

Assembly Bill No. 86

Passed the Assembly March 4, 2021

Chief Clerk of the Assembly

Passed the Senate March 4, 2021

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 69432.9 of, to add and repeal Article 8 (commencing with Section 32090) of Chapter 1 of Part 19 of Division 1 of Title 1 of, and to add and repeal Part 24.6 (commencing with Section 43520) of Division 3 of Title 2 of, the Education Code, to amend Section 110 of Chapter 24 of the Statutes of 2020, and to amend Section 3 of Chapter 6 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 86, Committee on Budget. COVID-19 relief and school reopening, reporting, and public health requirements.

(1) Existing law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. Existing law establishes procedures for the apportionment of state funds to these local educational agencies. Existing law, for purposes of calculating apportionments for the 2020–21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified.

This bill would require the school administrator or other person in charge of a public or private school campus maintaining kindergarten or any of grades 1 to 12, inclusive, upon learning that a school employee or pupil at the public or private school campus has tested positive for COVID-19 and was present on campus while infectious, to immediately, and in no case later than 24 hours after learning of the positive COVID-19 case, notify the local health officer or the local health officer’s representative about the positive case, as specified. The bill would prohibit this information from being disclosed by a local public health department, except as provided. The bill, beginning March 15, 2021, would require every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, to notify the State Department of Public Health of

certain information relating to in-person activities of the educational entity on or before the 2nd and 4th Monday of each month, as specified, and would require the State Department of Public Health to conduct safety reviews of certain schoolsites. The bill would require an educational entity to post a completed COVID-19 safety plan containing certain information on its internet website home page, as specified, and would require certain local educational agencies to submit their COVID-19 safety plan to their local public health department and the State Department of Public Health and resolve any deficiencies identified in the plan before offering in-person instruction. By requiring additional actions by local educational agencies, the bill would impose a state-mandated local program. The bill would require the Government Operations Agency to (A) prioritize COVID-19 vaccination for all persons in Tier 1B pursuant to the State Department of Public Health's Vaccine Allocation Guidelines for COVID-19 Vaccine equally statewide, (B) prioritize a set number of appointments for education sector staff under Tier 1B described in (A), and (C) provide related direct outreach to, and support for, education sector staff. Of the first doses of the COVID-19 vaccines available to the state, the bill would require 10% to be offered to childcare and K-12 education sector staff. The bill would make these provisions inoperative on June 30, 2022, and would repeal them as of January 1, 2023.

(2) For the 2020–21 fiscal year, this bill would appropriate \$6,557,443,000 from the General Fund to the Superintendent of Public Instruction, of which \$4,557,443,000 would be apportioned to school districts, county offices of education, charter schools, and state special schools, as prescribed, and available for expenditure until August 31, 2022, for certain activities, including offering supplemental instruction and support. As a condition of receiving these funds, the bill would require a local educational agency to, among other things, adopt at a public meeting a plan describing how these funds will be used consistent with eligible purposes. The bill would require the Superintendent to develop and post on the department's internet website a template for the plan to be used by local educational agencies, as prescribed. The bill would require the remaining \$2,000,000,000 to be apportioned to school districts, county offices of education, and certain charter schools, and available for expenditure until August 31, 2022, if

those local educational agencies, among other things, provide optional in-person instruction to certain pupil groups within prescribed timelines. The bill would require certain reporting requirements regarding the use of apportioned funds, would impose certain penalties for noncompliance with prescribed requirements, and would require the Superintendent to initiate collection proceedings for unexpended funds. The bill would make these provisions inoperative on June 30, 2023, and would repeal them as of January 1, 2024.

(3) The Cal Grant Program establishes the Cal Grant A and B Entitlement Awards, the California Community College Transfer Cal Grant Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

A provision of the program specifies that the commission shall require that a grade point average be submitted, as specified, to the commission for Cal Grant A and B applicants, except for those applicants permitted to provide test scores in lieu of a grade point average. Existing law requires the commission to adopt regulations that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

For the 2021–22 award year, this bill would authorize commission staff to waive the requirement to submit a test score in lieu of a qualifying grade point average for a student who does not have a grade point average and is unable to submit a test score due to unavailability of designated testing due to the COVID-19 pandemic. The bill would require the commission to require a student seeking a waiver under these provisions to submit a signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average due to the COVID-19 pandemic. The bill would give a student applying for a Cal Grant A or B Entitlement award for the 2021–22 award year with a waiver under these provisions until May 16, 2021, to complete and submit their financial aid application and signed certification.

(4) 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 of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies to support pupil academic achievement and mitigate learning loss related to COVID-19 school closures. Existing law requires the funds appropriated from the Federal Trust Fund to be used from March 13, 2020, to September 30, 2022, inclusive, the funds appropriated from the General Fund to be used from March 1, 2020, to June 30, 2021, inclusive, and the funds appropriated from the Coronavirus Relief Fund to be used from March 1, 2020, to December 30, 2020, inclusive, unless otherwise provided in federal law.

This bill would instead require the funds appropriated from the Coronavirus Relief Fund to be used from March 1, 2020, to May 31, 2021, inclusive. By extending the date to encumber or otherwise use funds appropriated from the Coronavirus Relief Fund, the bill would make an appropriation. The bill would require an eligible local educational agency that retains unspent funds received from the Coronavirus Relief Fund after December 30, 2020, to recertify, as part of the reporting required for the quarterly period ending March 31, 2021, that the remaining funds will be used in full compliance with federal law by May 31, 2021, and if an eligible local educational agency does not certify or recertify as required by these provisions, the bill would authorize funds received from the Coronavirus Relief Fund to be reallocated upon order of the Director of Finance. The bill would (A) require funds not expended by May 31, 2021, to be reported by the eligible local educational agency to the Superintendent, (B) require the Superintendent to recover those unexpended funds and deposit them into the Coronavirus Relief Fund, and (C) authorize those deposited funds to be reallocated, upon order of the Department of Finance. By authorizing those moneys to be reallocated, the bill would make an appropriation.

(5) The Child Care and Development Services Act (act) establishes a system of childcare and development services for children up to 13 years of age, and sets out specified eligibility criteria for these services. Existing law appropriates \$402,000,000 in funding from the federal Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021 to provide

subsidized childcare and preschool providers with COVID-19 pandemic-related assistance, and allocates \$80,000,000 of those funds to provide additional emergency vouchers for children of essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education plan or individualized family service plans include early learning and care and who are eligible for services under the act, through June 30, 2022, inclusive.

This bill would specify that the allocation of \$80,000,000 to provide additional emergency vouchers is for the above-described children whose parent or guardian self-certifies that the family is eligible for services pursuant to the eligibility criteria specified under the act.

(6) For the 2020–21 fiscal year, the bill would appropriate \$25,000,000 from the General Fund to the State Department of Public Health for the purpose of the Safe Schools For All Team, which will coordinate technical assistance, community engagement, increased transparency, and enforcement by the appropriate entity for public school health and safety during the COVID-19 pandemic.

(7) For the 2020–21 fiscal year, the bill would appropriate \$5,000,000 from the General Fund to the Superintendent of Public Instruction for allocation to the California Collaborative for Educational Excellence to provide support to local educational agencies to maximize positive pupil outcomes and most effectively use certain funds described above in paragraph (2).

(8) 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.

(9) 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.

(10) 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. Article 8 (commencing with Section 32090) is added to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 8. COVID-19 Reporting and Public Health Requirements

32090. (a) (1) Upon learning that a school employee or pupil at a public or private school campus maintaining kindergarten or any of grades 1 to 12, inclusive, in the state has tested positive for COVID-19 and was present on campus while infectious, the school administrator or other person in charge of the public or private school shall immediately, and in no case later than 24 hours after learning of the positive case, notify the local health officer or the local health officer's representative about the positive case.

(2) For purposes of this subdivision, the required notification to the local health officer or the local health officer's representative shall include all of the following information, if known:

(A) Identifying information of the individual who tested positive, including full name, address, telephone number, and date of birth.

(B) The date of the positive test, the school or schools at which the individual was present onsite, and the date the individual was last onsite at the applicable school or schools.

(C) The name, address, and telephone number of the person making the report.

(3) The school administrator or other person in charge of the school shall notify the local health officer or the local health officer's representative, as required by this subdivision, even if the individual who tested positive has not provided prior consent to the disclosure of personally identifiable information. For any school subject to the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), the school administrator or other person in charge of the school shall notify the local health officer or the local health officer's representative, even without prior written consent, as a disclosure that is necessary to protect the health or safety of the student or other individuals pursuant to Section 99.36 of Title 34 of the Code of Federal Regulations.

(4) (A) Information reported pursuant to this subdivision shall not be disclosed by a local public health department, except in any of the following circumstances:

(i) To the State Department of Public Health to the extent deemed necessary by the local health officer for an investigation to determine the source of infection and to prevent the spread of COVID-19.

(ii) If required by state or federal law.

(iii) With the written consent of the individual to whom the information pertains or the legal representative of the individual.

(iv) If the source of infection or exposure of other persons is believed to be outside the local jurisdiction, in which case the local health officer shall notify and share necessary information with local or government public health officials for the relevant jurisdictions to monitor, investigate, prevent, and control the spread of COVID-19.

(B) Upon receiving a report made pursuant to this article, the local health officer shall take the steps necessary to investigate, prevent, and control the spread of COVID-19.

(C) Information reported under this subdivision is not subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) pursuant to subdivision (c) of Section 6254 of the Government Code.

(5) The requirements of this subdivision shall be in addition to any other legal requirements related to the reporting of a communicable disease.

(b) Beginning March 15, 2021, a single schoolsite of a local educational agency with two or more outbreaks of COVID-19, as identified by the local health officer or the State Department of Public Health, shall be subject to a safety review by the State Department of Public Health.

32091. (a) (1) Beginning March 15, 2021, every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, shall notify the State Department of Public Health of the following information in a form and adhering to the procedures to be determined by State Department of Public Health on or before the second and fourth Monday of each month:

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

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

(C) The number of pupils participating in full-time in-person instruction by schoolsite and, if applicable, school district.

(D) The number of pupils participating in a mix of in-person and distance learning, known as hybrid learning, by schoolsite and, if applicable, school district.

(E) The number of pupils participating in distance learning by schoolsite and, if applicable, school district.

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

(G) The number of pupils being served in cohorts while the school is closed for in-person instruction and the support and services they are receiving.

(H) For school districts with schoolsites with pupils participating only in distance learning, the reasons why in-person instruction is not being offered and the barriers the schoolsite or school district faces in providing in-person instruction.

(I) Any additional information requested by the State Department of Public Health.

(2) The State Department of Public Health shall do all of the following:

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

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

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

(D) Maintain a data report on its internet website, updated every two weeks with new educational entity-level and statewide aggregate data received by the State Department of Public Health pursuant to this section.

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

(b) (1) Every local educational agency and private school offering in-person instruction for kindergarten or any of grades 1 to 12, inclusive, shall post a completed COVID-19 safety plan on

its internet website home page. For a local educational agency or private school that is not offering in-person instruction as of the effective date of Assembly Bill 86 of the 2021–22 Regular Session, but begins offering in-person instruction after the effective date of Assembly Bill 86 of the 2021–22 Regular Session, the local educational agency or private school shall, at least five days before offering in-person instruction, post a completed COVID-19 safety plan on its internet website home page.

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

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

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

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

32092. (a) The Government Operations Agency shall prioritize COVID-19 vaccination for all persons in Tier 1B pursuant to the State Department of Public Health’s Vaccine Allocation Guidelines for COVID-19 Vaccine equally statewide.

(b) The Government Operations Agency, through the state’s third party administrator for COVID-19 vaccination, shall prioritize a set number of appointments for education sector staff under Tier 1B described in subdivision (a), in partnership with local educational agencies, childcare providers, and labor organizations, and shall provide related direct outreach to, and support for, education sector staff.

(c) Of the first doses of the COVID-19 vaccines available to the state, 10 percent shall be offered to childcare and K–12 education sector staff.

(d) This section shall not be construed as inferring that vaccination of school staff or pupils is a prerequisite for providing in-person instruction.

32093. The requirements of this article shall not be waived by the state board pursuant to Section 33050 or any other law.

32094. For purposes of this article, the following definitions apply:

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

(b) “Private school” means every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary, middle, or high school level, unless the private school instruction is only being provided to one or more pupils of a single household.

32095. This article shall become inoperative on June 30, 2022, and, as of January 1, 2023, is repealed.

SEC. 2. Part 24.6 (commencing with Section 43520) is added to Division 3 of Title 2 of the Education Code, to read:

PART 24.6. INSTRUCTION SUPPORT GRANTS

CHAPTER 1. IN-PERSON INSTRUCTION AND EXPANDED LEARNING OPPORTUNITIES GRANTS

43520. It is the intent of the Legislature that local educational agencies offer in-person instruction to the greatest extent possible during the 2020–21 school year, consistent with subdivision (b) of Section 43504, and, starting in the 2020–21 school year and continuing into the 2022–23 school year, expand in-person instructional time and provide academic interventions and pupil

supports to address barriers to learning and accelerate progress to close learning gaps. The Legislature strongly encourages local educational agencies to prioritize pupils who would benefit the most from in-person instruction and who have been identified as needing integrated supports or academic interventions, including, but not limited to, pupils with disabilities, youth in foster care, homeless youth, English language learners, pupils from low-income families, pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, disengaged pupils, credit-deficient high school pupils, pupils at risk of dropping out, pupils with failing grades, and pupils identified as needing social and mental health supports.

43520.5. For purposes of this chapter, the following definitions apply:

(a) “Disengaged pupil” means a pupil identified for tiered reengagement strategies pursuant to paragraph (2) of subdivision (f) of Section 43504.

(b) “Eligible for free or reduced-price meals” has the same meaning as in Section 42238.01.

(c) “English learner” has the same meaning as in Section 42238.01.

(d) “Foster youth” has the same meaning as in Section 42238.01.

(e) “Homeless pupil” means a pupil who meets the definition of “homeless children and youths” in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(f) (1) “In-person instruction” means instruction under the immediate physical supervision and control of a certificated employee of the local educational agency while engaged in educational activities required of the pupil.

(2) In-person instruction may include hybrid models offering fewer than five days per week of in-person instruction, as described in paragraph (1), only if the local educational agency offers in-person instruction to the greatest extent possible pursuant to subdivision (b) of Section 43504.

(g) “Individual with exceptional needs” has the same meaning as in Section 56026.

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

(i) “Pupils at risk of abuse, neglect, or exploitation” means pupils who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.

(j) “Supplemental instruction” means the instructional programs provided in addition to and complementary to the regular instructional programs, including services provided pursuant to an individualized education program, offered or provided by a local educational agency.

(k) “Support” means interventions provided as a supplement to those regularly provided, including services provided pursuant to an individualized education program, that are designed to meet pupils’ needs for behavioral, social, emotional, and other integrated pupil supports, in order to enable pupils to engage in and benefit from the supplemental instruction provided pursuant to this chapter.

43521. (a) The sum of six billion five hundred fifty-seven million four hundred forty-three thousand dollars (\$6,557,443,000) is hereby appropriated from the General Fund to the Superintendent for apportionment in the 2020–21 fiscal year pursuant to this chapter.

(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, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 for each unit of average daily attendance credited to the school district of residence as of the 2020–21 second principal apportionment certification.

(c) (1) Of the amount appropriated pursuant to subdivision (a), two billion dollars (\$2,000,000,000) shall be apportioned to local educational agencies, excluding a charter school classified as a nonclassroom-based charter school as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, based on the apportionment methodology described in subparagraphs (A) and (B) of paragraph (3) of subdivision (b).

(2) (A) A local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced pursuant to subparagraph (B) if the local educational agency does not provide in-person instruction pursuant to paragraph (3).

(B) (i) From April 1, 2021, to May 15, 2021, inclusive, a local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced by 1 percent for each day of instruction provided for in the school calendar that the local educational agency does not provide in-person instruction pursuant to paragraph (3), as identified in the school calendar adopted for the 2020–21 school year that is in effect on March 1, 2021.

(ii) If a local educational agency does not provide in-person instruction pursuant to paragraph (3) on or before May 15, 2021, it shall forfeit all funds apportioned pursuant to paragraph (1).

(iii) If a local educational agency does not offer continuous in-person instruction for pupils pursuant to subparagraphs (A) to (C), inclusive, of paragraph (3) from when it commences offering in-person instruction through the end of the scheduled 2020–21 school year, unless otherwise ordered by a state or local health officer, it shall forfeit all funds apportioned pursuant to paragraph

(1). The scheduled school year is the adopted school calendar for the 2020–21 school year that is in effect on March 1, 2021.

(3) For purposes of this subdivision, a local educational agency shall be considered to be offering in-person instruction if it does at least all of the following:

(A) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy that is neither open nor eligible to open as defined in the COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction pursuant to the State Department of Public Health’s Guidance Related to Cohorts to all pupils who are individuals with exceptional needs, if consistent with each pupil’s individualized education program, and to all prioritized pupil groups described in paragraph (4), unless the number of pupils in the prioritized pupil groups seeking in-person instruction exceeds the practical capacity of a local educational agency to maintain health and safety pursuant to its COVID-19 safety plan, in which case the local educational agency may limit the number of pupils within the prioritized pupil groups that receive in-person instruction to its maximum practical capacity.

(B) For elementary schools, for kindergarten and grades 1 to 6, inclusive, as applicable, the following applies:

(i) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in kindergarten and grades 1 and 2.

(ii) When eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to clause (i), and to all pupils in grade 3 through the highest elementary school grade, up to grade 6, inclusive.

(C) For middle schools and high schools, for grades 6 to 12, inclusive, as applicable, when eligible pursuant to COVID-19

industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in at least one full grade level.

(D) (i) Except as provided in clause (ii), for a local educational agency in a county in the purple tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy, the local educational agency conducts asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(ii) The requirement in clause (i) does not apply if, on or before March 31, 2021, the local educational agency is providing in-person instruction or the governing board or body of the local educational agency has adopted a plan to provide in-person instruction and has publicly posted its COVID-19 safety plan on its internet website. A local educational agency in a county that moves from the purple tier into the red, orange, or yellow tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy, is not required to maintain asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(4) For the purposes of this subdivision, “prioritized pupil groups” shall include all of the following:

(A) Pupils at risk for abuse, neglect, or exploitation.

(B) Homeless pupils.

(C) Foster youth.

(D) English learners.

(E) Pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, as determined by the local educational agency.

(F) Disengaged pupils.

(5) On or before June 1, 2021, a local educational agency shall certify its compliance with paragraph (3) using a form the State Department of Education shall provide for this purpose. The State Department of Education shall make this form available publicly on its internet website on or before May 1, 2021.

(6) (A) The State Department of Education’s calculation of a local educational agency’s August 2021 apportionment of funds pursuant to subdivision (f) shall include a reduction equal to the amount of funds reduced pursuant to clause (i) of subparagraph (B) of paragraph (2) or forfeited pursuant to clause (ii) or (iii) 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) or (iii) 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 the effective date of Assembly Bill 86 of the 2021–22 Regular Session, 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) 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) In August 2021, an amount equal to the remaining amount 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.

(2) Funds apportioned to a local educational agency or state special school pursuant to this section shall be available for expenditure through August 31, 2022.

(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) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), one billion three hundred sixty-four million nine hundred thirty-one thousand dollars (\$1,364,931,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), five billion one hundred ninety-two million five hundred twelve thousand dollars (\$5,192,512,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

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) Extending 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, 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 or English language proficiency, or both.

(C) Educator training, for both certificated and classified staff, in accelerated learning strategies and effectively addressing learning gaps, including training in facilitating quality and engaging learning opportunities for all pupils.

(3) Integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and

social-emotional learning, or referrals for support for family or pupil needs.

(4) Community learning hubs that provide pupils with access to technology, high-speed internet, and other academic supports.

(5) Supports for credit deficient pupils to complete graduation or grade promotion requirements and to increase or improve pupils' college eligibility.

(6) Additional academic services for pupils, such as diagnostic, progress monitoring, and benchmark assessments of pupil learning.

(7) Training for school staff on strategies, including trauma-informed practices, to engage pupils and families in addressing pupils' social-emotional health needs and academic needs.

(c) (1) Of the funds apportioned under paragraph (3) of subdivision (b) of Section 43521, a local educational agency shall use at least 10 percent of its apportionment to hire paraprofessionals to provide supplemental instruction and support through the duration of this program, with a priority for full-time paraprofessionals. Supplemental instruction and support shall be prioritized for English learners and pupils who are individuals with exceptional needs. It is the intent of the Legislature that a local educational agency prioritize rehiring paraprofessionals subject to layoff or release after the expiration of the protections included for classified employees in Section 94 of Chapter 24 of the Statutes of 2020, and further increasing the number of paraprofessional staff to meet the requirements of this subdivision.

(2) The department shall identify for each local educational agency the amount of funding received pursuant to paragraph (3) of subdivision (b) of Section 43521 that is required to be expended pursuant to this subdivision.

(3) Funds expended pursuant to this subdivision shall count towards meeting the minimum use of funds requirement described in paragraph (1) of subdivision (d).

(4) For purposes of this subdivision, "paraprofessional" has the same meaning as in subdivision (a) of Section 45330.

(d) (1) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency shall use at least 85 percent of its apportionment for expenditures related to providing in-person services allowable pursuant to subdivision (b).

(2) A local educational agency that has forfeited funding pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521 may expend up to 10 percent of funding received pursuant to subdivision (b) of Section 43521 in the 2020–21 school year to support school reopening for instructional services related to learning loss. 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 the effective date of Assembly Bill 86 of the 2021–22 Regular Session, 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.

43523. (a) For 2021–22 fiscal year audits, the Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining all of the following for local educational agencies that receive apportionments under Section 43521:

(1) Compliance with clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521.

(2) Compliance with subdivisions (c), (d), and (e) of Section 43522.

(3) Compliance with submitting to the department the expenditure report required pursuant to subdivision (c).

(b) (1) For a local educational agency with audit findings of noncompliance pursuant to subdivision (c) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures that are noncompliant pursuant to subdivision (c) of Section 43522.

(2) For a local educational agency with audit findings of noncompliance pursuant to subdivision (d) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures that are noncompliant pursuant to subdivision (d) of Section 43522.

(c) Local educational agencies receiving apportionments under Section 43521 shall report final expenditures of those apportioned funds to the department by December 1, 2022, and the Superintendent shall initiate collection proceedings for unexpended funds. A local educational agency that does not submit the expenditure report shall forfeit all funds apportioned pursuant to Section 43521.

43524. The requirements of this chapter shall not be waived by the state board pursuant to Section 33050 or any other law.

43525. This part shall become inoperative on June 30, 2023, and, as of January 1, 2024, is repealed.

SEC. 3. Section 69432.9 of the Education Code is amended to read:

69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point average or as provided in subparagraph (B) of paragraph (4).

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, no later than October 1 of each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if the pupil is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) (A) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(B) Notwithstanding subparagraph (A), for the 2021–22 award year, commission staff may waive the requirement to submit a test score in lieu of a qualifying grade point average for a student who does not have a grade point average and is unable to submit a test score due to unavailability of designated testing due to the COVID-19 pandemic. The commission shall require a student seeking a waiver under this subparagraph to submit a signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average due to the COVID-19 pandemic. For purposes of consideration for a Cal Grant A or B Entitlement award when applying with a waiver under this subparagraph for the 2021–22 award year, students shall have until May 16, 2021, to complete and submit their financial aid application and signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, the pupil's parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt the pupil out and, if before the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 4. Section 110 of Chapter 24 of the Statutes of 2020, as amended by Section 59 of Chapter 110 of the Statutes of 2020, 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 used 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), 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 within 30 days, 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. 5. Section 3 of Chapter 6 of the Statutes of 2021 is amended to read:

SEC. 3. (a) The Legislature hereby finds and declares the federal Consolidated Appropriations Act, 2021 and Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021 (Public Law 116-260) awarded the state nine hundred sixty-four million three hundred twenty-four thousand four hundred eighty-three dollars (\$964,324,483) in supplemental Child Care and Development Fund program funding to address the needs of childcare providers, including state preschool programs, and families resulting from the coronavirus disease 2019 (COVID-19) pandemic.

(b) In response to the COVID-19 pandemic, the Legislature hereby appropriates the sum of four hundred two million dollars (\$402,000,000) in CRRSA funding to provide subsidized childcare and preschool providers with COVID-19 pandemic-related assistance.

(c) Of the four hundred two million dollars (\$402,000,000) in CRRSA funding, the Legislature hereby allocates the funding as follows:

(1) Two hundred forty-four million dollars (\$244,000,000) shall be allocated to provide a flat-rate one-time stipend amount of five hundred twenty-five dollars (\$525) per child enrolled in a subsidized childcare or a state preschool program pursuant to subparagraph (A). The state shall provide the flat-rate one-time stipend amount for all childcare providers and state preschool programs serving children pursuant to this paragraph based on the number of subsidized children enrolled. This flat-rate one-time stipend shall be issued based on program data for November 2020 enrollment. A stipend may be used to support subsidized childcare providers and state preschool programs with COVID-19 pandemic relief, and, in the case of decreased enrollment or closures, to ensure that childcare providers and state preschool programs are able to remain open or reopen.

(A) The flat-rate one-time stipend shall be payable to subsidized childcare providers and state preschool programs operating or serving programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 7

(commencing with Section 8235), Article 8 (commencing with Section 8240) of, Article 8.5 (commencing with Section 8245) of, Article 9 (commencing with Section 8250) of, or Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021.

(B) Of the two hundred forty-four million dollars (\$244,000,000), up to sixteen million dollars (\$16,000,000) shall be allocated to the State Department of Social Services to provide a flat-rate one-time stipend amount of five hundred twenty-five (\$525) per each child enrolled in the California Work Opportunities and Responsibility to Kids (CalWORKs) Stage 1 program pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021. If additional funding is needed based on program data for November 2020 enrollment, a budget revision shall be submitted by the State Department of Education and the State Department of Social Services to the Controller to shift the appropriate funding amounts identified for CalWORKs Stage 1 providers to or from the State Department of Social Services for distribution.

(C) In addition to the flat-rate one-time stipend amount of five hundred twenty-five dollars (\$525) per child enrolled, the Superintendent of Public Instruction and the State Department of Social Services shall provide alternative payment and direct contract programs with a 5 percent administrative fee for distributing stipends to these providers.

(D) The Superintendent of Public Instruction and the State Department of Social Services shall allocate stipends for distribution to childcare providers and the state preschool programs.

(E) The State Department of Education and the State Department of Social Services shall exchange any essential data necessary to issue stipend payments to childcare providers.

(F) The state may designate another agency or agencies to distribute these funds to childcare providers. Contracts or grants awarded pursuant to this section 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. Contracts or grants awarded pursuant to this section shall be exempt from the Public Contract Code and

the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(G) The funding described under this paragraph is subject to the federal usage limitations and federal and state program eligibility requirements.

(2) (A) Seventy-six million dollars (\$76,000,000) in CRRSA funding shall be allocated to existing state-subsidized alternative payment programs, including, but not limited to, alternative payment programs for migrant childcare and development programs pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to extend childcare services for essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education programs or individualized family service plans include early learning and care services and who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) and were unable to get ongoing childcare services through the additional funds provided in Schedule (3), and described in Provision (7), of Item 6100-194-0890 of Section 2.00 of the Budget Act of 2020, through June 30, 2022, inclusive.

(B) If an alternative payment program projects that it may have unspent funds after childcare services are provided pursuant to paragraph (1), the alternative payment program may utilize the funds to enroll additional children in emergency childcare pursuant to paragraph (3).

(3) (A) Eighty million dollars (\$80,000,000) in CRRSA funding shall be allocated to provide additional emergency vouchers for children of essential workers, at-risk children, and children with disabilities or special health care needs whose individualized education plan or individualized family service plans include early learning and care, whose parent or guardian self-certifies that the family is eligible for services pursuant to Section 8263 of the Education Code, through June 30, 2022, inclusive.

(i) Funding shall be divided between the California Alternative Payment Program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and the Migrant Alternative Payment Program, pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, based on the ratio of the Migrant Alternative Payment Program contract

amounts to the sum of the California Alternative Payment Program contracts and Migrant Alternative Payment Program contracts.

(ii) Funding for alternative payment programs pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code shall be distributed as a percent of the total based on allocated funds pursuant to Section 2 of Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(B) Guidance for enrolling additional children shall be as similar as possible to the guidance issued for children receiving services pursuant to Section 2 of Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(4) One million seven hundred fifty thousand dollars (\$1,750,000) in CRRSA funding shall be allocated to the State Department of Education for administrative costs.

(5) Two hundred fifty thousand dollars (\$250,000) in CRRSA funding shall be allocated to the State Department of Social Services for administrative costs.

(d) (1) A state-subsidized childcare provider operating or serving alternative payment programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 8.5 (commencing with Section 8245) of, or Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021, shall be eligible for an additional 16 paid nonoperational days when the provider is closed due to the COVID-19 pandemic emergency.

(2) These 16 paid nonoperational days shall be in addition to the current 14 paid nonoperational days for COVID-19 pandemic-related closures allowable pursuant to clause (i) of subparagraph (C) of paragraph (1) of subdivision (d) of Section 60 of Senate Bill 820 (Chapter 110 of the Statutes of 2020), and the current 10 paid nonoperational days allowable by paragraph (2) of subdivision (b) of Section 18076.2 of Title 5 of the California Code of Regulations, between September 1, 2020, and June 30, 2021.

(3) An alternative payment program, a migrant alternative payment program, a family childcare home education network, and a county welfare department administering a subsidized childcare program pursuant to paragraph (1) shall track the usage of paid nonoperational days and associated costs due to the

COVID-19 pandemic emergency and short-term childcare to eligible children, pursuant to this subdivision, and report monthly on usage to the State Department of Education and the State Department of Social Services. The use of nonoperational days and associated costs reported to the State Department of Education shall be used to determine reimbursements, as described in this subdivision.

(4) The State Department of Education shall issue guidance to family childcare home education network programs operating pursuant to Article 8.5 (commencing with Section 8245) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as these provisions read on February 3, 2021. This guidance shall direct family childcare home education network programs to use the additional 16 nonoperational days for COVID-19 related closures not reimbursed by subdivision (f) of Section 8209 of the Education Code.

(e) The funding described in this section shall be subject to federal usage limitations and federal and state program eligibility requirements.

(f) (1) The Legislature finds and declares that the purpose of paragraph (1) of subdivision (c) and paragraph (1) of subdivision (d), with the exception of the California state preschool program, is to approve an agreement entered into by the Governor and Child Care Providers United - California pursuant to Section 8435.5 of the Education Code.

(2) The provisions of the agreement prepared pursuant to Section 8435.5 of the Education Code and entered into by the Governor and Child Care Providers United - California, dated February 5, 2021, that require the expenditure of funds or legislative action to permit their implementation, are hereby approved by the Legislature for the purposes of subdivision (b) of Section 8435.5 of the Education Code.

(3) The provisions of the agreement approved in paragraph (2) that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, either the Governor or Child Care Providers United - California may reopen negotiations on all or part of the agreement.

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

(1) “At-risk children” means children identified as any of the following:

(A) Those receiving child protective services.

(B) Those at risk of abuse, neglect, or exploitation.

(C) Those who are eligible through the Emergency Child Care Bridge Program for Foster Children as established pursuant to Section 11461.6 of the Welfare and Institutions Code.

(D) Those experiencing homelessness as defined in subdivision (ak) of Section 8208 of the Education Code.

(E) Domestic violence survivors.

(2) “Essential worker” has the same meaning as “essential critical infrastructure worker” pursuant to Executive Order No. N-45-20.

(3) “State” means the State Department of Education, the State Department of Social Services, and the Department of Finance.

SEC. 6. 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. 7. (a) For the 2020–21 fiscal year, the sum of twenty-five million dollars (\$25,000,000) is hereby appropriated from the General Fund to the State Department of Public Health for the purpose of the Safe Schools For All Team, which will coordinate technical assistance, community engagement, increased transparency, and enforcement by the appropriate entity for public school health and safety during the COVID-19 pandemic. Funds shall be available for encumbrance until June 30, 2023.

(b) At least 30 days before authorizing an expenditure of funds appropriated pursuant to subdivision (a), the State Department of Public Health, with the approval of the Department of Finance, shall submit a written expenditure plan to the Chair of the Joint Legislative Budget Committee and the chairs of the committees and budget subcommittees for education and health and human services of both houses of the Legislature.

SEC. 8. (a) For the 2020–21 fiscal year, the sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the California Collaborative for Educational Excellence for the purpose of providing support to local educational agencies to maximize

positive pupil outcomes and most effectively use funds allocated pursuant to subdivision (b) of Section 43521 of the Education Code. Funds appropriated pursuant to this subdivision shall be available for encumbrance until June 30, 2023.

(b) At least 15 days before authorizing an expenditure of funds allocated pursuant to subdivision (a), the California Collaborative for Educational Excellence, with the approval of the Department of Finance, shall submit a written expenditure plan to the Chair of the Joint Legislative Budget Committee and the chairs of the committees and budget subcommittees for education and health and human services of both houses of the Legislature. Of the amount appropriated in subdivision (a), no more than 5 percent shall be allocated to the administrative agent of the California Collaborative for Educational Excellence.

(c) On or before May 1, 2021, the California Collaborative for Educational Excellence shall begin providing local educational agencies with professional learning opportunities that may include, but are not necessarily limited to, activities that provide guidance on the effective use of diagnostic and formative assessments, curricular resources, best practices for contacting and reengaging disengaged pupils, and models for providing supplemental instruction and support based on current research to increase the capacity of local educational agencies to accelerate learning and address the social-emotional needs of pupils. The California Collaborative for Educational Excellence shall provide this professional development in a manner that is consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the amount appropriated in 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. 9. 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

Governor