pursuant to Section 42238.02, until the pupil has attained the pupil's fifth birthday, regardless of when the pupil was admitted during the school year.

(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

(f) It is the intent of the Legislature that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the department.

(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall do all of the following:

(1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.

(2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.

(3) Commencing with the 2023–24 school year, and for each year thereafter, maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms, contingent upon an appropriation of funds for this purpose.

(4) Ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2023, one of the following:

(A) At least 24 units in early childhood education, or childhood development, or both.

(B) As determined by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in subparagraph (A).

(C) A child development teacher permit issued by the Commission on Teacher Credentialing.

(h) A school district or charter school may place four-year-old children, as defined in subdivision (aj) of Section 8208, enrolled in a California state preschool program into a transitional kindergarten program classroom. A school district or charter school that commingles children from both programs in the same classroom shall meet all of the requirements of the respective programs in which the children are enrolled, and the school district or charter school shall adhere to all of the following requirements, irrespective of the program in which the child is enrolled:

(1) An early childhood environment rating scale, as specified in Section 18281 of Title 5 of the California Code of Regulations, shall be completed for the classroom.

(2) All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in Section 18272 of Title 5 of the California Code of Regulations.

(3) The classroom shall be taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Section 44065 and subdivision (b) of Section 44256 and who meets the requirements set forth in subdivision (g).

(4) The classroom shall be in compliance with the adult-child ratio specified in subdivision (c) of Section 8264.8.

(5) Contractors of a school district or charter school commingling children enrolled in the California state preschool program with children enrolled in a transitional kindergarten program classroom shall report the services, revenues, and expenditures for the California state preschool program children in accordance with Section 18068 of Title 5 of the California Code of Regulations. Those contractors are not required to report services, revenues, and expenditures for the children in the transitional kindergarten program.

(i) Until July 1, 2019, a transitional kindergarten classroom that has in attendance children enrolled in a California state preschool program shall be licensed pursuant to Chapter 3.4 (commencing with Section 1596.70)

of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code.

(j) A school district or charter school that chooses to place California state preschool program children into a transitional kindergarten program classroom shall not also include children enrolled in transitional kindergarten for a second year or children enrolled in kindergarten in that classroom.

(k) A child's eligibility for transitional kindergarten enrollment under paragraph (1) or (2) of subdivision (c) shall not impact family eligibility for a preschool or childcare program, including, but not limited to, all of the following:

(1) A Head Start or Early Head Start program, as defined by the federal Head Start Act, as amended, (42 U.S.C. Sec. 9801 et seq.).

(2) A childcare center, family childcare home, or license-exempt provider serving children through an alternative payment program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1.

(3) A migrant childcare and development program serving children pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1.

(4) A childcare center or family childcare home educational network serving children through a California state preschool program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1.

(5) A childcare center, family childcare home, or license-exempt provider serving children through a general childcare and development program pursuant to Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1.

(6) A family childcare home educational network serving children pursuant to Article 8.5 (commencing with Section 8245) of Chapter 2 of Part 6 of Division 1 of Title 1.

(7) Childcare and development services for children with special needs pursuant to Article 9 (commencing with Section 8250) of Chapter 2 of Part 6 of Division 1 of Title 1.

(8) A program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1.

(l) The Superintendent shall authorize California state preschool program contracting agencies to offer wraparound childcare services for eligible children enrolled in an education program serving transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, if their families meet the requirements of subdivision (a) of Section 8263.

**SEC. 61.** Article 1.5 (commencing with Section 49418) is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

**Article 1.5. Office of School-Based Health Programs**

**49418.** For purposes of this article, "office" means the Office of School-Based Health Programs established within the department that is dedicated to expanding access to school-based health programs pursuant to this article.

**49419.** (a) The department shall, no later than January 1, 2022, establish an Office of School-Based Health Programs for the purpose of assisting local educational agencies regarding the current health-related programs under the purview of the department. The scope of the office shall include collaborating with the State Department of Health Care Services and other departments and offices involved in the provision of school-based health services. The scope of the office shall also include assisting local educational agencies with information on, and participation in, the following school-based health programs:

(1) The Administrative Claiming process described in Section 14132.47 of the Welfare and Institutions Code.

(2) The Local Educational Agency Medi-Cal Billing Option Program described in Section 14132.06 of the Welfare and Institutions Code.

(3) All other programs under the federal Early and Periodic Screening, Diagnostic, and Treatment services entitlement supporting the provision of health services to eligible pupils, including screening, diagnostic, and

treatment services to prevent, identify, or address physical and behavioral health needs.

(4) Providing consultation and technical assistance to local educational agencies on school-based nursing and health services.

(5) Coordinating school health program activities with public health, social services, environmental, and local educational agencies, and other public and private entities.

(6) Participating in the development of policies, standards, and guidelines, interpreting updates, and disseminating policies, standards, guidelines, and procedures to enhance coordinated school health programs.

(7) Promoting quality assurance in school health services by initiating and coordinating a quality assurance program that includes needs assessment, data collection and analysis, and evidenced-based practices.

(8) Initiating, participating in, and using research studies related to a coordinated school health program, the health needs of children and youth, school nursing practice, and related issues.

(9) Additional school-based health efforts available to local educational agencies through the California Health and Human Services Agency and its offices and departments.

(b) The office shall advise the department on opportunities for effective coordination between health and education systems at the state, regional, and local levels to advance school-based health programs, and on strategies to leverage school-based Medi-Cal programs to sustain school-based health services.

(c) The office shall collaborate with the local educational agency selected to provide guidance around Medi-Cal billing pursuant to Section 49422.

(d) The office may provide technical assistance to local educational agencies on matters such as expanding services, simplifying the administration of school-based health programs, and increasing local educational agency participation in, and maximizing allowable federal financial participation in, the school-based health programs.

(e) The office shall assist in the development of the telehealth guidelines required pursuant to Section 49429.

(f) The office shall provide technical assistance, outreach, and informational materials to local educational agencies on allowable services and on the submission of claims. The office shall not otherwise provide informational materials related to the State Department of Health Care Services' school-based health programs that have not been approved by the State Department of Health Care Services, as the State Department of Health Care Services is the sole state agency with authority from the federal Centers for Medicare and Medicaid Services to define allowable services and submit claims for federal matching funds.

(g) The office shall oversee the School Health Demonstration Project established pursuant to Section 49421.

(h) The office may form, or participate in, advisory groups for technical assistance and other purposes as deemed necessary.

(i) To the extent necessary, the State Department of Health Care Services shall make available to the office any information on other school-based dental, health, and mental health programs, and school-based health centers, that may receive Medi-Cal funding.

(j) (1) This section shall not prohibit the department from using an existing branch or division within the department to serve as the office, in lieu of establishing a new office, for purposes of implementing this section.

(2) This section shall not limit or modify Section 14132.06 of the Welfare and Institutions Code.

**49420.** (a) The department shall by January 1, 2022, appoint a state school nurse consultant to be housed within the office, as established pursuant to Section 49419. The state school nurse consultant shall be a school nurse with a services credential with a specialization in health for a school nurse issued by the Commission on Teacher Credentialing, who has a minimum of five years of experience in school health program management. The state school nurse consultant shall work with local educational agencies and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils. The state school nurse consultant, in performing the duties of the position, shall collaborate with the State Department of Public Health, the State Department of Health Care Services, the Governor's Office of Emergency Services, and the Board of Registered Nursing.

(b) The state school nurse consultant shall be responsible for all of the following:

(1) Serving as a liaison and resource expert in school nursing and school health program areas for local, regional, state, and national school health care providers and policy setting groups.

(2) Monitoring, interpreting, synthesizing, and working to ensure that the office disseminates relevant information associated with changes in health, nursing, and medical care, school nursing practice, legislation, and legal issues that impact schools and the pupils they serve.

(3) Fostering and promoting staff development for school nurses, which may include planning and providing orientation, coordinating or providing educational offerings, and networking with universities and other providers of continuing education to meet identified needs.

(4) Participating in state-level public interagency partnerships and private partnerships with statewide stakeholders to foster a coordinated school health program, representing school nurses in multidisciplinary collaborations.

**49421.** (a) The sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the Superintendent on a one-time basis for the School Health Demonstration Project. The School Health Demonstration Project is hereby established in the office as a pilot project to expand comprehensive health and mental health services to public school pupils by providing local educational agencies with intensive assistance and support to build the capacity for long-term sustainability by leveraging multiple revenue sources. For these purposes, the project is intended to provide training and technical assistance on the requirements for health care provider participation in the Medi-Cal program pursuant to Article 1.3 (commencing with Section 14043) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code to enable local educational agencies to participate in, contract with, and conduct billing and claiming in the Medi-Cal program through all of the following:

(1) The Local Educational Agency Medi-Cal Billing Option Program.

(2) The School-Based Medi-Cal Administrative Activities Program.

(3) Contracting or entering into a memorandum of understanding with Medi-Cal managed care plans as a participating Medi-Cal managed care plan contracting provider.

(4) Contracting with or entering into a memorandum of understanding with county mental health plans for specialty mental health services, such as through the Early and Periodic Screening, Diagnostic and Treatment Program.

(5) Contracting with community-based providers to deliver health and mental health services to pupils in school through contracts with Medi-Cal managed care plans or county mental health plans.

(b) On or before January 1, 2022, the Superintendent, in consultation with the executive director of the state board and the State Department of Health Care Services, shall select up to three organizations to serve as technical assistance teams for purposes of the pilot project. Technical assistance teams selected to serve shall be a consortia that consists of one or more local educational agencies, county agencies, or community-based organizations with experience in general and special education mental health program and service development, school finance, health care, Medi-Cal managed care contracting and benefits, Medicaid billing, commercial health insurance, and data analysis. The technical assistance teams are intended to provide hands-on, intensive support for a two-year period to the local educational agencies selected to be pilot participants to create capacity for those local educational agencies to become self-sustaining by securing federal reimbursement and other revenue sources for health and mental health services provided to pupils. In selecting the technical assistance teams, consideration shall be given to demonstrated expertise, including, but not limited to, all of the following:

(1) Knowledge of the process to submit claims through the Local Educational Agency Medi-Cal Billing Option Program, the School-Based Medi-Cal Administrative Activities Program, and drawing down federal reimbursement for Medi-Cal services.

(2) The knowledge and capacity to provide direct, hands-on assistance and support to selected local educational agencies in securing federal reimbursement for health and mental health services provided to pupils, and identifying additional sources of funding through programs identified in subdivision (a).

(3) Experience working with the department, the State Department of Health Care Services, county health departments, county behavioral health departments, Medi-Cal managed care plans, private health care service plans and health insurers, and the Mental Health Services Oversight and Accountability Commission.

(4) Experience in the legally compliant development and sustainable funding of general and special education mental health programs and supports in public schools, including the Multi-Tiered System of Supports, positive behavioral interventions and supports services for children under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), public school contracting requirements, and relevant state and federal privacy protections.

(c) On or before March 1, 2022, the department, in consultation with the State Department of Health Care Services, shall select up to 25 local educational agencies to serve as pilot participants for a period of two years. In selecting local educational agencies to serve as pilot participants, consideration shall be given to all of the following factors:

(1) Demonstrated need for health and mental health services for pupils.

(2) Commitment of the local educational agency's leadership to expand health and mental health services for all pupils through school-based services, school-connected services, or both.

(3) Willingness to reinvest increased reimbursements gained through the pilot project into direct health and mental health services for pupils.

(4) Unduplicated pupil count.

(5) Geographic diversity of the state.

(6) Mix of urban, suburban, and rural.

(d) A local educational agency selected to serve as a pilot participant pursuant to subdivision (c) shall receive up to one hundred thousand dollars (\$100,000) per year for each of the two years it participates in the pilot project. Funds shall be used for contracting with one of the technical assistance teams identified by the department pursuant to subdivision (b), and may also be used to address needs identified by the in-depth analysis conducted by the technical assistance provider.

(e) The technical assistance teams selected pursuant to subdivision (b) shall, under the direction of the department, work with each pilot participant to do all of the following:

(1) Conduct an analysis of all of the following related to the local educational agency:

(A) The need for health and mental health services for pupils.

(B) The current capacity within the local educational agency to meet those needs.

(C) Current participation in the programs identified in paragraphs (1) and (2) of subdivision (a).

(D) The barriers to participating in the programs identified in paragraphs (1) and (2) of subdivision (a).

(E) Any existing partnerships with county agencies or community-based agencies to provide health and mental health services to pupils.

(2) Work with local educational agency staff to establish or expand the expertise necessary to maximize federal reimbursement revenue through an analysis of past claims and review eligible school expenditures to ensure maximum usage of potential Medi-Cal reimbursements, including the Early and Periodic Screening, Diagnostic, and Treatment services provided to eligible pupils.

(3) Facilitate the exploration of opportunities to collaborate with county mental health plans, Medi-Cal managed care plans, and private health care service plans and health insurers to establish partnerships through memoranda of understanding or other means to coordinate the funding and provision of health and mental health services to pupils.

(4) Complete, and provide to the department, a final report at the conclusion of the pilot project with data on any increases in the level of health and mental health services provided to pupils in the local educational agency, any improved measurable outcomes for pupils, increased funding secured, plans for ongoing sustainability of health and mental health services beyond the pilot project period, and recommendations on maximizing federal reimbursement and other revenue sources to provide effective health and mental health services to pupils.

(f) (1) The department, in consultation with the State Department of Health Care Services, participating local educational agencies, and the technical assistance teams established pursuant to subdivision (b), shall prepare and submit to the relevant policy and fiscal committees of the Legislature on or before January 1, 2025, or six

months after the final local educational agency has ended its service as a pilot participant, whichever comes first, a final report of the pilot programs established pursuant to this section. The report shall include, but not be limited to, all the following:

(A) Best practices developed by local educational agencies that ensure every pupil receives an uninterrupted continuum of effective care services.

(B) Program requirements and support services needed for the Local Educational Agency Medi-Cal Billing Option Program, the School-based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits, to ensure ease of use and access for local educational agencies.

(C) Total dollars drawn down from federal sources by local educational agencies participating in the pilot project.

(D) The number of pupils receiving health and mental health services by participating local educational agencies throughout the course of the pilot project, including breakdowns by subgroups, and measurable improved outcomes for those pupils.

(E) Recommendations for expanding the program statewide, including an estimate of the cost of fully funding an ongoing technical assistance and support program on a statewide basis.

(F) Strategies for working with the State Department of Health Care Services to coordinate, streamline, and prevent the duplication of Medi-Cal covered services.

(G) Recommendations on specific changes needed to state regulations or statute, the need for approval of amendments to the state Medicaid plan or federal waivers, changes to implementation of federal regulations, changes to state agency support and oversight, and associated staffing or funding needed to implement recommendations.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) The department, in consultation with the technical assistance teams, the State Department of Health Care Services, and the Mental Health Services Oversight and Accountability Commission, shall prepare materials for use by local educational agencies in developing the capacity to effectively secure sustainable funding for the delivery of comprehensive health and mental health services to pupils.

(h) The State Department of Health Care Services shall seek federal financial participation for the activities conducted pursuant to this section.

(i) The following definitions apply to this section:

(1) "County mental health plan" means an entity authorized pursuant to Article 5 (commencing with Section 14680) of Chapter 8.8 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) "Medi-Cal managed care plan" means an individual, organization, or entity that enters into a contract with the department to provide services to enrolled Medi-Cal beneficiaries pursuant to any of the following:

(A) Article 2.7 (commencing with Section 14087.3) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, excluding dental managed care programs developed pursuant to Section 14087.46 of the Welfare and Institutions Code.

(B) Article 2.8 (commencing with Section 14087.5), Article 2.81 (commencing with Section 14087.96), Article 2.82 (commencing with Section 14087.98), Article 2.9 (commencing with Section 14088), or Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

(C) Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, excluding dental managed care plans.

(D) Chapter 3 (commencing with Section 101675) of Part 4 of Division 101 of the Health and Safety Code.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes

appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

**49422.** (a) (1) On or before November 1, 2021, the State Department of Education shall establish a process to select, with approval from the executive director of the state board, a local educational agency to provide guidance around Medi-Cal billing and increase local educational agencies' capacity to successfully submit claims through the Local Educational Agency Medi-Cal Billing Option Program. The local educational agency selected shall have demonstrated success in submitting claims through the Local Educational Agency Medi-Cal Billing Option Program and drawing down federal reimbursement for Medi-Cal services, and a willingness and capacity to perform the duties described in paragraph (2). The State Department of Health Care Services shall provide relevant data, including, but not limited to, the number of years participating in the program and cost reimbursement data for each local educational agency, in the form and manner requested by the State Department of Education and the executive director of the state board no later than August 31, 2021, to aid in the selection process. The State Department of Health Care Services shall assist the State Department of Education, as needed, with the selection process, including verifying information provided by local educational agencies regarding program participation during the selection process.

(2) The local educational agency selected pursuant to paragraph (1) shall do all of the following:

(A) Provide effective assistance and support to local educational agencies in securing federal reimbursement for services provided to Medi-Cal eligible pupils.

(B) Work in coordination and collaboration with expert lead agencies identified pursuant to Section 52073.1, special education resource leads identified pursuant to Section 52073.2, the State Department of Education, and the State Department of Health Care Services.

(C) Identify and disseminate information regarding existing resources, professional development activities, and other efforts currently available to assist local educational agencies in successfully submitting claims through the Local Educational Agency Medi-Cal Billing Option Program and drawing down federal reimbursement for Medi-Cal services.

(D) Upon request by the State Department of Education and the State Department of Health Care Services, develop new resources and activities designed to build capacity for local educational agencies to secure federal reimbursement for services provided to Medi-Cal eligible pupils.

(E) Serve as a point of contact for local educational agencies, and regularly participate and share the perspectives of local educational agencies in the Local Educational Agency Program Advisory Workgroup convened by the State Department of Health Care Services.

(F) Other duties, as prescribed by the State Department of Education, to enhance Medi-Cal services on schoolsites, increase access of care for pupils, and increase Medi-Cal reimbursement for local educational agencies.

(3) A local educational agency may partner as a consortium with other local educational agencies, institutions of higher education, nonprofit educational services providers, county mental health providers, or other local partners to submit a proposal to the State Department of Education to be considered for selection as the local educational agency pursuant to paragraph (1).

(b) (1) The term of a local educational agency selected pursuant to subdivision (a) shall not exceed five years.

(2) The selected local educational agency shall commit to providing program data to the State Department of Education, as specified by the Superintendent, to evaluate the effectiveness of the activities performed under paragraph (2) of subdivision (a).

(3) At the conclusion of the term of the selected local educational agency, the State Department of Education, with approval from the executive director of the state board, may renew the term of the selected local educational agency or select a new local educational agency in a manner consistent with subdivision (a).

(4) If a selected local educational agency requests that its term be renewed, it shall provide a description of the efforts it has made to carry out the duties described in paragraph (2) of subdivision (a), and before renewing the term, the State Department of Education shall evaluate the local educational agency's success in carrying out those duties.

(c) Notwithstanding Section 13340 of the Government Code, commencing with the 2021–22 fiscal year, each fiscal year the sum of two hundred fifty thousand dollars (\$250,000) shall be continuously appropriated, without regard to fiscal years, from the General Fund to the State Department of Education to be awarded to the local educational agency selected pursuant to this section.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (c) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which they are appropriated, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the fiscal year in which they are appropriated.

**SEC. 62.** Section 49501.5 is added to the Education Code, to read:

**49501.5.** (a) Notwithstanding any other provision of this chapter, commencing with the 2022–23 school year all of the following shall apply:

(1) A school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, shall provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period, except for family daycare homes that shall be reimbursed for 75 percent of the meals served. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement.

(2) A charter school shall provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement.

(3) (A) A local educational agency that has a reimbursable school breakfast program shall not charge any pupil enrolled in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, any amount for any breakfast served to that pupil through the program, and shall provide a breakfast free of charge to any pupil who requests one without consideration of the pupil's eligibility for a federally funded free or reduced-price meal. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday under paragraphs (1) and (2).

(B) As used in this paragraph, "school breakfast program" means the nonprofit breakfast program established by Section 4 of the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.).

(4) The department shall reimburse local educational agencies that participate in the federal School Breakfast Program and National School Lunch Program for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals to pupils as described in subdivision (b).

(b) The amount of per-meal reimbursements provided under this section shall not exceed the difference between the sum of the amounts calculated from meals claimed based on the free combined breakfast and lunch reimbursement rates established by the United States Department of Agriculture and state meal contribution established in Section 49559, and the combined federal and state amounts reimbursed for reduced-price and paid meals claimed.

(c) For the 2021–22 school year, the twenty-four cents eighty-seven mills (\$0.2487) reimbursement per meal served, as specified in Provision 6 of Item 6100-203-0001 of the Budget Act of 2021, shall apply to all United States Department of Agriculture reimbursable meals served to pupils under the federal Seamless Summer Option, if eligible in accordance with federal regulations.

(d) The reimbursement required pursuant to this section shall be provided upon appropriation by the Legislature. This section shall not be operative until the Legislature has appropriated funds for purposes of this section.

(e) The department shall develop and adopt regulations as it deems necessary to implement this article, including regulations that authorize local educational agencies that administer a school lunch program under the federal Richard B. Russell National School Lunch Act (Public Law 113-79) to release to appropriate officials administering the CalFresh and Medi-Cal programs information that is necessary to implement the purposes of this article, while protecting the privacy of pupils and their families.

**SEC. 63.** Section 49564 of the Education Code is amended to read:

**49564.** (a) For purposes of this section, a "very high poverty school" is a school that enrolls pupils in kindergarten or in any of grades 1 to 12, inclusive, and is eligible to receive the free federal reimbursement rate for all reimbursable school breakfasts and lunches served, pursuant to the Community Eligibility Provision in Section 1759a of Title 42 of the United States Code.

(b) (1) In order to provide pupils in very high poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, a school district or a county superintendent of schools shall provide breakfast and lunch free of charge to all pupils at a very high poverty school pursuant to this section, except as provided in subdivision (c).

(2) On or before September 1, 2018, a school district or county superintendent of schools that has a very high poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision or Provision 2, pursuant to Section 1759a of Title 42 of the United States Code.

(3) A school district or county superintendent of schools shall begin providing a universal meal service pursuant to Section 1759a of Title 42 of the United States Code to all pupils at a very high poverty school upon state approval to operate a universal meal service. A school district or county superintendent of schools may stop providing the universal meal service at a school if the school ceases to be a very high poverty school.

(c) The governing board of a school district or county office of education may adopt a resolution stating that it is unable to comply with, and demonstrating the reasons why it is unable to comply with, the requirements of this section due to fiscal hardship. The resolution shall be publicly noticed on at least two consecutive meeting agendas, on the first meeting agenda as an information item and on the second meeting agenda as an action item. If the resolution is approved by at least a majority of the governing board of the school district or county office of education, the school district or county office of education is exempt from the requirements of subdivision (b). The governing board of the school district or county office of education shall reconsider the resolution at least once every four years.

(d) For purposes of this section, a charter school shall be considered a very high poverty school only if it participates in the federal National School Lunch Program or the federal School Breakfast Program, or both, and meets the description in subdivision (a). A charter school that is a very high poverty school shall comply with the requirements specified in subdivision (b), and the governing body of such charter school may exercise the authority specified in subdivision (c).

(e) This section does not apply to a school district, county office of education, or charter school that is operating a universal meal service pursuant to Section 49564.3.

(f) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 64.** Section 49564.3 is added to the Education Code, to read:

**49564.3.** (a) For purposes of this section, a "high-poverty school" is a school that enrolls pupils in kindergarten or in any of grades 1 to 12, inclusive, and is eligible to operate under the Community Eligibility Provision, pursuant to Section 1759a of Title 42 of the United States Code.

(b) (1) In order to provide pupils in high-poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, a school district or a county superintendent of schools shall provide breakfast and lunch free of charge to all pupils at a high-poverty school pursuant to this section.

(2) On or before June 30, 2022, a school district or county superintendent of schools that has a high-poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision or Provision 2, pursuant to Section 1759a of Title 42 of the United States Code.

(3) A school district or county superintendent of schools shall begin providing a universal meal service pursuant to Section 1759a of Title 42 of the United States Code to all pupils at a high-poverty school upon state approval to operate a universal meal service.

(c) The department shall provide technical assistance to school districts and county superintendents of schools for the purpose of maximizing the number of schools within each local educational agency to be eligible for the Community Eligibility Provision, pursuant to Section 1759a of Title 42 of the United States Code.

(d) For purposes of this section, a charter school shall be considered a high-poverty school only if it participates in the federal National School Lunch Program or the federal School Breakfast Program, or both, and meets the description in subdivision (a). A charter school that is a high-poverty school shall comply with the requirements specified in subdivision (b).

**SEC. 65.** Section 51461 of the Education Code is amended to read:

**51461.** (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

(1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.

(2) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the "standard met" achievement level, or at the achievement level determined by the Superintendent for any successor test.

(3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:

(A) Passing a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

(B) Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A).

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that world language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(D) Passing the SAT II world language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, the pupil shall do both of the following in order to qualify for the State Seal of Biliteracy:

(1) Attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing the Superintendent's list of equivalent summative tests.

(d) Notwithstanding subdivisions (a) and (b), for those pupils on track to graduate in 2020 or 2021, who were unable to take the assessments identified in paragraph (1) of subdivision (b), or who did not receive a letter

grade in English language arts to satisfy paragraph (1) of subdivision (a), the Superintendent may provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English. For pupils who are on track to graduate in 2021 and were unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may waive the requirement to pass that assessment.

(e) For purposes of this article, "world language" has the same meaning as defined in Section 91.

(f) Notwithstanding subdivision (a), for those pupils on track to graduate in 2022 and who were unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may use the assessments identified in Section 121 of the act adding this subdivision to determine whether a pupil obtained the achievement level on a grade 11 English language arts assessment for the purposes of paragraph (2) of subdivision (a).

**SEC. 66.** Section 51745 of the Education Code is amended to read:

**51745.** (a) Commencing with the 1990–91 school year, a local educational agency may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. For the 2021–22 school year only, the governing board of a school district or a county office of education shall offer independent study to meet the educational needs of pupils. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.

(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(6) Individualized study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the pupil.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of their children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless the pupil's individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

(f) The governing board of a school district or county office of education may meet the requirement to offer independent study for the 2021–22 school year by contracting with a county office of education or by entering into an interdistrict transfer agreement with another school district pursuant to Section 46600.

(g) The requirement to offer independent study for the 2021–22 school year may be waived for school districts by the county superintendent of schools in the county in which the school district is located and waived for county offices of education and school districts in single-district counties by the Superintendent if the school district or county office of education, as applicable, demonstrates both of the following:

(1) Offering independent study would create an unreasonable fiscal burden on the school district or county office of education due to low numbers of pupils participating or other extenuating circumstances.

(2) The governing board of the school district or county office of education does not have the option to enter into an interdistrict transfer agreement with another school district or to contract with a county office of education to provide an independent study option, as described in subdivision (f).

**SEC. 67.** Section 51745.5 is added to the Education Code, to read:

**51745.5.** For purposes of this article the following definitions apply:

(a) "Live interaction" means interaction between the pupil and local educational agency classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of internet or telephonic communication.

(b) "Local educational agency" means a school district, county office of education, or charter school.

(c) "Pupil-parent-educator conference" means a meeting involving, at a minimum, all parties who signed the pupil's written independent study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.

(d) "Synchronous instruction" means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications, and involving live two-way communication between the teacher and pupil. Synchronous instruction shall be provided by the teacher of record for that pupil pursuant to Section 51747.5.

**SEC. 68.** Section 51745.6 of the Education Code is amended to read:

**51745.6.** (a) (1) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the department, shall not exceed the equivalent ratio of average daily attendance to full-time equivalent certificated employees providing instruction in other educational programs operated by the school district, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.

(2) The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the department, shall not exceed the equivalent prior year ratio of average daily attendance to full-time equivalent certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county or the collectively bargained alternative ratio used by that high school or unified school district in the prior year, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratios described in subdivision (a) shall be eligible for apportionment pursuant to Section 2575, for county offices of education, and Section 42238.05, for school districts. This section does not prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratios described in subdivision (a), except that those additional units shall not be funded pursuant to Section 2575 or 42238.05, as applicable. If a school district, charter school, or county office of education has a memorandum of understanding to provide instruction in coordination with the school district, charter school, or county office of education at which a pupil is enrolled, the ratios that shall apply for purposes of this paragraph are the ratios for the local educational agency providing the independent study program to the pupil pursuant to Section 51749.5.

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3.

(d) The applicable average-daily-attendance-to-certificated-employee ratios described in subdivision (a) may, in a charter school, be calculated by using a fixed average-daily-attendance-to-certificated-employee ratio of 25 to 1, or by using a ratio of less than 25 pupils per certificated employee. A new higher or lower ratio for all other educational programs offered by a charter school may be negotiated in a collective bargaining agreement, or a memorandum of understanding indicating that an existing collective bargaining agreement contains an alternative average daily attendance ratio may be entered into by a charter school. All charter school pupils, regardless of age, shall be included in the applicable average-daily-attendance-to-certificated-employee ratio calculations.

(e) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.

**SEC. 69.** Section 51747 of the Education Code is amended to read:

**51747.** A local educational agency shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) (1) The level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether the pupil should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(2) Satisfactory educational progress shall be determined based on all of the following indicators:

(A) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.

(B) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.

(C) Learning required concepts, as determined by the supervising teacher.

(D) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

(c) The provision of content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.

(d) Procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than three schooldays or 60 percent of the instructional days in a school week, or who are in violation of the written agreement pursuant to subdivision (g). These procedures shall include, but are not necessarily limited to, all of the following:

(1) Verification of current contact information for each enrolled pupil.

(2) Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation.

(3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.

(4) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written agreement, and reconsider the independent study program's impact on the pupil's achievement and well-being, consistent with the policies adopted pursuant to paragraph (4) of subdivision (g).

(e) (1) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.

(2) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.

(3) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.

(f) A plan to transition pupils whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days.

(g) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:

(1) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.

(2) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.

(3) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.

(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.

(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.

(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.

(7) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(8) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(9) (A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(B) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.

- (C) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.
- (D) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.
- (E) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.
- (F) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for independent study from the pupil, or the pupil’s parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this subparagraph, upon commencement of instruction for a participating pupil in the 2021–22 school year.
- (h) (1) For the 2021–22 school year only, school districts and county offices of education shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the local educational agency’s internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of independent study. If 15 percent or more of the pupils enrolled in a local educational agency that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.
- (2) Before signing a written agreement pursuant to this section, and upon the request of the parent or guardian of a pupil, the local educational agency shall conduct a phone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.
- (i) Subdivisions (d), (e), and (f) shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year.
- (j) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the adoption of the policies required pursuant to this section, including loss of apportionment for independent study for local educational agencies found to be noncompliant, unless compliance verification for those policies is already included in the audit guide.
- (k) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

**SEC. 70.** Section 51747.3 of the Education Code is amended to read:

**51747.3.** (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or the pupil’s parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other

thing of value to the pupil or the pupil's parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to the pupil's parent or guardian.

(b) Providing access to connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work, consistent with paragraph (3) of subdivision (g) of Section 51747, or to participate in an independent study course, as authorized in Section 51749.5, shall not be considered funds or other things of value for purposes of subdivision (a).

(c) Notwithstanding paragraph (1) of subdivision (e) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(d) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(e) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section applies to average daily attendance reported for apportionment purposes beginning July 1, 1992.

(f) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

**SEC. 71.** Section 51747.5 of the Education Code is amended to read:

**51747.5.** (a) The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the local educational agency who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.

(b) A local educational agency may claim apportionment credit for independent study only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher. It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce workload associated with evaluating and accounting for pupil work.

(c) A local educational agency shall document each pupil's participation in live interaction and synchronous instruction pursuant to Section 51747 on each schoolday, as applicable, in whole or in part, for which independent study is provided. A pupil who does not participate in independent study on a schoolday shall be documented as nonparticipatory for that schoolday.

(d) A local educational agency shall maintain written or computer-based evidence of pupil engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.

(e) For purposes of this section, a local educational agency shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.

(f) Commencing with the 2021-22 fiscal year Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate compliance reviews for subdivisions (a) to (d), inclusive, unless compliance verification for those subdivisions is already included in the audit guide. Findings of noncompliance shall result in the loss of apportionment equal to the average daily attendance impacted by the noncompliance.

(g) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

**SEC. 72.** Section 51749 of the Education Code is amended to read:

**51749.** (a) The Superintendent, upon the next revision of the California Basic Educational Data System, or its equivalent, following July 1, 1990, shall include all data collection elements necessary to compile an annual statewide profile of pupils participating in independent study, including data on the number and percentage of pupils pursuing their coursework through independent study who successfully complete the requirements for a high school diploma.

(b) Commencing with the 2021–22 school year, the department shall include a required field in the California Longitudinal Pupil Achievement Data System for the collection of the number of pupils participating in independent study pursuant to this article for 15 or more schooldays.

**SEC. 73.** Section 51749.5 of the Education Code is amended to read:

**51749.5.** (a) Notwithstanding any other law, and commencing with the 2015–16 school year, a local educational agency may, for pupils enrolled in kindergarten and grades 1 to 12, inclusive, provide independent study courses pursuant to the following conditions:

(1) The governing board or body of the local educational agency adopts policies, at a public meeting, that comply with the requirements of this section and any applicable regulations adopted by the state board.

(2) A signed learning agreement is completed and on file pursuant to Section 51749.6.

(3) Courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential pursuant to Section 44300 or 44865, or subdivision (l) of Section 47605, and are employed by the local educational agency at which the pupil is enrolled, or by a local educational agency that has a memorandum of understanding to provide the instruction in coordination with the local educational agency at which the pupil is enrolled.

(4) (A) Courses are annually certified, by local educational agency governing board or body resolution, to be of the same rigor, educational quality, and intellectual challenge substantially equivalent to in-person instruction and equivalent classroom-based courses, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria.

(B) This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each schoolday that a pupil is enrolled, number of equivalent total instructional minutes, number of course credits for each course, and a plan as described in subparagraph (C). This information shall be consistent with that of equivalent classroom-based courses.

(C) (i) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.

(ii) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.

(iii) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.

(5) Pupils enrolled in courses authorized by this section shall meet the applicable age requirements established pursuant to Sections 46300.1, 46300.4, 47612, and 47612.1.

(6) Pupils enrolled in courses authorized by this section shall meet the applicable residency and enrollment requirements established pursuant to Sections 46300.2, 47612, 48204, and 51747.3.

(7) (A) An individual with exceptional needs, as defined in Section 56026, shall not participate in course-based independent study, unless the pupil's individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(B) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through course-based independent study.

(8) (A) Satisfactory educational progress shall be determined based on all of the following indicators:

(i) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.

(ii) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.

(iii) Learning required concepts, as determined by the supervising teacher.

(iv) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

(B) If satisfactory educational progress in one or more courses is not being made, certificated employees providing instruction shall notify the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and conduct an evaluation to determine whether it is in the best interest of the pupil to remain in the course or whether the pupil should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the findings of an evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(C) Procedures for tiered reengagement strategies for all pupils who are not making satisfactory educational progress in one or more courses, or who are in violation of the written learning agreement pursuant to Section 51749.6. These procedures shall include, but are not necessarily limited to, all of the following:

(i) Verification of current contact information for each enrolled pupil.

(ii) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.

(iii) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written learning agreement, and reconsider the independent study course's impact on the pupil's achievement and well-being.

(D) Written or computer-based evidence of satisfactory educational progress, as described in subparagraph (A), shall be retained for each course and pupil. At a minimum, this evidence shall include a grade book or summary document that, for each course, lists all assignments, examinations, and associated grades.

(9) A plan to transition pupils whose families wish to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

(10) A proctor shall administer examinations.

(11) (A) Statewide testing results for pupils enrolled in any course authorized pursuant to this section shall be reported and assigned to the school or charter school at which the pupil is enrolled, and to any school district, charter school, or county office of education within which that school's or charter school's testing results are aggregated.

(B) Statewide testing results for pupils enrolled in a course or courses pursuant to this section shall be disaggregated for purposes of comparing the testing results of those pupils to the testing results of pupils enrolled in classroom-based courses.

(12) A pupil shall not be required to enroll in courses authorized by this section.

(13) The pupil-to-certificated-employee ratio limitations established pursuant to Section 51745.6 are applicable to courses authorized by this section.

(14) For each pupil, the combined equivalent daily instructional minutes for enrolled courses authorized by this section and enrolled courses authorized by all other laws and regulations shall meet the minimum instructional day requirements applicable to the local educational agency. Pupils enrolled in courses authorized by this section shall be offered the minimum annual total equivalent instructional minutes pursuant to Sections 46200 to 46208, inclusive, and Section 47612.5.

(15) Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.

(16) A pupil participating in independent study shall not be assessed a fee prohibited by Section 49011.

(17) A pupil shall not be prohibited from participating in independent study solely on the basis that the pupil does not have the materials, equipment, or internet access that are necessary to participate in the independent study course.

(b) For purposes of computing average daily attendance for each pupil enrolled in one or more courses authorized by this section, the following computations shall apply:

(1) (A) For each schoolday, add the combined equivalent daily instructional minutes, as certified in paragraph (4) of subdivision (a), for courses authorized by this section in which the pupil is enrolled.

(B) For each schoolday, add the combined daily instructional minutes of courses authorized by all other laws and regulations in which the pupil is enrolled and for which the pupil meets applicable attendance requirements.

(C) For each schoolday, add the sum of subparagraphs (A) and (B).

(2) If subparagraph (C) of paragraph (1) meets applicable minimum schoolday requirements for each schoolday, and all other requirements in this section have been met, credit each schoolday that the pupil is demonstrating satisfactory educational progress pursuant to the requirements of this section, with up to one school day of attendance.

(3) (A) Using credited schoolday attendance pursuant to paragraph (2), calculate average daily attendance pursuant to Section 41601 or 47612, whichever is applicable, for each pupil.

(B) The average daily attendance computed pursuant to this subdivision shall not result in more than one unit of average daily attendance per pupil.

(4) Notwithstanding any other law, average daily attendance computed for pupils enrolled in courses authorized by this section shall not be credited with average daily attendance other than what is specified in this section.

(5) If more than 10 percent of the total average daily attendance of a local educational agency is claimed pursuant to this section, then the amount of average daily attendance for all pupils enrolled by that school district, charter school, or county office of education in courses authorized pursuant to this section that is in excess of 10 percent of the total average daily attendance for the local educational agency shall be reduced by either (A) the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or (B) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year, with the resultant figures and ranges rounded to the nearest 10th.

(c) For purposes of this section, "equivalent total instructional minutes" means the same number of minutes as required for an equivalent classroom-based course.

(d) This section does not prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

(e) (1) The Superintendent shall conduct an evaluation of independent study courses offered pursuant to this section and report the findings to the Legislature and the Director of Finance no later than September 1, 2019. The report shall, at a minimum, compare the academic performance of pupils in independent study with demographically similar pupils enrolled in equivalent classroom-based courses.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on September 1, 2023, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.

(g) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

**SEC. 74.** Section 51749.6 of the Education Code is amended to read:

**51749.6.** (a) Before enrolling a pupil in a course authorized by Section 51749.5, each local educational agency shall provide the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, with a written learning agreement that includes all of the following:

(1) A summary of the policies and procedures adopted by the governing board or body of the local educational agency pursuant to Section 51749.5, as applicable.

- (2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the local educational agency pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.
- (3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is required to determine whether the pupil should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
- (4) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- (5) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.
- (6) A statement that enrollment in a course authorized pursuant to Section 51749.5 is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through course-based independent study only if the pupil is offered the alternative of classroom instruction.
- (7) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.
- (8) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.
- (9) A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in course-based independent study.
- (10) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the pupil upon completion.
- (b) (1) The learning agreement shall be signed, before the commencement of an independent study course, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.
- (2) The signed learning agreement constitutes permission from a pupil's parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to receive instruction through course-based independent study.
- (3) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.
- (4) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.
- (5) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.
- (6) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten

signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

(7) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for independent study from the pupil, or the pupil’s parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this paragraph, upon commencement of instruction for a participating pupil in the 2021–22 school year.

**SEC. 75.** Section 52064 of the Education Code is amended to read:

**52064.** (a) On or before March 31, 2014, the state board shall adopt a template for a local control and accountability plan and an annual update to the local control and accountability plan for the following purposes:

- (1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.
- (2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.
- (3) For use by charter schools to meet the requirements of Section 47606.5.

(b) On or before January 31, 2022, the template adopted by the state board shall require the inclusion of all of the following information:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.

(2) A description of the specific actions the school district, county office of education, or charter school will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1). The specific actions shall not supersede the provisions of existing local collective bargaining agreements, if any, within the jurisdiction of the school district, county office of education, or charter school.

(3) One or more summary tables listing and describing the budgeted expenditures for the ensuing fiscal year implementing each specific action included in the local control and accountability plan, including expenditures and specific actions for the ensuing fiscal year that will serve unduplicated pupils, as defined in Section 42238.02, and pupils redesignated as fluent English proficient. The summary table or tables shall include both of the following:

(A) The total overall expenditures for all specific actions included in the local control and accountability plan, broken down by personnel and nonpersonnel expenditures.

(B) The subtotals of expenditures for each specific action included in the local control and accountability plan broken down into the following categories:

(i) Funds apportioned under the local control funding formula pursuant to Section 42238.02.

(ii) All other state funds.

(iii) All local funds.

(iv) All federal funds.

(4) One or more summary tables listing and describing all the specific actions and budgeted expenditures in paragraph (3) that contribute to the demonstration that the school district, county office of education, or charter

school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, grouped as follows:

(A) Specific actions and budgeted expenditures provided to all pupils on a districtwide, countywide, or charterwide basis.

(B) Specific actions and budgeted expenditures that are targeted only to one or more unduplicated pupil subgroups. For these specific actions, the description shall specify the unduplicated pupil subgroup or subgroups that are targeted by each specific action and, if not provided at all schools, the school or schools where the specific action is provided.

(C) Only for school districts and county offices of education that operate more than one schoolsite, specific actions and budgeted expenditures provided to all pupils on a schoolwide basis, but only at schools serving certain grade spans or only at one or more schools. For these specific actions, the description shall specify the school or schools at which the specific action is provided.

(5) An estimate of the funds to be apportioned in the ensuing fiscal year on the basis of the number and concentration of unduplicated pupils and calculation of the percent the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(6) (A) A demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in the ensuing fiscal year in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(B) As part of the demonstration required by subparagraph (A), the summary tables required by paragraph (4) shall demonstrate both of the following:

(i) That the full proportionality obligation referenced in paragraph (1) of subdivision (a) of Section 42238.07 is being met annually through the listed actions and services.

(ii) Each action's quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, consistent with the regulations adopted by the state board pursuant to Section 42238.07.

(7) A review of the progress toward the goals included in the existing local control and accountability plan, a review of any changes in the applicability of the goals, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, a description of changes to the specific actions and related expenditures or quality improvements the school district, county office of education, or charter school will make as a result of the review and assessment, and an update on progress implementing the specific actions in the current fiscal year, including estimated actual expenditures for the specific actions and actual quality improvements.

(8) (A) The calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07.

(B) If applicable to the school district, county office of education, or charter school pursuant to subdivision (d) of Section 42238.07, a description of the specific actions and related expenditures to be implemented using the funds specified in that paragraph, including a demonstration that the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

(9) A plan summary that includes general information about the school district, county office of education, or charter school and highlights of the local control and accountability plan and annual update to the local control and accountability plan, including reflections on annual performance on the California School Dashboard authorized in Section 52064.5 and other local data.

(10) A summary of the stakeholder engagement process and how stakeholder engagement influenced the development of the adopted local control and accountability plan and annual update to the local control and accountability plan.

(11) For local educational agencies that receive concentration grant funding pursuant to Section 42238.02, a demonstration that the additional funding received as a result of the increased concentration grant add-on percent specified in subparagraph (B) of paragraph (1) of subdivision (f) of Section 42238.02 will be used to increase the number of credentialed staff, classified staff, or both of those, that provide direct services to pupils, including custodial staff, on school campuses with greater than 55-percent unduplicated pupil enrollment in the prior year as compared to the staff-to-pupil ratios at schools within the local educational agency with an unduplicated pupil enrollment in the prior year of 55 percent or less, if any.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) (1) The template for the local control and accountability plan and annual update to the local control and accountability plan shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The state board shall include instructions for school districts, county offices of education, and charter schools to complete the local control and accountability plan and annual update to the local control and accountability plan consistent with the requirements of this section. The state board may include more technical language in the instructions.

(2) Except as provided in paragraph (3), the state board shall not require school districts, county offices of education, or charter schools to provide any information in addition to the information required pursuant to subdivision (b).

(3) The state board may require the inclusion of additional information in the template in order to meet requirements of federal law.

(e) (1) The process of developing and annually updating the local control and accountability plan should support school districts, county offices of education, and charter schools in comprehensive strategic planning, accountability, and improvement across the state priorities and any locally identified priorities through meaningful engagement with local stakeholders.

(2) In developing the template for the local control and accountability plan and annual update to the local control and accountability plan, the state board shall ensure that school districts, county offices of education, and charter schools track and report their progress annually on all state priorities, including the applicable metrics specified within each state priority and, for charter schools, in accordance with Section 47606.5.

(3) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools should prioritize the focus of the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan within one or more state priorities. The instructions shall further specify that school districts, county offices of education, and charter schools should consider their performance on the state and local indicators, including their locally collected and reported data for the local indicators, that are included in the California School Dashboard authorized in Section 52064.5 in determining whether and how to prioritize the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan.

(4) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that have a numerically significant English learner pupil subgroup shall include specific actions in the local control and accountability plan related to, at a minimum, the language acquisition programs, as defined in Section 306, provided to pupils and professional development activities specific to English learners.

(5) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that meet the criteria to receive technical assistance pursuant to Section 47607, 47607.2, 52071, or 52071.5, as applicable, based on the performance of the same pupil subgroup or subgroups for three or more consecutive years shall include a goal in the local control and accountability plan focused on improving the performance of the pupil subgroup or subgroups.

(6) (A) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that, for any school district or county office of education with a school that meets the criteria described in subparagraph (B), the school district or county office of education shall include a goal in

the local control and accountability plan focused on addressing the disparities in performance at the school or schools compared to the school district or county office of education as a whole.

(B) The requirement described in subparagraph (A) shall apply for any local educational agency with two or more schools if, for two consecutive years, a school receives the two lowest performance levels on all but one of the state indicators for which the school receives performance levels on the California School Dashboard pursuant to subdivision (d) of Section 52064.5 and the performance of the local educational agency for all pupils is at least one performance level higher on all of those indicators.

(f) (1) Except as provided in subdivision (g), the state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(2) Notwithstanding paragraph (1), the state board may adopt or revise the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This paragraph shall become inoperative on January 31, 2019.

(g) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement Assembly Bill 1808 and Assembly Bill 1840 of the 2017–18 Regular Session, legislation passed during the 2019–20 Regular Session, or Assembly Bill 130 of the 2021–22 Regular Session shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(h) Revisions to a template shall be approved by the state board by January 31 before the fiscal year during which the template is to be used by a school district, county superintendent of schools, or charter school.

(i) In developing the template, the state board shall take steps to minimize duplication of effort at the local level to the greatest extent possible. The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

(j) Notwithstanding any other law, the templates developed by the state board pursuant to this section, as it read on June 30, 2018, shall continue in effect until the state board adopts a new template pursuant to subdivision (b) on or before January 31, 2020, except that the state board may adopt revisions to those templates pursuant to subdivision (g) that are necessary to implement Assembly Bill 1808 of the 2017–18 Regular Session or meet federal requirements.

**SEC. 76.** Section 52070 of the Education Code is amended to read:

**52070.** (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the governing board of a school district shall file the local control and accountability plan or annual update to the local control and accountability plan with the county superintendent of schools.

(b) On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the governing board of a school district shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the governing board of the school district, the county superintendent of schools may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations.

(d) The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if the county superintendent of schools determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board, including, but not limited to, all of the following requirements:

(A) If applicable to the school district, the local control and accountability plan includes one or more specific actions consistent with the instructions developed by the state board pursuant to paragraph (4) of subdivision (e) of Section 52064.

(B) If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (6) of subdivision (e) of Section 52064.

(D) Each specific action identified as contributing to the demonstration that the school district will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, subdivisions (c), (d), and (e) of Section 42238.07, and any applicable instructions developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, provided on a schoolwide or districtwide basis is supported by the required description.

(E) If applicable to the school district, the local control and accountability plan includes a description of the specific action or actions that improve services for unduplicated pupils, meets the requirements of subparagraph (D), and demonstrates how the degree of improvement in services is sufficient to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, as required by subparagraph (B) of paragraph (6) of subdivision (b) of Section 52064.

(2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of the school district, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 42238.02 and 42238.03, and any applicable instructions for the local control and accountability plan developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, including, but not limited to, the requirement that any specific action provided on a schoolwide or districtwide basis is supported by the required description.

(4) The local control and accountability plan includes the calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the school district pursuant to subdivision (d) of Section 42238.07, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

(e) If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this section.

**SEC. 77.** Section 52070.5 of the Education Code is amended to read:

**52070.5.** (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the county board of education shall file the local control and accountability plan or annual update to the local control and accountability plan with the Superintendent.

(b) On or before August 15 of each year, the Superintendent may seek clarification, in writing, from the county board of education about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the county board of education shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the county board of education, the Superintendent may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(d) The Superintendent shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if the Superintendent determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board, including, but not limited to, all of the following requirements:

(A) If applicable to the county office of education, the local control and accountability plan includes one or more specific actions consistent with the instructions developed by the state board pursuant to paragraph (4) of subdivision (e) of Section 52064.

(B) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (6) of subdivision (e) of Section 52064.

(D) Each specific action identified as contributing to the demonstration that the county office of education will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, subdivisions (c), (d), and (e) of Section 42238.07, and any applicable instructions developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, provided on a schoolwide or countywide basis is supported by the required description.

(E) If applicable to the county office of education, the local control and accountability plan includes a description of the specific action or actions that improve services for unduplicated pupils, meets the requirements of subparagraph (D), and demonstrates how the degree of improvement in services is sufficient to satisfy the requirement to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, as required by subparagraph (B) of paragraph (6) of subdivision (b) of Section 52064.

(2) The budget for the applicable fiscal year adopted by the county board of education includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the county board of education, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574 and 2575, and any applicable instructions for the local control and accountability plan developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, including, but not limited to, the requirement that any specific action provided on a schoolwide or countywide basis is supported by the required description.

(4) The local control and accountability plan includes the calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the county office of education pursuant to subdivision (d) of Section 42238.07, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as

contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

**SEC. 78.** Section 53070 of the Education Code is amended to read:

**53070.** (a) The California Career Technical Education Incentive Grant Program is hereby established as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten and grades 1 to 12, inclusive, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of the competitive program is to encourage, maintain, and strengthen the delivery of high-quality career technical education programs.

(b) The following amounts are hereby appropriated to the department from the General Fund for the program established pursuant to this chapter:

(1) For the 2015–16 fiscal year, four hundred million dollars (\$400,000,000).

(2) For the 2016–17 fiscal year, three hundred million dollars (\$300,000,000).

(3) For the 2017–18 fiscal year, two hundred million dollars (\$200,000,000).

(c) For the 2018–19 fiscal year to the 2020–21 fiscal year, inclusive, one hundred fifty million dollars (\$150,000,000) shall be made available to the department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(d) For the 2021–22 fiscal year and each fiscal year thereafter, three hundred million dollars (\$300,000,000) shall be made available to the department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(e) Of the amounts appropriated pursuant to subdivisions (b), (c), and (d), 4 percent is designated for applicants with average daily attendance of less than or equal to 140, 8 percent is designated for applicants with average daily attendance of more than 140 and less than or equal to 550, and 88 percent is designated for applicants with average daily attendance of more than 550, unless otherwise determined by the Superintendent in collaboration with the executive director of the state board. For purposes of this section, average daily attendance shall be those figures that are reported at the time of the second principal apportionment for the previous fiscal year for pupils in grades 7 to 12, inclusive. For any applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program (ROCP) operated by a joint powers authority or county office of education, or of any combination of those entities, the sum of the average daily attendance for each of the constituent entities shall be used for purposes of this subdivision.

**SEC. 79.** Section 53070.1 of the Education Code is amended to read:

**53070.1.** (a) Commencing July 1, 2018, before awarding any grants under the program, the department shall report to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor on how it will determine that an applicant has met the minimum eligibility standards of the program. This report shall include, but not necessarily be limited to, all of the following:

(1) The components that need to be contained in the written commitment required to meet the requirements of subdivision (b) of Section 53071 and the process that will be used to determine if a grant recipient has upheld the agreement.

(2) The process that will be used to determine that an applicant, or an applicant's career technical education program, meets all of the minimum eligibility standards specified in subdivision (c) of Section 53071, including, but not necessarily limited to, all of the following:

(A) The components that need to be contained in the written agreements required to meet the requirements of paragraphs (4) and (5) of subdivision (c) of Section 53071 and the process that will be used to verify that the partnerships are ongoing and structural.

(B) The process for determining that programs reflect regional or local labor market demands and focus on current or emerging high-skill, high-wage, or high-demand occupations.

(C) The process for determining that programs are informed by the regional plan developed by their Strong Workforce Program consortium and in effect during the period for which the grant is awarded.

(D) The mechanisms that will be used by the department to collect and report data submitted pursuant to paragraph (11) of subdivision (c) of Section 53071.

(E) The process that will be used by the department to verify that an applicant receiving a renewal grant includes career technical education programs in its local control and accountability plan and annual update.

(b) Before awarding grants under the program for the 2021–22 fiscal year, the department shall submit an updated report, as outlined in subdivision (a), detailing the process they will use to determine and verify that an applicant meets the minimum eligibility standards of the program. Annually thereafter, the department shall notify the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor of any changes to the updated information reported pursuant to this subdivision.

(c) Before awarding grants for the 2018–19 fiscal year only, the Superintendent shall provide the Department of Finance and the appropriate policy and fiscal committees of the Legislature with the outcome measures from the California Career Pathways Trust Program that were required to be reported by December 1, 2016, pursuant to Section 86 of Chapter 48 of the Statutes of 2013, but that were excluded from the report submitted in November 2017, including all of the following:

(1) The number and rate of school or program graduates.

(2) The number of persons attaining certificates, transfer readiness, and enrollment in postsecondary educational institutions.

(3) The number of persons transitioning to appropriate employment, apprenticeships, or job training.

**SEC. 80.** Section 53071 of the Education Code is amended to read:

**53071.** The department shall administer this program as a competitive grant program. An applicant shall demonstrate all of the following to be considered for a grant award:

(a) (1) A proportional dollar-for-dollar match as follows for any funding that an applicant is determined to be eligible to receive under the allocation formula established pursuant to Section 53076:

(A) For the fiscal year beginning July 1, 2015, one dollar (\$1) for every one dollar (\$1) received from this program.

(B) For the fiscal year beginning July 1, 2016, one dollar and fifty cents (\$1.50) for every one dollar (\$1) received from this program.

(C) For the fiscal year beginning July 1, 2017, two dollars (\$2) for every one dollar (\$1) received from this program.

(D) (i) For the fiscal year beginning July 1, 2018, and each fiscal year thereafter, two dollars (\$2) for every one dollar (\$1) received from this program.

(ii) Beginning July 1, 2021, the proportional dollar-for-dollar match shall be encumbered in the fiscal year for which an applicant is applying to receive a grant under the program.

(2) In the event an applicant is unable to fully match the amount of funding that the allocation formula determines that they are eligible to receive, the applicant's award shall be reduced to the amount necessary for the applicant to meet the requirements of this subdivision. Under no circumstances shall an applicant be awarded an amount higher than the amount that the allocation formula determines them to be eligible to receive under the program.

(3) That local match may include funding from school district and charter school local control funding formula apportionments pursuant to Section 42238.02, the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), the California Partnership Academies, the Agricultural Career Technical Education Incentive Grant, or any other allowable source except as provided in paragraph (4).

(4) That local match shall not include funding from the K–12 component of the Strong Workforce Program established pursuant to Section 88827, or the Career Technical Education Facilities Program established pursuant to Section 17078.72.

(5) An applicant's matching funds shall be used to support the program or programs for which the applicant was awarded a grant.

(b) A three-year plan for continued financial and administrative support of career technical education programs that demonstrates a financial commitment of no less than the amount expended on those programs in the previous fiscal year. The plan, at a minimum, shall include the identification of available funding within an applicant's current or projected budget to continue to support career technical education programs and a written commitment to do so. If an applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program operated by a joint powers authority or county office of education, or any combination of these entities, is applying for grant funding from this program, identification of available funding and a written commitment shall be demonstrated by each participating constituent entity.

(c) The applicant, or the applicant's career technical education program, as applicable, meets all of the following minimum eligibility standards:

(1) Offers high quality curriculum and instruction aligned with the California Career Technical Education Model Curriculum Standards, including, but not limited to, providing a coherent sequence of career technical education courses that enable pupils to transition to postsecondary education programs that lead to a career pathway or attain employment or industry certification upon graduation from high school, including programs that integrate academic and career technical education and that offer the opportunity for participants to prepare for postsecondary enrollment and to earn postsecondary credits through Advanced Placement courses, International Baccalaureate courses, or by formal agreement with a postsecondary partner to provide dual enrollment opportunities.

(2) Provides pupils with quality career exploration, guidance, and a continuum of work-based learning opportunities aligned with academic coursework, which may include paid internships.

(3) Provides pupil support services, including counseling and leadership development, to address pupils' social, emotional, career, and academic needs.

(4) Provides for system alignment, coherence, and articulation, including ongoing and structural regional or local partnerships with postsecondary educational institutions, documented through formal written agreements allowing for dual enrollment opportunities.

(5) Forms ongoing and meaningful industry and labor partnerships, evidenced by written agreements and through participation on advisory committees and collaboration with business and labor organizations to provide opportunities for pupils to gain access to preapprenticeships, internships, industry certifications, and work-based learning opportunities as well as opportunities for industry to provide input to the career technical education programs and curriculum.

(6) Provides opportunities for pupils to participate in after school, extended day, and out-of-school internships, competitions, leadership development opportunities, career and technical education student organizations, and other work-based learning opportunities.

(7) Reflects regional or local labor market demands, and focuses on current or emerging high-skill, high-wage, or high-demand occupations, and is informed by the regional plan of the local Strong Workforce Program consortium.

(8) Leads to an industry-recognized credential or certificate, or appropriate postsecondary education or training, employment, or a postsecondary degree.

(9) Is staffed by skilled teachers or faculty, and provides professional development opportunities for any teachers or faculty members supporting pupils in those programs.

(10) Provides opportunities for pupils who are individuals with exceptional needs to participate in all programs.

(11) (A) Reports data to the Superintendent, no later than November 1 of each fiscal year, as a program participation requirement, to allow for an evaluation of the program.

(B) Data reported pursuant to this paragraph shall include, but not be limited to, the quality indicators described in the California State Plan for Career Technical Education required by the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and each of the following metrics:

(i) The high school graduation rate.

(ii) The number of pupils completing career technical education coursework.

(iii) The number of pupils meeting academic and career-readiness standards as defined in the College/Career Indicator associated with the California School Dashboard.

(iv) The number of pupils obtaining an industry-recognized credential, certificate, license, or other measure of technical skill attainment.

(v) The number of former pupils employed and the types of businesses in which they are employed.

(vi) The number of former pupils enrolled in each of the following:

(I) A postsecondary educational institution.

(II) A state apprenticeship program.

(III) A form of job training other than a state apprenticeship program.

(C) No later than November 30 of each fiscal year, the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053, shall review the data metrics specified in subparagraph (B) and make recommendations to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature as to both of the following topics:

(i) Whether these data metrics remain the most appropriate metrics to measure and evaluate program outcomes for both new and renewal applicants.

(ii) Whether other metrics should be included.

(D) The department shall make the data reported pursuant to subparagraph (B) available to the office of the Chancellor of the California Community Colleges, in the manner and form requested by the office of the Chancellor of the California Community Colleges, on or before December 30 of each fiscal year to ensure that data is included in the California Community Colleges LaunchBoard data platform.

**SEC. 81.** Section 53071.1 of the Education Code is amended to read:

**53071.1.** (a) Commencing July 1, 2019, as part of the application process, the department shall ask applicants to indicate whether they have received a grant under the K-12 component of the Strong Workforce Program.

(b) On or before June 30 of each fiscal year, the department shall work with the office of the Chancellor of the California Community Colleges to produce a list of grant recipients that receive funding under this program as well as through the K-12 component of the Strong Workforce Program in the fiscal year, including the grant amounts awarded through each program and the purpose for which each grant was awarded, and share the list with the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053.

**SEC. 82.** Section 53073 of the Education Code is amended to read:

**53073.** (a) An applicant receiving a grant from this program in a prior fiscal year shall be eligible to apply to receive a renewal grant if the applicant's career technical education program meets the requirements specified in Section 53071, and, to the extent practicable, has been evaluated and deemed successful by the Superintendent, in collaboration with the executive director of the state board, based on the metrics specified in paragraph (1) of subdivision (b).

(b) (1) The department, in collaboration with the executive director of the state board, shall determine reporting requirements and renewal grant eligibility using metrics identified pursuant to paragraph (11) of subdivision (c) of Section 53071.

(2) If an applicant for a renewal grant is subject to the requirements of Sections 52060 and 52061, Sections 52066 and 52067, or Section 47606.5, the inclusion of career technical education programs in the applicant's local control and accountability plan and annual update shall be required to be eligible for a renewal grant.

**SEC. 83.** Section 53074 of the Education Code is amended to read:

**53074.** The department shall consult with the executive director of the state board and entities having career technical education expertise, including, but not necessarily limited to, the Chancellor of the California Community Colleges, state workforce investment organizations, and organizations representing business in the development of the request for grant applications and in the consideration of grant applications under this

chapter. The department shall annually submit its list of recommended new and renewal grant recipients to the state board for review and approval before making annual grant awards. At least 30 days before submitting the list of recommended new and renewal grant recipients to the state board for review and approval, the department shall make the information specified in subdivision (a) of Section 53076 public.

**SEC. 84.** Section 53075 of the Education Code is amended to read:

**53075.** (a) When determining proposed grant recipients, the department, in consultation with the executive director of the state board, shall do both of the following:

(1) Give positive consideration to each of the following characteristics in an applicant:

(A) Serving unduplicated pupils, as defined in Section 42238.02.

(B) Serving pupil subgroups that have higher than average dropout rates as identified by the Superintendent.

(C) Located in an area of the state with a high unemployment rate.

(D) Offer an existing high-quality regional-based career technical education program as a joint powers agency or county office of education.

(2) Give positive consideration to programs to the extent they do any of the following:

(A) Successfully leverage one or both of the following:

(i) Existing structures, requirements, and resources of the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), California Partnership Academies, or Agricultural Career Technical Education Incentive Grants.

(ii) Contributions from industry, labor, and philanthropic sources.

(B) Engage in regional collaboration with postsecondary educational institutions, including the Strong Workforce Program consortium operating in their respective geographic areas, or other local educational agencies to align career pathway instruction with postsecondary program requirements. This shall include, but not be limited to, pathway programs provided under an adopted California and Career Access Pathways partnership agreement pursuant to Section 76004.

(C) Make significant investment in career technical education infrastructure, equipment, and facilities.

(D) Operate within rural school districts.

(b) When determining grant recipients, the department, in consultation with the executive director of the state board, shall give greatest weight to the applicant characteristics included in paragraph (1) of subdivision (a).

(c) Grant recipients are encouraged to use funds provided for in subdivision (d) of Section 53070 to create high school programs that provide career-themed coursework with articulated pathways to postsecondary education, including programs established through a College and Career Access Pathways partnership agreement pursuant to Section 76004, and to develop pathway programs that lead into careers that are in high demand in the state.

**SEC. 85.** Section 53076 of the Education Code is amended to read:

**53076.** For purposes of administering the program established by this chapter, the Superintendent shall do all of the following:

(a) Determine, in collaboration with the executive director of the state board, and make public on a preliminary basis at least 30 days before a regularly scheduled meeting of the state board, the allocation formula, specific funding amounts, the purposes for which grant funds may be used, allowable and nonallowable expenditures, and the number of grants to be awarded. The information specified in this subdivision shall also be provided in writing to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor within 30 days following final approval of the state board.

(b) Distribute funding on a multiyear schedule, establish a process for monitoring the use of the funding, and, if necessary, cease distribution of funding and recover previously distributed funding in the case of a recipient's failure to report the specified data to the Superintendent or comply with a grant prerequisite or minimum standard.

(c) Annually review grant recipients' expenditures on career technical education programs for purposes of determining if the grant recipients have met the dollar-for-dollar match requirement specified in subdivision (a) of Section 53071. If, pursuant to Section 53076.1, an auditor determines that a grant recipient failed to meet the matching funds requirement, the Superintendent shall reduce the following year's grant allocation in an amount equal to the unmet portion of the match requirement, if applicable. The reduction shall not reduce the grant recipient's match requirement for the year in which the Superintendent reduces the allocation. If a grant recipient with an audit finding pursuant to Section 53076.1 does not have an allocation in the subsequent year to reduce, the department shall require the recipient to return the unmatched funds identified in the audit finding.

(d) Require grant recipients to submit program reports pursuant to paragraph (11) of subdivision (c) of Section 53071.

(e) Manage the grant process, collect pertinent data, and undertake statewide program improvement activities.

(f) Promote the success of K-12 career technical education programs through statewide activities to improve and administer the program, including by facilitating system, program, and data alignment at the state and regional levels, facilitating the development and delivery of professional development training modules, and supporting school districts in meeting their college indicator and career indicator targets.

(g) Ensure that the department fulfills the reporting requirements in Section 53076.5.

**SEC. 86.** Section 53076.1 is added to the Education Code, to read:

**53076.1.** The Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining that a grant recipient has met the dollar-for-dollar match requirements specified in subdivision (a) of Section 53071. The processes identified in subdivision (d) of Section 41344 or subdivision (d) of Section 41344.1 shall not apply to this audit procedure.

**SEC. 87.** Section 53076.2 of the Education Code is amended to read:

**53076.2.** On or before January 31, 2024, and on or before January 31 every five years thereafter, the department shall submit to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature a report evaluating the progress that local educational agencies have made, pursuant to Section 88828 and this chapter, with respect to all of the following:

(a) Expanding the availability, and supporting the ongoing provision, of high-quality, industry-valued career technical education and workforce development opportunities.

(b) Improving coordination and alignment with postsecondary educational institutions and workforce agencies and programs.

(c) Closing equity gaps in program access and completion, to the extent possible.

**SEC. 88.** Section 56400 of the Education Code is amended to read:

**56400.** It is the intent of the Legislature, through enactment of this chapter and as required by state and federal law, to do all of the following:

(a) Ensure that children and young adults with disabilities are provided a free and appropriate public education in the least restrictive environment possible in accordance with their needs and capabilities and applicable federal and state law and regulations.

(b) Ensure that children and young adults with disabilities receive the necessary educational support and services they need to complete their education with the skills they need to meaningfully participate in their communities.

(c) Offer parents and families of children and young adults with disabilities access to accurate information, specialized training, and peer-to-peer support in their communities in a linguistically and culturally affirming manner.

(d) Ensure that parents and families of children and young adults with disabilities are full participants in their child's education, school reform, and comprehensive systems change efforts.

(e) Build upon existing local and regional service delivery systems to improve, expand, and offer coordinated technical assistance to the network of existing resources available for parents and families of children and young adults with disabilities.

**SEC. 89.** Section 56402 of the Education Code is amended to read:

**56402.** (a) The department shall award grants to establish Family Empowerment Centers on Disability. In the first year of operation, the department shall award these grants no later than February 15, 2002. In subsequent years, to the extent funding is available, the department shall award these grants no later than February 15 of that year, except as specified in paragraph (1) of subdivision (b).

(b) (1) The department shall, by March 1, 2022, award grants to establish new Family Empowerment Centers on Disability in the regions in the state established under the Early Start Family Resource Centers that do not have a Family Empowerment Center on Disability.

(2) In making awards pursuant to this subdivision, the Superintendent shall give priority to applicants that are able to ensure continuity of support for families transitioning from services under Part C to Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), either because the applicant operates a program of family support for parents of children with disabilities up to three years of age, or the applicant works in close partnership with an organization that does so, and shall take into consideration the capacity of applicants to carry out the activities specified in Section 56408.

(c) Once funding is secured, and annually until all centers are established, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature documenting progress in establishing new centers pursuant to this section.

(d) The department shall develop the grant application, with advice from stakeholders, including parents and family members of children with disabilities, adults with disabilities, the Advisory Commission on Special Education, and representatives of community agencies serving children and adults with disabilities.

(e) The sum of twenty-five thousand dollars (\$25,000) shall be made available to the department, from the funds appropriated for purposes of this chapter, for the purpose of securing an outside contractor to develop a request for proposal, disseminate the proposal, empanel readers to evaluate the proposals, and cover other costs related to this process.

**SEC. 90.** Section 56406 of the Education Code is amended to read:

**56406.** (a) The department shall issue requests for proposals, select grantees, and award grants pursuant to this chapter. Grants awarded to Family Empowerment Centers on Disability by the department shall be based upon a formula that does both of the following:

(1) Establishes a minimum base rate of one hundred fifty thousand dollars (\$150,000) for each center to provide the basic services pursuant to this chapter and serve parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday.

(2) Establishes an allocation mechanism that is determined according to school enrollment of the region served.

(b) Commencing on July 1, 2021, grants awarded to Family Empowerment Centers on Disability by the department shall be based upon a formula that does both of the following:

(1) Establishes a minimum base rate of two hundred forty-six thousand dollars (\$246,000) for each center to provide the basic services pursuant to this chapter and serve parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday.

(2) Establishes an allocation mechanism that is determined according to school enrollment of the region served.

(c) The department shall give positive consideration to applicants proposing to establish new Family Empowerment Centers on Disability to serve regions that have high concentrations of pupils who qualify for free or reduced-price meals.

(d) Each grant applicant shall demonstrate all of the following:

- (1) Knowledge of the needs of underserved parents and families of children and young adults with disabilities in the area to be served will be effectively met.
- (2) The ability to conduct effective community engagement to assess family needs on a regular basis.
- (3) Expertise in providing effective training and information to parents and families to meet their identified needs.
- (4) How services will be delivered in a manner that accomplishes all of the following:
  - (A) All families have access to services regardless of cultural, linguistic, geographical, socioeconomic, or other similar barriers.
  - (B) Services are provided in accordance with families' linguistic and cultural preferences and needs.
  - (C) Services are coordinated with the existing family support organizations within the region, including, but not limited to, Early Start Family Resource Centers, or other organizations that provide family support for parents of children with disabilities up to three years of age.
  - (D) Promotes positive parent and professional collaboration with local educational agencies, special education local plan areas, and other community agencies.

**SEC. 91.** Section 56408 of the Education Code is amended to read:

**56408.** (a) As a condition of receipt of funds, each Family Empowerment Center on Disability that receives assistance under this chapter and serves the parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday shall do all of the following:

- (1) Provide training and information that meets the training and information needs of parents and families of children and young adults with disabilities living in the area served by the center, particularly those families and individuals who have been underserved.
- (2) Work with community-based organizations, including community advisory committees established pursuant to Article 7 (commencing with Section 56190) of Chapter 2, parent advisory committees of one or more local educational agencies in their service region established pursuant to Sections 52063 and 52069, and state and local agencies serving children with disabilities.
- (3) Train and support parents and families of children and young adults with disabilities to do all of the following:
  - (A) Better understand the nature of their children's disabilities and their children's educational and developmental needs, including the benefits of inclusion in a least restrictive educational environment.
  - (B) Participate in activities to address disparities in opportunities and improve outcomes for children and young adults with disabilities.
  - (C) Advocate for the child's needs in a manner that promotes alternative forms of dispute resolution and positive relationships between parents and professionals.
- (4) Support parents with how to access language access support, including interpretation and translation of written materials, that is additional to language access support required to be provided by local educational agencies.
- (5) Support parents in navigating referrals for services, such as support for pupil and family needs, respite services, physical and mental health services, and other necessary services depending on family circumstances.
- (6) Assist parents in accessing support through other programs, such as the Foster Youth Services Coordinating Program and programs administered by the State Department of Developmental Services and the Department of Rehabilitation.
- (7) Support parents in communicating effectively with personnel responsible for providing special education, early intervention, and related services.
- (8) Serve as a resource to parents and families in decisionmaking processes and the development of individualized education programs.

(9) Provide parents appropriate information regarding the range of options, programs, services, and resources available to assist children and young adults with disabilities and their families.

(10) Subject to the availability of resources and upon parental request, attend individualized education program development meetings that include parents and personnel responsible for assessing pupil eligibility for special education and early intervention services.

(11) Submit data annually, in accordance with the data template established by the department pursuant to subdivision (b) of Section 56411, no later than a date selected by the Superintendent. The Superintendent shall select this date by June 30, 2022.

(b) (1) Following the initial awarding of a grant to a Family Empowerment Center on Disability, the department shall assess the center's eligibility for continued funding, at a minimum, as follows:

(A) For a Family Empowerment Center on Disability established during or after the 2020–21 fiscal year, the department shall assess the center's eligibility every five years after the center is established.

(B) For a Family Empowerment Center on Disability established before the 2020–21 fiscal year, the department shall assess the center's eligibility during the 2023–24 fiscal year and every five years thereafter.

(2) Assessments conducted pursuant to this subdivision shall be based on a Family Empowerment Center on Disability's demonstrated ability to meet the requirements of subdivision (a).

**SEC. 92.** Section 56410 of the Education Code is amended to read:

**56410.** A statewide Family Empowerment and Disability Council, composed of the executive directors for the Family Empowerment Centers on Disability, shall be established. Membership on the Family Empowerment and Disability Council may also include the executive director or representative from the Early Start Family Resource Centers, funded by the State Department of Developmental Services, and from the parent centers funded by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.). The department shall contract with an outside entity experienced with developing a statewide technical assistance disability network to facilitate the council. A base amount of two hundred forty-six thousand dollars (\$246,000) shall be made available, from the annual appropriation made for the Family Empowerment Centers on Disability, to support the work of the council. The Family Empowerment and Disability Council shall, at a minimum, do all of the following:

(a) Provide central coordination of training and information dissemination, content, and materials for Family Empowerment Centers on Disability to ensure parents across the state have equitable access to training and information.

(b) Develop a technical assistance system and activities to support continuous improvement of the Family Empowerment Centers on Disability in accordance with a plan developed in conjunction with the directors of the Family Empowerment Centers on Disability.

(c) Ensure that an outside entity provides assistance in developing a statewide technical assistance disability network, and performs an annual, independent evaluation of the effectiveness of the services provided by Family Empowerment Centers on Disability that shall include, but is not limited to, an evaluation of the data points listed in subdivision (b) of Section 56411. The goal shall be to improve center management, parental satisfaction with the services received, and the quality and effectiveness of services delivered.

(d) Assist each center to build its capacity to serve its geographic region.

(e) Conduct media outreach and other public education efforts to promote the goals of the Family Empowerment Centers on Disability.

(f) Support and participate with the department in activities aligned with improvement activities within the statewide system of support established pursuant to Section 52059.5.

**SEC. 93.** Section 56411 is added to the Education Code, to read:

**56411.** (a) The department, on or before June 30, 2022, shall develop or update a uniform and coordinated tracking and data collection system, and establish or update outcome-based evaluation procedures and processes, for use by Family Empowerment Centers on Disability to demonstrate the centers' ability to meet the

requirements of Section 56408. The tracking and data collection system shall not be duplicative of, and shall interface with, existing special education data systems.

(b) The department, on or before June 30, 2022, shall develop a data collection template for use by Family Empowerment Centers on Disability that shall include, but is not limited to, all of the following:

(1) The number of parent and family trainings provided by the center, including, but not limited to, trainings on individualized education programs and least restrictive educational environments.

(2) The number of individualized education program meetings attended by personnel of a center.

(3) The disability categories of children and young adults served by the center.

(4) Demographic information of parents and pupils served by the center, including, but not limited to, the pupil's disability, the pupil's free or reduced-price meal eligibility, English learner classification, and the parent's primary language.

(5) The nature of disagreements between parents and schools or school districts, and the manner in which these disagreements were resolved with the assistance of the center.

(6) Measures of parental satisfaction with services provided by the center collected in a standardized format across centers to allow for comparable survey results.

(c) The department shall provide guidance to Family Empowerment Centers on Disability on how to define and report data for purposes of this section.

(d) The department shall consult with the Family Empowerment and Disability Council on the development of the data collection template.

**SEC. 94.** Section 56415 of the Education Code is repealed.

**SEC. 95.** Section 56415 is added to the Education Code, to read:

**56415.** On or before June 30, 2023, the department shall do both of the following:

(a) Inform parents of children with disabilities of the availability of Family Empowerment Centers on Disability services by including in its notice of procedural safeguards information on the purpose of the centers and the web address of its internet website that lists contact information for the centers.

(b) Include the information described in subdivision (a) on all of the department's translated versions of its notice of procedural safeguards and on a sample notice of procedural safeguards that it shall maintain on its internet website.

**SEC. 96.** Section 56836.045 is added to the Education Code, immediately following Section 56836.04, to read:

**56836.045.** For the 2022–23 fiscal year, the Superintendent shall only make the computations described in Sections 56836.14, 56836.142, 56836.144, 56836.146, 56836.148, and 56836.15 upon receiving a joint notification from the Director of Finance, or the director's designee, and the chairperson and vice chairperson of the Joint Legislative Budget Committee, or their designees, that a bill providing for appropriations related to the budget bill, within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, that is identified in the Budget Act of 2022 makes statutory changes designed to improve the academic outcomes of individuals with exceptional needs. These statutory changes may include, but are not limited to, all of the following topics:

(a) Clarification of the roles of local educational agencies and special education local plan areas in the delivery of special education services and supports for pupils with disabilities, including improved alignment between special education and general education program development, budgeting and continuous improvement, in a manner that aligns with the statewide system of support.

(b) Statutory changes to the existing funding allocations for special education to improve services and supports to pupils with disabilities.

(c) Expansion of early intervention and inclusive practices to ensure that every individual with exceptional needs has access to learn in the least restrictive environment, as appropriate.

(d) Additional statutory changes that may result from the examinations into special education services and supports as authorized in Section 50 of Chapter 51 of the Statutes of 2019, and Provisions 23, 24, and 25 in Schedule (2) of Item 6100-001-0890 of Chapter 6 of the Statutes of 2020.

**SEC. 97.** Section 56836.146 of the Education Code is amended to read:

**56836.146.** (a) For the 2020–21 fiscal year, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) Six hundred twenty-five dollars (\$625) per unit of average daily attendance.

(2) The amount of funding per unit of average daily attendance calculated in the 2019–20 fiscal year pursuant to Section 56836.08 for the special education local plan area.

(b) For the 2021–22 fiscal year, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) Seven hundred fifteen dollars (\$715) per unit of average daily attendance.

(2) The amount of funding per unit of average daily attendance calculated in the 2020–21 fiscal year pursuant to paragraph (2) of subdivision (a), adjusted by the inflation factor described in Section 56836.142, and shall also include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(c) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) For the 2022–23 fiscal year, the amount of funding per unit of average daily attendance calculated for the 2021–22 fiscal year pursuant to paragraph (1) of subdivision (b), adjusted by the inflation factor described in Section 56836.142. For each fiscal year thereafter, the amount of funding per unit of average daily attendance calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(2) The amount of funding per unit of average daily attendance calculated for the prior fiscal year pursuant to paragraph (2) of subdivision (b).

(d) For purposes of calculating the amount of funding per unit of average daily attendance for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, increase the amount of funding per unit of average daily attendance computed for that special education local plan area for the 2019–20 fiscal year pursuant to Section 56836.10 by 13 percent and then multiply by the inflation factor described in Section 56836.142 for the 2020–21 fiscal year.

(2) For the 2021–22 fiscal year, increase the amount of funding per unit of average daily attendance computed for that special education local plan area for the 2020–21 fiscal year by 10 percent, and then adjust that amount by the inflation factor described in Section 56836.142 for the 2021–22 fiscal year, and then adjust that amount by the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(3) For the 2022–23 fiscal year and for each fiscal year thereafter, the amount of funding per unit of average daily attendance computed for that special education local plan area for the prior fiscal year shall be adjusted by the inflation factor described in Section 56836.142 for the current fiscal year.

**SEC. 98.** Section 56836.148 of the Education Code is amended to read:

**56836.148.** (a) For the 2020–21 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (a) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(b) For the 2021–22 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (b) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(c) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (c) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(d) For purposes of calculating the base funding for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, multiply the amount of funding per unit of average daily attendance computed in paragraph (1) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

(2) For the 2021–22 fiscal year, multiply the amount of funding per unit of average daily attendance computed in paragraph (2) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

(3) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, multiple the amount of funding per unit of average daily attendance computed in paragraph (3) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

**SEC. 99.** Section 56836.165 of the Education Code is amended to read:

**56836.165.** (a) For the 2004–05 to 2020–21 fiscal years, inclusive, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes, small family homes, and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Care Services and the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14, inclusive. Foster family homes and small family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c) (1) The department shall establish a “bed allowance” for each severity level. For the 2004–05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005–06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility described in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Care Services.

(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars (\$502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars (\$610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars (\$1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars (\$1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars (\$1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars (\$2,080).

- (G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars (\$2,295).
- (H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars (\$2,510).
- (I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars (\$5,451).
- (J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars (\$5,881).
- (K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars (\$9,467).
- (L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars (\$13,483).
- (M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars (\$14,343).
- (N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars (\$20,081).
- (d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of the amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).
- (2) The number of children and youth residing on April 1 in foster family homes, small family homes, and foster family agencies located in each special education local plan area multiplied by the appropriate bed allowance.
- (3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.
- (4) The number on April 1 of children and youth (A) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services located in each special education local plan area multiplied by the appropriate bed allowance, and (B) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.
- (5) Notwithstanding subdivision (b) and paragraphs (2) and (3), for purposes of the out-of-home care funding amount for group homes, foster family homes, small family homes, and foster family agencies for the 2017–18 to 2020–21 fiscal years, inclusive, the Superintendent shall use the data received from the State Department of Social Services that was used for the funding for the 2016–17 fiscal year.
- (e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.
- (f) Notwithstanding subdivision (b) and paragraph (3) of subdivision (d), for purposes of the 2016–17 fiscal year funding for group homes, the Superintendent shall use the rate classification levels as they existed on December 31, 2016, and the capacity of each group home licensed by the State Department of Social Services located in each special education local plan area on December 31, 2016.

**SEC. 100.** Section 56836.168 is added to the Education Code, to read:

**56836.168.** (a) For the 2021–22 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on the sum of all of the following amounts:

- (1) (A) The amount of funding generated by all foster youth. This amount shall be calculated as the sum of cumulative enrollment for foster youth 3 to 21 years of age, inclusive, as defined in subdivision (b) of Section 42238.01, multiplied by the rate described in subparagraph (B). Cumulative enrollment shall be calculated at the local educational agency reporting level and use data produced by the California Longitudinal Pupil Achievement Data System pursuant to Section 60900. For purposes of this subparagraph, "local educational agency" means a school district, county office of education, or charter school.

(B) For the 2021–22 fiscal year, the rate shall be one thousand five hundred nine dollars (\$1,509). For each fiscal year thereafter, the rate shall be the amount calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(2) (A) The amount of funding generated by short-term residential therapeutic program placements. This amount shall be calculated as the average daily population at short-term residential therapeutic programs located within the boundaries of the special education local plan area, which shall include the average daily population at short-term residential therapeutic programs that open or close in the middle of a fiscal year, multiplied by the rate described in subparagraph (B).

(B) For the 2021–22 fiscal year, the rate shall be fourteen thousand six hundred three dollars (\$14,603). For each fiscal year thereafter, the rate shall be the amount calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(3) The amount of funding generated by children and youth placed by the State Department of Developmental Services, calculated as follows:

(A) For the 2021–22 fiscal year, the sum of all of the following amounts:

(i) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services multiplied by a rate of three thousand three hundred fifty-eight dollars (\$3,358).

(ii) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in intermediate care facilities licensed by the State Department of Health Care Services multiplied by a rate of twelve thousand six hundred sixty-eight dollars (\$12,668).

(iii) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities licensed by the State Department of Health Care Services multiplied by a rate of twenty-six thousand eight hundred seventy-four dollars (\$26,874).

(B) For each fiscal year following the 2021–22 fiscal year, the sum of the amounts described in clauses (i) to (iii), inclusive, of subparagraph (A), except that the rates used to calculate those amounts shall be the rates calculated for the prior fiscal year, adjusted each year by the inflation factor described in Section 56836.142.

(b) For each charter school deemed a local educational agency for purposes of special education, only an amount equal to the amount computed pursuant to paragraph (1) of subdivision (a) shall be apportioned by the Superintendent.

(c) For each fiscal year, the State Department of Social Services and the State Department of Developmental Services shall provide the department with the appropriate data identified in subdivision (a), as follows:

(1) The average daily population for foster youth 3 to 21 years of age, inclusive, at short-term residential therapeutic programs.

(2) The number on April 1 of children and youth (A) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services, and (B) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(d) In determining the amount of the first and second principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area based on the amount apportioned in the prior fiscal year.

(e) For purposes of this section, the following definitions apply:

(1) "Foster youth" has the same meaning as defined in Section 42238.01.

(2) "Short-term residential therapeutic program" has the same meaning as defined in Section 11400 of the Welfare and Institutions Code or Section 1502 of the Health and Safety Code.

**SEC. 101.** Section 56836.173 of the Education Code is amended to read:

**56836.173.** (a) For the fiscal years 2004–05 to 2006–07, inclusive, the department shall apportion to each special education local plan area the amount determined as follows:

(1) For the 2004–05 and 2005–06 fiscal years, the amount apportioned shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area is less than or equal to the amount a special education local plan area received pursuant to former Sections 56836.16 and 56836.17 for the 2002–03 fiscal year, the special education local plan area shall receive the same amount it received for the 2002–03 fiscal year. For purposes of this section, the amount of funding received by a special education local plan area for the 2002–03 fiscal year shall be based on the annual recertification of the 2002–03 fiscal year, as certified by the department in July of 2004.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2002–03 fiscal year plus the amount calculated in subparagraph (C).

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for the special education local plan area and the amount received for the 2002–03 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2002–03 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(2) For the 2006–07 fiscal year, the amount apportioned shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2006–07 fiscal year is less than or equal to the amount a special education local plan area received for the 2005–06 fiscal year, the special education local plan area shall receive the same amount it received for the 2005–06 fiscal year less 20 percent of the difference between the amount received for the 2005–06 fiscal year and the out-of-home care funding amount computed for the 2006–07 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2005–06 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2005–06 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2005–06 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(b) (1) Commencing with the 2007–08 fiscal year, both of the following shall apply:

(A) To the extent that funds are available pursuant to subclause (II) of clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 of the Revenue and Taxation Code or subclause (II) of clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 of the Revenue and Taxation Code, or both, not more than 50 percent of the amount determined in this subdivision for the applicable fiscal year shall be apportioned by the auditor of the county containing the applicable county Educational Revenue Augmentation Fund to the special education local plan area.

(B) The remaining 50 percent of the amount determined in this subdivision for the applicable fiscal year, or more if the applicable county Educational Revenue Augmentation Fund does not have sufficient funds to cover the entire percentage pursuant to subparagraph (A), shall be apportioned by the department to the special education local plan area.

(2) For the 2007–08 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2007–08 fiscal year is less than or equal to the amount a special education local plan area received for the 2006–07 fiscal year, the special education local plan area shall receive the same amount it received for the 2006–07 fiscal year

less 25 percent of the difference between the amount received for the 2006–07 fiscal year and the out-of-home care funding amount computed for the 2007–08 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2006–07 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2006–07 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2006–07 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(3) For the 2008–09 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2008–09 fiscal year is less than or equal to the amount a special education local plan area received for the 2007–08 fiscal year, the special education local plan area shall receive the same amount it received for the 2007–08 fiscal year less 33 percent of the difference between the amount received for the 2007–08 fiscal year and the out-of-home care funding amount computed for the 2008–09 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2007–08 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2007–08 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2007–08 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(4) For the 2009–10 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2009–10 fiscal year is less than or equal to the amount a special education local plan area received for the 2008–09 fiscal year, the special education local plan area shall receive the same amount it received for the 2008–09 fiscal year less 50 percent of the difference between the amount received for the 2008–09 fiscal year and the out-of-home care funding amount computed for the 2009–10 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2008–09 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2008–09 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2008–09 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(5) For the 2010–11 to 2020–21 fiscal years, inclusive, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be equal to the amount calculated pursuant to Section 56836.165. If the sum of the amounts calculated pursuant to Section 56836.165 for all special education local plan areas exceeds the Budget Act appropriation for this purpose, the department shall apply proportionate reductions to all special education local plan areas.

(6) For the 2021–22 fiscal year and each fiscal year thereafter, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be equal to the amount calculated pursuant to subdivision (a) of Section 56836.168. If the sum of the amounts calculated pursuant to

Section 56836.168 for all special education local plan areas exceeds the annual Budget Act appropriation for this purpose, the department shall apply proportionate reductions to all special education local plan areas. If the annual Budget Act appropriation for this purpose exceeds the sum of the amounts calculated pursuant to Section 56836.168 for all special education local plan areas, any remaining funding shall be allocated in proportion to each special local plan area's share of that sum calculated pursuant to subdivision (a) of Section 56836.168.

(c) A county Educational Revenue Augmentation Fund shall not be required to provide funding for special education programs funded pursuant to this section based on clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 of the Revenue and Taxation Code, or clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 of the Revenue and Taxation Code, or both, for a fiscal year before the 2007–08 fiscal year that it has not already provided for these programs before the start of the 2007–08 fiscal year.

**SEC. 102.** Section 56836.21 of the Education Code is amended to read:

**56836.21.** (a) The department shall administer an extraordinary cost pool to protect special education local plan areas from the extraordinary costs associated with single placements as described in subdivision (d). Funds shall be appropriated for this purpose in the annual Budget Act. Special education local plan areas shall be eligible for reimbursement from this pool in accordance with this section.

(b) The threshold amount for claims under this section shall be the lesser of the following:

(1) (A) Through the 2019–20 fiscal year, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the current fiscal year for any special education local plan area that meets the criteria in Section 56212.

(B) For the 2020–21 fiscal year and each fiscal year thereafter, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the 2019–20 fiscal year for any special education local plan area that met the criteria in Section 56212 for the 2019–20 fiscal year.

(2) The department shall calculate the average cost of a nonpublic, nonsectarian school placement in the 1997–98 fiscal year. This amount shall be multiplied by 2.5, then by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, to obtain the alternative threshold amount for claims in the 1998–99 fiscal year. For the 2021–22 fiscal year, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year multiplied by one plus the inflation factor computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02, and shall also include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year. For the 2022–23 fiscal year and for each fiscal year thereafter, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year multiplied by one plus the inflation factor computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(c) Special education local plan areas are eligible to submit claims for costs exceeding the threshold amount on forms developed by the department. All claims for a fiscal year shall be submitted by October 30 following the close of the fiscal year. If the total amount claimed by special education local plan areas exceeds the amount appropriated, the claims shall be prorated.

(d) Special education local plan areas are eligible to submit claims for the costs of nonpublic, nonsectarian school placements in excess of those in existence in the 1997–98 fiscal year and the costs of special education and related services for pupils who reside in licensed children's institutions.

**SEC. 103.** Section 56836.24 of the Education Code is amended to read:

**56836.24.** (a) Commencing with the 2018–19 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for the purposes specified in Section 56836.23 for apportionment to each special education local plan area for the fiscal year in which the computation is made:

(1) For the 2018–19 fiscal year, the Superintendent shall make the following computations:

(A) Compute the statewide average for program specialists and regionalized services, excluding the amount computed for the special education local plan area identified as the Los Angeles County Juvenile Court and

Community School/Division of Alternative Education Special Education Local Plan Area, for the 2012–13 fiscal year.

(B) Multiply the computed amount in subparagraph (A) by one plus the inflation factor for the 2013–14 to 2017–18 fiscal years, inclusive, computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(C) Multiply the amount computed in subparagraph (B) by one plus the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(D) Multiply the amount computed in subparagraph (C) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (d) of Section 56836.10 for the special education local plan area.

(2) For the 2019–20 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2018–19 fiscal year statewide average amount by one plus the inflation factor for the 2019–20 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area.

(3) For the 2020–21 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2019–20 fiscal year statewide average amount by one plus the inflation factor for the 2020–21 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(4) For the 2021–22 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2020–21 fiscal year statewide average amount by one plus the inflation factor for the 2021–22 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02, and include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(5) For the 2022–23 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations:

(A) Multiply the prior year fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(b) For purposes of this section, a special education local plan area that only includes charter schools shall be apportioned by the Superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06 for the 2019–20 fiscal year.

**SEC. 104.** Section 56836.31 of the Education Code is amended to read:

**56836.31.** (a) To accomplish the activities set forth in Section 56836.23, supplemental funds shall be apportioned to special education local plan areas that are designated as necessary small special education local plan areas in accordance with Section 56212 and that report fewer than 15,000 units of average daily attendance.

(b) For the 2013–14 fiscal year to the 2017–18 fiscal year, inclusive, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance reported for the necessary small special education local plan area for the current fiscal year and 15,000 units of average daily attendance.

(2) Multiply the difference calculated in paragraph (1) by the rate calculated in subdivision (c).

(c) For the 2013–14 fiscal year, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15). For the 2014–15 fiscal year and each fiscal year thereafter, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15) multiplied by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the current fiscal year.

(d) For the 2018–19 and 2019–20 fiscal years, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance determined pursuant to Section 56836.24 for the necessary small special education local plan area and 15,000 units of average daily attendance.

(2) For the 2018–19 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 56836.24. For the 2019–20 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 56836.24.

(3) Multiply the difference calculated in paragraph (1) by the rate calculated in paragraph (2).

(e) For the 2020–21 fiscal year, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 56836.24.

(f) For the 2021–22 fiscal year, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 56836.24.

(g) For the 2022–23 fiscal year and each fiscal year thereafter, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (5) of subdivision (a) of Section 56836.24.

**SEC. 105.** Section 56836.40 of the Education Code is amended to read:

**56836.40.** (a) For any fiscal year in which moneys are appropriated for purposes of this section, the Superintendent shall make the following computations to determine the amount of funding for each school district for the special education early intervention preschool grant:

(1) For each school district, determine the total number of pupils in grade 1 with exceptional needs residing in that school district using Fall 1 Census special education data.

(2) The sum of the totals determined pursuant to paragraph (1) is the “total statewide number of preschool children with exceptional needs” for the applicable fiscal year.

(3) Calculate a per pupil special education early intervention preschool grant by dividing the amount appropriated in the annual Budget Act for purposes of this section by the total statewide number of preschool children with exceptional needs calculated in paragraph (2).

(4) Calculate the special education early intervention preschool grant for each school district by multiplying the per pupil grant calculated in paragraph (3) by the total number calculated in paragraph (1) for the school district.

(5) The Superintendent shall allocate the amount of funds calculated for each school district in paragraph (4) to the applicable school district.

(b) The funds allocated pursuant to this section shall supplement existing special education resources currently required to be provided pursuant to federal and state law and promote a targeted focus on services and supports being offered in inclusive settings, to the extent practicable.

(c) Funding allocated to school districts under this section shall be used to provide services and supports in inclusive settings that have been determined to improve school readiness and long-term outcomes for infants, toddlers, and preschool pupils from birth to five years of age, inclusive, including, but not limited to, all of the following:

(1) Early intervention services, including preschool and supportive services for children from birth to five years of age, inclusive, who are not meeting age-appropriate developmental milestones and are at risk for being identified as eligible for special education and related services. This may include children who received individualized family support plan services but did not qualify for an individualized education program, and children who have not received an individualized family support plan nor an individualized education program.

(2) One-time programs, services, or resources for preschool children with exceptional needs that may not be medically or educationally necessary or required by an individualized education program or in an individualized family support plan, but which the school district has determined will have a positive impact on a young child.

(3) Strategies to improve pupil outcomes as identified through the state system of support, including inclusive educational programming that ensures a pupil's right to placement in the least restrictive educational environment.

(4) Wraparound services for preschool children with exceptional needs not required by federal or state law.

(5) Expansion of inclusive practices to ensure that preschool children with exceptional needs have access to learn in the least restrictive environment.

(6) Professional development for preschool teachers, administrators, and paraprofessionals on evidence-based strategies to build capacity to serve preschool children with exceptional needs in more inclusive settings. This professional development may also include training for teachers, administrators, and paraprofessionals on the development of physical, social, emotional, and academic skills and on developing appropriate individualized education programs for preschool children with exceptional needs that ensure access to a free, appropriate public education in the least restrictive environment.

(d) For purposes of this section, the following definitions shall apply:

(1) "Preschool child with exceptional needs" means a child between three and five years of age, inclusive, who has been identified as an individual with exceptional needs, as defined in Section 56026, and is receiving individualized education program services, except those enrolled in kindergarten or a transitional kindergarten program.

(2) "Transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(3) "Wraparound services" means integrated services and supports that address a child's holistic needs, including, but not limited to, academic, health, and social services.

**SEC. 106.** Section 60640 of the Education Code is amended to read:

**60640.** (a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to former Section 60605.85, as that section read on June 30, 2014, regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

(i) Grades 3 to 5, inclusive.

(ii) Grades 6 to 9, inclusive.

(iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5) (A) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, to pupils who are identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to subparagraph (E).

(B) If a local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, pursuant to subparagraph (A), it shall notify the department in a manner to be determined by the department and the costs shall be paid by the state and included as part of the testing contract, and the department shall provide the local educational agency a per pupil apportionment for administering the assessment pursuant to subdivision (l).

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the English language arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.

(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.

(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.

(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the CAASPP to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments, including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered

or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(6) The Superintendent shall convene an advisory panel, consisting of, but not necessarily limited to, secondary teachers, school administrators, school board members, parents, a student chosen from among the two finalists who were not appointed by the Governor to serve as the student member on the state board pursuant to Section 33000.5, representatives of a dropout recovery charter school operating pursuant to subdivision (f) of Section 47605.1, measurement experts, and individuals with expertise in assessing English learners and pupils with disabilities, to provide recommendations to the Superintendent on the continuation of the high school exit examination, described in Chapter 9 (commencing with Section 60850), and on alternative pathways to satisfy the high school graduation requirements pursuant to Sections 51224.5 and 51225.3.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this subdivision shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based CAASPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). These assessments shall include the use of accessibility resources, as may be determined by the department, and those determinations shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With the approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to

accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the CAASPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The CAASPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) Subject to the approval of the state board, the department may make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). The cost for the assessment shall be the same for all local educational agencies and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that elects to administer a primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, subject to the approval of the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and the individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l) (1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to local educational agencies for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the number and type of tests administered and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (l), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of

paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the CAASPP, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013-14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

**SEC. 107.** Section 60810 of the Education Code is amended to read:

**60810.** (a) (1) The Superintendent shall review existing assessments that assess the English language development of pupils whose primary language is a language other than English. The assessment for initial identification and the summative assessment shall include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written skills. The Superintendent shall determine which assessments, if any, meet the requirements of subdivisions (b) to (f), inclusive. If any existing assessment or series of assessments meets these criteria, the Superintendent, with approval of the state board, shall report to the Legislature on its findings and recommendations.

(2) If no suitable assessment exists, the Superintendent shall explore the option of a collaborative effort with other states to develop an assessment or series of assessments and share assessment development costs. If no suitable assessment exists, the Superintendent, with the approval of the state board, shall either release a request for proposals for the development of an assessment or series of assessments that meets the criteria of subdivisions (b) to (f), inclusive, contract to modify an existing assessment or series of assessments so that it will meet the requirements of subdivisions (b) to (f), inclusive, or amend the contract authorized pursuant to Section 60643 so that an assessment or a series of assessments are developed or modified to meet the requirements of subdivisions (b) to (f), inclusive. The state board shall approve assessment blueprints, assessment performance descriptors, and performance-level cut scores based on standard settings.

(3) The Superintendent shall apportion funds appropriated to enable school districts to meet the requirements of subdivisions (c) and (e). The state board shall establish the amount of funding to be apportioned per assessment administered, based on a review of the cost per assessment for initial identification and summative assessment purposes.

(4) An adjustment to the amount of funding to be apportioned per assessment is not valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per assessment shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(b) (1) The assessment or series of assessments developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. These assessments shall include the use of accessibility resources, as may be determined by the department, and those determinations shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Six months after the results of three administrations are collected, but no later than June 30, 2013, the department shall report to the Legislature on the administration of the kindergarten and grade 1 early literacy assessment results, as well as on the administrative process, in order to determine whether reauthorization of the early literacy assessment is appropriate.

(2) In the development and administration of the assessment for pupils in kindergarten and grade 1, the department shall minimize any additional assessment time, to the extent possible. To the extent that it is technically possible, items that are used to assess listening and speaking shall be used to measure early literacy skills. The department shall ensure that the assessment and procedures for its administration are age and developmentally appropriate. Age and developmentally appropriate procedures for administration may include, but are not limited to, one-on-one administration, a small group setting, and orally responding or circling a response to a question.

(3) The assessment for initial identification developed or acquired pursuant to subdivision (a) shall have sufficient range to identify if the pupil is an English learner, as defined by Section 306.

(c) The assessment for initial identification shall meet all of the following requirements:

(1) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(2) Be capable of administration to pupils with any primary language other than English.

(3) Be capable of administration by classroom teachers.

(4) Not discriminate on the basis of race, ethnicity, or gender.

(5) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.3, as it read on June 30, 2013.

(6) Be age and developmentally appropriate for pupils.

(d) The assessment for initial identification shall be used to identify pupils who are limited English proficient.

(e) The summative assessment shall meet all of the following requirements:

(1) Provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English proficiency to fluent English proficiency with at least two intermediate levels.

(2) Yield scores that allow comparison of the growth of a pupil over time, that may be tied to readiness for various instructional options, and that may be aggregated for use in the evaluation of program effectiveness.

(3) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(4) Be capable of administration to pupils with any primary language other than English.

(5) Be capable of administration by classroom teachers.

(6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.3, as it read on June 30, 2013.

(8) Be age and developmentally appropriate for pupils.

(f) The summative assessment shall be used for both of the following purposes:

(1) To identify the level of English language proficiency of pupils who are limited English proficient.

(2) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

(g) (1) A pupil in any of grades 3 to 12, inclusive, shall not be required to retake those portions of the assessment that measure English language skills for which the pupil has previously tested as advanced within each appropriate grade span, as determined by the department in accordance with paragraph (8) of subdivision (e).

(2) Notwithstanding paragraph (1), a pupil in any of grades 10 to 12, inclusive, shall not be required to retake those portions of the assessment that measure English language skills for which the pupil has previously tested as early advanced or advanced.

(3) This subdivision shall not be implemented unless and until the department receives written documentation from the United States Department of Education that implementation is permitted by federal law.

(h) (1) The Superintendent shall not administer an assessment for initial identification or a summative assessment pursuant to this section until both assessments are developed and adopted by the state board.

(2) The Superintendent shall report to the appropriate policy committees of the Legislature when the assessments are ready for their initial administration.

**SEC. 108.** Section 7902.1 of the Government Code is amended to read:

**7902.1.** (a) (1) If, beginning with the 1980–81 fiscal year or any fiscal year thereafter, the proceeds of taxes of a school district, community college district, or county superintendent of schools, exceed its appropriations limit determined pursuant to Section 7902 for that fiscal year, the governing body of the school district or community college district, or the county superintendent of schools, shall increase its appropriations limit to an amount equal to its proceeds of taxes.

(2) Any increase in a local jurisdiction's appropriations limit pursuant to this section shall, in the fiscal year in which the change is made, reduce the appropriations limit of the state by an equal amount.

(b) (1) If, in the 2021–22 fiscal year or any fiscal year thereafter, the appropriations limit determined pursuant to Section 7902 for that fiscal year of a school district, community college district, or county superintendent of schools exceeds its proceeds of taxes, the governing board of the school district or community college district, or the county superintendent of schools, shall decrease its appropriations limit to an amount equal to its proceeds of taxes.

(2) Any decrease in a local jurisdiction's appropriations limit pursuant to this section shall increase the appropriations limit of the state by an equal amount.

**SEC. 109.** Section 7902.2 is added to the Government Code, to read:

**7902.2.** (a) For the 2019–20 and 2020–21 fiscal years only, if the appropriations limit determined pursuant to Section 7902 of a school district, community college district, or county superintendent of schools, exceeds its proceeds of taxes, the appropriations limit shall be decreased to the proceeds of taxes for that school district, community college district, or county superintendent of schools.

(b) The Superintendent of Public Instruction shall notify the governing board of affected school districts and county superintendents of schools of the amounts reduced pursuant to subdivision (a). The notification shall be made at a time and in a manner determined by the Superintendent of Public Instruction.

(c) The Chancellor of the California Community Colleges shall notify the governing board of affected community college districts of the amounts reduced pursuant to subdivision (a). The notification shall be made at a time and in a manner determined by the Chancellor of the California Community Colleges.

(d) Any decrease in a local jurisdiction's appropriations limit pursuant to this section shall increase the appropriations limit of the state by an equal amount.

**SEC. 110.** Section 7906 of the Government Code is amended to read:

**7906.** For school districts:

(a) (1) For the 1980–81 to 2012–13 fiscal years, inclusive, “ADA” means a school district’s second principal apportionment units of average daily attendance as determined pursuant to Section 42238.5 of the Education Code, including average daily attendance in summer school, regional occupational centers and programs, and apprenticeship programs, and excluding average daily attendance in adult education programs. All other units of average daily attendance including, but not limited to, special day classes for special education pupils, shall be included.

(A) For purposes of this subdivision, the average daily attendance of apprenticeship programs shall be determined pursuant to Section 79149.1 or 79149.3 of the Education Code.

(B) For the 2008–09 to 2012–13 fiscal years, inclusive, the average daily attendance of public school districts, including county superintendents of schools, serving kindergarten and grades 1 to 12, inclusive, or any part thereof, shall include the same amount of average daily attendance for classes for supplemental instruction and regional occupational centers and programs that was used for purposes of this section for the 2007–08 fiscal year.

(2) For the 2013–14 fiscal year and each fiscal year thereafter, “ADA” means a school district’s second principal apportionment units of average daily attendance, as determined pursuant to Section 42238.05 of the Education Code.

(b) “Foundation program level” means:

(1) For the 1978–79 fiscal year, one thousand two hundred forty-one dollars (\$1,241) for elementary school districts, one thousand three hundred twenty-two dollars (\$1,322) for unified school districts, and one thousand four hundred twenty-seven dollars (\$1,427) for high school districts.

(2) For the 1979–80 fiscal year to the 1986–87 fiscal year, inclusive, the levels specified in paragraph (1) increased by the lesser of the change in cost of living or California per capita personal income for the preceding calendar year.

(3) For the 1986–87 fiscal year, the levels specified in paragraph (2) increased by one hundred eighty dollars (\$180) for elementary school districts, one hundred ninety-one dollars (\$191) for unified school districts, and two hundred seven dollars (\$207) for high school districts.

(4) For the 1987–88 fiscal year, the levels specified in paragraph (3) increased by the lesser of the change in cost of living or California per capita personal income for the preceding calendar year.

(5) For the 1988–89 fiscal year and each fiscal year thereafter, the foundation program level shall be the appropriations limit of the school district for the current fiscal year, plus amounts paid for any nonreimbursed court or federal mandates imposed on or after November 6, 1979, less the sum of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current fiscal year, such as parcel taxes or square foot taxes, unless for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current fiscal year, other than local taxes that offset state aid, such as excess bond revenues transferred to a school district’s general fund pursuant to Section 15234 of the Education Code.

(c) “Proceeds of taxes” shall be deemed to include subventions received from the state only if those subventions are for one of the following purposes:

(1) Basic aid subventions of one hundred twenty dollars (\$120) per ADA.

(2) (A) Additional apportionments that, when added to the school district’s local revenues, do not exceed the foundation program level for that school district. In no case shall subventions received from the state for reimbursement of state mandates in accordance with Section 6 of Article XIII B of the California Constitution or

Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979, be considered "proceeds of taxes" for purposes of this section.

(B) A school district's local revenues for purposes of subparagraph (A) are the amounts that offset state aid, as follows:

(i) For the 1980–81 to 2012–13 fiscal years, inclusive, as defined in Section 42238 of the Education Code.

(ii) For the 2013–14 fiscal year and each fiscal year thereafter, as defined in subdivision (j) of Section 42238.02 of the Education Code.

(d) Proceeds of taxes for a fiscal year shall not include any proceeds of taxes within the school district's beginning balance or reserve, unless those funds were not appropriated in a prior fiscal year. Funds that were appropriated to a reserve or other fund referenced in Section 5 of Article XIII B of the California Constitution shall be deemed to be appropriated for the purpose of this paragraph.

(e) The remainder of the state apportionments shall not be considered proceeds of taxes for a school district, and shall be considered appropriations subject to the state's limit.

(f) Each school district shall report to the Superintendent of Public Instruction and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the school district, amounts excluded from its appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Superintendent of Public Instruction and approved by the Director of Finance.

(g) For the 1988–89 fiscal year and each fiscal year thereafter, paragraph (2) of subdivision (c) shall not be construed as requiring the amount determined pursuant to subdivision (b) to be multiplied by the amount determined pursuant to subdivision (a) for purposes of determining the amount of state aid included in school district "proceeds of taxes" for purposes of this section.

**SEC. 111.** Section 7907 of the Government Code is amended to read:

**7907.** For county superintendents of schools:

(a) (1) For the 1978–79 to 2012–13 fiscal years, inclusive, "proceeds of taxes" shall be deemed to include subventions received from the state only if those subventions are received for one or more of the following programs:

(A) Educational services provided directly to pupils, including, but not limited to, the services described in subdivision (c) of Section 1981 of, Sections 1904, 2550.2, 2551.3, 8152, 48633, 52570, and 58804 of, and Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of Division 4 of Title 2 of, the Education Code.

(B) Support services provided to school districts, including, but not limited to, the services described in subdivision (b) of Section 2550 of, and Sections 1510, 2509, 2551, 2554, and 2555 of, the Education Code.

(C) Direct services provided to school districts, as described in subdivision (a) of Section 2550 of the Education Code.

(2) For the 2013–14 fiscal year and each fiscal year thereafter, "proceeds of taxes" shall be deemed to include subventions received from the state only if those subventions are received for one or more of the following programs:

(A) The alternative education grant described in Section 2574 of the Education Code.

(B) The operations grant described in Section 2574 of the Education Code.

(C) The add-on amount described in subdivision (e) of Section 2574 of the Education Code and any amounts added either pursuant to calculations in Sections 2575 of the Education Code or added to the calculations in Section 2575 of the Education Code.

(b) For programs identified in subparagraph (A) of paragraph (1) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978–79 fiscal year, adjusted for the 1979–80 and 1980–81 fiscal years by the lesser of the change in cost of living or

change in California per capita personal income applicable to each year and by the percentage change in average daily attendance in those programs for the 1979–80 and 1980–81 fiscal years.

(c) For all other programs operated by the county superintendent of schools, including, but not limited to, the programs identified in subparagraphs (B) and (C) of paragraph (1) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978–79 fiscal year, adjusted for the 1979–80 and 1980–81 fiscal years by the lesser of the change in cost of living or change in California per capita personal income for each year and by the percentage change in population, as defined by subdivision (d) of Section 7901, for all the school districts in the county for the 1979–80 and 1980–81 fiscal years. The “percentage change in population” for the program identified in subparagraph (C) of paragraph (1) of subdivision (a) shall be, for purposes of this subdivision, the percentage change in direct services average daily attendance as calculated pursuant to subdivision (a) of Section 2550 of the Education Code.

(d) The sum of the amounts calculated in subdivisions (b) and (c) shall be the appropriations limit for the county superintendent for the 1980–81 fiscal year.

(e) For the 1981–82 fiscal year and each fiscal year thereafter, the appropriations limit for the prior year shall be adjusted by the appropriate average daily attendance and the lesser of the change in cost of living or California per capita personal income.

(f) For the 1981–82 fiscal year to the 1987–88 fiscal years, inclusive, state apportionments to county superintendents in excess of the amounts in subdivision (d) or (e) shall not be considered proceeds of taxes for a county superintendent of schools.

(g) For the 1988–89 fiscal year and each fiscal year thereafter, the state apportionments to county superintendents that shall be considered “proceeds of taxes” for a county superintendent of schools shall be equal to the lesser of the following:

(1) The total amount of state apportionments received for that fiscal year, excluding amounts paid for reimbursement of state mandates in accordance with Section 6 of Article XIII B of the California Constitution or Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979.

(2) The appropriations limit for the county superintendent for that fiscal year, less the sum of all of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current year, such as parcel taxes or square foot taxes, other than for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current year, such as excess bond revenues transferred to a school district’s general fund pursuant to Section 15234 of the Education Code.

(E) Local proceeds of taxes received during the current fiscal year that offset state aid.

(3) Amounts paid for court or federal mandates shall be excluded from the appropriations limit.

(h) Each county superintendent of schools shall report to the Superintendent of Public Instruction and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the county superintendents of schools, amounts excluded from its appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Superintendent of Public Instruction and approved by the Director of Finance.

**SEC. 112.** Section 7908 of the Government Code is amended to read:

**7908.** For community college districts:

(a) As used in this section, “ADA” means the annual average daily attendance reported for students attending the community college district during the fiscal year.

(b) “Proceeds of taxes” shall be deemed to include subventions from the state, including special purpose apportionments, but excluding subventions received from the state for reimbursement of state mandates in

accordance with Section 6 of Article XIII B of the California Constitution or Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979, only if those subventions, when added to the community college district's local resources, as defined in items (2) and (3) of subdivision (a) of Section 84904 of the Education Code, do not exceed:

(1) For the 1978–79 fiscal year, the lesser of the statewide average revenues or the actual revenues received per ADA, as defined in paragraph (1) of subdivision (c) of Section 84700 of the Education Code, multiplied by the ADA in the community college district for the 1978–79 fiscal year.

(2) For the 1979–80 to the 1987–88 fiscal years, inclusive, the amount specified in paragraph (1) adjusted by the lesser of the change in cost of living or California per capita personal income for the preceding calendar year and the percentage change in the community college district's ADA for that fiscal year.

(3) For the 1988–89 fiscal year and each fiscal year thereafter, the appropriations limit of that community college district, plus amounts paid for any nonreimbursed court or federal mandates imposed on or after November 6, 1979, less the sum of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current fiscal year, such as parcel taxes or square foot taxes, unless for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current fiscal year, other than local taxes which count towards the revenue limit, such as excess bond revenues transferred to a community college district's general fund pursuant to Section 15234.

(c) Each community college district shall report to the Chancellor of the California Community Colleges and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the community college district, amounts excluded from the appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Chancellor of the California Community Colleges and approved by the Director of Finance.

**SEC. 113.** Section 16724.4 of the Government Code is amended to read:

**16724.4.** Any state bond measure approved by the voters on or after January 1, 2004, shall be subject to an annual reporting process, as follows:

(a) The head of the lead state agency administering the bond proceeds shall report to the Legislature and the Department of Finance no later than January 1, 2005, or the January 1 of the second year following the enactment of the bond measure, whichever is later, and at least once a year thereafter. The annual report shall contain all of the following:

(1) A list of all projects and their geographical location that have been funded or are required or authorized to receive funds.

(2) The amount of funds allocated on each project.

(3) The status of any project required or authorized to be funded.

(b) Costs of the report may be included in the cost of administering the bond measure unless the measure specifically prohibits those expenses.

(c) If the head of the lead state agency administering the bond proceeds has developed and continuously maintains an alternative digital method of providing all the information required pursuant to subdivision (a), such as a publicly available data display on the agency's internet website or the state's open data portal, an annual notification to the Legislature and the Department of Finance that includes specific instructions to locate the information may meet the annual reporting process requirements of this section.

**SEC. 114.** Section 17581.6 of the Government Code is amended to read:

**17581.6.** (a) Funding apportioned pursuant to this section shall constitute reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the performance of any state mandates included in the statutes and executive orders identified in subdivision (f).

(b) Any school district, county office of education, or charter school may elect to receive block grant funding pursuant to this section.

(c) (1) (A) A school district, county office of education, or charter school that elects to receive block grant funding pursuant to this section in a given fiscal year shall submit a letter requesting funding to the Superintendent of Public Instruction on or before August 30 of that fiscal year.

(B) A charter school regarded as a continuing charter school pursuant to subparagraph (E) of paragraph (5) of subdivision (a) of Section 47605 of the Education Code, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1 of the Education Code, subdivision (d) of Section 47605.9 of the Education Code, or paragraph (3) of subdivision (b) of Section 47612.7 of the Education Code, shall do all of the following in the first year the charter school is affected by an action to restructure:

(i) Provide timely notification to the Superintendent of Public Instruction pursuant to Section 47653 of the Education Code.

(ii) Submit a letter requesting funding on or before August 30 of the fiscal year for which funding is requested pursuant to subparagraph (A) or 30 days after the charter school is assigned a number by the State Board of Education pursuant to Section 47602 of the Education Code, whichever is later.

(iii) As applicable, provide to the Superintendent of Public Instruction the prior year average daily attendance attributable to each restructured charter school to be used in the calculation of funding. The charter school shall provide data in a format prescribed by the Superintendent of Public Instruction. The total average daily attendance attributable to the restructured charter school or schools pursuant to this clause shall not exceed the total prior year average daily attendance of the original charter school. The definitions in Section 47654 of the Education Code apply for purposes of this subparagraph.

(2) (A) The Superintendent of Public Instruction shall, in the month of November of each year, apportion block grant funding appropriated pursuant to Item 6100-296-0001 of Section 2.00 of the annual Budget Act to all school districts, county offices of education, and charter schools that submitted letters requesting funding in that fiscal year according to the provisions of that item, except as provided in subparagraph (B).

(B) In the first year that a charter school is affected by an action to restructure pursuant to Section 47654 of the Education Code, the Superintendent of Public Instruction may apportion funds after November of that fiscal year to a charter school that is eligible for funding pursuant to subparagraph (B) of paragraph (1) and that has submitted a letter requesting funding after August 30 of that fiscal year.

(3) A school district or county office of education that receives block grant funding pursuant to this section shall not be eligible to submit claims to the Controller for reimbursement pursuant to Section 17560 for any costs of any state mandates included in the statutes and executive orders identified in subdivision (f) incurred in the same fiscal year during which the school district or county office of education received funding pursuant to this section.

(d) Commencing with the 2017–18 fiscal year, the per unit average daily attendance funding rates specified in the provisions of Item 6100-296-0001 of the annual Budget Act shall be adjusted annually 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 published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(e) Block grant funding apportioned pursuant to this section is subject to annual financial and compliance audits required by Section 41020 of the Education Code.

(f) Block grant funding apportioned pursuant to this section is specifically intended to fund the costs of the following programs and activities:

- (1) Agency Fee Arrangements (00-TC-17 and 01-TC-14; Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes of 2001).
- (2) AIDS Instruction and AIDS Prevention Instruction (CSM 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of 1991; and Chapter 403 of the Statutes of 1998).
- (3) Cal Grant: Opt-Out Notice and Grade Point Average Submission (16-TC-02; Chapter 679 of the Statutes of 2014 and Chapter 82 of the Statutes of 2016).
- (4) California Assessment of Student Performance and Progress (CAASPP) (14-TC-01 and 14-TC-04; Chapter 489 of the Statutes of 2013; and Chapter 32 of the Statutes of 2014).
- (5) California State Teachers' Retirement System (CalSTRS) Service Credit (02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383, 634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the Statutes of 1999; and Chapter 1021 of the Statutes of 2000).
- (6) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes of 1994).
- (7) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).
- (8) Charter Schools IV (03-TC-03; Chapter 1058 of the Statutes of 2002).
- (9) Child Abuse and Neglect Reporting (01-TC-21; Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001).
- (10) Collective Bargaining (CSM 4425; Chapter 961 of the Statutes of 1975).
- (11) Comprehensive School Safety Plans (98-TC-01 and 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of the Statutes of 1999; and Chapter 828 of the Statutes of 2003).
- (12) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (CSM 4488, CSM 4461, 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469 of the Statutes of 1981; Chapter 459 of the Statutes of 1985; Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988; Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997; Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the Statutes of 1999, First Extraordinary Session; Chapter 73 of the Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).
- (13) Consolidation of Law Enforcement Agency Notification and Missing Children Reports (CSM 4505; Chapter 1117 of the Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of 1986; and Chapter 832 of the Statutes of 1999).
- (14) Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion I and II, and Pupil Discipline Records (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).
- (15) Consolidated Suspensions, Expulsions, and Expulsion Appeals (96-358-03, 03A, 98-TC-22, 01-TC-18, 98-TC-23, 97-TC-09; Chapters 972 and 974 of the Statutes of 1995; Chapters 915, 937, and 1052 of the Statutes of 1996; Chapter 637 of the Statutes of 1997; Chapter 489 of the Statutes of 1998; Chapter 332 of the Statutes of 1999; Chapter 147 of the Statutes of 2000; and Chapter 116 of the Statutes of 2001) (CSM 4455; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 622 of the Statutes of 1984; Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256, and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes of 1994) (CSM 4456; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987) (CSM 4463; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

- (16) County Office of Education Fiscal Accountability Reporting (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).
- (17) Criminal Background Checks (97-TC-16; Chapters 588 and 589 of the Statutes of 1997).
- (18) Criminal Background Checks II (00-TC-05; Chapters 594 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).
- (19) Developer Fees (02-TC-42; Chapter 955 of the Statutes of 1977; Chapter 282 of the Statutes of 1979; Chapter 1354 of the Statutes of 1980; Chapter 201 of the Statutes of 1981; Chapter 923 of the Statutes of 1982; Chapter 1254 of the Statutes of 1983; Chapter 1062 of the Statutes of 1984; Chapter 1498 of the Statutes of 1985; Chapters 136 and 887 of the Statutes of 1986; and Chapter 1228 of the Statutes of 1994).
- (20) Differential Pay and Reemployment (99-TC-02; Chapter 30 of the Statutes of 1998).
- (21) Expulsion of Pupil: Transcript Cost for Appeals (SMAS; Chapter 1253 of the Statutes of 1975).
- (22) Financial and Compliance Audits (CSM 4498 and CSM 4498-A; Chapter 36 of the Statutes of 1977).
- (23) Graduation Requirements (CSM 4181; Chapter 498 of the Statutes of 1983).
- (24) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter 1184 of the Statutes of 1975).
- (25) Immunization Records (SB 90-120; Chapter 1176 of the Statutes of 1977).
- (26) Immunization Records—Mumps, Rubella, and Hepatitis B (98-TC-05; 14-MR-04; Chapter 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979; Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995; Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882 of the Statutes of 1997; and Chapter 434 of the Statutes of 2010).
- (27) Immunization Records—Pertussis (11-TC-02; Chapter 434 of the Statutes of 2010).
- (28) Interdistrict Attendance Permits (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992).
- (29) Intradistrict Attendance (CSM 4454; Chapters 161 and 915 of the Statutes of 1993).
- (30) Juvenile Court Notices II (CSM 4475; Chapters 1011 and 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994; and Chapter 71 of the Statutes of 1995).
- (31) Notification of Truancy (CSM 4133; Chapter 498 of the Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter 19 of the Statutes of 1995).
- (32) Parental Involvement Programs (03-TC-16; Chapter 1400 of the Statutes of 1990; Chapters 864 and 1031 of the Statutes of 1998; and Chapter 1037 of the Statutes of 2002).
- (33) Physical Performance Tests (96-365-01; Chapter 975 of the Statutes of 1995).
- (34) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the Statutes of 1978).
- (35) Public Contracts (02-TC-35; Chapter 1073 of the Statutes of 1985; Chapter 1408 of the Statutes of 1988; Chapter 330 of the Statutes of 1989; Chapter 1414 of the Statutes of 1990; Chapter 321 of the Statutes of 1990; Chapter 799 of the Statutes of 1992; and Chapter 726 of the Statutes of 1994).
- (36) Public School Restrooms: Feminine Hygiene Products (18-TC-01; Chapter 687 of the Statutes of 2017).
- (37) Pupil Health Screenings (CSM 4440; Chapter 1208 of the Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter 750 of the Statutes of 1992).
- (38) Pupil Promotion and Retention (98-TC-19; Chapter 100 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes of 1990; and Chapters 742 and 743 of the Statutes of 1998).

(39) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332 of the Statutes of 1986; Chapter 445 of the Statutes of 1992; Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

(40) Race to the Top (10-TC-06; Chapters 2 and 3 of the Statutes of 2009).

(41) School Accountability Report Cards (97-TC-21, 00-TC-09, 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997; Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

(42) School District Fiscal Accountability Reporting (97-TC-19; Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

(43) School District Reorganization (98-TC-24; Chapter 1192 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

(44) Student Records (02-TC-34; Chapter 593 of the Statutes of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the Statutes of 1998; and Chapter 67 of the Statutes of 2000).

(45) The Stull Act (98-TC-25; Chapter 498 of the Statutes of 1983; and Chapter 4 of the Statutes of 1999).

(46) Threats Against Peace Officers (CSM 96-365-02; Chapter 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of 1995).

(47) Training for School Employee Mandated Reporters (14-TC-02; Chapter 797 of the Statutes of 2014).

(48) Uniform Complaint Procedures (03-TC-02; Chapter 1117 of the Statutes of 1982; Chapter 1514 of the Statutes of 1988; and Chapter 914 of the Statutes of 1998).

(49) Williams Case Implementation I, II, and III (05-TC-04, 07-TC-06, and 08-TC-01; Chapters 900, 902, and 903 of the Statutes of 2004; Chapter 118 of the Statutes of 2005; Chapter 704 of the Statutes of 2006; and Chapter 526 of the Statutes of 2007).

(g) Notwithstanding Section 10231.5, on or before November 1 of each fiscal year, the Superintendent of Public Instruction shall produce a report that indicates the total amount of block grant funding each school district, county office of education, and charter school received in that fiscal year pursuant to this section. Funding apportioned pursuant to subparagraph (B) of paragraph (2) of subdivision (c) shall be excluded from this reporting requirement. The Superintendent of Public Instruction shall provide this report to the appropriate fiscal and policy committees of the Legislature, the Controller, the Department of Finance, and the Legislative Analyst's Office.

**SEC. 115.** Item 6100-001-0890 of Section 2.00 of the Budget Act of 2020, as amended by Section 24 of Chapter 14 of the Statutes of 2021, is amended to read:

6100-001-0890—For support of State Department of Education, payable from the Federal Trust Fund .....	217,257,000
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Schedule:

(1) 5205010-Curriculum Services .....	141,903,000
(2) 5210066-Special Program Support .....	75,354,000

Provisions:

1. The funds appropriated in this item include federal Perkins V Act funds for the current fiscal year to be transferred to community colleges by means of interagency agreements. These funds shall be used by community colleges for the administration of career technical education programs.
2. Of the funds appropriated in this item, \$96,000 is available to the Advisory Commission on Special Education for the in-state travel and

operational expenses of the commissioners and the secretary to the commission.

3. Of the funds appropriated in this item, \$318,000 shall be used to provide training in culturally nonbiased assessment and specialized language skills to special education teachers.
4.
  - (a) Of the funds appropriated in this item, at least \$11,765,000 is from the federal Child Care and Development Fund and is available for support of childcare services. Of the federal funds in this item, at least \$1,533,000 is for 13.0 positions to address compliance monitoring and overpayments, which may contribute to early detection of fraud. All federally subsidized childcare agencies shall be audited pursuant to federal regulations per Part 98 of Title 45 of the Code of Federal Regulations. The State Department of Education (SDE) shall provide information to the Legislature and Department of Finance each year that quantifies by program provider-by-provider level data, including instances and amounts of overpayments and fraud, as documented by the SDE's compliance monitoring efforts for the prior fiscal year. Additionally, the SDE shall provide a copy of any federal reports submitted regarding improper payments and fraud to the Legislature and the Department of Finance.
  - (b) As a condition of receiving the resources specified in subdivision (a), every alternative payment agency and subsidized general childcare agency shall be audited each year using sufficient sampling of provider records of the following: (1) family fee determinations, (2) income eligibility, (3) rate limits, and (4) basis for hours of care, to determine compliance rates, any instances of misallocation of resources, and the amount of funds expected to be recovered from instances of both potential fraud and overpayment when no intent to defraud is suspected. This information shall be contained in a separate report for each provider, with a single statewide summary report annually submitted to the Governor and the Legislature no later than April 15.
5. Of the funds appropriated in this item, \$16,834,000 is for dispute resolution services, including mediation and fair hearing services, provided through contract for the special education programs. The State Department of Education shall ensure the quarterly reports that the contractor submits on the results of its dispute resolution services reflect year-to-date data and final yearend data, includes the same information as required by Section 56504.4 of the Education Code, and includes the following information:
  - (a) The total number of cases won by each side.
  - (b) The number of issues decided in favor of each side in split decisions.
  - (c) The number of cases in which schools and parents were represented by attorneys.
  - (d) The number of requests for due process initiated by parents that were dismissed for insufficiency.
  - (e) The number of pupils of color who accessed the system.
  - (f) The number of non-English-speaking people who used the system.
  - (g) The length of each hearing.
  - (h) The number of hearing requests initiated by parents.
  - (i) The number of hearing requests initiated by school districts.
  - (j) The school district of each parent-initiated request for due process.
  - (k) The issues, within special education, that generated due process hearing requests during the quarter.

- (l) The disabilities that generated due process hearing requests during the quarter.
  - (m) The age groups (preschool, primary, junior high, high school) that generated hearing requests.
  - (n) The number of requests received during the quarter.
  - (o) The number of hearing decisions that were appealed to a court during the quarter.
  - (p) The number of cases that were completely resolved in mediation by agreement.
  - (q) The number of cases that were completely resolved in a mandatory resolution session.
6. Of the funds appropriated in this item, \$443,000 is for 3.0 positions within the State Department of Education for increased monitoring associated with educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by an individualized education program pursuant to the federal Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. Sec. 1400 et seq.).
  7. Of the funds appropriated in this item, at least \$2,506,000 shall be available for the administration of 21st Century Community Learning Centers programs.
  8. Of the funds appropriated in this item, \$308,000 is available from federal Title II funds for an interagency agreement with the Commission on Teacher Credentialing to support teacher misassignment monitoring activities.
  9. Of the funds appropriated in this item, up to \$945,000 is available from federal Title II funds to support Title II-related priorities identified in the California State Plan adopted by the State Board of Education pursuant to the federal Elementary and Secondary Education Act as amended by the federal Every Student Succeeds Act (P.L. 114-95).
  10. Of the funds appropriated in this item, \$6,636,000 is for the California Longitudinal Pupil Achievement Data System (CALPADS), which is to meet the requirements of the federal Elementary and Secondary Education Act (ESEA) and Chapter 1002 of the Statutes of 2002. These funds are payable from the Federal Trust Fund to the State Department of Education (SDE). Of this amount, \$5,641,000 is federal Title I, Part B funds and \$995,000 is federal Title II funds. These funds are provided for the following purposes: \$3,254,000 for systems housing and maintenance; \$908,000 for costs associated with necessary system activities; \$790,000 for SDE staff; and \$710,000 for various other costs, including hardware and software costs, indirect charges, Department of General Services charges, and operating expenses and equipment. As a further condition of receiving these funds, the SDE shall not add additional data elements to CALPADS, require local educational agencies to use the data collected through the CALPADS for any purpose, or otherwise expand or enhance the system beyond the data elements and functionalities that are identified in the most current approved Feasibility Study and Special Project Reports and the CALPADS Data Guide v4.1. In addition, \$974,000 is for SDE data management staff responsible for fulfilling certain federal requirements not directly associated with CALPADS.
  11. Of the funds appropriated in this item, \$800,000 of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds is available for the State Department of Education to provide oversight and technical assistance for local educational agencies as the responsibility for overseeing educationally related mental health services transitions from county mental health agencies to special education local plan areas and to develop resources and provide technical assistance to local educational agencies for implementation of the federally required State Systemic Improvement Plan.

12. Of the funds appropriated in this item, at least \$501,000 federal Title I, Part C, Migrant Education funds and 3.0 positions are provided for oversight and coordination of the State Parent Advisory Council, identification of qualifying program participants, and collecting and linking student data.
13. Of the funds appropriated in this item, up to \$639,000 in federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds shall be available to the State Department of Education for warehouse costs related to providing accessible instructional materials to local educational agencies.
14. Of the funds appropriated in this item, \$1,470,000 shall be available to support local Early Head Start services under the Early Head Start—Child Care Partnership Grant, consistent with the plan approved by the Department of Finance. This funding is available on a limited-term basis until June 30, 2024.
15. Of the funds appropriated in this item, \$625,000 is available for 5.0 existing positions to establish and support a litigation unit within the State Department of Education's Special Education Division.
16. Of the amount provided in Schedule (1), \$381,000 is available for 2.0 existing positions in the Improvement and Accountability Division to support the work of the State Department of Education, the California Collaborative for Educational Excellence, lead county offices of education, and stakeholders to inform the work of agencies within the statewide system of support pursuant to paragraph (2) of subdivision (a) of Section 52073 of the Education Code.
17. Of the funds appropriated in this item, \$138,000 in federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds is provided for 1.0 position to fulfill reporting requirements on the use of behavioral restraints and seclusion, pursuant to Chapter 998 of the Statutes of 2018.
18. Of the funds appropriated in this item, \$150,000 in federal Title II funds and 1.0 position is available for the State Department of Education to administer the 21st Century California School Leadership Academy, in consultation with the executive director of the State Board of Education and in collaboration with the California Collaborative on Education Excellence.
19. Of the funds appropriated in this item, \$1,032,000, of which \$420,000 is one-time carryover, is available to support training, technical assistance, and oversight of selected local educational agencies receiving the Project Advancing Wellness and Resilience in Education Grants. This funding is available on a limited-term basis until June 30, 2024.
20. Of the amount appropriated in this item, \$460,000 in carryover is available in the 2020–21 fiscal year to provide state-level support on school safety and violence prevention.
21. Of the funds appropriated in this item, \$1,639,000 shall be reserved for the professional development of private school teachers and administrators as required by Title II of the federal Every Student Succeeds Act (20 U.S.C. Sec. 6601 et seq.). This amount reflects the availability of \$1,209,000 ongoing federal Title II funds and \$430,000 ongoing federal Title IV funds.
22. Of the funds appropriated in this item, \$207,000 and 1.5 positions are available for homeless student coordinators.
23. Of the funds appropriated in Schedule (1), \$350,000 federal Individuals with Disabilities Act funds shall be allocated to a county office of education selected by the executive director of the State Board of Education for the purpose of convening a workgroup that will design a state standardized individualized education program template, and to develop and design an addendum to the state standardized template to address special education service delivery in a distance learning environment, including developing best practices for distance learning for students with exceptional needs.

- (a) The workgroup shall include, but not be limited to, representatives of the State Department of Education, the Department of Rehabilitation, the State Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts. The workgroup shall do all of the following:
- (1) Examine and make recommendations regarding the following matters: ensuring the individualized education program development and periodic review processes are designed to improve student outcomes by capturing student strengths and needs, and informing learning strategies that support instruction aligned to state standards.
  - (2) Design a state standardized individualized education program template that provides information about student strengths, needs, and learning strategies.
  - (3) Support transition planning with early learning and postsecondary options.
  - (4) Assess the feasibility of a web-based statewide individualized education program system to house a statewide template.
  - (5) Design a state standardized addendum to the individualized education program that addresses distance learning modifications and adaptations to the IEP necessitated by a state or local emergency, including best practices recommendations.
- (b) To the extent practicable, the workgroup shall leverage findings from the Interagency Cooperation workgroup to strengthen Part C to Part B transitions, established pursuant to Section 56477 of the Education Code.
- (c) On or before October 1, 2021, the selected local educational agency shall provide a report prepared with the non-governmental organization, which includes recommendations of the areas identified in subdivision (a), to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance.
- (d) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
24. Of the funds appropriated in Schedule (1), \$500,000 federal Individuals with Disabilities Education Act funds shall be available for the Superintendent of Public Instruction to, in consultation with and subject to the approval of the executive director of the State Board of Education, commission a study with a California postsecondary educational institution or a non-governmental research institution that examines special education governance and accountability in the manner and for the purposes set forth in this provision.
- (a) The study shall include, but not be limited to, an examination of the state's current governance and accountability structures for students with exceptional needs, ages 3 to 21, inclusive, and recommendations regarding improvements in the following areas:
- (1) Delivering special education services and supports in the least restrictive environment.
  - (2) Improving student outcomes, including those measured by state and federal accountability systems.
  - (3) Ensuring an equitable distribution of special education supports and services to local educational agencies.
  - (4) Ensuring transparency in decision-making and distribution

- of state special education funding.
- (5) Ensuring parent family and community input in local decision-making.
  - (6) Ensuring that small local educational agencies have access to fiscal and administrative resources necessary to serve pupils with exceptional needs.
  - (7) Aligning state and federal accountability, compliance, and support systems as related to pupils with disabilities.
  - (8) Identifying strategies and challenges for funding and supports in the current model and any recommended models.
- (b) On or before October 1, 2021, the Superintendent of Public Instruction shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, and the Director of Finance with a report that details the results of the study in the areas specified in subdivision (a).
  - (c) The postsecondary educational institution or non-governmental research institution shall convene an advisory group composed, at a minimum, of a representative of the department, the state board, the Department of Finance, the Legislative Analyst's Office, legislative staff of each house of the Legislature and, a local educational agency, a charter school, a county office of education, a special education local plan area, a community advisory committee, a family empowerment center, a representative of a postsecondary institution or research organization who has expertise in special education governance or accountability, a non-governmental organization that advocates for pupils with exceptional needs, an education specialist, and a parent of a pupil with exceptional needs.
  - (d) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
25. Of the funds appropriated in Schedule (1), \$250,000 federal Individuals with Disabilities Act funds shall be allocated to a county office of education selected by the executive director of the State Board of Education for the purpose of convening a workgroup that will examine and propose alternative pathways to a high school diploma for students with disabilities.
- (a) The workgroup shall include, but not be limited to, representatives of the State Department of Education, the Department of Rehabilitation, the State Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts. The workgroup shall examine and develop recommendations regarding the following matters:
    - (1) Studying existing and developing new alternate pathways for students with disabilities to access the core curriculum in order to satisfy the requirements for a high school diploma.
    - (2) Developing an alternate diploma aligned to the state's alternate achievement standards for students with significant cognitive disabilities, consistent with federal law.
    - (3) Other related matters necessary to meet the purpose set forth in this provision.
  - (b) On or before October 1, 2021, the local educational agency shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance a report prepared with the non-governmental organization of recommendations in the areas identified in subdivision (a).

- (c) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
- 27. Of the funds appropriated in this item, \$387,000 carryover is available on a one-time basis for the administration of the Immediate Aid to Restart School Operations Grant program and to support long-term recovery efforts of local educational agencies affected by the Camp Fire in the Counties of Butte and Shasta in 2018.
- 28. Of the funds appropriated in this item, \$1,612,000 one-time federal carryover is available for the professional development of private school teachers and administrators as required by Title II of the federal Every Student Succeeds Act (20 U.S.C. Sec 6601 et seq.). This amount reflects the availability of \$1,181,000 one-time federal Title II funds and \$431,000 one-time federal Title IV funds.
- 29. Of the funds appropriated in this item, \$442,000 federal Title IV funds is available to support administration and compliance monitoring of the federal Title IV grant activities and review of local control accountability plan federal addenda.
- 30. Of the funds appropriated in this item, \$250,000 one-time federal Title III carryover is available to develop a standardized English learner reclassification teacher observation protocol pursuant to Section 313.3 of the Education Code.
- 31. Of the funds appropriated in this item, \$340,000 and 1.0 position are available for the administration of the Comprehensive Literacy State Development Grant.
- 32. Of the funds appropriated in Schedule (1), \$15,000,000 shall be allocated by the Superintendent of Public Instruction to the California Student Aid Commission to support grants to special education teachers through the Golden State Teacher Grant Program. The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2023.
- 33. Of the funds appropriated in this item, \$88,000 one-time federal Disaster Relief Act funds is available to support grant activities for the federal Supplemental Appropriations for Disaster Relief Act of 2019.
- 34. Of the funds appropriated in Schedule (2), \$9,259,000 is available one time for a statewide data system for early education that will include a unique child identifier across all state-funded childcare and development programs. Notwithstanding subdivision (a) of Section 1.80, these funds are available for encumbrance until June 30, 2023.
- 35. Of the funds appropriated in Schedule (2), \$28,000 is available one time to support Head Start Collaboration program activities.

**SEC. 116.** Item 6100-158-0001 of Section 2.00 of the Budget Act of 2020 is amended to read:

6100-158-0001—For local assistance, State Department of Education (Proposition 98), in lieu of the amount that otherwise would be appropriated pursuant to Section 41841.5 of the Education Code for Adults in Correctional Facilities ..... 8,000,000

Schedule:

(1) 5200163-Adults in Correctional Facilities Program ..... 8,000,000

Provisions:

- 1. Notwithstanding Section 41841.5 of the Education Code, or any other provision of law, all of the following shall apply:
  - (a) The amount appropriated in this item and any amount allocated for this program in this act shall be the only funds available for allocation by the Superintendent of Public Instruction to school districts or county offices of education for the Adults in Correctional Facilities Program.
  - (b) The amount appropriated in this item shall be allocated based upon 2019–20 rather than 2020–21 expenditures.
  - (c) Funding distributed to each local educational agency (LEA) for

reimbursement of services provided in the 2019–20 fiscal year for the Adults in Correctional Facilities Program shall be limited to the amount received by the agency for services provided in the 2018–19 fiscal year, increased by the percentage change determined and provided pursuant to paragraph (2) of subdivision (d) of Section 42238.02 of the Education Code for the 2019–20 fiscal year. Funding shall be reduced or eliminated, as appropriate, for any LEA that reduces or eliminates services provided under this program in the 2019–20 fiscal year, as compared to the level of services provided in the 2018–19 fiscal year. Any funds remaining as a result of those decreased levels of service shall be allocated to provide support for new programs in accordance with Section 41841.8 of the Education Code.

- (d) Funding appropriated in this item for growth in average daily attendance (ADA) first shall be allocated to programs that are funded for 20 units or less of ADA, up to a maximum of 20 additional units of ADA per program.

**SEC. 117.** Section 95 of Chapter 24 of the Statutes of 2020, as amended by Section 57 of Chapter 110 of the Statutes of 2020, is amended to read:

**Sec. 95.** (a) For purposes of the annual update to the local control and accountability plan for the 2021–22 school year required pursuant to Sections 47606.5, 52061, and 52066 of the Education Code, the school district, county office of education, or charter school shall include the actions and expenditures included in the learning continuity and attendance plan adopted pursuant to Section 43509 of the Education Code and the local control and accountability plan adopted for the 2019–20 school year.

(b) Notwithstanding Section 52061, the Superintendent of Public Instruction, in consultation with the executive director of the State Board of Education, shall revise the template for the annual update to the local control and accountability plan before January 31, 2021, to reflect the inclusion of the learning continuity and attendance plan in the 2021–22 annual update.

**SEC. 118.** The Commission on Teacher Credentialing may 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.

**SEC. 119.** Expenditures of moneys appropriated pursuant to Section 313 of Division M of the federal Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260) and Section 2001 of the federal American Rescue Plan Act (Public Law 117-2) shall not be considered school district or county office of education general fund expenditures for purposes of Section 17070.75 of the Education Code. This section supplements and does not supersede Section 16 of Chapter 413 of the Statutes of 2019, Section 99 of Chapter 24 of the Statutes of 2020, or Section 72 of Chapter 110 of the Statutes of 2020.

**SEC. 120.** (a) (1) The requirements of subdivision (a) of Section 44225 of, paragraph (3) of subdivision (b) of Section 44259 of, and Section 44320.2 of, the Education Code, and any accompanying regulations, for preliminary multiple subject credential candidates and preliminary single subject credential candidates to complete a teaching performance assessment are suspended for candidates whose program of professional preparation verifies that, during the 2021–22 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by schoolsite closures related to COVID-19.

(B) The candidate was in the process of completing the teaching performance assessment.

(C) The candidate was unable to complete the teaching performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary teaching credential requirements.

(2) A candidate for whom the teaching performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a teaching performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear teaching credential.

(b) (1) The requirement pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 80054 of Title 5 of the California Code of Regulations for preliminary administrative services credential

candidates to complete an administrator performance assessment is suspended for candidates whose administrator preparation program verifies that, during the 2021–22 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by COVID-19 related schoolsite closures.

(B) The candidate was in the process of completing an administrator performance assessment.

(C) The candidate was unable to complete the administrator performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary administrative services credential requirements.

(2) A candidate for whom the administrator performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass an administrator performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear administrative services credential.

(c) (1) The requirements in Sections 44283 and 44283.2 of the Education Code and paragraph (5) of subdivision (a) of Section 80048.3 of, paragraph (5) of subdivision (a) of Section 80048.8 of, Section 80071.5 of, and paragraph (4) of subdivision (a) of Section 80413 of Title 5 of the California Code of Regulations for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete a reading instruction competence assessment are suspended for candidates who, between March 19, 2020, and December 31, 2021, are unable to complete a reading instruction competence assessment due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete a reading instruction competence assessment due to testing center closures or capacity issues related to COVID-19.

(2) A candidate for whom the reading instruction competence assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a reading instruction competence assessment approved by the Commission on Teacher Credentialing before being recommended for a clear credential.

(d) (1) The requirement in paragraph (1) of subdivision (f) of Section 44252 of the Education Code and any accompanying regulations for credential program applicants to complete the basic skills proficiency test before admission to a credential program approved by the Commission on Teacher Credentialing is suspended for applicants who, between March 19, 2020, and December 31, 2021, are unable to complete the basic skills proficiency test due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete the basic skills proficiency test due to testing center closures or capacity issues related to COVID-19.

(2) An applicant for whom the basic skills proficiency test requirement is suspended pursuant to paragraph (1) shall complete the basic skills proficiency test during the credential program before recommendation for a preliminary credential. Any use of an applicant's basic skills proficiency test scores by a credential program shall be consistent with subdivision (f) of Section 44252 of the Education Code.

(e) (1) The requirement in subdivision (a) of Section 44453 of the Education Code and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination before admission to a university intern credential program, and the requirement in paragraph (3) of subdivision (c) of Section 44325 of the Education Code and any accompanying regulations for applicants for a university or district intern credential to complete a subject matter examination, are suspended for applicants who, between March 19, 2020, and December 31, 2021, are unable to complete a subject matter examination due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete a subject matter examination due to testing center closures or capacity issues related to COVID-19.

(2) An applicant for whom the subject matter examination requirement is suspended pursuant to paragraph (1) shall complete a subject matter examination before being recommended for a preliminary credential. Notwithstanding the requirement in Section 44326 of the Education Code that a district intern teach only in the subject area for which the intern has met the subject matter requirement, a district intern for whom the subject matter examination requirement is suspended pursuant to paragraph (1) may teach in the subject area for which the intern has enrolled.

**SEC. 121.** (a) Notwithstanding Section 60640 of the Education Code or any other law that relies upon the administration of assessments set forth in Section 60640 of the Education Code, all of the following shall apply:

(1) A local educational agency shall administer an assessment in English language arts and in mathematics to all pupils in grades 3 to 8, inclusive, and grade 11 in the 2020–21 school year designed to measure academic progress and performance that are aligned to the common core academic content standards.

(2) A local educational agency may administer the California Science Test in the 2020–21 school year, subject to Section 6311 of Title 20 of the United States Code.

(3) A local educational agency shall only administer the California Alternate Assessments in English language arts, mathematics, and science if they can be administered in person subject to state and local health and safety guidelines.

(b) In administering any assessment described in subdivision (a), the local educational agency shall ensure that the same assessment is administered across a single grade, grade span, school, or district.

(c) Notwithstanding subdivision (c) of Section 60641 of the Education Code or any other law, all of the following shall apply to the reporting of the results of any assessments administered pursuant to subdivision (a):

(1) The local educational agency shall provide the results to the parent or guardian of the pupil and educators employed by the local educational agency within 30 days of a pupil completing the assessment.

(2) The local educational agency shall provide to the department assessment results by school and district level and disaggregated by pupil subgroup, except in cases where there are 10 or fewer individual pupil results, in the manner and form prescribed by the department.

(3) The local educational agency shall publish the results in the school accountability report card and the local educational agency accountability report card.

(d) For purposes of apportionment pursuant to paragraph (1) of subdivision (l) of Section 60640 of the Education Code, local educational agencies shall be reimbursed for pupils who are administered standards-aligned assessments in English language arts or mathematics pursuant to subdivision (a) in place of the California Assessment of Student Performance and Progress summative assessments at the rate approved by the State Board of Education for pupils who are exempted from the test. For all other California Assessment of Student Performance and Progress summative assessments administered in the 2020–21 school year, local educational agencies shall be reimbursed pursuant to subdivision (l) of Section 60640 of the Education Code.

**SEC. 122.** (a) For the 2021–22 school year, technical assistance provided pursuant to Sections 47607.3, 52071, and 52071.5 of the Education Code shall, at a minimum, include an analysis of all of the following:

(1) The local educational agency's implementation of the plan it adopted pursuant to subdivision (e) of Section 43522 of the Education Code, including the related supplemental instruction and support strategies provided to, at a minimum, the pupil groups set forth in subdivision (a) of Section 43522 of the Education Code.

(2) The results of assessments administered in the 2020–21 school year.

(3) Local indicator data collected from the 2020–21 school year, including, at a minimum, results from school climate surveys, course access data, and teacher assignment information based on data published by the State Department of Education.

(4) Pupil engagement, with a focus on locally collected data on pupil classroom attendance and engagement in the 2021–22 school year, especially for pupils who lacked access and had lower levels of engagement during the 2020–21 school year.

(5) Data on annual individualized education program meetings, and assessments for eligibility for special education services.

(6) Implementation of integrated and designated English language development instruction.

(b) The results of the analysis conducted pursuant to subdivision (a) shall inform technical assistance focused on building capacity to develop and implement actions and services responsive to pupil and community needs.

**SEC. 123.** (a) Notwithstanding subdivision (f) of Section 52064.5 of the Education Code, the State Department of Education shall not publish the California School Dashboard in December 2021 based on performance data on

the state and local indicators included in the evaluation rubrics adopted by the State Board of Education.

(b) Notwithstanding Section 60630 of the Education Code, the State Department of Education shall publish any valid and reliable data collected through the California Longitudinal Pupil Achievement Data System or through the collection of local indicator data pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4 of Title 2 of the Education Code that would have been included in the 2021 California School Dashboard on the DataQuest internet website or by other means.

(c) Notwithstanding Section 52064.5 of the Education Code or any other law, the State Department of Education shall not identify local educational agencies in the 2021–22 school year for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code. A local educational agency identified for technical assistance or intervention based on the 2019 California School Dashboard shall retain that identification until the release of the 2022 California School Dashboard.

(d) For purposes of identifying local educational agencies for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code in December 2022, the State Department of Education shall use performance data on the state and local indicators using data from the 2021–22 school year. For purposes of identifying local educational agencies pursuant to Section 52072 of the Education Code, notwithstanding subdivision (b) of paragraph (1) of Section 52072 of the Education Code, the State Department of Education shall do each of the following:

(1) In December 2022, use performance data on the state and local indicators from the 2017, 2018, 2019, and 2022 California School Dashboards.

(2) In December 2023, use performance data on the state and local indicators from the 2018, 2019, 2022, and 2023 California School Dashboards.

(3) In December 2024, use performance data on the state and local indicators from the 2019, 2022, 2023, and 2024 California School Dashboards.

**SEC. 124.** (a) On or before November 30, 2021, the State Board of Education shall adopt a one-time supplement template to the annual update to the 2021–22 local control and accountability plan. The supplement template shall require all of the following information from local educational agencies:

(1) A description of how and when the local educational agency’s stakeholders were engaged on the use of funds provided in the Budget Act of 2021 that were not included in its local control and accountability plan adopted on July 1, 2021.

(2) (A) A description of how the additional concentration grant add-on received pursuant to Section 42238.02 of the Education Code, as amended by this act, was used by the local educational agency to increase the number of certificated staff, classified staff, or both, including custodial staff, who provide direct services to pupils on school campuses, or the location of the actions related to these funds in its 2021–22 local control and accountability plan.

(B) Notwithstanding Section 52064 of the Education Code, actions related to this description shall be added to the summary tables for the purposes of the annual update to the 2021–22 local control and accountability plan.

(3) A description of how and when the local educational agency’s stakeholders were engaged on the use of one-time federal funds intended to support recovery from the COVID-19 pandemic and the impacts of distance learning on pupils.

(4) An update on the implementation of the federal American Rescue Plan Act of 2021 (Public Law 117-2) and federal Elementary and Secondary School Emergency Relief (ESSER) expenditure plan, including successes and challenges.

(5) A description of how the 2021–22 school year fiscal resources are being used consistent with the applicable plans and aligned with the local educational agency’s 2021–22 local control and accountability plan.

(b) The template for the supplement developed pursuant to subdivision (a) shall, to the greatest extent practicable, use language that is understandable and accessible to parents.

(c) In developing the template, the State Board of Education shall not require local educational agencies to provide any information in addition to the information required pursuant to subdivision (a) and shall establish reasonable word or character limits for the information required, as appropriate.

(d) The supplement filed by the governing board of a school district with a county superintendent of schools, or filed by a county board of education with the Superintendent of Public Instruction, shall be approved by the county superintendent of schools or the Superintendent of Public Instruction, as applicable, if it adheres to the template adopted by the State Board of Education pursuant to subdivision (a) and follows any instructions or directions for completing the template developed by the State Board of Education.

(e) For the annual update to the 2021–22 local control and accountability plan required pursuant to Section 52061 of the Education Code, all of the following applies:

(1) The local educational agency shall present an update on the annual update to the 2021–22 local control and accountability plan and budget overview for parents on or before February 28, 2022, at a regularly scheduled meeting of the governing board or body of the local educational agency.

(2) The update shall include all of the following:

(A) The supplement to the annual update required by subdivision (a).

(B) All available mid-year outcome data related to metrics identified in the 2021–22 local control and accountability plan.

(C) Mid-year expenditure and implementation data on all actions identified in the 2021–22 local control and accountability plan.

(3) The supplement shall be considered part of the 2022–23 local control and accountability plan for the purposes of adoption, review, and approval pursuant to Sections 47604.33, 52062, 52065, 52070, 52065, 52068, and 52070.5 of, and subdivision (e) of Section 47606.5 of, the Education Code.

**SEC. 125.** The Legislature finds and declares that Sections 7902.1, 7902.2, 7906, 7907, and 7908 of the Government Code do not require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution because these sections are necessary to implement the appropriations limit established by the voters by Proposition 4 at the November 6, 1979, statewide general election and amended by Proposition 111 at the June 5, 1990, statewide primary election.

**SEC. 126.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 127.** (a) The Legislature finds and declares all of the following:

(1) Technical assistance provided to a local educational agency is an essential function to ensure that sufficient attention is given to the conditions necessary to improve pupil outcomes.

(2) Continuous improvement is a foundational element of the state’s accountability system.

(3) The state has offered technical assistance to local educational agencies for the past five years, and learning from these efforts to assist in the continuous improvement of the system is critical.

(b) For the 2021–22 fiscal year, the sum of four hundred thousand dollars (\$400,000) is hereby appropriated from the General Fund to the State Department of Education to, no later than October 1, 2021, in consultation with the California Collaborative for Educational Excellence and the executive director of the State Board of Education, and subject to the approval of the executive director of the State Board of Education, issue a request for proposals and contract for an independent evaluation of technical assistance provided pursuant to Sections 47607.3, 52071, and 52071.5 of the Education Code.

(c) The evaluation conducted pursuant to subdivision (b) shall include, but not be limited to, an examination of the state’s current accountability structures for technical assistance and intervention based on implementation beginning in the 2017–2018 school year, and recommendations regarding improvements in all of the following areas:

(1) Delivering support to address needs identified by the California School Dashboard and other relevant federal, state and locally collected data.

(2) Improving pupil outcomes, including those measured by state and federal accountability systems.

(3) Improving the linkages between the California School Dashboard, technical assistance and intervention, and local control and accountability plans.

(4) Aligning state and federal accountability, compliance, and support systems.

(5) Identifying strategies and challenges for funding and supports in the current model and any recommended models.

(d) The evaluation shall include input from a diverse group of stakeholders, including, but not limited to, county, school district, and charter school administrators, school board members, members of governing bodies of charter schools, teachers, noncertificated staff, and parents and guardians of pupils enrolled in public schools.

(e) On or before October 1, 2022, the Superintendent of Public Instruction shall provide the evaluation report to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, and the Director of Finance.

**SEC. 128.** Notwithstanding any other law, the funds appropriated pursuant to Items 6100-158-0001 and 6100-161-0001 of Section 2.00 of the Budget Act of 2019 (Chapters 23 and 55 of the Statutes of 2019) shall be available for encumbrance until July 30, 2022.

**SEC. 129.** (a) For the 2021–22 fiscal year, the sum of one hundred twenty-five million dollars (\$125,000,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing for the California Classified School Employee Teacher Credentialing Program, pursuant to Section 44393 of the Education Code. This funding shall be available for encumbrance until June 30, 2026.

(b) (1) A grant to a local educational agency shall not exceed twenty-four thousand dollars (\$24,000) over five years per participant teacher candidate.

(2) A local educational agency receiving a grant shall not use more than 10 percent of a grant award for program administration costs.

(c) The Commission on Teacher Credentialing shall do both of the following:

(1) Allocate grants for at least 5,208 new participants.

(2) Give priority to a local educational agency that meets any of the following:

(A) Has not previously received funding pursuant to Section 44393 of the Education Code.

(B) Has a higher share than other applicants of unduplicated pupils as defined in Section 42238.02 of the Education Code.

(C) Notwithstanding eligibility requirements pursuant to Section 44393 of the Education Code, has a plan to create a new, or expand an existing, program that recruits and supports expanding learning and preschool program staff and address kindergarten and early childhood education teacher shortages.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 130.** (a) For the 2021–22 fiscal year, the sum of seven hundred eight thousand dollars (\$708,000) is hereby appropriated from the General Fund to the State Department of Education for allocation to the Fresno County Office of Education for purposes of reducing the outstanding balance of the minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2013–14 fiscal year.

(b) (1) These funds shall be available for encumbrance through June 30, 2024, for the Fresno County Office of Education to continue to administer the statewide early math initiative established by Provision 3 of Item 6100-195-0890 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018) consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code.

(2) These funds shall supplement the funds allocated pursuant to Provision 1 of Item 6100-488 of the Budget Act of 2021.

(c) The State Department of Education shall complete the transfer of funds to the Fresno County Office of Education on or before December 1, 2021.

(d) For purposes of Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2013–14 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

**SEC. 131.** (a) The sum of thirty-six million nine hundred sixty-six thousand dollars (\$36,966,000) is hereby appropriated from the General Fund to the State Department of Education for the Fresno County Office of Education to continue to administer the statewide early math initiative established by Provision 3 of Item 6100-195-0890 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018) consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2024.

(b) The State Department of Education shall complete the transfer of funds to the Fresno County Office of Education on or before December 1, 2021.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 132.** (a) For the 2021–22 fiscal year, the sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the State Department of Education to provide professional development and resources to support local educational agencies offering new and expanded ethnic studies courses.

(b) (1) The State Department of Education, in collaboration with, and subject to the approval of, the executive director of the State Board of Education, shall enter into a contract with a county office of education or consortium of county offices of education for purposes specified in subdivision (a).

(2) When performing the activities specified in subdivision (c), the contracted county office of education or consortium of county offices of education may enter into appropriate contracts for support and services.

(c) Funds appropriated in subdivision (a) shall be used for both of the following:

(1) To provide professional development and regional training for teachers, administrators, and paraprofessionals to support creation or expansion of ethnic studies course offerings, including, but not limited to, courses that use the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code as a guide.

(2) To provide access to an online repository of resources to support ethnic studies courses. This includes the collection and review of materials to be made available for educators to use in implementing the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code.

(d) Professional learning provided pursuant to this section shall be content focused, incorporate active learning, support collaboration, use models of effective practice, provide coaching and expert support, offer feedback and reflection, and be of sustained duration.

(e) (1) For the 2021–22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to school districts, county offices of education, charter schools, and state special schools serving pupils in grades 9 to 12, inclusive. Funds shall be allocated on a per-pupil basis to support the creation or expansion of ethnic studies course offerings.

(2) Funds appropriated in paragraph (1) may be used to support curriculum and instructional resources, professional development, or other activities that support the creation or expansion of ethnic studies course offerings, including, but not limited to, courses that use the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code as a guide.

(3) The allocation of funds pursuant to paragraph (1) of this subdivision is contingent upon the enactment of Assembly Bill 101 of the 2021–22 Regular Session.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivisions (a) and (e) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 133.** (a) The sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis to augment an existing contract, in consultation with the executive director of the State Board of Education, to perform the following activities from July 1, 2021, to June 30, 2024, inclusive:

(1) Provide training for local educational agencies on interpreting data from their local school climate survey tool, including subgroup and longitudinal data, and using responses collected from school climate surveys of pupils, families, and educators to inform continuous improvement efforts and better assess community needs stemming from the COVID-19 pandemic and distance learning.

(2) Develop an optional trauma-informed practice module, in consultation with an expert panel selected by the State Department of Education and the executive director of the State Board of Education, that shall include, but not be limited to, representatives from the Sonoma and Fresno County Offices of Education, 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.

(b) The State Department of Education, in consultation with the executive director of the State Board of Education, shall evaluate the contractor’s success in performing the activities specified in paragraphs (1) and (2) of subdivision (a). The contractor shall provide data on the number of local educational agencies trained or assisted pursuant to paragraph (1) of subdivision (a) and an analysis of the impact of the work.

**SEC. 134.** (a) For the 2021–22 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the General Fund to the State Department of Education for both of the following purposes:

(1) To support identifying standardized items for local educational agencies to use as part of the school climate survey for pupils pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and to be reported through the California School Dashboard pursuant to Section 52064.5 of the Education Code.

(2) To support evaluating the feasibility of developing standardized items for surveys of parents, teachers, and other school staff required pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and assessing how those standardized survey items and other data could support strengthening the local indicators included in the California School Dashboard pursuant to Section 52064.5 of the Education Code.

(b) For the purposes specified in subdivision (a), the State Department of Education, in collaboration with, and subject to the approval of, the executive director of the State Board of Education, shall enter into contracts with a local educational agency no later than October 1, 2021, which may include authorization to enter into subcontracts for support and services, as necessary.

(c) The contractor shall provide a report to the State Department of Education and the executive director of the State Board of Education on both of the following:

(1) The identified standardized items.

(2) An analysis of the feasibility of developing a set of standardized items for surveys of parents, teachers, and other school staff required pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and an assessment of how those items could strengthen the local indicators in the California School Dashboard.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 135.** (a) For the 2021–22 fiscal year, the sum of three million one hundred thousand dollars (\$3,100,000) is hereby appropriated from the General Fund to the State Department of Education for the purpose set forth in subdivision (b).

(b) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (a) to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project.

(c) Commencing with the 2022–23 fiscal year, the sum of three million nine hundred twenty thousand dollars (\$3,920,000) shall be continuously appropriated each fiscal year, without regard to fiscal years, from the General Fund to the State Department of Education for the purposes set forth in subdivision (d).

(d) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (c) to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for maintenance and operations support for the Standardized Account Code Structure system.

(e) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021–22 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (c) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the fiscal year in which they are appropriated, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the fiscal year in which they are appropriated.

**SEC. 136.** For the 2021–22 fiscal year, the sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the State Department of Education. The Superintendent of Public Instruction shall allocate these funds to the Special Olympics of Northern and Southern California for purposes of supporting the Unified Champion Schools Program, the Healthy Athletes Program, and the Community Sports Program. This funding shall be available for encumbrance until June 30, 2024.

**SEC. 137.** (a) (1) The sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the State Department of Education for the following purposes:

(A) Of this amount, at least twenty-five million dollars (\$25,000,000) shall be used to cover National Board for Professional Teaching Standards Certification fees for first-time candidates.

(B) The remainder of the funds shall be used to award grants pursuant to the National Board for Professional Teaching Standards Certification Incentive Program established pursuant to Section 44395 of the Education Code.

(2) The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2026.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 138.** (a) For the 2021–22 fiscal year, the sum of one hundred fifty million dollars (\$150,000,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivisions (b) and (c).

(b) (1) Of the amount appropriated in subdivision (a), one hundred twenty million dollars (\$120,000,000) shall be available for allocation to local educational agencies to expend on kitchen infrastructure upgrades that will increase pupil access to, or improve the quality of, fresh and nutritious school meals.

(2) Each local educational agency shall receive a base allocation of twenty-five thousand dollars (\$25,000).

(3) (A) After allocations are made pursuant to paragraph (2), the remaining funds shall be allocated to local educational agencies with pupil populations that are at least fifty percent eligible for free and reduced-price meals.

(B) Allocation of funds pursuant to subparagraph (A) shall be proportionate based on a local educational agency's total enrollment of pupils who are eligible for free and reduced-price meals.

(4) Allowable uses of funds allocated pursuant to paragraphs (2) and (3) include all of the following:

(A) Cooking equipment, including, but not limited to, combination ovens, steamers, or tilting skillets.

(B) Service equipment, including, but not limited to, service lines, point-of-sale systems, or mobile carts.

(C) Refrigeration and storage, including, but not limited to, walk-in refrigerators, freezers, or blast chillers.

(D) Transportation of ingredients, meals, and equipment between sites, including, but not limited to, vehicles and equipment to prevent spoilage of food in transit.

(5) (A) As a condition of receiving funding pursuant to paragraphs (2) and (3), each local educational agency shall report to the State Department of Education on or before June 30, 2022, how it used the funding to improve the quality of school meals or increase participation in subsidized school meal programs.

(B) The State Department of Education shall develop forms that shall be used by local educational agencies to comply with subparagraph (A).

(c) (1) Of the amount appropriated in subdivision (a), thirty million dollars (\$30,000,000) shall be available for the State Department of Education to apportion funds to local educational agencies based on the number of classified school employees employed by the local educational agency in the immediately preceding fiscal year.

(2) A local educational agency shall expend funds received pursuant to this section for food service staff to receive training on promoting nutritious foods, which may include training on food preparation, healthy food marketing, and changing the school lunchroom environment.

(3) Notwithstanding paragraph (1), each local educational agency shall receive a minimum allocation of two thousand dollars (\$2,000).

(d) For purposes of this section, the following definitions apply:

(1) "Classified school employee" means a person employed on a full-time or part-time basis as a classified school employee by a local educational agency.

(2) "Local educational agency" means a school district, county office of education, or charter school.

(3) "Nutritious" means, at minimum, foods that align with the federal and state standards for meals served through the federal National School Lunch Program and the federal School Breakfast Program, and as further defined for purposes of Section 49531 of the Education Code.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 139.** (a) The sum of eighty-six million four hundred sixteen thousand dollars (\$86,416,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment to career technical education regional occupational centers or programs (ROCPs) operated by a joint powers authority in the 2021–22 fiscal year. Funding shall be allocated proportionally on the basis of the cumulative number of pupils that were enrolled in the ROCP in grades 9 to 12, inclusive, during the 2019–20 school year. Funds appropriated pursuant to this section shall be used from March 1, 2020, to June 30, 2023, inclusive.

(b) To be eligible for funding, career technical education ROCPs operated by a joint powers authority shall report to the Superintendent of Public Instruction no later than September 1, 2021, cumulative enrollment data by grade level for each pupil served during the 2019–20 school year in grades 9 to 12, inclusive, in the manner and

form requested by the State Department of Education, along with any verification documents requested by the State Department of Education. Failure to submit the required enrollment data or any verification documents requested by the State Department of Education by the September 1, 2021, deadline shall make a ROCP ineligible for funding under this section. Using the data submitted, the Superintendent of Public Instruction shall make the following computations to determine the amount of funding for each career technical education ROCP operated by a joint powers authority:

(1) Determine the total number of pupils enrolled in grades 9 to 12, inclusive, during the 2019–20 school year as reported pursuant to subdivision (b) for each ROCP.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils enrolled in grades 9 to 12, inclusive, in career technical education ROCPs operated by a joint powers authority in the 2019–20 fiscal year for purposes of this section.

(3) Calculate a per pupil grant amount by dividing the amount appropriated pursuant to subdivision (a) for purposes of this section by the total statewide number of pupils enrolled calculated in paragraph (2).

(4) Calculate the grant amount for each career technical education ROCP operated by a joint powers authority by multiplying the per pupil grant calculated in paragraph (3) by the total number of pupils enrolled in paragraph (1).

(5) The Superintendent of Public Instruction shall allocate the amount of funds calculated for each career technical education ROCP operated by a joint powers authority in paragraph (4), and allocate funding to all eligible recipients no later than December 30, 2021.

(c) This section does not require eligible ROCPs to apply for funding under this section.

(d) Funds apportioned under subdivision (b) may be used for any purposes consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, devices and connectivity, social and mental health support services provided in conjunction with in-person instruction, and costs associated with increases in the amount of instructional time provided to pupils.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

**SEC. 140.** (a) The sum of sixty million dollars (\$60,000,000) is hereby appropriated from the General Fund to the State Department of Education for the Classified School Employee Summer Assistance Program established pursuant to Section 45500 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2024.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 141.** (a) The sum of thirty million dollars (\$30,000,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivision (b).

(b) (1) Funds appropriated in subdivision (a) shall be allocated by the State Department of Education to county offices of education pursuant to the procedures set forth in subdivisions (a) and (e) of Section 42921 of the Education Code.

(2) Funds appropriated in subdivision (a) shall be used to provide direct services to foster youth, including, but not limited to, tutoring, mentoring, counseling, and direct interventions addressing reengagement, learning recovery, educational case management or advocacy, postsecondary preparation and matriculation, and the social and emotional needs of pupils in foster care enrolled in kindergarten or grades 1 to 12, inclusive.

(3) Of the funds appropriated in subdivision (a), at least five million dollars (\$5,000,000) shall be used to provide direct services to improve postsecondary education enrollment and outcomes, including, but not limited to, postsecondary preparation and matriculation.

(4) County offices of education may enter into contracts with community-based nonprofit organizations offering educational services and supports to foster youth to fulfill the requirements of this section.

(5) Funding appropriated in subdivision (a) shall be used to supplement and not supplant existing funding and the coordination of services.

(6) County offices of education using funds pursuant to paragraphs (2) and (3) shall not be subject to the requirements set forth in subparagraph (A) of paragraph (2) of subdivision (e) of Section 42921 of the Education Code.

(7) The State Department of Education shall require county offices of education to report publicly the number of foster youth served, services provided, and the amount of funding spent pursuant to this section.

(8) Funds appropriated in subdivision (a) shall be expended by June 30, 2023.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the amount appropriated by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 142.** (a) The sum of twenty-five million dollars (\$25,000,000) is hereby appropriated from the General Fund to the State Department of Education for the 21st Century School Leadership Academy established pursuant to Section 44690 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2026.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 143.** (a) For the 2021–22 fiscal year, the sum of fifteen million (\$15,000,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing for the Computer Science Supplementary Authorization Incentive Grant Program. This funding shall be available for encumbrance until June 30, 2026.

(b) The Computer Science Supplementary Authorization Incentive Grant Program is hereby established for the purpose of 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.

(c) The commission shall approve applications submitted by local educational agencies that meet the criteria established by the commission pursuant to paragraph (1) of subdivision (e). To the extent that funds are available, the commission shall allocate funds to participating local educational agencies for each approved application.

(d) A participating teacher is eligible to receive an award of up to two thousand five hundred dollars (\$2,500) from the Computer Science Supplementary Authorization Incentive Grant Program.

(e) The commission shall do all of the following:

(1) Establish grant criteria for local educational agencies.

(2) Issue a request for proposal to all local educational agencies to solicit applications for funding.

(3) Accept grant applications from participating local educational agencies until funds are fully expended.

(4) Review applications and verify that each proposed participant teacher holds a valid credential.

(5) Allocate grants to participating local educational agencies for the purpose of paying the teacher costs of coursework, books, fees, and tuition, as applicable.

(6) Give priority to grant applications for teachers that provide instruction at either of the following:

(A) A school operating within a rural district.

(B) A school with a higher share than other applicants of unduplicated pupils, as defined in Section 42238.02 of the Education Code.

(f) In selecting grant recipients, the commission shall require each applicant to, at a minimum, do all of the following:

(1) Identify the teachers employed by the local educational agency who have been selected to participate in the incentive grant program.

(2) Identify the number of coursework credits required for each selected teacher to earn a supplementary authorization in computer science.

(3) Provide an estimated cost for the required coursework, books, fees, tuition, and release time, as applicable.

(4) Provide a 100-percent match of grant funding in the form of one or both of the following:

(A) One dollar (\$1) for every one dollar (\$1) of grant funding received that is to be used in a manner consistent with allowable grant costs described in paragraph (3).

(B) An in-kind match of release time or substitute teacher costs for the participating teacher.

(5) Report to the Commission on Teacher Credentialing on or before August 30 of the second year after receiving a grant award the number of new computer science courses offered at the school being taught by a teacher who participated in the incentive grant program.

(g) The awards allocated pursuant to this section shall not be subject to local educational agency indirect costs.

(h) On or before April 1 of each year until the fiscal year following final disbursement of the grant funds, the Commission on Teacher Credentialing shall report to the fiscal committees of the Legislature, the Legislative Analyst's Office, and the Department of Finance on the program, including, but not limited to, the number of participating local educational agencies, the number of grants issued, the number of computer science supplementary authorizations issued, and the number of new computer science courses reported by grant recipients. The report shall be submitted in compliance with Section 9795 of the Government Code.

(i) For purposes of this section, "local educational agency" means a school district, county office of education, county superintendent of schools, state-operated education program, including a state special school, an education program providing instruction in kindergarten or any of grades 1 to 12, inclusive, that is offered by a state agency, including the Department of Youth and Community Restoration and the State Department of Developmental Services, or a regional occupational center or program operated by a joint powers authority or county office of education.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 144.** (a) The Legislature finds and declares all the following:

(1) Educators and pupils need access to high-quality online instructional materials to help reduce costs, provide equitable opportunities for pupils, and provide opportunities for the sharing of best practices and collaboration among staff.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include resources to help identify high-quality online instructional materials, such as free open-source materials and platforms, and provide a repository for local educational agencies and educators.

(b) On or before October 15, 2021, the State Department of Education and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, shall designate 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 pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The designated county office of education shall do all of the following:

(1) Develop a transparent process for vetting materials to ensure quality and alignment with state academic standards, which may include, but not be limited to, the creation of standardized rubrics for review of materials.

(2) Curate easy-to-use resources for local educational agencies and educators.

(3) Develop and maintain a repository of identified materials for use by local educational agencies and educators.

(4) Provide guidance and resources for local educational agencies and educators regarding implementation and use of open educational resources, including professional learning opportunities and opportunities for collaboration among peers.

(5) Report data to the California Collaborative for Educational Excellence to allow for an evaluation of the activities performed in increasing access and use of open educational resources by local educational agencies and educators.

(c) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for purposes of subdivision (b). This funding shall be available for encumbrance until June 30, 2024.

(d) On or before October 1, 2024, the California Collaborative for Educational Excellence, in consultation with the State Department of Education, shall evaluate and make recommendations to the Department of Finance, the executive director of the State Board of Education, and the appropriate fiscal and policy committees of the Legislature regarding the effectiveness of the online repository and resources developed pursuant to subdivision (b). The California Collaborative for Educational Excellence may enter into a contract with a nonprofit entity to conduct the evaluation and may withhold no more than 3 percent of the amount allocated pursuant to this section for this purpose.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated by subdivision (c) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

**SEC. 145.** (a) For the 2021–22 fiscal year, the sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction 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. Funds appropriated for this purpose are available through the 2025–26 fiscal year to provide grants consistent with subdivision (b).

(b) (1) The State Department of Education and the California Collaborative for Educational Excellence shall establish a process, administered by the State Department of Education, to select, subject to approval by the executive director of the State Board of Education, 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 pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The State Department of Education shall give positive consideration to applicants that propose partnerships with an institution of higher education, a nonprofit organization, or a consortium of institutes of higher education and nonprofit organizations.

(2) Professional learning opportunities under this grant may include, but are not limited to, professional development for all of the following:

(A) School leaders, including principals and teacher leaders, to lead evidence-based reading instruction for diverse learners, including early learners, English learners, pupils with disabilities, and pupils with dyslexia.

(B) Educators, including teachers and paraprofessionals, to develop knowledge and skills for appropriate use of screening strategies and evidence-based literacy instruction for diverse learners.

(C) Educators, including teachers and paraprofessionals, to implement intensive intervention strategies for pupils struggling with literacy, including tutoring and small group strategies, and strategies for target pupil groups.

(D) All educators to support the development of pupils' executive functioning skills.

(3) In developing the process for selecting grantees, the State Department of Education and the California Collaborative for Educational Excellence shall, to the greatest extent practicable, facilitate coordination among the grantees and other literacy initiatives, including, but not limited to, all of the following:

(A) The subject matter projects authorized pursuant to Article 1 (commencing with Section 99200) of Chapter 5 of Part 65 of Division 14 of Title 3 of the Education Code.

(B) Grantees of the 21st Century California School Leadership Academy authorized pursuant to Article 5 (Section 44690) of Chapter 3.1 of Part 25 of Division 3 of Title 2 of the Education Code.

(C) Grantees of the federal Comprehensive Literacy State Development Grant pursuant to Sections 2222 and 2223 of the federal Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. Secs. 6642 and 6643).

(D) The grantee selected subject to paragraph (2) of subdivision (b) of Section 84 of Chapter 51 of the Statutes of 2019.

(E) The California Dyslexia Initiative established pursuant to Section 119 of Chapter 24 of the Statutes of 2020.

(c) The California Collaborative for Educational Excellence, in consultation with the State Department of Education, shall evaluate the professional learning opportunities offered or funded pursuant to this section for their effectiveness, and may require reporting from grantees to complete this evaluation. The grantees shall participate in the evaluation coordinated by the California Collaborative for Educational Excellence. The California Collaborative for Educational Excellence may withhold no more than two hundred thousand dollars (\$200,000) of the amount appropriated in subdivision (a) for this purpose.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 146.** The sum of five million two hundred thousand dollars (\$5,200,000) is hereby appropriated from the General Fund to the Controller for allocation to the State Department of Education for the Broadband Infrastructure Grant Program and shall be expended for identified broadband connectivity solutions pursuant to subdivision (b) of Section 83 of Chapter 51 of the Statutes of 2019. Notwithstanding Section 16304 of the Government Code, this funding shall be available for encumbrance until June 30, 2024.

**SEC. 147.** Commencing with the 2021–22 fiscal year, the Superintendent of Public Instruction shall add three million five hundred thousand dollars (\$3,500,000) to the amount to be apportioned pursuant to Sections 42238.02 and 42238.03 of the Education Code to the San Francisco Unified School District. These funds shall be made available for the San Francisco Unified School District to contract with 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.

**SEC. 148.** (a) The sum of two million four hundred two thousand dollars (\$2,402,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils.

(b) Of the funds appropriated in subdivision (a), one million eight hundred two thousand dollars (\$1,802,000) is available to develop online training content for teachers and other certificated staff. In developing the online training, the State Department of Education shall work in partnership with consultants who are experts in media marketing, video communications, teacher and staff training, and youth education to ensure the training is sufficiently engaging and interactive, and requires the sustained input and participation of the trainee.

(c) Training developed pursuant to this section shall be tailored to reach teachers and other certificated employees who may not have a background in LGBTQ+ cultural competency, and be crafted in consultation with the advisory committee established in Provision 49 of Item 6100-001-0001 of Section 2.00 of the Budget Act of 2021. At a minimum, the training shall include information on all of the following topics:

(1) The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.

(2) Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.

(3) The provision of targeted support services to LGBTQ+ youth, including counseling services.

(4) Requirements regarding school antibullying and harassment policies, and complaint procedures.

(5) Requirements regarding suicide prevention policies and related procedures.

(6) Requirements regarding policies relating to use of school facilities, including, but not limited to, bathrooms and locker rooms.

(7) Requirements regarding policies and procedures to protect the privacy of LGBTQ+ pupils.

(8) The importance of identifying local, community-based organizations that provide support to LGBTQ+ youth.

(9) The importance of identifying local physical and mental health providers with experience in treating and supporting LGBTQ+ youth.

(10) The formation of peer support or affinity clubs and organizations.

(11) The importance of school staff who have received antibias or other training aimed at supporting LGBTQ+ youth.

(12) Health and other curriculum materials that are inclusive of, and relevant to, LGBTQ+ youth.

(d) Of the funds appropriated in subdivision (a), six hundred thousand dollars (\$600,000) is available for the State Department of Education to develop an online platform for the training developed pursuant to this section that meets all of the following criteria:

(1) Be able to track trainee usage and participation for the purpose of compliance on both the local level and on an aggregate statewide basis.

(2) Be able to assess trainee knowledge before and after training in order to measure outcomes.

(3) Be highly interactive by requiring the sustained input and participation of the trainee.

(e) When performing the activities described in this section, the State Department of Education may enter into appropriate contracts for the provision of support and services, as necessary.

**SEC. 149.** (a) For the 2021–22 fiscal year, the sum of ten million five hundred thousand dollars (\$10,500,000) is hereby appropriated from the Coronavirus Fiscal Recovery Fund to the Superintendent of Public Instruction to be allocated to the California Interscholastic Federation (CIF). These funds shall be available for encumbrance or expenditure until June 30, 2022.

(b) The funds appropriated in subdivision (a) shall be used to support the expenses associated with either the CIF State or ten CIF Section offices that have experienced significant revenue reductions in the 2020–21 fiscal year as a result of closures and cancellations due to the COVID-19 pandemic. Funds may also be used for state and section-based student-athlete scholarships, championship costs, dues or sports fees, marketing costs, legal and insurance expenses, and operating costs.

**SEC. 150.** (a) On or before June 30, 2022, an amount to be determined by the Director of Finance shall be appropriated from the General Fund to the Superintendent of Public Instruction in augmentation of Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2021.

(b) The funds appropriated in subdivision (a) shall only be available to the extent that revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and

34188 of the Health and Safety Code are less than the estimated amount reflected in the Budget Act of 2021, as determined by the Director of Finance.

(c) On or before June 30, 2022, the Director of Finance shall determine if the revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code exceed the estimated amount reflected in the Budget Act of 2021 and shall reduce Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2021 by the amount of that excess.

(d) In making the determinations pursuant to subdivisions (b) and (c), the Director of Finance shall consider any other local property tax revenues collected in excess or in deficit of the estimated amounts reflected in the Budget Act of 2021.

(e) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, of the Director of Finance's intent to notify the Controller of the necessity to release funds appropriated in subdivision (a) or to make the reduction pursuant to subdivision (c), and the amount needed to address the property tax shortfall determined pursuant to subdivision (b) or the amount of the reduction made pursuant to subdivision (c). The Controller shall make the funds available pursuant to subdivision (a) not sooner than five days after this notification and the State Department of Education shall work with the Controller to allocate these funds to local educational agencies as soon as practicable.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021-22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021-22 fiscal year.

**SEC. 151.** (a) For the 2021-22 fiscal year, the sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to 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.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020-21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020-21 fiscal year.

**SEC. 152.** (a) The Legislature finds and declares all of the following:

(1) Early studies suggest that school closures and distance learning resulting from the COVID-19 pandemic have caused learning lags for pupils in both English language arts and mathematics, and that these lags are larger for pupils from socioeconomically disadvantaged households, pupils with disabilities, and Latinx pupils.

(2) California educators and providers of professional development must have access to the latest research and techniques to accelerate learning through evidence-based approaches and classroom practices, particularly in core academic subjects.

(3) Investment in professional learning infrastructure is needed to implement evidence-based intensive interventions to promote learning acceleration and address academic needs that have resulted from the COVID-19 pandemic.

(b) For the 2021-22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to the California Collaborative for Educational Excellence to administer, in partnership with selected county offices of education, evidence-based professional education for educators that can support learning acceleration for California's diverse pupil population, particularly in mathematics, literacy, and language development.

(c) On or before November 1, 2021, the California Collaborative for Educational Excellence, with the approval of the executive director of the State Board of Education, shall create an application process and administration plan for the selection of grant recipients under the program. Administration of these funds shall include providing

program oversight and technical assistance to grantees selected pursuant to this section. The California Collaborative for Educational Excellence may retain up to five million dollars (\$5,000,000) of the appropriation in subdivision (b) for grant administration and professional learning development, coordination, and execution. Up to seven hundred fifty thousand dollars (\$750,000) of the amount retained shall be made available to reimburse the Marin County Office of Education, the administrative agent of the California Collaborative for Educational Excellence, for costs associated with the administration of this program.

(d) The executive director of the California Collaborative for Educational Excellence shall award, subject to the approval of the executive director of the State Board of Education, grants to county offices of education to help establish a statewide professional development infrastructure to expand the use of evidence-based accelerated learning strategies, and shall give priority to grant funding based on the following:

(1) Applicants who commit to coordinate and partner with institutions of higher education, nonprofit organizations with expertise in learning acceleration, another county office of education or consortia of county offices of education, or any combination of those entities, to disseminate regional or statewide professional learning to address pupils' learning needs by accelerating progress in the areas of mathematics, literacy, and language development.

(2) Applicants with a demonstrated ability to provide professional development to credentialed or certificated staff.

(3) Applicants with an understanding of the latest evidence to address learning recovery and acceleration.

(4) Applicants with a plan for sustaining the provision of professional development after grant expiration.

(e) Grant funding may be used for the following purposes:

(1) Developing or expanding existing evidence-based professional development opportunities or guidance for educators and administrators to address pupils' learning recovery and acceleration, with consideration of the needs of high-need pupils, including low-income pupils, English learners, and pupils with disabilities.

(2) Providing professional development to educators in alignment with knowledge of best practices for professional learning.

(f) Grant recipients shall commit to doing all of the following:

(1) Partnering with the California Collaborative for Educational Excellence to provide regional or statewide, or both regional and statewide, evidence-based professional development to accelerate learning.

(2) Providing program data, in the manner and form requested, to the California Collaborative for Educational Excellence.

(3) Participating in overall program evaluation.

(g) For the purposes of this section, "accelerated learning strategies" are those designed to meet pupils where they are in their learning and use evidence-based approaches to enable pupils to make strong and rapid progress in their mastery of knowledge and skills. These strategies may include individual or small group tutoring or whole class instruction using well-grounded methods with scaffolding and differentiation that meet pupils' specific needs.

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 153.** (a) (1) The sum of eighty million dollars (\$80,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment to county offices of education in the 2021–22 fiscal year. Funding shall be allocated proportionally based on county office of education average daily attendance as of the 2019–20 second principal apportionment certification. Funds appropriated pursuant to this section shall be available for expenditure until June 30, 2023.

(2) For purposes of this section, the calculation in paragraph (1) shall include 2019–20 average daily attendance for pupils attending the following schools operated by county offices of education and charter schools established

pursuant to Section 47605.5 of the Education Code:

(A) County community schools established pursuant to Chapter 6.5 (commencing with Section 1981) of Part 2 of Division 1 of Title 1 of the Education Code.

(B) Juvenile court schools established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27 of Division 4 of Title 2 of the Education Code.

(b) Funds allocated under subdivision (a) may be used for any purposes consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, devices and connectivity, social and mental health support services provided in conjunction with in-person instruction, and costs associated with increases in the amount of instructional time provided to pupils.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 154.** (a) The sum of one million seven hundred thousand dollars (\$1,700,000) is hereby appropriated from the General Fund 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 established by, and pursuant to, Section 45 of Chapter 29 of the Statutes of 2016. The Commission on Teacher Credentialing shall complete the transfer of funds to the Tulare County Office of Education on or before December 1, 2021.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 155.** (a) The sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and Holocaust education to perform the following activities from July 1, 2021, to June 30, 2024, inclusive:

(1) Develop and provide curriculum resources related to genocide and Holocaust education.

(2) Provide professional development, including educator trainings, on genocide and Holocaust education.

(b) Of the amount appropriated in subdivision (a), no more than 10 percent shall be available for reimbursement to the Marin County Office of Education for activities fulfilled pursuant to this section.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 156.** (a) Contingent upon the enactment of legislation during the 2021–22 Regular Session of the State Legislature prescribing the process for the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, the sum of one million two hundred thousand dollars (\$1,200,000) shall be appropriated from the General Fund to the Superintendent of Public Instruction to support the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school

districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 157.** (a) For the 2021–22 fiscal year, the sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to establish the Antibias Education Grant Program in the manner and for the purpose set forth in this section.

(b) The Antibias Education Grant Program is hereby established for purposes of preventing, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people.

(c) (1) For the 2021–22 fiscal year, the Superintendent of Public Instruction shall award a minimum of 50 grants to local educational agencies. A local educational agency shall not receive a grant under this subdivision of less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(2) The State Department of Education shall develop an application and criteria a local educational agency must meet to receive funding. A local educational agency that applies for funds shall, at a minimum, demonstrate a need for additional antibias education and training, and describe how the funds will be used.

(3) (A) A grant award under this subdivision shall be known as an Antibias Education Grant. An Antibias Education Grant shall be used for training and resources to prevent and address bias or prejudice toward any group of people based on race, ethnicity, religion, gender, gender identity, sexual orientation, disability, immigration status, language, or any actual or perceived characteristic listed in Section 422.55 of the Penal Code. Emphasis shall be on preventing anti-Semitism and bias or prejudice toward groups, including, but not limited to, African Americans, Asian-Pacific Islanders, Latinos, and people who are lesbian, gay, bisexual, transgender, or questioning youth.

(B) Eligible activities for an Antibias Education Grant may include, but are not limited to, any of the following:

(i) Professional development on topics that address hate, bigotry, racism, or any form of bias or prejudice, including, but not limited to, classroom management techniques, self-regulation, and strategies designed to increase teachers' skills for managing pupils in academic and disciplinary settings.

(ii) Opportunities for teachers, administrators, pupils, other school staff, and members of the governing board or body of the local educational agency to review policies, practices, and procedures that can promote bias, such as referrals for discipline, special education, and course placement, and to update those policies, practices, and procedures to foster in pupils a sense of belonging and connection.

(iii) The development of a comprehensive diversity plan based on the identified needs of the local educational agency using its data and tied to specific outcomes, such as increasing staff diversity or more racially proportionate pupil discipline referrals.

(iv) Curriculum that is appropriate for pupils in kindergarten or any of grades 1 to 12, inclusive, on topics that address hate, bigotry, racism, or any form of bias or prejudice.

(v) Support of pupil-initiated efforts to combat hate, bigotry, racism, or any form of bias or prejudice.

(C) Professional development and curriculum under this paragraph shall use evidence-based strategies, and may include, but are not limited to, those made available on the State Department of Education's internet website.

(d) On or before September 1, 2022, the State Department of Education shall submit a report to the appropriate budget and policy committees of the Legislature regarding the awarding of Antibias Education Grant Program funds, including, but not limited to, the number of awards, the award recipients, the amount of each award, and how funds will be used.

(e) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school

districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 158.** (a) The sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to administer the Dual Language Immersion Grant Program, which is hereby established, to expand access to quality dual language learning and foster languages that English learners bring to California's education system.

(b) (1) The State Department of Education shall award a minimum of 25 one-time Dual Language Immersion Grants over a period of three fiscal years of up to three hundred eighty thousand dollars (\$380,000) per grant to an eligible entity to expand or establish dual language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(2) The State Department of Education shall identify criteria for evaluation of applicants and awarding grants.

(3) When awarding a grant to an applicant proposing to establish a new dual language immersion program, the State Department of Education shall provide additional funding of up to twenty thousand dollars (\$20,000) over the amount of the grant award pursuant to paragraph (1).

(c) Applicants for a Dual Language Immersion Grant may include any of the following eligible entities that meet the criteria established pursuant to paragraph (2) of subdivision (b):

(1) A school.

(2) A school district.

(3) A county office of education.

(4) A charter school.

(5) Consortia composed of any of the entities described in paragraphs (1) to (4), inclusive.

(d) A Dual Language Immersion Grant shall be used for activities that directly support the development of dual language immersion programs, as described in paragraph (1) of subdivision (b), in elementary and secondary schools, including any of the following activities:

(1) Instructional materials and resources.

(2) Professional development for teachers and school administrators.

(3) Teacher recruitment.

(4) Development of instructional materials.

(5) Development of curriculum.

(6) Family and pupil outreach.

(e) On or before June 1, 2026, the State Department of Education shall submit a report to the appropriate budget and policy committees of the Legislature regarding outcomes resulting from the use of Dual Language Immersion Grant Program funds including, but not limited to, the number of awards, the award recipients, the amount of each award, and how funds were used.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 159.** (a) For the 2021–22 fiscal year, the Superintendent of Public Instruction shall add twenty-five million dollars (\$25,000,000) to the amount to be apportioned pursuant to Sections 2574 and 2575 of the Education Code to the Kern County Office of Education. These funds shall be made available 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.

(b) (1) Of the amount specified in subdivision (a), ten million dollars (\$10,000,000) is for the production and development of a series of instructional training videos, print resources, and toolkits for caregivers, youth, and educators that cover youth mental health and wellness skill sets.

(2) Of the amount specified in subdivision (a), fifteen million (\$15,000,000) is for direct compensation to educators for their participation in the completion of the instructional training video series.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 160.** (a) The sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis for allocation 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 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive, in a collaborative and equitable manner.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. The funds shall be appropriated in an equal amount per pupil using the following methodology:

(1) For each special education local plan area, determine the total number of pupils who are 3 to 22 years of age, inclusive, with exceptional needs enrolled in each member local educational agency using the greater of Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount appropriated in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each special education local plan area by multiplying the per pupil amount calculated in paragraph (3) by the total number of pupils with exceptional needs for the member local educational agency determined in paragraph (1).

(c) As a condition of receiving these funds, the special education local plan areas shall do all of the following:

(1) On or before October 1, 2021, develop and submit a plan to the Superintendent of Public Instruction detailing how they will support their member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities, including detailed proposed expenditure information broken down by eligible activity, the number, disabilities, and demographics of pupils proposed to be served, and any other information required by the State Department of Education.

(2) Support member local educational agencies in activities required by subdivision (d).

(3) On or before September 13, 2021, each special education local plan area shall allocate 80 percent of the amount received pursuant to subdivision (b) proportionally to their member local educational agencies using the greater of the member's Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(d) Funds allocated pursuant to paragraph (3) of subdivision (c) shall be used by the local educational agencies in collaboration with their special education local plan area to support all of the following:

(1) Early intervention to promote collaboration and positive relationships between families and schools and to prevent disputes through proactive communication, collaborative problem solving, and parent support activities, including, but not limited to, parent education regarding special education processes and rights under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), parent peer support, language access

provided as a supplement to that required to be provided by local educational agencies pursuant to state and federal law, and collaboration with family empowerment centers and other family support organizations.

(2) Conduct voluntary alternative dispute resolution activities, including offering voluntary alternative dispute resolution for issues that are not resolved through the individualized education program process. If alternative dispute resolution is offered to parents by the local educational agency, the local educational agency shall ensure that the parents are provided notice of procedural safeguards established in state and federal law and are informed that alternative dispute resolution is a voluntary process, and make a good faith effort to ensure that any involvement of staff to a local educational agency or special education local plan area, family empowerment center, or other organization involved in alternative dispute resolution is acting as a neutral party in that process. Local educational agencies are encouraged to reach any agreements through voluntary alternative dispute resolution processes expeditiously and at no cost to a parent, with the goal of allowing learning recovery support to commence at the earliest possible date.

(3) As practicable, work in partnership with family empowerment centers or other family support organizations, including by providing support to those organizations to assist in the activities specified in this subdivision to prevent and resolve disputes in a pupil-centered, collaborative, and equitable manner.

(4) Develop and implement plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process, and whose pupils have experienced significant disruption to their education as a result of the COVID-19 pandemic.

(e) Local educational agencies that received support from their special education local plan area for alternative dispute resolution activities under this section shall submit a report to their special education local plan area by September 30, 2023, that includes all of the following information:

(1) The number of cases mediated through alternative dispute resolution services.

(2) The number of cases totally resolved by agreement.

(3) The number of cases refusing alternative dispute resolution services and requesting due process.

(4) A list of the issues that generated the request for dispute resolution services.

(5) The demographics of pupils served, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.

(6) A summary of outreach activities conducted pursuant to this section.

(7) A summary of activities conducted in partnership with family support organizations pursuant to this section.

(f) (1) On or before October 1, 2023, the special education local plan areas shall submit the information collected pursuant to subdivision (e) to the State Department of Education. On or before December 1, 2023, the State Department of Education shall summarize this information and submit a summary to the appropriate fiscal and policy committees of the Legislature and to the Department of Finance.

(2) A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section does not do any of the following:

(1) Abridge any right granted to a parent under state or federal law, including, but not limited to, the procedural safeguards established pursuant to Section 1415 of Title 20 of the United States Code.

(2) Require that alternative dispute resolution be used to resolve a dispute.

(3) Imply that conflicts should not be resolved in the individualized education program process.

(h) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Pupil" means an individual with exceptional needs, as defined in Section 56026 of the Education Code, during the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the Education Code whose assessment was delayed due to the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

(i) Funds allocated pursuant to this section shall be available for encumbrance until June 30, 2023. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this section shall be returned to the State Department of Education to return to the state.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 161.** (a) The sum of four hundred fifty million dollars (\$450,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis for allocation to special education local plan areas and shall be expended by special education local plan areas and their member local educational agencies for purposes of providing learning recovery support to pupils, as defined in this section, associated with impacts to learning due to school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. The funds shall be appropriated in an equal amount per pupil using the following methodology:

(1) For each special education local plan area, determine the total number of pupils who are 3 to 22 years of age, inclusive, with exceptional needs enrolled in each member local educational agency using the greater of Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount appropriated in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each special education local plan area by multiplying the per pupil amount calculated in paragraph (3) by the total number of pupils with exceptional needs for the member local educational agency determined in paragraph (1).

(c) As a condition of receiving funding under this section, the special education local plan areas shall, on or before October 1, 2021, work with its member local educational agencies to develop and submit a plan to the Superintendent of Public Instruction detailing how the special education local plan area and its member local educational agencies will implement the requirements of this section, including detailed proposed expenditure information broken down by eligible activity, the number, disabilities, and demographics of pupils proposed to be served, evidence of matching funds as required by this section, and any other information required by the State Department of Education.

(d) Funds allocated pursuant subdivision (b) shall be used by the local educational agencies in collaboration with their special education local plan area to provide learning recovery support for pupils with disabilities related to impacts to learning resulting from COVID-19 school disruptions during the period of March 13, 2020, to September 1, 2021, inclusive.

(e) In expending funds appropriated pursuant to this section, local educational agencies and special education local plan areas shall do all of the following:

(1) Ensure that learning recovery support provided with these funds are related to COVID-19 school disruptions during the period of March 13, 2020, to September 1, 2021, inclusive.

(2) Match funding received under this section on a one-to-one basis by other funds spent for these purposes.

(3) Not use funds received under this section to supplant existing expenditures or obligations of the local educational agency.

(4) Not use funds received under this section for, or use these funds to match expenditures for, attorney's fees.

(f) As a condition of receiving funding under this section, special education local plan areas shall submit a report to the State Department of Education on or before September 30, 2023, that describes how funding received

under this section was spent and that includes a summary of learning recovery services provided pursuant to this section. The summary shall include the demographics of pupils served through the provided learning recovery and supports, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.

(g) (1) On or before December 1, 2023, the State Department of Education shall summarize this information and submit the summary to the appropriate fiscal and policy committees of the Legislature and to the Department of Finance.

(2) A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(h) Funds allocated pursuant to this section shall be available for encumbrance until June 30, 2023. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this section shall be returned to the State Department of Education to return to the state.

(i) For purposes of this section the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Pupil" means an individual with exceptional needs, as defined in Section 56026 of the Education Code, during the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the Education Code whose assessment was delayed due to the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 162.** (a) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the State Department of Education for allocation to the Riverside County Office of Education and the El Dorado County Office of Education in equal amounts in 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 performance indicators as mandated by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and the outcomes measured by the California School Dashboard pursuant to Section 52064.5 of the Education Code. These funds shall be available for encumbrance until June 30, 2026.

(b) The funds appropriated in subdivision (a) shall be used to provide tiered technical assistance and grants to local educational agencies focused on envisioning, building, implementing, and scaling up evidence-based practices to increase inclusion of children and pupils with disabilities in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in general education settings, with a priority on local educational agencies that are identified by the State Department of Education as requiring intensive support to improve outcomes for pupils with disabilities.

(c) (1) The Riverside County Office of Education and El Dorado County Office of Education shall submit an expenditure plan to the State Department of Education on or before August 1 of each year for which this funding is made available.

(2) On or before June 30 of each year, until funds appropriated for purposes of this section have been fully expended, the Supporting Inclusive Practices project shall submit a report to the Superintendent of Public Instruction that includes all of the following:

(A) Details of the activities conducted and resources developed by the project.

(B) The number of local educational agencies, educators, and pupils served.

(C) A summary of implementation and outcome data, including, but not limited to, performance on state performance plan indicators, indicators used on the California School Dashboard, and the desired results developmental profile.

(D) Recommendations for improving state-level activities or policies.

(3) (A) The Superintendent shall provide copies of the report received pursuant to paragraph (2) to the appropriate fiscal and policy committees of the Legislature.

(B) A report required to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(d) For purposes of this section, "local educational agency" means a school district, county office of education, and charter school.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 163.** For the 2021–22 fiscal year, the sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the State Allocation Board for deposit into the 2016 State School Facilities Fund, established pursuant to Section 17070.41 of the Education Code, for projects pursuant to Sections 17071.75 and 17073.10 of the Education Code. These funds shall be allocated to eligible projects, by the State Allocation Board, until June 30, 2022.

**SEC. 164.** For the 2021–22 fiscal year, the sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to, in consultation with the executive director of the State Board of Education, award no less than two million dollars (\$2,000,000) as grants to community-based organizations supporting local educational agencies with the implementation of high quality integrated academic, behavioral, and social-emotional learning practices.

**SEC. 165.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.