

**Assembly Bill No. 167**

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Passed the Assembly September 9, 2021

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*Chief Clerk of the Assembly*

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Passed the Senate September 9, 2021

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 8281.5, 14041, 17375, 33540.2, 33540.4, 33540.6, 41020, 41422, 41480, 41590, 42238.01, 43521, 43522, 44230.6, 44252, 44257.2, 45500, 46120, 46392, 46393, 48000, 49066.5, 49421, 49429, 49501.5, 51226.9, 51745, 51745.5, 51747, 51747.5, 51749.5, 51749.6, and 56836.146 of, and to amend and renumber Section 49422 of, the Education Code, to amend Section 110 of Chapter 24 of the Statutes of 2020, and to amend Sections 124, 127, 134, 138, 141, 144, 149, 152, 157, 159, and 164 of Chapter 44 of the Statutes of 2021, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

## LEGISLATIVE COUNSEL'S DIGEST

AB 167, Committee on Budget. Education finance: education omnibus budget trailer bill.

(1) Existing law establishes 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. Existing law appropriates \$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. Existing law requires the Superintendent of Public Instruction to allocate \$200,000,000 of that amount to local educational agencies as base grants, enrollment grants, and supplemental grants for specified purposes.

This bill would revise the methodology for allocating base grants, enrollment grants, and supplemental grants to local educational agencies under the program.

(2) 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 requires the Controller to provide in each warrant a portion of the total amount certified by the Superintendent as apportioned for specified

programs during the fiscal year from the State School Fund to the school districts and charter schools under the jurisdiction of the county superintendent of schools of that county, to the county school service fund of that county, and to the county school tuition fund of that county.

This bill would add the Expanded Learning Opportunities Program, specified mental health-related services, and the special education early intervention preschool grant to the list of programs for which the Controller is required to provide in each warrant a portion of the total amount certified by the Superintendent during the fiscal year.

(3) Existing law requires the Instructional Quality Commission to develop and submit to the State Board of Education, on or before December 31, 2022, and the state board to adopt, modify, revise, or reject, as prescribed, on or before March 31, 2023, model curricula relative to (A) the Vietnamese American refugee experience, (B) the Cambodian genocide, and (C) Hmong history and cultural studies, as specified, for use in elementary schools, middle schools, and high schools. Existing law requires the commission to develop and submit to the state board, on or before December 31, 2021, and the state board to adopt, modify, revise, or reject, as prescribed, on or before March 31, 2022, a model curriculum in Native American studies to ensure quality courses of study in Native American studies.

Existing law, 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, appropriates \$1,200,000 from the General Fund to the Superintendent to support the development of those model curricula.

This bill would replace the requirement that the commission develop, and that the state board adopt, modify, revise, or reject, the model curricula with a requirement that the department use the \$1,200,000 in appropriated funds to enter into a contract with a county office of education or a consortium of county offices of education for the purpose of developing model curricula related to (A) the Vietnamese American refugee experience, (B) the Cambodian genocide, (C) Hmong history and cultural studies, and (D) Native American studies, as provided. The bill would impose

different 2022 deadlines for the department, in collaboration with, and subject to the approval of, the executive director of the state board, to enter into the contracts for developing the model curricula, as provided. The bill would require the model curricula related to the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies to be developed by September 1, 2024, and the model curriculum related to Native American studies to be developed by September 1, 2025.

This bill would also revise and recast other provisions related to the model curricula, including the subject matter, curricula accessibility and implementation, and the process for developing the curricula. The bill would authorize the contracted county office of education or consortium of county offices of education to subcontract, as provided, to develop the model curricula. The bill would require the contracted county office of education or consortium of county offices of education to submit a report annually, until the completion of the model curricula, on its progress in the development of the model curricula, to the appropriate fiscal and policy committees of the Legislature and to the state board.

This bill would appropriate \$1,031,000 from the General Fund to the Superintendent to support the development of the model curricula, as provided. The bill would allocate \$750,000 to the California History-Social Science Project to develop, establish, and maintain a centrally located platform for hosting the model curricula, and would allocate \$281,000 for the Superintendent to, in consultation with and subject to the approval of the executive director of the state board, contract with a nongovernmental research institution for the purpose of convening a Statewide Model Curriculum Coordinating Council to help ensure alignment and coordination in the development of the model curricula, as provided.

(4) Existing law requires a charter school to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to specified entities by December 15 of each year.

This bill would extend the due date of the independent financial audit report for the 2020–21 fiscal year to January 31, 2022.

(5) Existing law requires that a school district, county office of education, or charter school that was prevented, due to certain

reasons, including, but not limited to, prescribed natural disasters, the inability to secure or hold a teacher, or the illness of the teacher, from maintaining its schools during a fiscal year for at least 175 days, to receive the same apportionments as if it had not been prevented from maintaining 175 full-length days, as provided.

This bill would require a school district or county office of education to only be prevented from maintaining 180 full-length days instead of 175 full-length days for that provision to apply. The bill, from September 1, 2021, to June 30, 2022, inclusive, would prohibit a school district, county office of education, or charter school from receiving the benefit of that provision if the school closure was due to impacts from COVID-19, except as provided.

(6) Existing law appropriates \$547,513,000 from the General Fund to the Superintendent for purposes of the A–G Completion Improvement Grant Program, 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. Existing law requires local educational agencies that are otherwise eligible and receiving concentration grant funding during the 2020–21 fiscal year to receive allocations, as specified. Existing law requires grant recipients to develop a plan on or before January 1, 2022, describing how allocated funds will increase or improve services for unduplicated pupils to improve A–G eligibility.

This bill would clarify that the unduplicated pupil count is based on data as reported in the California Longitudinal Pupil Achievement Data System for the 2020–21 fiscal year Fall 1 Submission. The bill would establish the receipt of concentration grant funding during the 2nd principal apportionment for the 2020–21 fiscal year as the relevant time window for determining if otherwise eligible local educational agencies will receive allocations under the program. The bill would extend the deadline for grant recipients to develop their plan to April 1, 2022.

(7) 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.

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 authorizes schools participating in a special assistance alternative authorized under the federal National School Lunch Program to establish a base year for purposes of the local control funding formula for determining pupils eligible for free or reduced-price meals, including by 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 3 school years.

This bill instead would authorize schools to establish a base year for purposes of the local control funding formula by carrying forward eligibility for pupils 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 from the application year to report eligibility for up to each of the following 3 school years.

(8) Existing law appropriates \$4,542,003,000 from the General Fund and \$2,015,440,000 from the Federal Trust Fund to the Superintendent for certain activities, including offering supplemental instruction and support.

This bill would reduce the appropriation from the General Fund by \$890,000 and would appropriate an additional \$890,000 from the Federal Trust Fund.

(9) Existing law authorizes the Commission on Teacher Credentialing to provide to the Office of the Chancellor of the California State University or the department nonpersonally identifiable educator identification numbers and any other student

identifiers necessary for purposes of ongoing evaluation of teacher preparation programs.

This bill would require the commission to directly collect voluntary demographic data on the ancestry or ethnic origin of California credential applicants, and voluntary self-identification information pertaining to sexual orientation and gender identity, as provided.

(10) Existing law requires the commission 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, including applicants who earn at least a letter grade of B in qualifying coursework 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. Existing law allows a credential preparation program to determine that an applicant 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 also authorize the commission to determine that an applicant 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.

The bill, until July 1, 2022, would authorize any holder of a credential or permit issued by the commission that authorizes the holder to substitute teach in a general, special, or career technical education assignment to serve in a substitute teaching assignment aligned with their authorization, including for staff vacancies, for up to 60 cumulative days for any one assignment.

(11) Existing law authorizes the commission to issue a multiple or single subject teaching credential with a specified concentration in a particular subject. Existing law prohibits the authorization of a credential with a specified concentration from being more

restrictive than the authorization of the same credential without the specified concentration, with the exception of the single subject credential in science with a specified concentration in a particular subject.

This bill would authorize the commission to issue the single subject teaching credential in mathematics, with concentrations in advanced mathematics and foundational mathematics. The bill would authorize the holder of a single subject credential in mathematics to be qualified and authorized to teach courses in numbers and quantity, algebra, geometry, probability, and statistics in kindergarten and grades 1 to 12, inclusive. The bill would exempt the single subject teaching credential in mathematics from the prohibition that the authorization of a credential with a specified concentration not be more restrictive than the authorization of the same credential without the specified concentration.

(12) Existing law establishes the Expanded Learning Opportunities Program and appropriates \$753,131,000 from the General Fund to the Superintendent for allocation to school districts and certain charter schools under the program. Existing law requires 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 grades 1 to 6, inclusive, classroom-based average daily attendance attributable to unduplicated pupils, as specified. Existing law requires, 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.

This bill would appropriate an additional \$890,000 from the General Fund to the Superintendent for allocation to school districts and certain charter schools under the program. The bill would make various changes to program conditions and funding methodologies, as provided. The bill would prohibit a local

educational agency that does not meet certain funding criteria for 4 consecutive years from receiving specified program funds. The bill would remove the exclusion of nonclassroom-based charter schools for program funding eligibility and instead would exclude charter schools established pursuant to a petition submitted to the county board of education, as provided. The bill would require the Superintendent to proportionately reduce the amount of funding allocated to those charter schools in which school was actually taught on fewer than 175 calendar days during the school year, as provided.

(13) 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.

This bill would prohibit, from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school from receiving average daily attendance credit under these provisions for pupils, except for certain pupils who are individuals with exceptional needs, that have been quarantined and are unable to attend in-person instruction due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance, except as provided for a material loss of attendance due to COVID-19 related staffing shortages.

(14) Existing law requires 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.

This bill would narrow that requirement to events occurring after September 1, 2021, that resulted in a school closure or material decrease in attendance at the school district, county office of education, or charter school, would revise the plan requirements, and would require a copy of an applicable state or local public

health or public safety order that required campus closure to accompany the plan and the affidavit provided to the Superintendent.

(15) Existing law requires the governing board of a school district to prescribe regulations requiring the evaluation of a pupil's achievement for each marking period. When a teacher provides the pupil with a grade for a course, existing law requires the grade, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, to be final. Existing law prohibits the governing board of a school district or the superintendent of the district from ordering a change in the pupil's grade unless the teacher who determined the grade is given an opportunity, to the extent practicable, to be included in all discussions relating to the grade change.

Existing law authorizes the parent, guardian, or education rights holder of a pupil, or, for a pupil who is 18 years of age or older, the pupil, who was enrolled in high school and enrolled in a course during the 2020–21 school year to apply to the pupil's school district, county board of education, or charter school to change the letter grade for that course to a Pass or No Pass grade on the pupil's transcript. Existing law requires the school district, county office of education, or charter school to make the requested change, as specified, if the application is received within 15 calendar days of the local educational agency posting a certain notice on its internet website and providing written notice to its pupils and their parents or guardians. Absent a request to change a transcript pursuant to these provisions, existing law requires a letter grade earned in the 2020–21 school year to remain on the pupil's transcript.

This bill instead would require a local educational agency to accept the application of a pupil under these provisions if the application is received by the pupil's local educational agency on or before October 1, 2021. The bill would authorize a local educational agency to accept an application for the 2020–21 school year under these provisions after October 1, 2021. The bill would remove the above-described requirement that a letter grade earned in the 2020–21 school year remain on the pupil's transcript absent a request to change a transcript pursuant to these provisions. By requiring local educational agencies to perform specified duties regarding the grade change option, the bill would impose a state-mandated local program.

(16) Existing law requires the State Department of Education, in consultation with the State Department of Health Care Services and appropriate stakeholders, to, on or before July 1, 2020, develop guidelines, as provided, for the use of telehealth technology in public schools, including charter schools, to provide mental health and behavioral health services to pupils on school campuses, and to post those guidelines on its internet website on or before July 1, 2020.

This bill instead would require those telehealth guidelines to be developed and posted on or before December 31, 2022.

(17) 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 local educational agency from being eligible to receive apportionments for independent study by pupils unless the local educational agency 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. For the 2021–22 school year only, existing law requires 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.

This bill would revise and recast provisions relating to independent study programs and courses to, among other things, authorize independent study for a pupil who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance, impose additional requirements for the contents of the required written agreement, and impose certain audit requirements.

(18) Existing law appropriates \$355,227,000 from the Federal Trust Fund, \$4,439,844,000 from the Coronavirus Relief Fund, and \$539,926,000 from the General Fund to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies, as defined, in accordance with prescribed methodologies to be used for activities that directly support pupil

academic achievement and mitigate learning loss related to COVID-19 school closures, as provided.

This bill would require local educational agencies, as a condition of receiving specified funds, to report to the Superintendent, on or before May 31, 2021, the balance of any unexpended funds received from the General Fund. The bill would require local educational agencies to report funds that are not expended by June 30, 2021, to the Superintendent, and would also require the Superintendent to initiate collection proceedings.

(19) Existing law requires the State Board of Education to adopt a one-time supplemental template to the annual update to the 2021–22 local control and accountability plan, as provided. Existing law requires the template to include a description of how an additional concentration grant add-on was used by the local educational agency to increase the number of staff who provide direct services to pupils on school campuses, or the location of specified actions related to these additional concentration grant funds in its 2021–22 local control and accountability plan.

This bill would require the template to also include a description of how an additional concentration grant add-on was used by the local educational agency to increase the number of staff who provide direct services to pupils on those school campuses with greater than 55% 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% or less, if any.

(20) Existing law appropriates \$150,000,000 from the General Fund to the State Department of Education to allocate to local educational agencies for kitchen infrastructure upgrades that will increase pupil access to, or improve the quality of, fresh and nutritious school meals, and for food service staff to receive training on promoting nutritious foods.

This bill would limit the local educational agencies that are eligible to receive an allocation of those moneys to a school district, county office of education, or charter school participating in the federal National School Breakfast Program or the federal National School Lunch Program. The bill would revise provisions relating to the allocation, uses, and reporting of those moneys.

(21) Existing law appropriates \$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 10 CIF Section offices that have experienced significant revenue reductions in the 2020–21 fiscal year.

This bill would change the source of the appropriated funds to the General Fund, thereby making an appropriation.

(22) This bill would exempt certain funds provided under the Emergency Assistance to Non-Public Schools Program pursuant to the federal American Rescue Plan Act of 2021 from certain contracting requirements.

(23) This bill would incorporate additional changes to Section 42238.01 of the Education Code proposed by AB 1055 to be operative only if this bill and AB 1055 are enacted and this bill is enacted last.

(24) 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.

(25) 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.

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

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8281.5 of the Education Code is amended to read:

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 to all local educational agencies that operate kindergarten programs as determined using California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment from the 2020–21 certification, as follows:

(i) For local educational agencies with an enrollment of 1 to 23 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).

(ii) For local educational agencies with an enrollment of 24 to 99 pupils, inclusive, the minimum base grant shall be fifty thousand dollars (\$50,000).

(iii) For local educational agencies with an enrollment of 100 or more pupils, the minimum base grant shall be one hundred thousand dollars (\$100,000).

(B) A minimum base grant for each county office of education of fifteen thousand dollars (\$15,000) for each local educational agency in their county that operates kindergarten programs 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 California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2019–20 fiscal year, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 fiscal year for each local educational agency.

(ii) Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574 certified as of the second principal apportionment. 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 2. Section 14041 of the Education Code is amended to read:

14041. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner prescribed in this section so as to provide in each warrant a portion of the total amount certified by the Superintendent as apportioned for programs identified in paragraph (1) during the fiscal year from the State School Fund to the school districts and charter schools under the jurisdiction of the county superintendent of schools of that county, to the county school service fund of that county, and to the county school tuition fund of that county.

(1) Programs to be included in the apportionment include all of the following:

- (A) Chapter 12.5 (commencing with Section 2574) of Part 2.
- (B) Sections 41330 to 41343, inclusive.
- (C) Section 41544.

(D) Chapter 4 (commencing with Section 41600) of Part 24 of Division 3 of Title 2.

(E) Chapter 5 (commencing with Section 41760.2) of Part 24 of Division 3 of Title 2.

(F) Section 41841.5.

(G) Article 2 (commencing with Section 42238) of Chapter 7 of Part 24 of Division 3 of Title 2.

(H) Section 46120.

(I) Section 47663.

(J) Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2.

(K) Article 10 (commencing with Section 48350) of Chapter 2 of Part 27 of Division 4 of Title 2.

(L) Sections 56428, 56432, 56836 to 56836.13, inclusive, and 56836.165 to 56836.31, inclusive.

(M) Article 2.2 (commencing with Section 56836.14) of Chapter 7.2 of Part 30 of Division 4 of Title 2.

(N) Article 6.5 (commencing with Section 56836.39) of Chapter 7.2 of Part 30 of Division 4 of Title 2.

(2) Warrants for amounts apportioned to school districts, county school service funds, and county school tuition funds shall be for amounts equal to 5 percent in July, 5 percent in August, and 9 percent in September, October, November, December, and January, of the amounts certified by the Superintendent as a part of the advance apportionment.

(3) Warrants in the months of February to May, inclusive, shall be for amounts equal to one-fifth of the difference between the amounts certified by the Superintendent for school districts, county school service funds, and county school tuition funds as the first principal apportionment and the amounts required by paragraph (2).

(4) Warrants for the month of June shall be for amounts equal to the difference between the amounts certified by the Superintendent for school districts, county school service funds, and county school tuition funds as the second principal apportionment and the amounts required by paragraphs (2) and (3).

(5) Warrants in June shall include the total amounts certified by the Superintendent as the final apportionment.

(6) Notwithstanding paragraph (2) to the contrary, for school districts that reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and that received 39 percent or more, but less than 75 percent, of their total revenue limits from local property taxes in that fiscal year, warrants for amounts apportioned to the school districts shall be for amounts equal to 15 percent in July, August, September, and October; zero percent in November and December; and 6 percent in January of the amounts certified by the Superintendent as a part of the advance apportionment. Warrants for amounts apportioned to the school districts for the months of February to May, inclusive, shall be in accordance with paragraph (3), and for the month of June, shall be in accordance with paragraph (4).

(7) Notwithstanding paragraph (2) or (6) to the contrary, for school districts that reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and that received 75 percent or more of their total revenue limits from local property taxes in that fiscal year, warrants for amounts apportioned to the school districts shall be for amounts equal to 15 percent in July; 30 percent in August and September; 15 percent in October; zero percent in November and December; 6 percent in January; and zero percent in February, March, April, and May, of the amounts certified by the Superintendent as a part of the advance apportionment. Warrants for the month of June shall be in accordance with paragraph (4).

(8) (A) Notwithstanding any other law, for the 2012–13 fiscal year only, for purposes of warrants drawn on the State Treasury pursuant to this section, the amount certified by the Superintendent as the advance apportionment and first principal apportionment shall include the following reduction:

(i) The Superintendent shall multiply six billion nine hundred twenty-one million five hundred twenty-two thousand dollars (\$6,921,522,000) by the ratio of the revenue limit or charter school general purposes funding for each county office of education, school district, or charter school, to the statewide total of revenue limit and charter school general purpose funding.

(ii) For each county office of education, school district, or charter school, the Superintendent shall subtract the amount calculated in clause (i) from the apportionments calculated pursuant to Sections 2558, 42238, and 47633.

(B) Notwithstanding any other law, for the 2012–13 fiscal year, the Superintendent shall delay the second principal apportionment calculated pursuant to Section 41335 from July 2, 2013, to July 15, 2013, to account for all revenues remitted to school districts and county offices of education pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution. The Superintendent shall ensure that the second principal apportionment calculated pursuant to Section 41335 accounts for the difference between the amount distributed pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution and the offsets listed in subparagraph (A). Nothing in this section shall delay the payment of warrants to school districts and county offices of education 10 days before the close of the state's fiscal year pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(9) Notwithstanding paragraph (1), (3), or (7), as those paragraphs and this section read on June 1, 2018, for the 2012–13 fiscal year only, the Superintendent shall reduce the June warrants for any amounts received pursuant to Sections 34179.5 and 34179.6 of the Health and Safety Code. This reduction shall constitute the entire amount distributed pursuant to Sections 34179.5 and 34179.6 of the Health and Safety Code and offset pursuant to subparagraph (B) of paragraph (6) of subdivision (h) of Section 42238, paragraph (6) of subdivision (c) of Section 2558, and Section 56836.08.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the Treasurer from the State School Fund and are not subject to Section 925.6 of the Government Code.

SEC. 3. 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 8205, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8210.

(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 2 (commencing with Section 8207) 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. 4. Section 33540.2 of the Education Code is amended to read:

33540.2. (a) The department shall, no later than March 1, 2022, in collaboration with, and subject to the approval of, the executive director of the state board, use the funding appropriated pursuant to Section 156 of Chapter 44 of the Statutes of 2021 to enter into a contract with a county office of education or a consortium of county offices of education for the purposes of developing a model curriculum related to the Vietnamese American refugee experience by September 1, 2024. The model curriculum shall be housed on the platform developed and maintained by the California History-Social Science Project. The designated county office of education or consortium of county offices of education shall work with the California History-Social Science Project and Teaching California to ensure that the curriculum is accessible and compatible with the platform.

(b) The county office of education or consortium of county offices of education shall ensure the inclusion of authentic voices and perspectives in the development of the model curriculum and

shall provide multiple opportunities for authentic stakeholder engagement across the state, which shall include, but not be limited to, town halls or other input sessions and surveys. The county office of education or consortium of county offices of education shall consult with, but is not limited to consulting with, Vietnamese American cultural centers and community groups located in California, survivors, rescuers, and liberators of the Vietnam War, Vietnamese American refugees, representatives of local educational agencies, members of the commission, and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of Vietnamese American history.

(c) (1) The model curriculum shall include the incorporation of writings and other media that represent all perspectives of the Vietnamese refugee experience, including oral testimony by survivors, rescuers, and liberators of the Vietnam War, including Vietnamese American refugees, Vietnamese boat people, and members of the Republic of Vietnam Armed Forces, to ensure quality standards and materials for this area of study.

(2) For purposes of this subdivision, “oral testimony” means the firsthand accounts of significant historical events presented in a format that includes, but is not limited to, in-person testimony, video, or a multimedia option, such as a DVD or an online video.

(d) The model curriculum shall be open source and accessible to educators across the state and shall include curriculum and online instructional modules appropriate for use in elementary schools, middle schools, and high schools.

(e) The model curriculum shall be written as a guide to allow school districts, charter schools, and county offices of education to adapt their related courses to best meet the educational needs of their communities. The model curriculum developed for use in high schools shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.

(f) The county office of education or consortium of county offices of education may subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum pursuant to this section.

(g) The county office of consortium or county offices of education shall submit a report annually, until the completion of the model curriculum, on its progress in the development of the model curriculum, to the appropriate fiscal and policy committees of the Legislature and to the state board.

(h) Beginning in the school year following the completion of the model curriculum pursuant to subdivision (a), each school district, charter school, or county office of education maintaining kindergarten or any of grades 1 to 12, inclusive, that does not otherwise offer standards-based curriculum relative to the Vietnamese American refugee experience, Vietnamese boat people, and the Republic of Vietnam Armed Forces, is encouraged to offer to pupils a course of study relative to the Vietnamese American refugee experience. A school district, charter school, or county office of education that serves pupils in any of grades 7 to 12, inclusive, that elects to offer a course of study in the Vietnamese American refugee experience pursuant to this subdivision, shall offer the course as an elective in the social sciences or world history and shall make the course available in at least one year during a pupil's enrollment in grades 7 to 12, inclusive.

(i) It is the intent of the Legislature that local educational agencies that maintain high schools submit course outlines for studies relative to the Vietnamese American refugee experience for approval as A–G courses.

(j) For purposes of this section, "model curriculum" means lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about the Vietnamese American refugee experience, the fall of Saigon in 1975, discussion of the Vietnamese boat people and members of the Republic of Vietnam Armed Forces, the reasons behind the exodus, the hardships faced by the Vietnamese people attempting to flee who were apprehended by the communist government, and the conditions that led to the resettlement of Vietnamese people in the United States.

SEC. 5. Section 33540.4 of the Education Code is amended to read:

33540.4. (a) The department shall, no later than April 1, 2022, in collaboration with, and subject to the approval of, the executive director of the state board, use the funding appropriated pursuant to Section 156 of Chapter 44 of the Statutes of 2021 to enter into

a contract with a county office of education or a consortium of county offices of education for the purposes of developing a model curriculum related to the Cambodian Genocide by September 1, 2024. The model curriculum shall be housed on the platform developed and maintained by the California History-Social Science Project. The designated county office of education or consortium of county offices of education shall work with the California History-Social Science Project and Teaching California to ensure that the curriculum is accessible and compatible with the platform.

(b) The county office of education or consortium of county offices of education shall ensure the inclusion of authentic voices and perspectives in the development of the model curriculum and shall provide multiple opportunities for authentic stakeholder engagement across the state, which shall include, but not be limited to, town halls or other input sessions and surveys. The county office of education or consortium of county offices of education shall consult with, but is not limited to consulting with, survivors of the Cambodian genocide, representatives of local educational agencies, members of the commission, and teachers, including teachers who have relevant experience or educational backgrounds in the study and teaching of the Cambodian genocide.

(c) (1) The model curriculum shall include the incorporation of writings or other media that represent all perspectives of the Cambodian genocide, including oral testimony by survivors, to ensure quality standards and materials for this area of study.

(2) For purposes of this subdivision, “oral testimony” means the firsthand accounts of significant historical events presented in a format that includes, but is not limited to, in-person testimony, video, or a multimedia option, such as a DVD or an online video.

(d) The model curriculum shall be open source and accessible to educators across the state and shall include curriculum and online instructional modules appropriate for use in elementary schools, middle schools, and high schools.

(e) The model curriculum shall be written as a guide to allow school districts, charter schools, and county offices of education to adapt their related courses to best meet the educational needs of their communities. The model curriculum developed for use in high schools shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the

California State University, including, to the extent possible, course outlines for those courses.

(f) The county office of education or consortium of county offices of education may subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum pursuant to this section.

(g) The county office of consortium or county offices of education shall submit a report annually, until the completion of the model curriculum, on its progress in the development of the model curriculum, to the appropriate fiscal and policy committees of the Legislature and to the state board.

(h) Beginning in the school year following the completion of the model curriculum pursuant to subdivision (a), each school district, charter school, or county office of education maintaining kindergarten or any of grades 1 to 12, inclusive, that does not otherwise offer standards-based curriculum relative to the Cambodian genocide, is encouraged to offer to pupils a course of study relative to the Cambodian genocide based on the model curriculum. A school district, charter school, or county office of education that serves pupils in any of grades 7 to 12, inclusive, that elects to offer a course of study in the Cambodian genocide pursuant to this subdivision, shall offer the course as an elective in the social sciences or world history and shall make the course available in at least one year during a pupil's enrollment in grades 7 to 12, inclusive.

(i) It is the intent of the Legislature that local educational agencies that maintain high schools submit course outlines for studies relative to the Cambodian genocide for approval as A–G courses.

(j) For purposes of this section, "model curriculum" means lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about the Cambodian Genocide.

**SEC. 6.** Section 33540.6 of the Education Code is amended to read:

33540.6. (a) The department shall, no later than May 1, 2022, in collaboration with, and subject to the approval of, the executive director of the state board, use the funding appropriated pursuant to Section 156 of Chapter 44 of the Statutes of 2021 to enter into a contract with a county office of education or a consortium of

county offices of education for the purposes of developing a model curriculum related to Hmong history and cultural studies by September 1, 2024. The model curriculum shall be housed on the platform developed and maintained by the California History-Social Science Project. The designated county office of education or consortium of county offices of education shall work with the California History-Social Science Project and Teaching California to ensure that the curriculum is accessible and compatible with the platform.

(b) The county office of education or consortium of county offices of education shall ensure the inclusion of authentic voices and perspectives in the development of the model curriculum and shall provide multiple opportunities for authentic stakeholder engagement across the state, which shall include, but not be limited to, town halls or other input sessions and surveys. The county office of education or consortium of county offices of education shall consult with representatives of Hmong advocacy, community, social, and cultural organizations; faculty of Hmong studies programs at universities and colleges; members of the commission; representatives of local educational agencies; and teachers, including teachers of kindergarten or grades 1 to 12, inclusive, who have relevant experiences or educational backgrounds in the study and teaching of Hmong studies. The model curriculum shall identify the ways in which the model curriculum aligns with, and is supportive of, the common core academic content standards and of the goals of the curriculum framework in history-social science adopted by the state board in 2016.

(c) The model curriculum shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.

(d) The model curriculum shall address, but shall not necessarily be limited to, all of the following:

(1) The history of the Hmong people who lived in Laos, Thailand, Vietnam, and China.

(2) The history of the Hmong migration to the United States and California, as well as other parts of the world.

(3) Cultural beliefs, practices, and traditions of the Hmong people, including, among other things, Hmong New Year celebrations, marriages, newborns, and funerals.

(4) Contributions of the Hmong people to California and the United States.

(5) The contributions and sacrifices of the Lao-Hmong and other Southeast Asians who served in the “Secret Army” in Laos, which was funded by the United States Central Intelligence Agency.

(e) The model curriculum shall be written as a guide to allow school districts, charter schools, and county offices of education to adapt their related courses to best meet the educational needs of their communities. The model curriculum developed for use in high schools shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.

(f) The county office of education or consortium of county offices of education may subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum pursuant to this section.

(g) The county office of consortium or county offices of education shall submit a report annually, until the completion of the model curriculum, on its progress in the development of the model curriculum, to the appropriate fiscal and policy committees of the Legislature and to the state board.

(h) Beginning in the school year following the completion of the model curriculum, local educational agencies are encouraged to use the model curriculum to provide instruction in kindergarten and grades 1 to 12, inclusive.

(i) Beginning in the school year following the completion of the model curriculum, each local educational agency maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Hmong studies curriculum is encouraged to offer to all otherwise qualified pupils a course of study in Hmong studies based on the model curriculum.

(j) It is the intent of the Legislature that local educational agencies submit course outlines for Hmong studies for approval as A–G courses.

(k) 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) “Model curriculum” means lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about Hmong history pursuant to subdivision (d) and shall be open source and accessible to educators across the state and shall include curriculum and online instructional modules appropriate for use in elementary schools, middle schools, and high schools.

SEC. 7. 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 No. 59, as issued by the American Institute of Certified Public Accountants 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) The audit report referenced in paragraph (1) for the 2020–21 fiscal year shall instead be filed no later than January 31, 2022.

(3) The extension for the audit report referenced in subdivision (m) of Sections 47605 and 47605.6 for the 2020–21 fiscal year 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) In audit reports for the 2020–21 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 audit reports for the 2020–21 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. 8. Section 41422 of the Education Code is amended to read:

41422. (a) A school district, county office of education, or charter school that is prevented from maintaining its schools during a fiscal year for at least 180 days for a school district or county office of education or 175 days for a charter school, or is required to operate sessions of shorter length than otherwise prescribed by law because of fire, flood, earthquake, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue that order to meet an emergency created by war, or because of other extraordinary conditions, or because of inability to secure or hold a teacher, or because of the illness of the teacher, which fact shall be shown to the satisfaction of the

Superintendent by the affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 180 full-length days for a school district or county office of education or 175 full-length days for a charter school.

(b) This section shall also apply to school districts, county offices of education, or charter schools that, in the absence of one or more of the conditions prescribed by this section, would have qualified for funds pursuant to Sections 46200 to 46208, inclusive, or Section 47612.5, as applicable.

(c) (1) Notwithstanding the inability to secure or hold a teacher, or because of the illness of the teacher pursuant to subdivision (a), from September 1, 2021, to June 30, 2022, inclusive, with the exception of a school closure for a schoolsite or class that only serves pupils who are individuals with exceptional needs, as defined in Section 56026, whose individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 of Division 4 does not specifically provide for participation in independent study or pupils who are enrolled in community day schools pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27 of Division 4, a school district, county office of education, or charter school shall not receive the same apportionment from the State School Fund pursuant to this section as it would have received had it not been so prevented from maintaining school for at least 180 full-length days for a school district or county office of education or 175 full-length days for a charter school if the school closure was due to impacts from COVID-19.

(2) (A) Notwithstanding paragraph (1), a school district, county office of education, or charter school may still receive credit for instructional days and minutes that were scheduled for in-person instruction, as demonstrated by the governing board or body approved calendar in place before the event, on days in which the school district, county office of education, or charter school was prevented from maintaining school due to the conditions indicated in paragraph (1) provided that instruction was offered to all eligible pupils through independent study pursuant to Article 5.5

(commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 and implementing regulations adopted thereunder.

(B) The superintendent of a school district, the county superintendent of schools, or the administrator of a charter school shall certify to the Superintendent to offering all eligible pupils instruction through independent study pursuant subparagraph (A).

(3) Notwithstanding paragraph (1), from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school may receive the same apportionment from the State School Fund pursuant to this section for school closures related to impacts from COVID-19 due to COVID-19 related staffing shortages if the following conditions are 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:

(A) The school district, county office of education, or charter school is unable to provide in-person instruction to pupils due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(B) For certificated staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(C) For classified staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

SEC. 9. Section 41480 of the Education Code is amended to read:

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, which shall not exceed the total certificated staff count, and full-time equivalent classified staff count, 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 10. Section 41590 of the Education Code is amended to read:

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 allocation for 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 for every unduplicated pupil enrolled in grades 9 to 12, inclusive, as reported in the California Longitudinal Pupil Achievement Data System for the 2020–21 fiscal year Fall 1 Submission 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 as of the second principal apportionment certification for 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 for every unduplicated pupil enrolled in grades 9 to 12, inclusive, as reported in the California Longitudinal Pupil Achievement Data System for the 2020–21 fiscal year Fall 1 Submission 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 as of the second principal apportionment certification for 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 for every unduplicated pupil enrolled in grades 9 to 12, inclusive, as reported in the California Longitudinal Pupil Achievement Data System for the 2020–21

fiscal year Fall 1 Submission to each local educational agency. A local educational agency that is otherwise eligible and is receiving concentration grant funding as of the second principal apportionment certification for 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 April 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 11. 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 forward eligibility for pupils 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 from the application 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. 11.5. 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 forward eligibility for pupils 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 from the application 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 the child's 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 the child's 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 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.

(5) A child who is the subject of a voluntary placement agreement, as defined in subdivision (p) of Section 11400 of the Welfare and Institutions Code.

(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. 12. Section 43521 of the Education Code is amended to read:

43521. (a) The sum of four billion five hundred forty-one million one hundred thirteen thousand dollars (\$4,541,113,000) from the General Fund, and the sum of two billion sixteen million three hundred thirty thousand dollars (\$2,016,330,000) 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 ninety-two thousand dollars (\$153,992,000) 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 three hundred ninety thousand dollars (\$437,390,000) 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 nine hundred eighty-five thousand dollars (\$753,985,000) 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 from the General Fund 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 apportionment of remaining state 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 XIIIIB," 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-six million one hundred eighty-two thousand

dollars (\$3,176,182,000) 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 13. 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) (A) 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.

(B) A local educational agency shall use the General Fund funds apportioned to it pursuant to subdivision (b) of Section 43521 to fulfill the requirements of subparagraph (A).

(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. 14. Section 44230.6 of the Education Code is amended to read:

44230.6. (a) For purposes of the ongoing evaluation of teacher preparation programs at the California State University, the commission may provide to the Office of the Chancellor of the California State University or the State Department of Education any data it collects, including non-personally identifiable educator identification numbers established pursuant to Section 44230.5 and any other student identifiers necessary for purposes of the ongoing evaluation of these programs at the California State University.

(b) The commission may disclose data pursuant to subdivision (a) only to the extent permitted by state and federal privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

(c) (1) The commission shall directly collect voluntary demographic data as to the ancestry or ethnic origin of California credential applicants and voluntary self-identification information pertaining to sexual orientation and gender identity of an initial or renewal applicant who submits an application online or in paper form as part of the initial or renewal application, or who completes a recommendation for an applicant formally recommended by a commission-approved program. The collection of this data on the application shall meet the requirements of paragraph (1) of subdivision (b) of Section 8310.8 of the Government Code.

(2) The commission shall not disclose personally identifiable information collected pursuant to this subdivision.

SEC. 15. 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 a quarter-length course of at least four units.

(11) A credential preparation program or the commission 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. 16. Section 44257.2 of the Education Code is amended to read:

44257.2. (a) In order to ensure excellence in teaching in specific subjects, the commission may issue a multiple or single subject teaching credential with a specified concentration in a particular subject based upon the depth of an applicant's preparation in an important subject of the school curriculum. The commission shall establish and maintain standards for concentrations in particular subjects, as necessary.

(b) The commission shall determine the authorizations of teaching credentials with concentrations. The commission shall ensure that with the exceptions of the single subject credentials specified in subdivision (c) of this section, the authorization of a credential with a specified concentration shall not be more restrictive than the authorization of the same credential without the specified concentration.

(c) The commission shall issue the single subject teaching credentials in mathematics and science with a specified

concentration in a particular subject. The commission shall establish and maintain standards for concentrations in the following specific subject areas:

(1) Mathematics shall consist of concentrations in advanced mathematics and foundational mathematics. The holder of a single subject credential in mathematics shall be qualified and authorized to teach courses in numbers and quantity, algebra, geometry, probability, and statistics in kindergarten and grades 1 to 12, inclusive.

(2) Science shall consist of concentrations in biological sciences, chemistry, geosciences, and physics. The holder of the single subject teaching credential in science shall be qualified and authorized to teach courses in general science, introductory science, integrated science, and coordinated science in kindergarten and grades 1 to 12, inclusive.

SEC. 17. 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 may use moneys appropriated in any fiscal year to the department for purposes of this section to provide up to one dollar (\$1) for each one dollar (\$1) that has been withheld from participating classified employee monthly paychecks.

(l) 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).

(m) 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).

(n) 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).

(o) 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.

(p) (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.

(q) 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. 18. Section 46120 of the Education Code is amended 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, 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. Funding received pursuant to this section for the 2021–22 school year shall be expended to develop an expanded learning opportunity program or provide services in accordance

with program requirements. 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 equal to or 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 second period reported kindergarten and grades 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage. Prior year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.

(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 second period reported kindergarten and grades 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage. Prior year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.

(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. A local educational agency that does not meet the requirements of subparagraph (A) of paragraph (1) for four consecutive years shall be ineligible 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.

(6) The Superintendent shall proportionately reduce the amount of funding allocated pursuant to this section for a charter school that has ceased operation during the school year if school was actually taught in the charter school on fewer than 175 calendar days during that school year. The reduction shall be commensurate to the number of days that the charter school failed to operate due to the closure.

(7) For the 2021–22 fiscal year only, a school district or charter school may expend the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2022–23 fiscal year, inclusive.

(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 established pursuant to Section 47605.5.

(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-four million twenty-one thousand dollars (\$754,021,000) 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 19. 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) (1) 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.

(2) (A) From September 1, 2021, to June 30, 2022, inclusive, with the exception of a material loss of attendance for pupils who are individuals with exceptional needs, as defined in Section 56026, whose individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 does not specifically provide for participation in independent study or pupils who are enrolled in community day schools pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27, a school district, county office of education, or charter school shall not receive average daily attendance credit pursuant to this section for pupils that have been quarantined and are unable to attend in-person instruction due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(B) Notwithstanding subparagraph (A), from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school may receive average daily attendance credit pursuant to this section for school closures related to impacts from COVID-19 or material loss of attendance due to COVID-19 related staffing shortages if the following conditions are 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:

(i) The school district, county office of education, or charter school is unable to provide in person instruction to pupils due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(ii) For certificated staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(iii) For classified staff shortages, the school district, county office of education, or charter school has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(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. 20. Section 46393 of the Education Code is amended to read:

46393. (a) For affidavits submitted to the Superintendent for events occurring after September 1, 2021, that resulted in a school closure or material decrease in attendance, a school district, county office of education, or charter school that provides an affidavit to the Superintendent, pursuant to Section 41422 or 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) Independent study is offered to any pupil impacted by any of the conditions listed in Section 46392 within 10 days of the first day of a school closure or material decrease in attendance. Pupils who are individuals with exceptional needs shall receive the services identified in their individualized education programs pursuant to paragraph (9) of subdivision (a) of Section 56345 and may participate in an independent study program.

(2) Require reopening for in-person instruction as soon as possible unless prohibited under the direction of the local or state health officer.

(3) Notwithstanding subdivision (c) of Section 51745 or subparagraph (F) of paragraph (9) of subdivision (g) of Section 51747, include information regarding establishing independent study master agreements in a reasonable amount of time.

(b) (1) Notwithstanding subdivision (a), the plan is not required to comply with subdivision (d), (e), or (f) of Section 51747 for school closures or a material decrease in attendance for 15 days or less for affected pupils.

(2) Notwithstanding subdivision (a), the plan is not required to comply with subdivision (d), (e), or (f) of Section 51747 if the school district or county office of education has a waiver of the requirement to offer independent study pursuant to subdivision (g) of Section 51745.

(c) A copy of the plan and, if applicable, the state or local public health or public safety order that required school closure shall accompany the affidavit provided to the Superintendent described in subdivision (a).

SEC. 21. 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 Section 8205, 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 Chapter 3 (commencing with Section 10225) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(3) A migrant childcare and development program serving children pursuant to Chapter 6 (commencing with Section 10235) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(4) A childcare center or family childcare home educational network serving children through a California state preschool program pursuant to Article 2 (commencing with Section 8207) 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 Chapter 7 (commencing with Section 10240) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(6) A family childcare home educational network serving children pursuant to Chapter 8 (commencing with Section 10250) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(7) Childcare and development services for children with special needs pursuant to Chapter 9 (commencing with Section 10260) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(8) A program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program pursuant to Chapter 21 (commencing with Section 10370) of Part 1.8 of Division 9 of the Welfare and Institutions Code.

(l) The Superintendent shall authorize California state preschool program contracting agencies to offer wraparound childcare services for children enrolled in an education program as a transitional kindergarten or kindergarten pupil, if their families meet the requirements of Section 8208.

SEC. 22. Section 49066.5 of the Education Code is amended to read:

49066.5. (a) (1) This section applies only to pupils enrolled in high school in the 2020–21 academic year.

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

(b) The parent, guardian, or education rights holder of a pupil or, for a pupil 18 years of age or older, the pupil who was enrolled in high school and enrolled in a course during the 2020–21 school year may apply to the pupil’s local educational agency to have a letter grade earned for that course, as reflected on the pupil’s transcript, changed to a Pass or No Pass grade.

(c) Notwithstanding any other law, a local educational agency shall grant a request described in subdivision (b). All of the following shall apply to the granting of the request:

(1) Subject to the conditions in subdivision (b), the local educational agency shall not limit the number or type of courses eligible for the grade change.

(2) The grade change shall not negatively affect the pupil’s grade point average.

(3) Notwithstanding any other law, the grade change shall not result in the forfeiture of the pupil’s eligibility or entitlement to state or institutional student financial aid.

(d) The California State University shall, and private postsecondary educational institutions and the University of California are encouraged to, do both of the following:

(1) Accept for admission purposes, and without prejudice, a transcript with a Pass or No Pass grade instead of a letter grade for any coursework described in subdivision (b) for an applicant who had enrolled in a high school in the state during any school year from the 2020–21 school year to the 2023–24 school year, inclusive.

(2) Within 15 calendar days of the operative date of the act that added this section, notify the department if the institution will comply with paragraph (1).

(e) The department shall post on its internet website, and provide to local educational agencies, both of the following:

(1) Within 15 calendar days of the operative date of the act that added this section, an application template for use by local educational agencies for the grade change described in subdivision (b).

(2) Within 20 calendar days of the operative date of the act that added this section, a list of postsecondary educational institutions operating in the state that have indicated, pursuant to paragraph (2) of subdivision (d), that they will comply with paragraph (1) of subdivision (d).

(f) Within 15 calendar days of the department posting the application template pursuant to paragraph (1) of subdivision (e), a local educational agency serving high school pupils shall post a notice on its internet website and provide written notice to its pupils and their parents or guardians of the grade change option described in subdivision (b). The notice shall include all of the following:

(1) The application to request a grade change.

(2) The list of postsecondary educational institutions described in paragraph (2) of subdivision (e).

(3) A statement that some postsecondary educational institutions, including those in other states, may not accept a Pass or No Pass grade instead of a letter grade for admission purposes.

(g) (1) Except as provided in paragraphs (2) and (3), an application described in subdivision (b) shall be submitted to the pupil's local educational agency within 15 calendar days of the local educational agency, pursuant to subdivision (f), posting a

notice on its internet website and providing written notice to its pupils and their parents or guardians.

(2) Notwithstanding paragraph (1), an application that has been submitted under subdivision (b) to the pupil's local educational agency after the deadline described in paragraph (1) shall be accepted by the local educational agency pursuant to subdivision (c) if the application is received by the pupil's local educational agency on or before October 1, 2021.

(3) Notwithstanding paragraphs (1) and (2), a local educational agency may accept an application submitted under subdivision (b) after October 1, 2021, for the 2020–21 school year.

(h) A local educational agency shall change a transcript pursuant to subdivision (c) and shall notify the pupil and the pupil's parent or guardian of the change within 15 calendar days of receiving the pupil's application pursuant to subdivision (b).

SEC. 23. Section 49421 of the Education Code is amended to read:

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 June 30, 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 September 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 XIIIIB,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 24. Section 49422 of the Education Code, as added by Section 61 of Chapter 44 of the Statutes of 2021, is amended and renumbered to read:

49421.5. (a) (1) On or before June 30, 2022, 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. 25. Section 49429 of the Education Code is amended to read:

49429. (a) The department, in consultation with the State Department of Health Care Services and appropriate stakeholders, including stakeholders with experience in telehealth, as defined in subdivision (d), shall develop guidelines on or before December 31, 2022, for the use of telehealth technology in public schools, including charter schools, to provide mental health and behavioral health services to pupils on school campuses.

(b) The guidelines developed pursuant to subdivision (a) shall include, but are not limited to, guidance on all of the following:

(1) Qualifications of individuals authorized to provide assistance, within their scope of practice, to pupils in accessing mental health and behavioral health services via telehealth technology at a schoolsite.

(2) Qualifications of individuals authorized to provide mental health and behavioral health services, within their scope of practice, to pupils via telehealth technology.

(3) Potential sources of funding for the purchase of the necessary equipment and technology infrastructure by schools to allow schools to provide telehealth services.

(4) The ability of mental and behavioral health services providers to access reimbursement through the Medi-Cal program or other sources for services provided to pupils at schoolsites via telehealth technology.

(5) The legal requirements for parental consent for the provision of mental health and behavioral health treatment of minors via telehealth technology.

(6) Measures necessary to protect the security of data transmitted via telehealth technology.

(7) Measures necessary to protect the privacy of pupil data pursuant to the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) and medical records pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(8) Potential school district, county office of education, and charter school liability associated with the provision of telehealth services.

(c) The department shall post the guidelines developed pursuant to this section on its internet website on or before December 31, 2022.

(d) For purposes of this section, “telehealth” means the mode of delivering health care services via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a pupil’s health care while the pupil is at a schoolsite and the health care provider is at a distant site.

(e) This section shall only be implemented if sufficient funds are made available to the department pursuant to an appropriation in the annual Budget Act or another statute for that purpose.

SEC. 26. Section 49501.5 of the Education Code is amended 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) (1) The department may adopt, and as necessary revise, guidelines in accordance with this section at a publicly noticed meeting if the department complies with all of the following:

(A) Provides an opportunity for public comment at the meeting.

(B) Provides written public notice of a meeting at least 30 days before the meeting at which the guideline to be adopted will be considered or approved.

(C) For a substantive revision of the guidelines, the department provides written notice of a meeting at least 15 days before the meeting at which the revision will be considered or approved.

(2) The adoption or revision of guidelines pursuant to this subdivision is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code until July 1, 2023.

SEC. 27. Section 51226.9 of the Education Code is amended to read:

51226.9. (a) (1) The department shall, no later than June 1, 2022, in collaboration with, and subject to the approval of, the executive director of the state board, use the funding appropriated pursuant to Section 156 of Chapter 44 of the Statutes of 2021 to enter into a contract with a county office of education or a consortium of county offices of education for the purposes of developing a model curriculum related to Native American studies by September 1, 2025. The model curriculum shall be housed on the platform developed and maintained by the California History-Social Science Project. The designated county office of education or consortium of county offices of education shall work with the California History-Social Science Project and Teaching California to ensure that the model curriculum is accessible and compatible with the platform.

(2) The county office of education or consortium of county offices of education shall ensure the inclusion of authentic voices and perspectives in the development of the model curriculum and shall provide multiple opportunities for authentic stakeholder engagement across the state which shall include, but not be limited to, town halls or other input sessions and surveys. The county office of education or consortium of county offices of education shall consult with federally recognized Native American tribes located in California, California Native American tribes, faculty of Native American studies programs at universities and colleges

with Native American studies programs, representatives of local educational agencies, members of the Instructional Quality Commission established pursuant to Section 33530, and teachers, including teachers who have relevant experiences or education backgrounds in the study and teaching of Native American studies. The Governor's Tribal Advisor, the Native American Heritage Commission, and the department shall assist the county office of education or consortium of county offices of education in statewide tribal consultations with federally recognized Native American tribes located in California and California Native American tribes.

(3) For purposes of this subdivision, "California Native American tribe" means a Native American tribe that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004 and Chapter 532 of the Statutes of 2014.

(b) The model curriculum shall be written as a guide to allow school districts and charter schools to adapt their related courses to reflect the pupil demographics in their communities. The model curriculum shall include examples of courses offered by local educational agencies that have been approved as meeting the A–G admissions requirements of the University of California and the California State University, including, to the extent possible, course outlines for those courses.

(c) The model curriculum shall be open source and accessible to educators across the state and include online instructional modules appropriate for use in elementary, middle, and high schools.

(d) The county office of education or consortium of county offices of education may subcontract with a nonprofit organization or institution of higher education in the development of the model curriculum pursuant to this subdivision.

(e) The county office of consortium or county offices of education shall submit a report annually, until the completion of the model curriculum, on its progress in the development of the model curriculum to the appropriate fiscal and policy committees of the Legislature and to the state board.

(f) Beginning in the school year following the completion of the model curriculum pursuant to subdivision (a), each school district or charter school maintaining any of grades 9 to 12, inclusive, that does not otherwise offer a standards-based Native

American studies curriculum is encouraged to offer to all otherwise qualified pupils a course of study in Native American studies. A school district or charter school that elects to offer a course of study in Native American studies pursuant to this subdivision shall offer the course as an elective in the social sciences or English language arts and shall make the course available in at least one year during a pupil's enrollment in grades 9 to 12, inclusive.

(g) It is the intent of the Legislature that local educational agencies submit course outlines for Native American studies for approval as A–G courses.

(h) For purposes of this section, "model curriculum" means lesson plans, primary source documents, planning resources, teaching strategies, and professional development activities to assist teachers in teaching about Native American studies.

**SEC. 28.** 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, or a pupil who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance.

(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 described in subdivision (a) 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 described in subdivision (a) 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. 29. Section 51745.5 of the Education Code is amended 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 or the certificated employee of the local educational agency providing instruction for course-based independent study.

SEC. 30. 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 10 percent of required minimum instructional time over four continuous weeks of a local educational agency's approved instructional calendar, pupils found not participatory pursuant to Section 51747.5 for more than the greater of three schooldays or 60 percent of the scheduled days of synchronous instruction in a school month as applicable by grade span, or pupils 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 recording of a non-attendance day 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 an independent study program of any length of time 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 in an independent study program or October 15, whichever date comes later. 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) Upon the request of the parent or guardian of a pupil, before signing a written agreement pursuant to this section, the local educational agency shall conduct a telephone, 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) (1) Notwithstanding paragraph (8) of subdivision (g) of this section, paragraph (1) of subdivision (e) of Section 46300, and subdivision (d) of Section 51745, for the 2021–22 school year only, a local educational agency shall be eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine,

and for school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. Local educational agencies shall receive apportionment for these pupils for all schooldays that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.

(2) Notwithstanding Section 47612.5, for the 2021–22 fiscal year, a classroom-based charter school that provides an independent study program pursuant to this article for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, shall not attribute quarantine-based independent study average daily attendance required pursuant to law for a nonclassroom-based charter school pursuant to Section 47612.5 and shall not be required to submit a request for a funding determination as a result of providing independent study to quarantined pupils.

(3) This subdivision shall apply only to pupils participating in independent study due to quarantine who do not have the option of in-person instruction, and only for the period of quarantine mandated pursuant to state or local health guidance or order. This subdivision shall not apply to classroom-based charter schools offering independent study to pupils whose parents or guardians have requested independent study pursuant to subdivision (a) of Section 51745.

(k) 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.

(l) 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. 31. 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 employed by the local educational agency. 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 live interaction or synchronous instruction is provided as part of the independent study program. A pupil who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that schoolday for purposes of pupil participation reporting and tiered reengagement pursuant to Section 51747.

(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. 32. 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) (1) 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.

(2) 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 (e), 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. 33. 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.

(8) (A) 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.

(B) Upon the request of the parent or guardian of a pupil, and before signing a written agreement pursuant to this section, the local educational agency shall conduct a telephone, 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.

(c) Notwithstanding paragraph (6) of subdivision (a) of this section, paragraph (1) of subdivision (e) of Section 46300, and subparagraph (B) of paragraph (7) of subdivision (a) of Section 51749.5 for the 2021–22 school year only, a local educational agency shall be eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, and for school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. Local educational agencies shall receive apportionment for these pupils for all schooldays that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.

(d) 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) and (b) 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.

(e) 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. 34. 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 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.

(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. 35. Section 110 of Chapter 24 of the Statutes of 2020, as amended by Section 4 of Chapter 10 of the Statutes of 2021, is amended to read:

Sec. 110. (a) The sum of three hundred fifty-five million two hundred twenty-seven thousand dollars (\$355,227,000) from the Federal Trust Fund and the sum of one billion one hundred forty-four million seven hundred seventy-three thousand dollars (\$1,144,773,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies in an equal amount per pupil using the following methodology:

(1) For each eligible local educational agency, determine the total number of pupils 3 to 22 years of age, inclusive, with exceptional needs enrolled in that local educational agency using Fall 1 Census special education data for the 2019–20 fiscal year.

(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 specified 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 eligible local educational agency by multiplying the per pupil amount calculated in paragraph (3) by the total amount of pupils with exceptional needs for the eligible local educational agency determined in paragraph (1).

(5) The Superintendent shall allocate the applicable amount of funds calculated in paragraph (4) to eligible local educational agencies.

(b) (1) In addition to the amounts specified in subdivisions (a) and (c), the sum of two billion eight hundred fifty-five million two hundred twenty-seven thousand dollars (\$2,855,227,000) from the

Coronavirus Relief Fund is hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's supplemental and concentration grant funding determined as of the 2019–20 second principal apportionment certification, pursuant to subdivisions (e) and (f) of, and paragraph (1) of subdivision (i) of, Section 42238.02 of the Education Code, or paragraphs (2), (3), and (4) of subdivision (c) of Section 2574 of the Education Code, as applicable.

(2) Consistent with Section 2576 of the Education Code, a county office of education's supplemental and concentration grant funding for purposes of paragraph (1) shall include funding that the Superintendent transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to subdivisions (e) and (f) of Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(c) (1) In addition to the amounts specified in subdivisions (a) and (b), the sum of five hundred thirty-nine million nine hundred twenty-six thousand dollars (\$539,926,000) from the General Fund and the sum of four hundred thirty-nine million eight hundred forty-four thousand dollars (\$439,844,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency's local control funding formula entitlement determined as of the 2019–20 second principal apportionment certification, pursuant to Sections 42238.02 and 42238.025 of the Education Code, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575 of the Education Code, as applicable. For purposes of this section, entitlements shall include apportionments allocated pursuant to Section 41544 of the Education Code and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code.

(2) Consistent with Section 2576 of the Education Code, a county office of education's local control funding formula entitlement for purposes of paragraph (1) shall include funding

that the Superintendent of Public Instruction transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(d) Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to subdivision (a) shall be available for obligation from March 13, 2020, to September 30, 2022, inclusive, funds apportioned from the General Fund pursuant to subdivision (c) shall be used from March 1, 2020, to June 30, 2021, inclusive, and funds apportioned from the Coronavirus Relief Fund pursuant to this section shall be used from March 1, 2020, to May 31, 2021, inclusive, for activities that directly support academic achievement and mitigate learning loss related to COVID-19 school closures. Funds may be used to support individuals served by local educational agencies, including, but not limited to, those enrolled in a childcare program, California state preschool program, kindergarten, any of grades 1 to 12, inclusive, and adult education programs, and shall be expended for any of the following purposes:

(1) Addressing learning loss or accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports that begin before the start of the school year and the continuation of intensive instruction and supports into the school year.

(2) Extending the instructional school year by making adjustments to the academic calendar, increasing the number of instructional minutes provided during each week or schoolday, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(3) Providing additional academic services for pupils, such as diagnostic assessments of pupil learning needs, intensive instruction for addressing gaps in core academic skills, additional instructional materials or supports, or devices or connectivity for the provision of in-classroom and distance learning.

(4) Providing integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, professional development opportunities to help teachers and parents support pupils in distance-learning contexts,

access to school breakfast and lunch programs, or programs to address pupil trauma and social-emotional learning.

(5) Addressing health and safety concerns, including, but not limited to, purchasing public health testing, personal protective equipment, supplies to sanitize and clean the facilities and school buses of a local educational agency, and for other related needs.

(e) (1) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall certify that funding received pursuant to this section will be used in full compliance with federal law, and shall adopt, on or before September 30, 2020, at a public meeting of the governing board or body of the local educational agency, a learning continuity and attendance plan pursuant to Section 43509 of the Education Code.

(2) An eligible local educational agency that retains unspent funds received from the Coronavirus Relief Fund after December 30, 2020, shall recertify that funding received from the Coronavirus Relief Fund pursuant to this section will be used in full compliance with federal law by May 31, 2021. The recertification shall be made by the local educational agency as part of the reporting required for the quarterly period ending March 31, 2021. If an eligible local educational agency does not certify or recertify as required in this section, unspent funds received from the Coronavirus Relief Fund may be reallocated upon order of the Director of Finance pursuant to Section 11.90 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020).

(f) This section does not preclude an eligible local educational agency from receiving or expending funds pursuant to subdivisions (a), (b), and (c) before the adoption of its learning continuity and attendance plan for the 2020–21 school year.

(g) As a condition of receipt of the funds pursuant to this section, each eligible local educational agency shall maintain a file of all receipts and records of expenditures made pursuant to this section for a period of no less than five years, or, where an audit has been requested, until the audit is resolved, whichever is longer. Receipts and records that are required to be retained by each eligible local educational agency shall be made available to the Superintendent, upon request. The Superintendent shall take action to recoup any federal disallowances of funds allocated to eligible local educational agencies, as applicable.

(h) (1) (A) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before October 15, 2020, the balance of any unexpended funds received from the Coronavirus Relief Fund to the Superintendent. Funds that are not expended by May 31, 2021, shall be reported to the Superintendent as part of the quarterly reporting period ending June 30, 2021, and the Superintendent shall recover funds from the eligible local educational agency.

(B) Funds recovered by the Superintendent pursuant to subparagraph (A) shall be deposited into the Coronavirus Relief Fund for reallocation as described in subparagraph (C).

(C) Unspent funds that were apportioned to eligible local educational agencies from the Coronavirus Relief Fund pursuant to subdivisions (a), (b), (c), and (e) and deposited into the Coronavirus Relief Fund pursuant to subparagraph (B) may be reallocated, upon order of the Department of Finance.

(2) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before August 31, 2022, the balance of any unexpended funds received from the Federal Trust Fund to the Superintendent. Funds that are not expended by September 30, 2022, shall be reported to the Superintendent, and the Superintendent shall initiate collection proceedings.

(3) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before May 31, 2021, the balance of any unexpended funds received from the General Fund to the Superintendent. Funds that are not expended by June 30, 2021, shall be reported to the Superintendent, and the Superintendent shall initiate collection proceedings.

(i) (1) For purposes of subdivisions (a) and (b), “eligible local educational agency” means a school district, county office of education, or a classroom-based direct-funded charter school as determined pursuant to Sections 47612.5 and 47634.2 of the Education Code as of the 2019–20 second principal apportionment certification.

(2) For purposes of subdivision (c), “eligible local educational agency” means a school district, county office of education, or a charter school.

(j) (1) For purposes of the calculations pursuant to subdivisions (a) and (b), data for a classroom-based locally funded charter school

shall be included in the determination of the chartering authority's funding.

(2) For purposes of the calculations pursuant to subdivision (c), data for a locally funded charter school shall be included in the determination of the chartering authority's funding.

(k) (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 (c), two hundred seventy million six hundred thirty-four thousand dollars (\$270,634,000) 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.

(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 (c), two hundred sixty-nine million two hundred ninety-two thousand dollars (\$269,292,000) 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. 36. Section 124 of Chapter 44 of the Statutes of 2021 is amended to read:

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 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 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, or the location of the actions related to these funds in its 2021–22 local control and accountability plan pursuant to the requirements of paragraph (11) of subdivision (b) of Section 52064.

(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) Notwithstanding Section 52064 of the Education Code, actions described pursuant to paragraph (2) of subdivision (a) shall be added to the summary tables for the purposes of the annual update to the 2021–22 local control and accountability plan.

(c) 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.

(d) 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.

(e) 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.

(f) For the annual update to the 2021–22 local control and accountability plan required pursuant to Sections 47606.5, 52061, and 52067 of the Education Code, as applicable, 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, 52068, 52070, and 52070.5 of, and subdivision (e) of Section 47606.5 of, the Education Code.

SEC. 37. Section 127 of Chapter 44 of the Statutes of 2021 is amended to read:

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 January 1, 2022, 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, solicit and evaluate proposals and contract for an independent evaluation of technical assistance provided pursuant to Sections 47607.3, 52071, and 52071.5 of the Education Code. The selection of applications shall use a standardized scoring criteria and any contract executed to implement this section shall be exempt from the Public Contract Code and the State Contracting Manual, shall not be subject to Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code, and shall not be subject to the approval of the Department of General Services. Contracts awarded pursuant to this subdivision shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government 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 January 15, 2023, 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. 38. Section 134 of Chapter 44 of the Statutes of 2021 is amended to read:

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 December 31, 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. 39. Section 138 of Chapter 44 of the Statutes of 2021 is amended to read:

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 may 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 and supporting infrastructure system needs, including, but not limited to, combination ovens, steamers, tilting skillets, or electrical support and facility upgrade requirements.

(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, blast chillers, or system upgrades.

(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, 2023, 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 lunches served in October 2020 by the local educational agency.

(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 may 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 participating in the federal School Breakfast Program or the federal National School Lunch Program.

(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. 40.** Section 141 of Chapter 44 of the Statutes of 2021 is amended to read:

**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, 2024.

(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. 41. Section 144 of Chapter 44 of the Statutes of 2021 is amended to read:

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 December 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. 42. Section 149 of Chapter 44 of the Statutes of 2021 is amended to read:

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 General 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, 2024.

(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. 43. Section 152 of Chapter 44 of the Statutes of 2021 is amended to read:

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 a selected county office of education, or multiple 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. Funds appropriated for this purpose are available through the 2025–26 fiscal year to provide grants consistent with subdivision (c).

(c) On or before December 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 a county office of education, or multiple 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. 44. Section 157 of Chapter 44 of the Statutes of 2021 is amended to read:

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 allocation for 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. 45. Section 159 of Chapter 44 of the Statutes of 2021 is amended to read:

SEC. 159. (a) For the 2021–22 fiscal year, the sum of twenty-five million dollars (\$25,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation 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. 46. Section 164 of Chapter 44 of the Statutes of 2021 is amended to read:

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. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2024.

SEC. 47. Notwithstanding any other law, and until July 1, 2022, any holder of a credential or permit issued by the Commission on Teacher Credentialing that authorizes the holder to substitute teach in a general, special, or career technical education assignment may serve in a substitute teaching assignment aligned with their authorization, including for staff vacancies, for up to 60 cumulative days for any one assignment. Nothing in this section shall preclude a local educational agency from following the hiring provisions outlined in Section 44225.7 of the Education Code.

SEC. 48. Notwithstanding any other law, the funds provided under the Emergency Assistance to Non-Public Schools Program pursuant to Section 2002 of the federal American Rescue Plan Act of 2021 (Public Law 117-2) shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code. Any contract executed to implement this section shall be exempt from the Public Contract Code and the State Contracting Manual, shall not be subject to Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code, and shall not be subject to the approval of the Department of General Services.

SEC. 49. Section 11.5 of this bill incorporates amendments to Section 42238.01 of the Education Code proposed by both this bill and Assembly Bill 1055. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 42238.01 of the Education Code, and (3) this bill is enacted after Assembly Bill 1055, in which case Section 42238.01 of the Education Code, as amended by Section 11 of this bill, shall remain operative only until the operative date

of Assembly Bill 1055, at which time Section 11.5 of this bill shall become operative.

SEC. 50. 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. 51. (a) Notwithstanding any other law, the report due 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 pursuant to Provision 25 of Item 6100-001-0890 of Section 2.00 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020) shall instead be submitted on or before October 1, 2022.

(b) The funds appropriated pursuant to Provision 25 of Item 6100-001-0890 of Section 2.00 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020) shall instead be available for encumbrance until June 30, 2023.

SEC. 52. The amount appropriated in the 2020–21 fiscal year for emergency assistance to nonpublic schools as provided under Section 312(d) of Division M of the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Public Law 116-260), to the Superintendent of Public Instruction for allocation to eligible nonpublic schools to address the impact of COVID-19 on nonpublic school pupils and teachers in the state, shall be available for encumbrance through September 30, 2022.

SEC. 53. The sum of one million thirty-one thousand dollars (\$1,031,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to be allocated as follows:

(a) Seven hundred fifty thousand dollars (\$750,000) to the California History-Social Science Project to develop, establish, and maintain a centrally located platform for hosting the model curricula developed pursuant to Sections 33540.2, 33540.4, 33540.6, and 51226.9 of the Education Code.

(b) (1) Two hundred eighty-one thousand dollars (\$281,000) 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, contract with a nongovernmental research institution for the purpose of convening a Statewide Model

Curriculum Coordinating Council to help ensure alignment and coordination in the development of the model curricula pursuant to Sections 33540.2, 33540.4, 33540.6, and 51226.9 of the Education Code.

(2) The Statewide Model Curriculum Coordinating Council shall meet at least quarterly with the selected county office of education or consortium of county offices of education, pursuant to Sections 33540.2, 33540.4, 33540.6, and 51226.9 of the Education Code, and the California History-Social Science Project regarding the development of the model curricula and shall review all of the following:

(A) The sufficiency of the stakeholder engagement, including the inclusion of diverse and regional voices.

(B) The process for vetting and inclusion of resources into the model curricula.

(C) An analysis of the accessibility of the resources on the hosting platform.

(D) Other areas of statewide concern.

(3) The Statewide Model Curriculum Coordinating Council shall consist of representatives from the following groups:

(A) The State Department of Education.

(B) The State Board of Education.

(C) The Instructional Quality Commission.

(D) The California Collaborative for Educational Excellence.

SEC. 54. 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.



Approved \_\_\_\_\_, 2021

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*Governor*