SB-820 Education finance. (2019-2020)

SHARE THIS:

Date Published: 09/21/2020 09:00 PM

Senate Bill No. 820

CHAPTER 110

An act to amend Sections 313.3, 8209, 14041.8, 17199.4, 17391, 17463.7, 37700, 41024, 41207.47, 43501, 43502, 43503, 43504, 43505, 43509, 48412, 51461, 52065, 52074, 56836.07, 56836.148, 56836.24, 60010, 69996.3, 71000, and 92495 of, to add Sections 1241, 17199.15, 43502.5, 43506.5, and 92411 to, and to add and repeal Section 92496.1 of, the Education Code, to amend Sections 14900, 14901, 14902, 14903, 14904, 14905, 14906, 14910, and 14911 of, to add Section 8880.4.1 to, and to repeal Section 14905.1 of, the Government Code, to amend Sections 8025, 102426, and 102430 of, and to add Section 8024 to, the Health and Safety Code, to repeal Section 48 of Chapter 29 of the Statutes of 2016, to amend Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Chapter 3 of the Statutes of 2020, and to amend Sections 95, 97, 110, 111, 112, 116, 117, 118, and 119 of Chapter 24 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 820, Committee on Budget and Fiscal Review. Education finance.

(1) Existing law requires the State Department of Education to develop, on or before December 31, 2021, a standardized English language teacher observation protocol for use by teachers in evaluating a pupil's English language proficiency. Existing law requires a local educational agency to assess the English language development of each pupil in order to determine the pupil's level of proficiency. Existing law requires that assessment to be conducted annually during a 4-month period after January 1.

This bill would extend the date for completion of the English language teacher observation protocol until December 31, 2022. The bill would extend the time period for conducting the English language development assessment in the 2020–21 school year by 45 calendar days and would require a local educational agency to screen new pupils at the time of enrollment to informally determine English learner status. By requiring local educational agencies to screen newly enrolled pupils to determine English learner status, the bill would impose a state-mandated local program.

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

This bill would authorize a county superintendent of schools, during the portion of the 2019–20 school year in which schools were closed due to the COVID-19 pandemic and the 2020–21 school year, to rely on information obtained only through means other than a physical visit to the schoolsite for purposes of that report, as provided. The bill would waive the requirement to annually

visit those low-performing schools from March 2020 to June 2021, inclusive, during the period of time the school is not offering in-person instruction.

(3) Existing law requires the Superintendent of Public Instruction to reimburse contracting agencies for certain state-subsidized childcare programs from July 1, 2020, to June 30, 2021, inclusive, due to the ongoing impacts of the COVID-19 pandemic if the contracting agency's program is open and offering services throughout the 2020–21 program year or closed due to a public health order.

This bill would also require the Superintendent to reimburse contracting agencies for the ongoing impacts of the COVID-19 pandemic if the contracting agency's program is operated on the campus of a local educational agency closed due to a public health order and the local educational agency has required the program to close, as provided.

(4) Existing law establishes the California School Finance Authority and authorizes the authority to issue revenue bonds to finance projects or working capital for a single or several participating parties, defined as a school district, charter school, county office of education, or community college district that undertakes the financing or refinancing of a project or of working capital.

This bill, if bonds issued for purposes of borrowing to fund several financings of working capital for several participating parties under a single resolution remain outstanding, would prohibit each of those participating parties from declaring bankruptcy.

(5) Existing law requires the governing board of a school district, before the sale, lease, or rental of any excess real property, to appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of excess property.

This bill would exempt from that requirement, until July 1, 2024, the sale or lease of surplus real property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary and secondary instruction.

(6) Existing law requires, commencing April 1, 2017, a local educational agency that receives any of specified funds relating to school facilities projects to annually report, for auditing purposes, a detailed list of all expenditures of state funds and the local educational agency's matching funds for completed projects. Existing law requires the department to provide a copy of the audit to the Office of Public School Construction. Under existing law, if the audit identifies funds that were not expended in accordance with specified requirements, the department is required to recover those funds from the local educational agency, as provided.

This bill would instead require the auditor to file the audit with the Controller within 60 days of its completion. The bill would require the Controller, within 60 days of receipt of the audit, to provide a copy of the audit to the department and to notify the Office of Public School Construction of any audit findings. The bill would require the executive officer of the Office of Public School Construction, if the audit identifies funds that were not expended in accordance with specified requirements, to recover those funds from the local educational agency.

(7) Existing law appropriates $282,237,000 from the General Fund to the Controller in the 2019–20 fiscal year for allocation to school districts and community college districts for the purpose of reducing the outstanding balance of the minimum funding obligation set forth in Section 8 of Article XVI of the California Constitution in specified fiscal years. Existing law allocates $149,059,000 of that amount to the San Francisco Unified School District and the San Francisco County Office of Education, as provided.

This bill would reduce the overall appropriation to the Controller for those purposes to $266,306,000 and would reduce the allocation to the San Francisco Unified School District and the San Francisco County Office of Education to $133,128,000.

(8) Existing law requires apportionment calculations for a local educational agency and related calculations for the 2020–21 fiscal year to be based on the local educational agency's average daily attendance in the 2019–20 fiscal year.

This bill would make a local educational agency that meets specified requirements eligible for an apportionment calculation for the 2020–21 fiscal year based on growth in the local educational agency's actual enrollment in the 2020–21 fiscal year, as provided.

(9) Existing law requires the governing boards of school districts, county boards of education, and charter schools to adopt a local control and accountability plan and annual update to the local control and accountability plan. Existing law, for the 2020–21 school year, waives the requirement to adopt a local control and accountability plan and instead requires the governing boards of school districts, county boards of education, and charter schools to adopt a learning continuity and attendance plan, as provided.

Existing law requires each school district, county office of education, and charter school to develop by July 1 of each year a summary document, known as the local control funding formula budget overview for parents, developed in conjunction with the local control and accountability plan. Existing law requires the Superintendent, subject to approval by the executive director of the State Board of Education, to develop a template for the local control funding formula budget overview for parents.

This bill would require the Superintendent, subject to approval by the executive director of the state board, to update the template and instructions for the local control funding formula budget overview for parents by September 15, 2020, to reflect alignment with the learning continuity and attendance plan, as provided.

(10) Existing law authorizes any person 16 years of age or older and certain other persons to have their proficiency in basic skills taught in public high schools verified according to criteria established by the department. Existing law requires the state board to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires regular examinations for that purpose to be held once in the fall semester and once in the spring semester of every school year.

This bill would instead require those examinations to be held at least once in the fall semester and at least once in the spring semester of every school year. The bill would require those examinations to be held in the 2020–21 school year only if they can be administered in accordance with state and local public health orders, as determined by the Superintendent.

(11) Existing law provides for the adoption and selection of instructional materials for use in elementary and secondary schools, and specifies that instructional materials may include technology-based materials. Existing law defines “technology-based materials” for purposes of those provisions, and specifies that technology-based materials include, among other things, software programs, video disks, compact disks, and databases, but do not include the electronic equipment required to make use of those materials, except as specified. Existing law prohibits those provisions from being construed as authorizing a school district to replace computers or related equipment in an existing computer lab or establish a new computer lab.

This bill would delete the provisions excluding electronic equipment from the definition of technology-based materials and the provisions prohibiting the replacement of computers or establishing a new computer lab, and would instead specify that technology-based materials also include the electronic equipment required to make use of those materials used by pupils and teachers as a learning resource, including, but not limited to, laptop computers and devices that provide internet access.

(12) Existing law establishes the California Kids Investment and Development Savings Program, under the administration of the Scholarshare Investment Board, for the purposes of expanding access to higher education through savings. Subject to moneys made available for this purpose, the program requires the board to establish one or more Scholarshare 529 accounts and make a seed deposit of at least $25 per eligible child, as provided. The program requires the State Department of Public Health to provide the board with identifiable birth data, as specified.

This bill would require the State Department of Public Health, when providing the board with identifiable birth data, to additionally provide a child’s parents’ mobile telephone number and email address, as specified, and information about whether the birth mother received food during the pregnancy pursuant to the Women, Infants, and Children (WIC) program, as provided. The bill would authorize the department to provide additional identifiable birth data to the board, upon request, and upon a determination by the State Registrar, in consultation with the board, that the data is necessary for administration of the program.

(13) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. The board of governors consists of 16 voting members and one nonvoting member, as provided.

This bill would add the Lieutenant Governor to the board of governors as a voting member.

(14) Existing law requires the University of California, if it is able to reduce annual debt service costs by refunding, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds, as specified, to annually contribute an equal amount to reduce the existing unfunded liability of the University of California Retirement Plan.

For the 2020–21 and 2021–22 fiscal years, if the University of California is able to reduce annual debt service costs by refunding, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds pursuant to the above provisions, the bill would authorize the University of California to use the savings from refunding, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds to mitigate the impacts to programs and services that predominantly support underrepresented student access to, and success at, the university, and to provide for continued employment of employees without resorting to involuntary layoffs, furloughs, or reductions-in-time in the 2020–21 and 2021–22 fiscal years. The bill would make these provisions inoperative on July 1, 2023, and repeal them on January 1, 2024.

(15) Existing law, the University of California Revenue Bond Act of 1947, authorizes the University of California to issue revenue bonds, secured by a specified pledge of revenues. Existing law authorizes the University of California to pledge its annual General Fund support appropriation, less certain amounts, to secure the payment of its general revenue bonds or commercial paper associated with the general revenue bond program. Existing law authorizes the University of California to fund debt service for capital expenditures, as defined, and pay-as-you-go capital outlay projects, as defined, from its General Fund support appropriation, as specified. Existing law, until June 30, 2024, authorizes the University of California to proceed with these capital expenditures or capital outlay projects only if all work traditionally performed by persons with University of California Service Unit (SX) job classifications is performed only by employees of the University of California.

This bill, among other things, would authorize the University of California to use its support appropriation for the costs of deferred maintenance of academic facilities and related infrastructure, pursuant to existing requirements applicable to the University of California's use of its support appropriation for other defined capital expenditures. Commencing January 1, 2021, the bill would authorize the University of California to proceed with capital expenditures or capital outlay projects funded by its General Fund support appropriation only upon certification that, during the subsequent fiscal year and at all times thereafter, all cleaning, maintenance, groundskeeping, food service, or other work traditionally performed by persons with University of California Service Unit (SX) job classifications, shall be performed only by employees of the University of California at each beneficially affected facility, building, or other property, except as provided. Commencing with the 2021–22 fiscal year, and for each fiscal year thereafter, the bill would require the Department of Finance to approve new and ongoing capital expenditures or capital outlay projects only after the University of California demonstrates ongoing and continuous compliance with specified requirements, as provided.

(16) The California State Lottery Act of 1984, an initiative measure enacted by the voters as Proposition 37 at the November 6, 1984, statewide general election, authorizes a California State Lottery and provides for its operation and administration by the California State Lottery Commission and the Director of the California State Lottery, with certain limitations. Existing law, through Proposition 20, a measure approved by the voters at the March 7, 2000, statewide primary election, requires that 50% of any increase in revenues generated by lottery games above the amount allocated for the benefit of public education in the 1997−98 fiscal year be allocated to school districts and community college districts for the purchase of instructional materials, on the basis of an equal amount per unit of average daily attendance and through a fair and equitable distribution system across grade levels.

This bill would, for purposes of the act, expressly authorize instructional materials to include, but not be limited to, laptop computers and devices that provide internet access for use by pupils, students, teachers, and faculty as learning resources.

(17) Existing law states that it is the policy of the state to make freely available to its inhabitants all state publications by distribution to libraries throughout the state. Existing law requires the State Printer to print sufficient copies of state publications, as determined by the State Librarian, and, with respect to some materials, to print a specified number of copies for deposit, distribution, and delivery, as specified. Existing law requires the California State Library to issue a complete list of state publications issued during the immediately preceding month or quarter, and to print a cumulative list of those publications at the end of each calendar year.

This bill would revise and recast these provisions.

(18) Existing law requires the Regents of the University of California, as a condition for using state funds to handle and maintain Native American human remains and cultural items, to adopt and implement certain policies and procedures relating to, among other things, the culturally appropriate treatment of, and the identification and disposition of, those human remains and cultural items. Existing law requires the regents, as a condition for using state funds to handle and maintain Native American human remains and cultural items, to implement those policies by January 1, 2020.

This bill would change the date by which the regents are conditionally required to implement those policies from January 1, 2020, to January 1, 2021.

(19) Existing law requires the Superintendent of Public Instruction to annually allocate $3,500,000 to the San Francisco Unified School District for purposes of supporting professional development and leadership training for education professionals.

This bill would repeal that provision.

(20) Existing law requires the State Board of Education to adopt templates for purposes of the local control and accountability plans and annual updates. Existing law requires a school district, county office of education, and charter school to include the information reported in its learning continuity and attendance plan as part of the annual update to the local control and accountability plan for the 2021–22 school year.

This bill would require a school district, county office of education, and charter school to also include the information reported in its local control and accountability plan for the 2019–20 school year in the annual update to the local control and accountability plan for the 2021–22 school year. The bill would require the Superintendent, in consultation with the executive director of the state board, to revise the template for the annual update to the local control and accountability plan before January 31, 2021, to reflect the inclusion of the learning continuity and attendance plan in the annual update to the local control and accountability plan for the 2021–22 school year.

(21) The After School Education and Safety Program Act of 2002, an initiative statute approved by the voters as Proposition 49 at the November 5, 2002, statewide general election, establishes the After School Education and Safety (ASES) Program under which participating public schools receive grants to operate before and after school programs serving pupils in kindergarten or any of grades 1 to 9, inclusive. Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program to create incentives for establishing after school enrichment programs to provide academic

support and safe, constructive alternatives for high school pupils and to support college and career readiness. Existing law authorizes the State Department of Education, during the 2020–21 school year, to waive specified provisions relating to those programs.

This bill would additionally authorize the department, during the 2020–21 school year, to waive certain ASES transportation funding provisions and the requirement that an after school program pursuant to the High School ASSETS program operate for a minimum of 15 hours per week.

(22) 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 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, 2021, and requires the funds appropriated from the General Fund and Coronavirus Relief Fund to be used from March 1, 2020, to December 30, 2020.

This bill would instead require the funds appropriated from the Federal Trust Fund to be used from March 13, 2020, to September 30, 2022, and the funds appropriated from the General Fund to be used from March 1, 2020, to June 30, 2021. By extending the date to encumber or otherwise use funds appropriated from the Federal Trust Fund and the General Fund, the bill would make an appropriation.

(23) Existing law appropriates $198,000,000 from the Federal Trust Fund for the 2020–21 fiscal year to the Superintendent for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers. Existing law allocates $62,500,000 of that amount to reimburse alternative payment program providers with a one-time stipend, as specified.

Existing law requires the Superintendent to establish a fee schedule for families using preschool and childcare and development services. Existing executive orders from the Governor waive family fees from April 4, 2020, to June 30, 2020.

This bill would instead allocate $31,250,000 to reimburse alternative payment program providers with a one-time stipend and $31,250,000 to reimbursed state-subsidized childcare providers for providing short-term childcare to eligible children when a provider is closed due to the COVID-19 pandemic. The bill would extend childcare and development services family fee waivers through August 31, 2020.

(24) This bill would appropriate $80,000,000 from the General Fund to the department to reimburse local educational agencies for costs relating to providing school meals from the months of March 2020 to August 2020, inclusive.

(25) Existing law establishes the California Dyslexia Initiative and requires the department and the California Collaborative for Educational Excellence, with approval from the executive director of the state board, to designate an applicant county office of education to administer the initiative by September 1, 2020. Existing law appropriates $4,000,000 from the General Fund to the Superintendent to allocate to the designated county office of education for the initiative.

This bill would instead require the department and the California Collaborative for Educational Excellence, with approval from the executive director of the state board, to designate an applicant county office of education to administer the initiative by November 15, 2020. The bill would reduce the appropriation from the General Fund for purposes of the initiative to $2,000,000 and would appropriate $2,000,000 from the Federal Trust Fund to the Superintendent for these purposes.

(26) Existing law requires the Commission on Teacher Credentialing to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law requires a credential applicant to pass various commission-approved assessments and examinations to receive a credential.

This bill would waive the requirement to pass certain assessments before receiving a credential for credential applicants that meet specified criteria, including that the applicant was unable to complete the assessment because of school or testing center closures related to COVID-19.

(27) Existing law requires the governing board of each school district maintaining any of grades 5, 7, and 9 to annually administer to each pupil in those grades a physical performance test designated by the state board.

This bill would waive that requirement for the 2020–21 school year. The bill would require the Superintendent to submit a report with recommendations on the purpose and administration of the test to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, and the state board.

(28) The Leroy F. Greene School Facilities Act of 1998 establishes a program in which the State Allocation Board is required to provide state per-pupil funding for new construction and modernization of school facilities. The act requires the board to require applicant school districts that receive funding under the act to establish a restricted account within the general fund of the school

district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings and to agree to deposit minimum amounts into the restricted account based on certain calculations.

This bill would exclude from those calculations specified moneys appropriated to mitigate learning loss and to reimburse local educational agencies for school meals program costs resulting from school closures caused by the COVID-19 pandemic.

(29) Existing law requires, as a condition of receiving specified state and federal funding, a local educational agency to ensure that each school of the local educational agency that operates specified programs consolidates any plans that are required by those programs into a single plan, known as the School Plan for Student Achievement (SPSA). Existing law requires a school with a program requiring a SPSA to establish a schoolsite council to develop and approve the SPSA, as provided.

This bill, notwithstanding that requirement, would require single school districts and charter schools, for the 2020–21 school year, to use the stakeholder engagement process for the learning continuity and attendance plan for the adoption of their SPSA.

(30) Existing law appropriates $200,000 from the General Fund for the 2020–21 fiscal year to the department for the creation of the Young People's Task Force to develop guidance to promote culturally competent interactions between school resource officers and young people on school campuses.

This bill would require the task force to conduct an evaluation of the presence of peace officers and other law enforcement personnel on school campuses and would specify the qualifications and appointment process for members of the task force. The bill would require the task force, by October 1, 2021, to prepare a written report on its findings and recommendations, as provided.

(31) 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.

(32) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(33) This bill would incorporate additional changes to Sections 102426 and 102430 of the Health and Safety Code proposed by SB 1237 to be operative only if this bill and SB 1237 are enacted and this bill is enacted last.

(34) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(35) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.
Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 313.3 of the Education Code is amended to read:

313.3. (a) On or before December 31, 2022, the department shall develop a standardized English language teacher observation protocol for use by teachers in evaluating a pupil's English language proficiency, as required by paragraph (2) of subdivision (f) of Section 313.

(b) (1) The protocol shall be designed to be used by teachers to evaluate a pupil's use of English while engaging in academic content learning, including interactive language use with peers.

(2) The protocol shall be designed to allow teachers to assess language practices across a range of proficiency levels in order to help teachers identify pupils' performance along the continuum of progress toward proficiency in English.

(3) The protocol shall be designed to be used for all English learner pupils, including those who have individualized education programs.

(4) The protocol shall be designed for use by content area teachers at all grade levels, English language development teachers, bilingual teachers, and special education teachers, and shall be designed for ease of use by educators.

(5) The protocol shall be aligned to the English language development standards and the performance levels for the English language development test described in Chapter 7 (commencing with Section 60810) of Part 33 of Division 4 of Title 2.

(c) It is the intent of the Legislature that the protocol additionally be useful to all of the following:

(1) Teachers, as a formative assessment tool for purposes of supporting pupils' progress toward proficiency in English during the school year.

(2) Teachers' discussions with parents regarding pupils' progress toward English language proficiency.

(3) Institutions of higher education in the preparation of new teachers.

(d) (1) In developing the protocol, the department shall consult, at a minimum, with current content area teachers at different grade levels, English language development teachers, bilingual teachers, and special education teachers, and with experts with demonstrated experience in observing and documenting pupil academic language practices and in developing and administering assessments for English learners. The department shall ensure that the majority of individuals with whom it consults are currently teaching, credentialed teachers who regularly instruct English learner pupils.

(2) In developing the protocol, the department shall pilot the protocol with educators and pupils, and refine instruments and guidelines as needed.

(3) The department shall also conduct a validation process to ensure the protocol appropriately assesses the intended target language constructs, demonstrates a meaningful relationship to the performance levels for the English language development test and assessed classroom language use, and reflects pupil progress toward attaining targeted constructs.

(e) The department shall provide guidance to school districts, county offices of education, and charter schools on the use of the protocol.

(f) The department shall develop and make available to school districts, county offices of education, and charter schools professional development tools to train teachers on the use of the protocol. These tools may include, but are not limited to, audio and video samples of English learner pupils' language use for the purpose of assisting educators using the protocol in calibrating judgments about observed language use.

SEC. 2. Section 1241 is added to the Education Code, to read:

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

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

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

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

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

SEC. 3. Section 8209 of the Education Code is amended to read:

8209. (a) If a state of emergency is declared by the Governor, the Superintendent may waive any requirements of this code or regulations adopted pursuant to this code relating to childcare and development programs operated pursuant to this chapter only to the extent that enforcement of the regulations or requirements would directly impede disaster relief and recovery efforts or would disrupt the current level of service in childcare and development programs.

(b) If a state of emergency is declared by the Governor, the Superintendent may waive any requirements of this code or regulations adopted pursuant to this code relating to child nutrition programs in childcare and development programs operated pursuant to this chapter only to the extent that enforcement of the regulations or requirements would directly impede disaster relief and recovery efforts or would disrupt the current level of service in childcare and development programs.

(c) A waiver granted pursuant to subdivision (a) or (b) shall not exceed 45 calendar days.

(d) For purposes of this section, “state of emergency” includes, but is not limited to, fire, flood, earthquake, or a period of civil unrest.

(e) If a request for a waiver pursuant to subdivision (a) or (b) is for a childcare and development program or child nutrition program that receives federal funds and the waiver may be inconsistent with the state plan or any federal law or regulations governing the program, the Superintendent shall seek and obtain approval of the waiver from the appropriate federal agency before granting the waiver.

(f) (1) From July 1, 2020, to June 30, 2021, inclusive, due to the ongoing impacts of childcare and development facility closures and low child attendance due to the COVID-19 pandemic and related public health directives, the Superintendent shall reimburse a contracting agency for a California state preschool program pursuant to Article 7 (commencing with Section 8235), a general childcare and development program pursuant to Article 8 (commencing with Section 8240), a family childcare home education network pursuant to Article 8.5 (commencing with Section 8245), a migrant childcare and development program pursuant to Article 6 (commencing with Section 8230), or childcare and development services for children with special needs pursuant to Article 9 (commencing with Section 8250) that meets one of the following requirements:

(A) The program operated by the contracting agency opens by September 8, 2020, or within 21 calendar days from the start date of the contracting agency’s 2020–21 program calendar approved by the department, whichever is sooner, and remains open and offering services through the 2020–21 program year.

(B) The program operated by the contracting agency is closed by local or state public health order or guidance due to the COVID-19 pandemic.

(C) (i) The program operates on the campus of a local educational agency that is closed by local or state public health guidance or order and the local educational agency has required the early learning and care program to close.

(ii) To ensure continuity of care and access to services during the COVID-19 pandemic, the governing board or body of the local educational agency requiring a closure pursuant to clause (i) shall discuss in a public hearing and prepare a plan for safely reopening early learning and care programs as soon as safely possible, but no later than when local education agency campuses open for in-person instruction.

(2) Reimbursement pursuant to paragraph (1) shall be 100 percent of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less, pursuant to guidance released by the Superintendent.

(3) A childcare program specified in paragraph (1) that is physically closed pursuant to subparagraph (B) or (C) of paragraph (1) due to the COVID-19 pandemic, but funded to be operational, shall provide distance learning services as specified by the Superintendent. A contractor specified in paragraph (1) shall submit a distance learning plan to the department pursuant to guidance from the Superintendent.

SEC. 4. Section 14041.8 of the Education Code is amended to read:

14041.8. (a) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of February, that are instead to be drawn in November, pursuant to Section 14041.6, may be drawn in February, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in February pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for February or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for February and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in February pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for February or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for February and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the February deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before February 26, 2021.

(b) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of March, that are instead to be drawn in October, pursuant to Section 14041.6, may be drawn in March, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in March pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for March or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for March and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in March pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for March or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for March and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the March deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before March 30, 2021.

(c) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of April, that are instead to be drawn in September, pursuant to Section 14041.6, may be drawn in April, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in April pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for April or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for April and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in April pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for April or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for April and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the April deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before April 30, 2021.

(d) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of May, that are instead to be drawn in August, pursuant to Section 14041.6, may be drawn in May, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in May pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the charter school being unable to meet its financial obligations for May or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for May and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in May pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before December 15, 2020, that the deferral of warrants pursuant to Section 14041.6 will result in the school district being unable to meet its financial obligations for May or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for May and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the May deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before February 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before May 28, 2021.

(e) (1) For the 2020–21 fiscal year only, up to one hundred million dollars ($100,000,000) of the amount of the warrants for the principal apportionments for the month of June, that are instead to be drawn in July pursuant to Section 14041.5, may be drawn in June, subject to the approval of the Director of Finance, for a charter school or school district as follows:

(A) In order for a charter school to receive a payment in June pursuant to this subdivision, the chartering authority, in consultation with the county superintendent of schools, shall certify to the Superintendent and the Director of Finance on or before April 1 that the deferral of warrants pursuant to Section 14041.5 will result in the charter school being unable to meet its financial obligations for June or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the charter school to meet its financial obligations for June and any subsequent month until the deferral is repaid, as applicable.

(B) In order for a school district to receive a payment in June pursuant to this subdivision, the county superintendent of schools shall certify to the Superintendent and to the Director of Finance on or before April 1 that the deferral of warrants pursuant to Section 14041.5 will result in the school district being unable to meet its financial obligations for June or any subsequent month until the deferral is repaid, and shall provide the Superintendent an estimate of the amount of additional funds necessary for the school district to meet its financial obligations for June and any subsequent month until the deferral is repaid, as applicable.

(C) To make the certification specified in subparagraph (B), both of the following criteria shall be met:

(i) The school district must have exhausted all internal and external sources of borrowing including those pursuant to Sections 42603, 42620, 42621, and 42622 of this code, Article 7.6 (commencing with Section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, and Section 6 of Article XVI of the California Constitution.

(ii) If not exempt from the June deferral the school district will require a state emergency loan pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2.

(D) A charter school or school district may receive, pursuant to this subdivision, no more than the lesser of the monthly payment for the charter school or school district calculated pursuant to Section 14041 or the amount of additional funds necessary for the charter school or school district to meet its financial obligations, as reported to the Superintendent pursuant to subparagraph (A) or (B), as applicable.

(2) If the total amount requested by charter schools and school districts pursuant to subparagraph (D) of paragraph (1) exceeds one hundred million dollars ($100,000,000), the Controller, the Treasurer, and the Director of Finance may authorize additional payments to meet these requests, but total payments to charter schools and school districts pursuant to this subdivision shall not exceed three hundred million dollars ($300,000,000). On or before May 1, the Controller, the Treasurer, and the Director of Finance shall determine whether sufficient cash is available to make payments in excess of one hundred million dollars ($100,000,000). In making the determination that cash is sufficient to make additional payments, in whole or in part, the Controller, the Treasurer, and the Director of Finance shall consider costs for state government, the amount of any identified cash shortage, timing, achievability, legislative direction, and the impact and hardship imposed on potentially affected programs, entities, and related public services. The Department of Finance shall notify the Joint Legislative Budget Committee within 10 days of this determination and identify the total amount of requests that will be paid.

(3) If the total amount of cash made available pursuant to paragraph (2) is less than the amount requested pursuant to subparagraph (D) of paragraph (1), payments to charter schools and school districts shall be prioritized according to the date on which the certification described in paragraph (1) was provided to the Superintendent and the Director of Finance.

(4) Payments pursuant to this subdivision shall be made by the Controller on or before June 30, 2021.

(f) Except as provided in subdivisions (c) and (e) of Section 41202, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to paragraphs (1) and (2) of subdivisions (a) to (e), inclusive, shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

SEC. 5. Section 17199.15 is added to the Education Code, immediately following Section 17199.1, to read:

17199.15. Notwithstanding any other law, if any bonds that were issued for purposes of borrowing pursuant to paragraph (3) of subdivision (a) of Section 17199.1 to fund several financings of working capital for several participating parties under a single resolution remain outstanding, each participating party for which those bonds were issued is ineligible to be a debtor in a case under Chapter 9 of the United States Bankruptcy Code (Chapter 9 (commencing with Section 901) of Title 11 of the United States

Code), as that chapter may be amended from time to time, and no governmental officer or organization is or may be empowered to authorize a participating party to be a debtor under that chapter.

SEC. 6. Section 17199.4 of the Education Code is amended to read:

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

(1) Payments on authority bonds.

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

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

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

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

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

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

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

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

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

(A) Its election to participate.

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

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

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

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

(d) The participating party may amend, supplement, or restate the notice required pursuant to paragraph (2) of subdivision (c) for any reason, including, but not necessarily limited to, providing for new or increased payments. The participating party shall certify in the notice and in any amendment, supplement, or restatement of the notice that each and every payment reflected in the schedule is a payment described in subdivision (a) and the amounts scheduled do not exceed the actual or reasonably estimated payment obligations to be funded pursuant to this section. The participating party shall also represent in the notice that it is not submitting the notice for the purpose of accelerating a participating party's receipt of its apportionments. Nothing in this section prohibits transfer by the recipient of an apportionment under this section to the participating party submitting the notice of the excess apportionment above the amount needed to fund actual payments where the excess resulted from erroneous estimation of scheduled payments or otherwise.

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

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

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

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

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

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

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

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

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

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

(h) (1) The authority may require participation under this section under the terms of any financing or refinancing under this chapter to provide for one or more of the payments described in paragraphs (1), (2), (3), and (4) of subdivision (a). The authority may impose limits on new participation under this section. The authority may require participating parties to apply to the authority for participation. If the authority limits participation under this section, the authority shall consider each of the following priorities in making participation available:

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

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

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

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

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

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

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

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

SEC. 7. Section 17391 of the Education Code is amended to read:

17391. Notwithstanding Section 17388, the governing board of a school district may elect not to appoint a school district advisory committee pursuant to Section 17388 in any of the following circumstances:

(a) A lease or rental of excess real property to a private educational institution for the purpose of offering summer school in a facility of the school district.

(b) The sale, lease, or rental of excess real property to be used for teacher or school district employee housing.

(c) Until July 1, 2024, the sale or lease of surplus real property that has not previously operated, or was not constructed to be operated, as an early childhood education facility or a school for elementary and secondary instruction, pursuant to paragraph (1) of subdivision (e) of Section 17463.7.

SEC. 8. Section 17463.7 of the Education Code is amended to read:

17463.7. (a) Notwithstanding any other law, a school district may deposit the proceeds from the sale or lease of surplus real property, together with any personal property located on the property, purchased with nonstate funds, into the general fund of the school district and may use the proceeds for any one-time general fund purpose. If the purchase of the property was made using the proceeds of a local general obligation bond or revenue derived from developer fees, the amount of the proceeds of the transaction that may be deposited into the general fund of the school district may not exceed the percentage computed by the difference between the purchase price of the property and the proceeds from the transaction, divided by the amount of the proceeds of the transaction. For purposes of this section, proceeds of the transaction means either of the following, as appropriate:

(1) The amount realized from the sale of property after reasonable expenses related to the sale.

(2) For a transaction that does not result in a lump-sum payment of the proceeds of the transaction, the proceeds of the transaction shall be calculated as the net present value of the future cashflow generated by the transaction.

(b) The State Allocation Board shall reduce an apportionment of hardship assistance awarded to the particular school district pursuant to Article 8 (commencing with Section 17075.10), except an apportionment of hardship assistance awarded pursuant to paragraph (2) of subdivision (b) of Section 17075.10, by an amount equal to the amount of the sale of surplus real property used for a one-time expenditure of the school district pursuant to this section.

(c) Before a school district exercises the authority granted pursuant to this section, the governing board of the school district shall first submit to the State Allocation Board documents certifying both of the following:

(1) The sale of real property pursuant to this section does not violate the provisions of a local bond act.

(2) The real property is not suitable to meet projected school construction needs for the next 10 years.

(d) Before the school district exercises the authority granted pursuant to this section, the governing board of the school district shall adopt a plan at a public meeting for expending one-time resources pursuant to this section. The plan shall identify the source and the intended use of the surplus property proceeds and describe the reasons why the expenditure will not result in ongoing fiscal obligations for the school district.

(e) (1) Except for the sale or lease of surplus real property that has previously operated, or was constructed to be operated, as an early childhood education facility or a school for elementary and secondary instruction, the governing board of a school district shall not be required to appoint a district advisory committee pursuant to Article 1.5 (commencing with Section 17387).

(2) It is the intent of the Legislature to allow a school district to meet the requirements to offer surplus properties set forth in the Education and Government Codes by making an offer simultaneously to all applicable entities.

(f) The Office of Public School Construction shall submit an interim and a final report to the State Allocation Board and the budget, education policy, and fiscal committees of the Legislature that identifies the school districts that have exercised the authority granted by this section, the amount of proceeds involved, and the purposes for which those proceeds were used. The interim report shall be submitted by June 1, 2022, and the final report shall be submitted by January 1, 2026.

(g) For any transaction for the sale or lease of surplus property a school district initiates pursuant to this section before June 30, 2024, the proceeds from the sale or lease transaction that are received after June 30, 2024, shall be considered proceeds that can be deposited in accordance with this section.

(h) Subdivisions (a) to (e), inclusive, shall become inoperative on July 1, 2024, subdivision (f) shall become inoperative on January 15, 2026, and this section as of January 1, 2027, is repealed.

SEC. 9. Section 37700 of the Education Code is amended to read:

37700. (a) Notwithstanding any other law, the Big Sur Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District may operate one or more schools in their respective school districts on a four-day school

week, if the school district complies with the instructional time requirements specified in Section 37701 and the other requirements of this chapter.

(b) (1) A school district operating one or more schools on a four-day school week pursuant to this section shall annually, not later than June 1, submit to the department for review and approval a plan for how the school district will ensure that the minimum instructional minutes required under Section 46207 will be met in the following school year.

(2) If the school district offered less than the minimum instructional minutes required under Section 46207, the school district shall be subject to the penalties described in subdivision (b) of Section 46207 and subdivision (c) of Section 46208. Nothing in this section shall be construed to subject a school district that has met the minimum instructional minutes required under Section 46207 to those penalties.

(c) A school district with an exclusive bargaining representative may operate a school on a four-day school week pursuant to this section only if the school district and the representative of each bargaining unit of school district employees mutually agree to that operation in a memorandum of understanding.

(d) Instructional time penalties shall not be imposed pursuant to this section, as this section read on June 1, 2019, for the 2016–17 fiscal year to the 2018–19 fiscal year, inclusive, on a school district operating one or more schools on a four-day school week.

(e) Notwithstanding subdivisions (a) and (b) of this section and Section 37701, for the 2020–21 fiscal year only, the Big Sur Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District may operate one or more schools in their respective school districts on a four-day school week, if the school district complies with the following requirements and the other requirements of this chapter:

(1) Each day, pupils shall be scheduled for at least the minimum day for their grade level, as provided in Section 43501.

(2) The school district shall offer a minimum of 144 days of instruction for the 2020–21 school year.

(3) Instructional minutes shall be determined as follows:

(A) For in-person instruction, instructional minutes shall be based on time scheduled under the immediate physical supervision and control of an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(B) For distance learning, instructional time shall be based on the time value of assignments as determined, and certified to, by an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(C) For a combined day of instruction delivered through both in-person instruction and distance learning, time scheduled under the immediate supervision of an employee of the local educational agency who possesses a valid certification document can be combined with assignments made under the general supervision of an employee of the local educational agency who possesses a valid certification document as registered by law to meet the equivalent of a minimum day of instruction.

(4) If the school district offers instruction through distance learning, the requirements of distance learning in Part 24.5 (commencing with Section 43500).

(5) If the school district does not meet the minimum instructional day requirements in Section 43501, the school district shall be subject to the penalties described in paragraph (1) of subdivision (i) of Section 43504.

SEC. 10. Section 41024 of the Education Code is amended to read:

41024. (a) (1) Commencing April 1, 2017, a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) shall annually report a detailed list of all expenditures of state funds, including interest, and of the local educational agency's matching funds for completed projects until all state funds, including interest, all of the local educational agency's matching funds, and savings achieved, including interest, pursuant to Section 17070.63, are expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998, associated regulations, and any accompanying grant agreement signed by a local educational agency. A local educational agency's detailed list of expenditures shall identify expenditures on a project-by-project basis, reflect completed projects that were reimbursed within that fiscal year, and shall clearly indicate the list of projects that have been completed.

(2) For purposes of this section, the determination that a project is complete shall be in accordance with the regulations adopted pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1).

(3) The total amount of interest earned on the state funds shall be reported on the final expenditure report upon completion of a project. For the purposes of determining the total amount of interest earned on the state funds, interest shall be considered to accrue from the time state funds are deposited in the local educational agency's account until the time the local educational agency submits the final expenditure report to the Office of Public School Construction.

(4) Commencing April 1, 2017, a local educational agency participating in the school facilities program shall ensure that it retains all financial accounts, documents, and records necessary for an audit of completed projects pursuant to Section 16026 of Title 5 of the California Code of Regulations. For purposes of this paragraph and in compliance with any applicable state and federal standards, a local educational agency may maintain records electronically.

(5) Any project identified on a local educational agency's detailed list of expenditures pursuant to paragraph (1) that is reported complete during the 2017–18 fiscal year shall be audited in accordance with the audit guide required by Section 14502.1 for the 2018–19 fiscal year. All other completed projects shall be audited in accordance with the audit guide required by Section 14502.1 for the fiscal year in which the project is reported complete.

(6) The audit described in this section shall be completed within one year of project completion as determined by Section 1859.104 of Title 2 of the California Code of Regulations.

(b) (1) Commencing with audits of the 2018–19 fiscal year, the Controller shall include instructions in the audit guide required by Section 14502.1 that include, but are not necessarily limited to, procedures for determining all of the following:

(A) Whether funds identified by a local educational agency on its detailed list of expenditures pursuant to paragraph (1) of subdivision (a) have been expended in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and any accompanying grant agreement signed by a local educational agency. Any funds not expended in accordance with these requirements shall be disallowed and considered an audit finding.

(B) That savings achieved, including interest, pursuant to Section 17070.63, are used for other high priority capital outlay purposes identified by the local educational agency or returned to the Office of Public School Construction, and are used in accordance with the requirements of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), associated regulations, and as specified in any accompanying grant agreement.

(C) Adjustments to the grant amounts received by a local educational agency for site acquisition costs based upon the local educational agency's final approved expenditures as required pursuant to Sections 1859.105 and 1859.106 of Title 2 of the California Code of Regulations.

(D) If there are any unspent funds associated with the completion of a Charter School Facilities Program project that must be returned to the Office of Public School Construction as required pursuant to Section 1859.169.1 of Title 2 of the California Code of Regulations.

(E) If there are any unspent funds associated with the completion of a Career Technical Education Facilities Program project that must be returned to the Office of Public School Construction as required pursuant to Section 1859.199 of Title 2 of the California Code of Regulations.

(F) If there are any unspent funds associated with the completion of a project, where the local educational agency received hardship funding as described in Sections 1859.81, 1859.81.1, 1859.81.2, and 1859.81.3 of Title 2 of the California Code of Regulations, that must either be returned to the Office of Public School Construction or expended consistent with the requirements pursuant to Section 1859.103 of Title 2 of the California Code of Regulations.

(G) Adjustments to the grant amounts received by a local educational agency associated with the substantial progress requirements reflected in the program reporting requirements pursuant to Section 1859.104 of Title 2 of the California Code of Regulations.

(2) Any amounts or adjustments identified pursuant to subparagraphs (C) to (G), inclusive, of paragraph (1) shall be identified within a local educational agency's audit, but shall not be considered an audit finding for purposes of this section.

(c) (1) The auditor conducting the audit pursuant to this section shall file the audit with the Controller within 60 days of the completion of the audit. The Controller shall be allowed access to audit working papers. Adjustments pursuant to paragraph (2) of subdivision (b) shall not be appealable to the Education Audit Appeals Panel pursuant to this section.

(2) Within 60 days of the receipt of the certified audit, and after determining that the audit conforms with the reporting standards contained in the audit guide, the Controller shall do both of the following:

(A) Provide the department a copy of the certified audit.

(B) Notify the Office of Public School Construction of any audit findings pursuant to this section and any amounts or adjustments identified pursuant to clause (iii) and provide the Office of Public School Construction with a copy of the certified audit identifying the amounts to be adjusted if, as a result of the audit conducted in accordance with the requirements of subdivisions (a) and (b), the auditor determines any of the following:

(i) A local educational agency has unspent funds for the project not identified as savings pursuant to Section 17070.63 that shall be returned pursuant to subparagraphs (C) to (G), inclusive, of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.

(ii) A local educational agency is subject to an increase or decrease in funds provided pursuant to subparagraphs (C) to (G), inclusive, of paragraph (1) of subdivision (b), and any accompanying grant agreement signed by a local educational agency.

(iii) A local educational agency did not expend funds in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1) and any accompanying grant agreement signed by a local educational agency.

(3) Upon receipt of the certified audit, the Office of Public School Construction shall present any grant adjustments required pursuant to clauses (i) and (ii) of subparagraph (B) of paragraph (2) for a specified project to the State Allocation Board for an adjustment to the project apportionment. Funds identified for purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (2) shall be apportioned from, or returned to, the appropriate funds, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable. If a school district is required to return unspent funds, the fund source for returned funds shall be the county school facilities fund established pursuant to subdivision (a) of Section 17070.43.

(4) A local educational agency may appeal the audit finding pursuant to the timelines and process established in subdivision (d) of Section 41344. The procedures set out in subdivision (d) of Section 41344.1 do not apply to the audit required by this section.

(5) The Office of Public School Construction shall ensure that the local educational agency has corrected the audit finding by implementing a required penalty payment of funds equal to the amount of funds disallowed in the audit finding pursuant to the process specified in subdivision (d).

(d) (1) If, as the result of the audit, a local educational agency is required to pay funds pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c), the Office of Public School Construction shall recover the funds from the local educational agency.

(2) If the local educational agency has submitted an appeal to the Education Audit Appeals Panel pursuant to subdivision (d) of Section 41344, the Office of Public School Construction shall not recover funds until following the determination of the appeal.

(3) A local educational agency may use any local fund source to pay the disallowed amount pursuant to clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) so long as there is no legal prohibition regarding the use of those funds for this purpose.

(4) A local educational agency may request from the Office of Public School Construction a repayment plan within 90 days of receiving the final audit report, or within 30 days of withdrawing or receiving a final determination regarding an appeal pursuant to subdivision (d) of Section 41344 and subdivision (b) of Section 41344.1, as applicable. The Office of Public School Construction and the Director of Finance, or their designees, jointly shall establish a plan for payment. The payment plan shall be established in accordance with the following:

(A) If the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount in the current fiscal year would constitute a severe financial hardship for the local educational agency, they may jointly approve a plan of equal annual payments over a period of up to eight years. The plan may include interest on each year’s outstanding balance at the rate earned on the state’s Pooled Money Investment Account during that year. The executive officer of the Office of Public School Construction and the Director of Finance jointly shall establish this plan. At the time the local educational agency is notified, the Controller also shall be notified of the plan by the executive officer of the Office of Public School Construction. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency’s principal apportionment or Education Protection Account payments.

(B) Notwithstanding subparagraph (A), if the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, concur that repayment of the disallowed amount over an eight-year period

would require the local educational agency to request an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of, and Article 2.5 (commencing with Section 41325) of, Chapter 3, they may approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold the annual amount established pursuant to the plan from the local educational agency's principal apportionment or Education Protection Account payments.

(C) If a payment plan submitted pursuant to this section is not approved by the executive officer of the Office of Public School Construction and the Director of Finance, in consultation with the department, or is not requested by the local educational agency, the executive officer of the Office of Public School Construction shall invoice the local educational agency for the entire disallowed amount. If the local educational agency does not remit payment for the invoice within 120 days of issuance, the executive officer of the Office of Public School Construction shall request that the Controller withhold the entire disallowed amount from the local educational agency's principal apportionment or Education Protection Account payments.

(D) (i) Funds recovered by the executive officer of the Office of Public School Construction or withheld by the Controller pursuant to this section shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.

(ii) Funds remitted to the Office of Public School Construction by a local educational agency from local fund sources, as authorized by paragraph (3), shall be deposited into the appropriate state school facilities fund, as established in the State Treasury pursuant to Section 17070.40 or 17070.41, as applicable.

(e) As used in this section, "audit or review" and "local educational agency" shall have the same meaning as the terms are defined in paragraphs (1) and (2) of subdivision (e) of Section 41344.

(f) The State Allocation Board shall not waive all or any part of this section, any grant agreement or provisions of a grant agreement signed by a local educational agency that receives any funds pursuant to the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1), or any regulation adopted that implements a provision of this section.

(g) In any appeal filed pursuant to Section 41344 and this section, the Office of Public School Construction, the Department of Finance, and the department may timely move to intervene as a party.

(h) If the Office of Public School Construction chooses not to intervene in an appeal, the administrative law judge conducting the hearing, or the Education Audit Appeals Panel, may request that the Office of Public School Construction issue and file in the appeal an objective interpretation of any applicable law, regulation, or term of the grant agreement within 30 days of the request or such longer period as the administrative law judge or the Education Audit Appeals Panel deems reasonable. The Office of Public School Construction's filing shall not argue or seek to resolve issues of fact, but may state how a particular law, regulation, or grant agreement term applies to competing factual contentions. The agent of the Office of Public School Construction shall be precluded from acting as a party once a request pursuant to this subdivision is made.

(i) Notwithstanding subdivision (a), this section shall not apply to any school facilities project that was apportioned before July 1, 2017.

SEC. 11. Section 41207.47 of the Education Code is amended to read:

41207.47. (a) (1) The sum of two hundred sixty-six million three hundred six thousand dollars ($266,306,000) is hereby appropriated in the 2019–20 fiscal year from the General Fund to the Controller for allocation to school districts and community colleges for purposes of reducing the outstanding balance of the minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2009–10, 2011–12, 2013–14, 2014–15, and 2016–17 fiscal years.

(2) The amount appropriated pursuant to paragraph (1) shall be allocated to school districts and community college districts, as described in subdivision (a) of Section 41203.1, in accordance with the following:

(A) Ninety-eight million four hundred fifty-four thousand dollars ($98,454,000) to the Controller for allocation by the Superintendent pursuant to Section 42238.02.

(B) Thirteen million four hundred eighty-six thousand dollars ($13,486,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community college districts for deferred maintenance, instructional materials, and other activities, as specified in subdivisions (a) and (b) of Provision 22 of Item 6870-101-0001 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018 (Senate Bill 840 of the 2017–18 Regular Session)). These funds shall be available for one-time use until June 30, 2021.

(C) Four hundred thirty-eight thousand dollars ($438,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community college districts for the California Community Colleges Strong Workforce Program, as specified in subdivision (b) of Provision 13 of Item 6870-101-001 of the Budget Act of 2018.

(D) Two million five hundred thousand dollars ($2,500,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to support expansion of veteran resource centers at the following community colleges, provided that the colleges commit to meeting or making progress towards meeting the minimum standards developed by the Office of the Chancellor of the California Community Colleges:

(i) One million five hundred thousand dollars ($1,500,000) shall be allocated to MiraCosta College.

(ii) One million dollars ($1,000,000) shall be allocated to Norco College.

(E) Two million four hundred thousand dollars ($2,400,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to support the creation of a basic needs and veteran resource center at Sacramento City College.

(F) Four million five hundred thousand dollars ($4,500,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to support the improvement of workforce development programs at the following colleges:

(i) One million dollars ($1,000,000) shall be allocated to Modesto Junior College.

(ii) One million dollars ($1,000,000) shall be allocated to Bakersfield College.

(iii) One million dollars ($1,000,000) shall be allocated to Fresno City College.

(iv) One million dollars ($1,000,000) shall be allocated to San Bernardino Valley College.

(v) Five hundred thousand dollars ($500,000) shall be allocated to Norco College.

(G) One million dollars ($1,000,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to support startup funds to implement a construction trades program in the Counties of Lake and Mendocino at Mendocino College.

(H) Three million nine hundred thousand dollars ($3,900,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community colleges to address student hunger needs pursuant to Section 66027.8 and student basic needs.

(I) Three million five hundred thousand dollars ($3,500,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to provide support for a one-time reentry grant program.

(J) One million five hundred thousand dollars ($1,500,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to support implementation of the California Community College Teacher Credentialing Partnership Pilot Act pursuant to Chapter 603 of the Statutes of 2018 (Senate Bill 577 of the 2017–18 Regular Session).

(K) Five hundred thousand dollars ($500,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community college districts for a systemwide assessment of college-based food programs.

(L) One million dollars ($1,000,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to Palo Verde College to support the development of a childcare center.

(M) One hundred thirty-three million one hundred twenty-eight thousand dollars ($133,128,000) to the Controller for allocation by the Superintendent pursuant to Section 42238.02 to offset moneys from the General Fund paid to the San Francisco Unified School District and San Francisco County Office of Education as a result of a miscalculation of offsetting property tax revenues in the 2016–17 fiscal year.

(b) (1) For purposes of Section 8 of Article XVI of the California Constitution, of the amount appropriated pursuant to subdivision (a), thirty million five hundred thirty-seven thousand dollars ($30,537,000) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the

California Constitution, for the 2009–10 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

(2) For purposes of Section 8 of Article XVI of the California Constitution, of the amount appropriated pursuant to subdivision (a), forty-seven million six hundred nineteen thousand dollars ($47,619,000) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2011–12 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

(3) For purposes of Section 8 of Article XVI of the California Constitution, of the amount appropriated pursuant to subdivision (a), one hundred fifty-six million six thousand dollars ($156,006,000) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2013–14 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

(4) For purposes of Section 8 of Article XVI of the California Constitution, of the amount appropriated pursuant to subdivision (a), thirty-one million five hundred eleven thousand dollars ($31,511,000) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2014–15 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

(5) For purposes of Section 8 of Article XVI of the California Constitution, of the amount appropriated pursuant to subdivision (a), six hundred thirty-three thousand dollars ($633,000) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2016–17 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

SEC. 12. Section 43501 of the Education Code is amended to read:

43501. For the 2020–21 school year, the minimum schoolday for a local educational agency is as follows:

(a) 180 instructional minutes in kindergarten.

(b) 230 instructional minutes in grades 1 to 3, inclusive.

(c) 240 instructional minutes in grades 4 to 12, inclusive.

(d) 180 instructional minutes for pupils in grades 11 and 12 that are also enrolled part time in classes of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(e) 180 instructional minutes for any pupil who is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27 of Division 4 and who will receive academic credit upon satisfactory completion of enrolled courses.

(f) 180 instructional minutes for pupils enrolled in a continuation high school or an opportunity school.

SEC. 13. Section 43502 of the Education Code is amended to read:

43502. (a) For purposes of calculating apportionments for the 2020–21 fiscal year, a local educational agency shall offer in-person instruction, and may offer distance learning, pursuant to the requirements of this part.

(b) (1) Notwithstanding Sections 41601, 42238.05 to 42238.053, inclusive, and 46010, for purposes of calculating apportionments for the 2020–21 fiscal year for a local educational agency, except for a local educational agency with apportionments calculated pursuant to Section 43505, the department shall use the average daily attendance in the 2019–20 fiscal year reported for both the second period and the annual period apportionment that included all full school months from July 1, 2019, to February 29, 2020, inclusive, and extended year average daily attendance attributed to the 2019–20 school year reported pursuant to Section 96 of Chapter 24 of the Statutes of 2020. Any positive adjustment to average daily attendance for the 2019–20 fiscal year in the second or annual period attendance report submitted to the Superintendent after August 17, 2020, shall be substantiated by concurrence from an independent auditor.

(2) The 2019–20 reported average daily attendance used for purposes of calculating apportionments pursuant to subdivision (d) of Section 42238.02 in the 2020–21 fiscal year shall exclude the average daily attendance resulting from pupils attending schools funded pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(3) The 2019–20 reported average daily attendance used for purposes of calculating apportionments in the 2020–21 fiscal year shall be adjusted for any loss or increase in average daily attendance due to a school district reorganization.

(4) If the Superintendent has been notified pursuant to Section 47604.32 that a charter school has ceased operation during or after the 2019–20 school year and did not provide any instruction in the 2020–21 school year, the Superintendent shall increase the average daily attendance determined pursuant to paragraph (1) for the sponsoring local educational agency, as defined in subdivision (i) of Section 47632, by the average daily attendance sponsored by that local educational agency as reported by the charter school for the 2019–20 school year.

(c) For the 2020–21 fiscal year, a local educational agency shall satisfy the annual instructional day requirements described in Sections 41420, 46200.5, and 46208, and in Section 11960 of Title 5 of the California Code of Regulations through in-person instruction or a combination of in-person instruction and distance learning pursuant to this part.

(d) (1) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the annual instructional minutes that it would otherwise have offered pupils to meet the requirements of Sections 46201.5, 46207, and 47612.5, or the implementing regulations for those sections.

(2) For the 2020–21 fiscal year, a local educational agency shall not be required to offer the minimum instructional minutes in physical education required pursuant to Sections 51210, 51220, 51222, and 51223.

(e) For the 2020–21 school year, instructional minutes shall be determined as follows:

(1) For in-person instruction, instructional minutes shall be based on time scheduled under the immediate physical supervision and control of an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(2) For distance learning, instructional time shall be based on the time value of assignments as determined, and certified to, by an employee of the local educational agency who possesses a valid certification document, registered as required by law.

(3) For a combined day of instruction delivered through both in-person instruction and distance learning, time scheduled under the immediate supervision of an employee of the local educational agency who possesses a valid certification document can be combined with assignments made under the general supervision of an employee of the local educational agency who possesses a valid certification document as registered by law to meet the equivalent of a minimum day of instruction.

(f) For the 2020–21 school year, the process by which a local educational agency receives credit for a material decrease in average daily attendance for apportionment pursuant to Section 46392 due to an event described in Section 46392 that occurs during the 2020–21 fiscal year is suspended for all local educational agencies.

(g) Except for a local educational agency with apportionments calculated pursuant to Section 43505, for purposes of any calculations that would use average daily attendance, the Superintendent, consistent with subdivision (b), shall use the local educational agency's average daily attendance in the 2019–20 school year in place of its average daily attendance in the 2020–21 school year.

(h) (1) For a divided charter school, where the restructured portion of the charter school is beginning instruction in the 2020–21 school year, average daily attendance for the 2019–20 school year shall be provided by the original charter school in a format and according to a timeline prescribed by the Superintendent. The total average daily attendance attributable to the restructured and remaining portions of a divided charter school shall not exceed the total average daily attendance of the original charter school for the 2019–20 fiscal year and shall be used for purposes of any calculations for the affected charter schools that would use average daily attendance consistent with subdivision (b).

(2) The definitions in Section 47654 apply for purposes of this subdivision.

SEC. 14. Section 43502.5 is added to the Education Code, to read:

43502.5. Notwithstanding paragraph (4) of subdivision (e) of Section 47605 or paragraph (4) of subdivision (e) of Section 47605.6, and except for existing pupils of the charter school, for the 2020–21 school year, if the enrollment of a charter school exceeds the charter school's capacity due to the calculation of attendance pursuant to Section 43502, the charter school shall determine attendance pursuant to a public random drawing in accordance with subparagraph (B) of paragraph (2) of subdivision (e) of Section 47605 or subparagraph (B) of paragraph (2) of subdivision (e) of Section 47605.6.

SEC. 15. Section 43503 of the Education Code is amended to read:

43503. (a) (1) For the 2020–21 school year, a local educational agency that offers distance learning shall comply with the requirements of subdivision (b).

(2) Distance learning may be offered under either of the following circumstances:

(A) On a local educational agency or schoolwide level as a result of an order or guidance from a state public health officer or a local public health officer.

(B) For pupils who are medically fragile or would be put at risk by in-person instruction, or who are self-quarantining because of exposure to COVID-19.

(b) Distance learning shall include all of the following:

(1) Confirmation or provision of access for all pupils to connectivity and devices adequate to participate in the educational program and complete assigned work.

(2) Content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction.

(3) Academic and other supports designed to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, pupils with exceptional needs, pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(4) Special education, related services, and any other services required by a pupil's individualized education program pursuant to Section 56341, including the requirements of subparagraph (A) of paragraph (9) of subdivision (a) of Section 56345, with accommodations necessary to ensure that individualized education program can be executed in a distance learning environment.

(5) Designated and integrated instruction in English language development pursuant to Section 11300 of Title 5 of the California Code of Regulations for English learners, including assessment of English language proficiency, support to access curriculum, the ability to reclassify as fully English proficient, and, as applicable, support for dual language learning.

(6) Daily live interaction with certificated employees and peers for purposes of instruction, progress monitoring, and maintaining school connectedness. This interaction may take the form of internet or telephonic communication, or by other means permissible under public health orders. If daily live interaction is not feasible as part of regular instruction, the governing board or body of the local educational agency shall develop, with parent and stakeholder input, an alternative plan for frequent live interaction that provides a comparable level of service and school connectedness.

(c) Pursuant to Sections 49550 and 47613.5, school districts, county offices of education, and charter schools shall provide nutritionally adequate meals for pupils who are eligible for free and reduced-price meals, whether engaged in in-person instruction or distance learning, contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(d) (1) Notwithstanding Section 51512 or any other law, the prior consent of the teacher or the principal of a school is not required for the adoption or implementation of the use of synchronous or asynchronous video for purposes of distance learning provided pursuant to this section.

(2) Except as required by the local educational agency for purposes of distance learning provided pursuant to this section, no person may make, without the prior consent of the teacher and principal of the school, any audio, video, or digital recording of a local educational agency's live or synchronous distance learning instruction.

SEC. 16. Section 43504 of the Education Code is amended to read:

43504. (a) The compulsory education requirements described in Section 48200 continue to apply for the 2020–21 school year.

(b) A local educational agency shall offer in-person instruction to the greatest extent possible.

(c) For the 2020–21 school year, for purposes of the requirement on school districts to offer 180 instructional days per school year pursuant to Section 46208 and the requirement on charter schools to offer 175 instructional days per school year pursuant to Section 11960 of Title 5 of the California Code of Regulations, an instructional day is a day in which all pupils are scheduled for the length of the day established by the governing board or body of the local educational agency in a classroom under the immediate supervision of a certificated employee or in distance learning that meets the minimum requirements described in this part. For purposes of this section, for charter schools, distance learning shall be provided by a certificated employee pursuant to the requirements of Sections 47605, 47605.4, and 47605.6.

(d) (1) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which distance learning is provided. A pupil who does not participate in distance learning on a schoolday shall be documented as absent for that schoolday.

(2) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians.

(e) Each local educational agency shall ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of distance learning, verifying daily participation, and tracking assignments.

(f) (1) A pupil who does not participate daily in either in-person instruction pursuant to subdivision (b) or distance learning pursuant to subdivision (d) shall be deemed absent by the local educational agency. A local educational agency shall use documentation of the absence for purposes of reporting its chronic absenteeism rates in its local control and accountability plan.

(2) Each local educational agency shall develop written procedures for tiered reengagement strategies for all pupils who are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week. These procedures shall include, but are not limited to, verification of current contact information for each enrolled pupil, daily notification to parents or guardians of absences, a plan for outreach from the school to determine pupil needs including connection with health and social services as necessary and, when feasible, transitioning the pupil to full-time in-person instruction.

(g) Each school shall regularly communicate with parents and guardians regarding a pupil's academic progress.

(h) The Controller shall include instructions necessary to enforce the requirements of this section in the 2020–21 audit guide required by Section 14502.1.

(i) (1) For a school district or charter school that offers fewer than the instructional days required in subdivision (c), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment for the prior year average daily attendance of each affected grade level, the sum of .0056 multiplied by that apportionment for each day less than what was required pursuant to this section.

(2) For a local educational agency that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment the percentage of days out of compliance multiplied by the derived value of average daily attendance, all multiplied by the average daily attendance of each affected grade level. For purposes of this paragraph, the percentage of days out of compliance is equivalent to the number of days out of compliance divided by the total number of instructional days required to be offered.

(3) A local educational agency that provides distance learning shall not be penalized for instruction provided before September 1, 2020, that fails to meet the requirements of this section.

SEC. 17. Section 43505 of the Education Code is amended to read:

43505. (a) (1) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for all newly operational charter schools that are authorized by the governing board of a school district or county board of education on or before June 30, 2020, or approved by the state board at its July 8 and 9, 2020, meeting and that are beginning instruction in the 2020–21 school year, the department shall use the certified enrollment of that charter school as of Information Day, October 7, 2020, based on data reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or 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 rates rounded to the nearest tenth.

(2) A newly operational charter school eligible for funding pursuant to paragraph (1) shall receive advance funding pursuant to subdivision (a) of Section 47652 for the months of July 2020 to January 2021, inclusive. Monthly payments for the remainder of the 2020–21 fiscal year shall be drawn pursuant to Sections 14041, 14041.5, and 14041.6, consistent with the certifications made pursuant to Sections 41332 and 41335.

(b) (1) (A) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, a continuing local educational agency shall be eligible for an apportionment calculation pursuant to paragraph (2) if it is a charter school, school district, or county office of education with growth in overall pupil enrollment from its actual 2019–20 level to its projected 2020–21 level, as documented in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report. If a local educational agency does not document or project enrollment growth in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report, it may use overall pupil average daily attendance growth from its actual 2019–20 level

to its projected 2020–21 level, as documented in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report to establish eligibility for an apportionment calculation pursuant to paragraph (2).

(B) A local educational agency is not eligible for an apportionment calculation pursuant to paragraph (2) if its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or its adopted 2019–20 second interim report does not explicitly show growth in overall pupil enrollment or average daily attendance from its actual 2019–20 level to its projected 2020–21 level.

(2) For a local educational agency that is eligible pursuant to paragraph (1) and meets the requirements of paragraph (3), the department shall use the lesser of subparagraph (A) or (B) for purposes of calculating apportionments for the 2020–21 fiscal year. Apportionments calculated pursuant to this paragraph shall exclude average daily attendance attributed to a local educational agency pursuant to paragraph (4) of subdivision (b) of Section 43502.

(A) The certified enrollment of the local educational agency as of Information Day, October 7, 2020, based on data reported in the California Longitudinal Pupil Achievement Data System pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or 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 rates rounded to the nearest tenth.

(B) (i) If enrollment growth is used to establish eligibility pursuant to paragraph (1), the 2020–21 enrollment of the local educational agency projected in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report, reduced by either the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or 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 rates rounded to the nearest tenth.

(ii) If average daily attendance growth is used to establish eligibility pursuant to paragraph (1), the 2020–21 average daily attendance of the local educational agency projected in its most recent 2020–21 budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or in its adopted 2019–20 second interim report.

(C) Under no circumstances shall an apportionment calculated for a local educational agency pursuant to this paragraph be less than the apportionment that would be calculated pursuant to subdivision (b) of Section 43502.

(3) A local educational agency that chooses to be funded pursuant to this subdivision shall provide all of the following to the department by November 6, 2020:

(A) A request for the department to calculate apportionments for the 2020–21 fiscal year pursuant to this subdivision.

(B) (i) A copy of the local educational agency's adopted 2020–21 budget or 2019–20 second interim report and any supporting documentation, including governing board or body minutes, identifying growth in overall pupil average daily attendance or enrollment from its actual 2019–20 level to its projected 2020–21 level. If the 2020–21 budget is provided, it shall have been adopted by the governing board or body of the local educational agency on or before June 30, 2020, and shall be the most recently adopted budget on or before June 30, 2020.

(ii) A local educational agency that does not submit the requested supporting documentation demonstrating projected growth in enrollment or average daily attendance shall be funded pursuant to subdivision (b) of Section 43502 for the 2020–21 fiscal year.

(C) The superintendent or equivalent officer and the president of the governing board or body of the local educational agency shall both attest under penalty of perjury that documentation submitted pursuant to subparagraphs (A) and (B) is true and correct and is the most recent budget adopted by the governing board or body of the local educational agency on or before June 30, 2020, or is the 2019–20 second interim report adopted by the governing board or body of the local educational agency.

(4) On or before October 2, 2020, the department shall post on its internet website an application for continuing local educational agencies to request an apportionment calculation in the 2020–21 fiscal year pursuant to this subdivision.

(5) Funding provided pursuant to this subdivision shall be reflected in the certifications made by the Superintendent pursuant to Section 41332 and 41335 and monthly payments pursuant to Sections 14041, 14041.5, and 14041.6, commencing with the payment made in February 2021.

(c) (1) A nonclassroom-based charter school described in Section 47612.5 as of the 2019–20 second principal apportionment certification shall not be eligible for an apportionment calculation pursuant to subdivision (b).

(2) For purposes of calculating apportionments for the 2020–21 fiscal year and for any other calculations that would be based on average daily attendance in the 2020–21 school year, for a nonclassroom-based charter school described in Section 47612.5 as of the second principal apportionment certification for the 2019–20 fiscal year, the department shall use the nonclassroom-based charter school's average daily attendance in the 2019–20 fiscal year pursuant to subdivision (b) of Section 43502.

(3) For the 2020–21 school year, a nonclassroom-based charter school described in Section 47612.5 as of the second principal apportionment certification for the 2019–20 fiscal year shall adopt a learning continuity and attendance plan pursuant to Section 43509, and shall not be required to adopt a local control and accountability plan pursuant to Section 47606.5.

(4) A nonclassroom-based charter school described in Section 47612.5 as of the second principal apportionment certification for the 2019–20 fiscal year shall continue to comply with all of the statutory requirements in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 and the implementing regulations for that article.

(d) This section shall apply only for the calculation of apportionments for the 2020–21 fiscal year.

SEC. 18. Section 43506.5 is added to the Education Code, to read:

43506.5. A charter school that provided notification that it was delaying adding grade levels in the 2020–21 school year pursuant to Section 105 of Chapter 24 of the Statutes of 2020 may rescind that notification. No later than September 30, 2020, the charter school shall notify its chartering authority, the department, and the parents or guardians of pupils who have indicated an intent to enroll in the charter school or enroll in the affected grade levels, in writing, of the charter school's decision to rescind its decision and to add grade levels as proposed in its charter petition in the 2020–21 school year. Notwithstanding Section 47652, funding for a continuing charter school eligible pursuant to Section 43505 shall be provided consistent with Section 43505.

SEC. 19. Section 43509 of the Education Code is amended to read:

43509. (a) (1) For the 2020–21 school year, the governing board of a school district, a county board of education, and the governing body of a charter school shall adopt both of the following:

(A) By September 30, 2020, a learning continuity and attendance plan pursuant to this section.

(B) By December 15, 2020, with the first interim report required pursuant to Sections 1240, 42131, and 47604.33, the local control funding formula budget overview for parents required pursuant to Section 52064.1.

(2) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to adopt a local control and accountability plan or an annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 or Section 47606.5 for the 2020–21 school year.

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to comply with paragraph (2) of Executive Order No. N-56-20.

(b) The governing board of a school district, a county board of education, and the governing body of a charter school shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, county office of education, or charter school, parents, and pupils in developing a learning continuity and attendance plan pursuant to this section. Specifically, engagement under this section shall include all of the following:

(1) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan.

(2) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan, using the most efficient method of notification possible. This paragraph does not require a school district, county board of education, or charter school to produce printed notices or to send notices by mail. The superintendent of a school district, a county superintendent of schools, and a charter school shall ensure that all written notifications related to the learning continuity and attendance plan are provided consistent with Section 48985.

(3) The superintendent of a school district and a county superintendent of schools shall present the learning continuity and attendance plan to the parent advisory committee and the English learner parent advisory committee established pursuant to

Section 52063 separately for review and comment. The superintendent of a school district and a county superintendent of schools shall respond, in writing, to comments received from the parent advisory committee and the English learner parent advisory committee.

(4) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall present the learning continuity and attendance plan at a public hearing of the governing board of the school district, the county board of education, or the governing body of the charter school for review and comment by members of the public. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the learning continuity and attendance plan will be available for public inspection.

(5) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall adopt the learning continuity and attendance plan in a public meeting. This meeting shall be held after, but not on the same day as, the public hearing held pursuant to paragraph (4).

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall provide options for remote participation in the public hearings required by paragraph (4) and subparagraph (A) and include efforts to solicit feedback pursuant to paragraphs (1), (2), and (3) to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

(c) (1) Not later than five days after adoption of a learning continuity and attendance plan, the governing board of a school district shall file the learning continuity and attendance plan with the county superintendent of schools. The county superintendent of schools may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations. If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this paragraph.

(2) Not later than five days after adoption of a learning continuity and attendance plan, the county board of education shall file the learning continuity and attendance plan with the Superintendent. The Superintendent may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(3) Not later than five days after adoption of a learning continuity and attendance plan, the governing body of a charter school shall file the learning continuity and attendance plan with its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.

(d) A learning continuity and attendance plan adopted pursuant to this section shall be posted consistent with the requirements of Sections 52065 and 47606.5.

(e) A learning continuity and attendance plan adopted by the governing board of a school district, a county board of education, or the governing body of a charter school shall address continuity of learning and include, for the school district, county office of education, or charter school and each school within the school district, county office of education, or charter school, all of the information specified in the template developed by the Superintendent pursuant to subdivision (f).

(f) On or before August 1, 2020, the Superintendent, in consultation with the executive director of the state board, shall develop a template for the learning continuity and attendance plan that includes, but is not limited to, all of the following:

(1) A description of how the school district, county office of education, or charter school will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community in the following areas, and the specific actions and expenditures the school district, county office of education, or charter school anticipates taking to support its ability to address the impacts of COVID-19:

(A) In-person instructional offerings, and specifically, the actions the school district, county office of education, or charter school will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures.

(B) Plans for a distance learning program, including all of the following:

(i) How the school district, county office of education, or charter school will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery. This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.

(ii) A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs.

(iii) How the school district, county office of education, or charter school will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, as well as how the time value of pupil work will be measured.

(iv) What professional development and resources will be provided to staff to support the provision of distance learning, including technological support.

(v) To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be.

(vi) What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided.

(C) How the school district, county office of education, or charter school will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

(i) How the school district, county office of education, or charter school will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics.

(ii) What actions and strategies the school district, county office of education, or charter school will use to address learning loss and accelerate learning progress for pupils, as needed, and how these strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section 42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness.

(iii) How the effectiveness of the services or supports provided to address learning loss will be measured.

(D) How the school district, county office of education, or charter school will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

(E) What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

(F) Pupil engagement and outreach, including the procedures of the school district, county office of education, or charter school for tiered reengagement strategies for pupils who are absent from distance learning, and how the school district, county office of education, or charter school will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or the school district, county office of education, or charter school determines the pupil is not engaging in instruction and is at risk of learning loss.

(G) School nutrition, including how the school district, county office of education, or charter school will provide meals for pupils who are eligible for free or reduced-price meals, as defined in Section 42238.01, for pupils participating in both in-person instruction and distance learning, as applicable and contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(2) For each of the areas described in paragraph (1), the learning continuity and attendance plan shall describe how federal and state funding included in the original or revised budget adopted by the governing board of a school district, a county board of education, or the governing body of a charter school is used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of Chapter 24 of the Statutes of 2020. If the actions and expenditures described in paragraph (1) are not included in the budget, the learning continuity and attendance plan shall reference how these expenditures will be included in the first interim report of the school district, county office of education, or charter school pursuant to Section 1240, 42131, or 47604.33.

(3) The learning continuity and attendance plan shall include a description of how the school district, county office of education, or charter school is increasing or improving services in proportion to funds generated on the basis of the number and concentration of unduplicated pupils under the local control funding formula pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the 2020–21 fiscal year pursuant to the regulations adopted by the state board pursuant to Section 42238.07.

(g) (1) The template and instructions for the local control funding formula budget overview for parents required pursuant to subdivision (a) shall be updated to reflect alignment with the learning continuity and attendance plan adopted pursuant to this section.

(2) By September 15, 2020, the template and instructions for the local control funding formula budget overview for parents shall be updated by the Superintendent, in consultation with the executive director of the state board, to do the following:

(A) Replace references to the local control and accountability plan with references to the learning continuity and attendance plan, where applicable.

(B) Specify the amount of federal funds allocated to the school district, county office of education, or charter school under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136).

(C) Replace the requirements of paragraphs (2) and (3) of subdivision (b) of Section 52064.1 with total budgeted expenditures and total budgeted expenditures that contribute to increased or improved services for unduplicated pupils in the learning continuity and attendance plan, respectively.

SEC. 20. Section 48412 of the Education Code is amended to read:

48412. (a) (1) A person 16 years of age or older, or who has been enrolled in grade 10 for one school year or longer, or who will complete one school year of enrollment in grade 10 at the end of the semester during which the next regular examination will be conducted, may have their proficiency in basic skills taught in public high schools verified according to criteria established by the department.

(2) The state board shall award a “certificate of proficiency” to persons who demonstrate that proficiency. The certificate of proficiency shall be equivalent to a high school diploma, and the department shall keep a permanent record of the issuance of all certificates.

(b) (1) (A) The department shall develop standards of competency in basic skills taught in public high schools and shall provide for the administration of examinations prepared by or with the approval of the department to verify competency. Regular examinations shall be held at least once in the fall semester and at least once in the spring semester of every school year on dates, as determined by the department, that will enable notification of examinees and the schools they attend, if any, of the results of the examinations not later than two weeks before the date on which that semester ends in a majority of school districts that maintain high schools.

(B) For the 2020–21 school year, regular examinations shall be offered only if they can be administered in accordance with state and local public health orders, as determined by the Superintendent.

(2) In addition to regular examinations, the department may, at the discretion of the Superintendent, conduct examinations for all eligible persons at least once during each summer recess and may conduct examinations at any other time that the Superintendent deems necessary to accommodate eligible persons whose religious convictions or physical handicaps prevent their attending one of the regular examinations.

(c) (1) The department may charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of this section. However, the fee shall not exceed an amount equal to the cost of test renewal and administration per examination application. All fees levied and collected pursuant to this section shall be deposited in the State Treasury for remittance to the current support appropriation of the department as reimbursement for costs of administering this section. Any reimbursements collected in excess of actual costs of administration of this section shall be transferred to the unappropriated surplus of the General Fund by order of the Director of Finance.

(2) The department shall not charge the fee to an examinee who meets all of the following criteria:

(A) The examinee qualifies as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), or as a foster youth, as defined in subdivision (h).

(B) The examinee has not attained 25 years of age as of the date of the scheduled examination.

(C) For an examinee who qualifies as a homeless child or youth pursuant to subparagraph (A), the examinee can verify the examinee’s status as a homeless child or youth. A homeless services provider that has knowledge of the examinee’s housing status may verify the examinee’s status for purposes of this subparagraph.

(3) For purposes of this subdivision, a “homeless services provider” includes either of the following:

(A) A homeless services provider listed in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code.

(B) Any other person or entity that is qualified to verify an individual’s housing status, as determined by the department.

(4) The loss of fees pursuant to paragraph (2), if any, shall be deemed to be a cost of administering this section for purposes of paragraph (1).

(d) (1) The state board shall adopt rules and regulations as necessary for implementation of this section.

(2) Notwithstanding paragraph (1), the state board shall adopt emergency regulations, as necessary, to implement the provisions of subdivision (c), as amended by Chapter 384 of the Statutes of 2015. 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.

(e) The department shall periodically review the effectiveness of the examinations administered pursuant to this section. The costs of this review may be recovered through the fees levied pursuant to subdivision (c).

(f) (1) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth and foster youth that took a high school proficiency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school proficiency test at no cost on the number and percentage of homeless youth and foster youth taking a high school proficiency test.

(C) The estimated number of homeless youth and foster youth who may take a high school proficiency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to contractors pursuant to this section.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.

(g) Additional state funds shall not be appropriated for purposes of implementing paragraph (2) of subdivision (c).

(h) For purposes of this section, a “foster youth” means any individual who meets or has ever met one of the following criteria:

(1) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and 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 was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and removed from the child’s home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

SEC. 21. Section 51461 of the Education Code is amended to read:

51461. (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

(1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.

(2) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the “standard met” achievement level, or at the achievement level determined by the Superintendent for any successor test.

(3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:

(A) Passing a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

(B) Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A).

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that world language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(D) Passing the SAT II world language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, the pupil shall do both of the following in order to qualify for the State Seal of Biliteracy:

(1) Attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing the Superintendent's list of equivalent summative tests.

(d) Notwithstanding subdivisions (a) and (b), for those pupils on track to graduate in 2020 or 2021, who were unable to take the assessments identified in paragraph (1) of subdivision (b), or who did not receive a letter grade in English language arts to satisfy paragraph (1) of subdivision (a), the Superintendent may provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English. For pupils who are on track to graduate in 2021 and were unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may waive the requirement to pass that assessment.

(e) For purposes of this article, "world language" has the same meaning as defined in Section 91.

SEC. 22. Section 52065 of the Education Code is amended to read:

52065. (a) The superintendent of a school district shall do both of the following:

(1) Prominently post on the homepage of the internet website of the school district any local control and accountability plan approved by the governing board of the school district and any updates, revisions, or addenda, including those to comply with federal law, to a local control and accountability plan approved by the governing board of the school district.

(2) Prominently post all local control and accountability plans submitted by charter schools that were authorized by the school district, or links to those plans, on the internet website of the school district.

(b) A county superintendent of schools shall do all of the following:

(1) Prominently post on the homepage of the internet website of the county office of education any local control and accountability plan approved by the county board of education, and any updates or revisions to a local control and accountability plan approved by the county board of education.

(2) Prominently post all local control and accountability plans submitted by school districts and charter schools, or links to those plans, on the internet website of the county office of education.

(3) Transmit or otherwise make available to the Superintendent all local control and accountability plans submitted to the county superintendent of schools by school districts and charter schools, and the local control and accountability plan approved by the county board of education.

(c) The Superintendent shall post links to all local control and accountability plans approved by the governing boards of school districts, county boards of education, and the governing bodies of charter schools, on the internet website of the department.

SEC. 23. Section 52074 of the Education Code is amended to read:

52074. (a) The California Collaborative for Educational Excellence is hereby established.

(b) The purpose of the California Collaborative for Educational Excellence is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan adopted

pursuant to this article. The California Collaborative for Educational Excellence shall achieve this purpose by facilitating continuous improvement for local educational agencies within California's system of public school support.

(c) The California Collaborative for Educational Excellence shall be governed by a board consisting of the following five members:

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

(2) The president of the state board or the president of the state board's designee.

(3) A county superintendent of schools appointed by the Senate Committee on Rules.

(4) A teacher appointed by the Speaker of the Assembly.

(5) A superintendent of a school district appointed by the Governor.

(d) The governing board of the California Collaborative for Educational Excellence shall select, and direct the administrative agent provided for in subdivision (e) to hire, the executive director of the California Collaborative for Educational Excellence and provide policy and program direction.

(e) The department, in consultation with the executive director of the state board and with the approval of the Department of Finance, shall enter into a memorandum of understanding with a local educational agency, or consortium of local educational agencies, to serve as the administrative agent for the California Collaborative for Educational Excellence. The administrative agent shall operate all aspects of the California Collaborative for Educational Excellence in accordance with the terms of the memorandum of understanding entered into with the state, applicable statutes, and the policy and program direction of the governing board of the California Collaborative for Educational Excellence.

(f) Pursuant to the policy and program direction of the governing board of the California Collaborative for Educational Excellence, the administrative agent shall contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success to carry out the purposes of this article. The areas of expertise, experience, and record of success shall include, but are not limited to, all of the following:

(1) State priorities as described in subdivision (d) of Section 52060, including the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5.

(2) Improving the quality of teaching.

(3) Improving the quality of school district and schoolsite leadership.

(4) Successfully addressing the needs of special pupil populations, including, but not limited to, English learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.

(g) (1) The California Collaborative for Educational Excellence may accept a request or referral to advise and assist a school district, county superintendent of schools, or charter school pursuant to paragraph (2) or in either of the following circumstances:

(A) If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance pursuant to Section 52071 or 47607.3, as applicable, and the geographic lead agency of that county identified pursuant to Section 52073 agrees, that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district or charter school accomplish the goals described in the local control and accountability plan adopted pursuant to this article.

(B) If the Superintendent determines that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the local control and accountability plan adopted pursuant to this article.

(2) (A) If a school district receives an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3, the school district shall be deemed to have been referred to the California Collaborative for Educational Excellence.

(B) If the California Collaborative for Educational Excellence provides assistance to a school district referred pursuant to this paragraph, the California Collaborative for Educational Excellence shall conduct a systemic review of the school district to identify needs and strategies to improve pupil academic achievement, including, but not limited to, needs identified pursuant to Sections 52052, 52064.5, and 52071. Based on the results of the systemic review, the California Collaborative for Educational Excellence shall coordinate and facilitate the assistance provided to the school district by governmental agencies to provide coherent and effective support consistent with the purpose of the statewide system of support specified in Section 52059.5. The governmental agencies may include, among others, the department, the local county

superintendent, the applicable geographic lead agency, and the County Office Fiscal Crisis and Management Assistance Team. It is the intent of the Legislature that no single governmental agency providing assistance in partnership with other governmental agencies bear the full cost of assistance.

(3) Outside of the processes described in paragraphs (1) and (2), a school district, county office of education, or charter school that requests the advice and assistance of the California Collaborative for Educational Excellence shall reimburse the California Collaborative for Educational Excellence for the cost of those services pursuant to authority provided in the annual Budget Act.

(h) To the extent authority is provided in the annual Budget Act, a school district at risk of qualifying for state intervention pursuant to subdivision (b) of Section 52072 shall have priority for direct technical assistance from the California Collaborative for Educational Excellence.

(i) In addition to the functions described in subdivision (g), the California Collaborative for Educational Excellence shall do both of the following:

(1) Facilitate professional development activities that increase the capacity of local educational agencies to improve pupil outcomes in alignment with state priorities pursuant to Section 52060 and to improve performance on the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5. The California Collaborative for Educational Excellence shall provide professional development in partnership with state professional associations, nonprofit organizations, and public agencies. The governing board of the California Collaborative for Educational Excellence shall determine the extent of the training that is necessary to comply with this paragraph.

(2) Produce a professional development training calendar, to be posted on the California Collaborative for Educational Excellence's internet website, that publicizes all of the professional development activities offered pursuant to paragraph (1) at the local, regional, and state levels.

(j) The individuals with whom the administrative agent enters into employment contracts to carry out the purposes of this article shall be deemed employees of the administrative agent and eligible for participation in either the State Teachers' Retirement System or the Public Employees' Retirement System, as appropriate to the nature of the work to be performed by the employees.

(k) Receipt of any revenues not appropriated by the Legislature to the California Collaborative for Educational Excellence shall be subject to approval by the governing board of the California Collaborative for Educational Excellence. The governing board of the California Collaborative for Educational Excellence shall ensure that all activities, regardless of fund source, are aligned with the purpose of the California Collaborative for Educational Excellence, as described in subdivision (b).

SEC. 24. Section 56836.07 of the Education Code is amended to read:

56836.07. (a) For the 2004–05 fiscal year to the 2019–20 fiscal year, inclusive, to the extent there is an appropriation in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area. For the 2004–05 fiscal year to the 2019–20 fiscal year, inclusive, for which there is an appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance determined pursuant to Section 56836.11.

(b) For the 2020–21 fiscal year and each fiscal year thereafter, to the extent there is an appropriation of federal funds in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019–20 fiscal year as of the second principal apportionment. For the 2020–21 fiscal year and each fiscal year thereafter for which there is an appropriation of federal funds in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.11.

(c) For the 2020–21 fiscal year and each fiscal year thereafter, to the extent there is a General Fund appropriation in the annual Budget Act for purposes of mental health-related services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019–20 fiscal year as of the second principal apportionment. For the 2020–21 fiscal year and each fiscal year thereafter for which there is a General Fund appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019–20 fiscal year

determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019–20 fiscal year determined pursuant to Section 56836.11.

(d) For the 2020–21 fiscal year and each fiscal year thereafter, the General Fund appropriations specified in subdivision (c) shall be available for all mental health-related services for pupils with or without an individualized education program, including, but not limited to, all of the following:

(1) Out-of-home residential services for emotionally disturbed pupils.

(2) Counseling and guidance services, including counseling, personal counseling, and parental counseling and training.

(3) Psychological services.

(4) Social work services.

(5) Behavioral interventions.

(6) Any other mental health-related service not necessarily required by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

SEC. 25. Section 56836.148 of the Education Code is amended to read:

56836.148. (a) For the 2020–21 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (a) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(b) Commencing with the 2021–22 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (b) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(c) For purposes of calculating the base funding for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, multiply the amount of funding per unit of average daily attendance computed in paragraph (1) of subdivision (c) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

(2) Commencing with the 2021–22 fiscal year and for each fiscal year thereafter, multiple the amount of funding per unit of average daily attendance computed in paragraph (2) of subdivision (c) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

SEC. 26. Section 56836.24 of the Education Code is amended to read:

56836.24. (a) Commencing with the 2018–19 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for the purposes specified in Section 56836.23 for apportionment to each special education local plan area for the fiscal year in which the computation is made:

(1) For the 2018–19 fiscal year, the Superintendent shall make the following computations:

(A) Compute the statewide average for program specialists and regionalized services, excluding the amount computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2012–13 fiscal year.

(B) Multiply the computed amount in subparagraph (A) by one plus the inflation factor for the 2013–14 to 2017–18 fiscal years, inclusive, computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(C) Multiply the amount computed in subparagraph (B) by one plus the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(D) Multiply the amount computed in subparagraph (C) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (d) of Section 56836.10 for the special education local plan area.

(2) For the 2019–20 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the prior fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area.

(3) For the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations:

(A) Multiply the 2019–20 fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(b) For purposes of this section, a special education local plan area that only includes charter schools shall be apportioned by the Superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06 for the 2019–20 fiscal year.

SEC. 27. Section 60010 of the Education Code is amended to read:

60010. For purposes of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

(a) “Basic instructional materials” means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.

(b) “Commission” means the Instructional Quality Commission.

(c) “Curriculum framework” means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

(d) “District board” means the board of education or governing board of a county, city and county, city, or other district that has the duty to provide for the education of the children in its county, city and county, city, or district.

(e) “Elementary school” means all public schools in which instruction is given through grade 8 or in any one or more of those grades.

(f) “Governing boards” means the state board and any one or more district boards.

(g) “High school” means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.

(h) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) “Nonpublic school” means a school that both satisfies the requirements of Section 48222, and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

(j) “School official” means a member of a governing board, a city, county, city and county, or district superintendent of schools, and a principal, teacher, or other employee under their charge.

(k) “State board” means the State Board of Education.

(l) “Supplementary instructional materials” means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(5) To use current, relevant technology that further engages interactive learning in the classroom and beyond.

(m) (1) “Technology-based materials” means basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases.

(2) Technology-based materials also includes the electronic equipment required to make use of those materials used by pupils and teachers as a learning resource, including, but not limited to, laptop computers and devices that provide internet access.

(3) This subdivision does not relieve a school district of the obligation to provide pupils with sufficient textbooks or instructional materials pursuant to paragraph (1) of subdivision (c) of Section 60119. If a county office of education determines that a school district is out of compliance with paragraph (1) of subdivision (c) of Section 60119, that school district is not authorized to procure electronic equipment pursuant to paragraph (2) of this subdivision.

(n) “Test” means a device used to measure the knowledge or achievement of pupils.

SEC. 28. Section 69996.3 of the Education Code is amended to read:

69996.3. (a) Each child born on or after July 1, 2020, who is a California resident at the time of birth is eligible for the program.

(b) No later than 90 days after a birth certificate is registered for a child described in subdivision (a), the State Department of Public Health shall provide the board with identifiable birth data for the child in a file format as defined by the board. The birth data shall include the child’s name and birth date and the name and contact information of each parent of the child, including the parent’s street address and, if provided to the department, the parent’s mobile telephone number and email address. In addition, upon request by the board, the department shall include, in the birth data it provides to the board, information collected pursuant to subparagraph (C) of paragraph (2) of subdivision (a) of Section 102426 of the Health and Safety Code. The department may provide additional identifiable birth data to the board, upon request, and upon a determination by the State Registrar, in consultation with the board, that the data is necessary for administration of the program. The birth data is confidential and shall not be disclosed except as necessary for the program. No more than 90 days after receiving the birth data from the department, the board shall notify each parent of each eligible child about the program. The notification shall include information on all of the following:

(1) How the parent may opt out of the program.

(2) The KIDS Account opened for the child pursuant to subdivision (f).

(3) How the parent may establish a separate account pursuant to Article 19 (commencing with Section 69980) and contribution matching opportunities provided pursuant to that article.

(c) The board shall make a child’s designated balance in a KIDS Account viewable by the child’s parent or legal guardian through a secured internet link.

(d) The board may periodically inform a child’s parent or legal guardian of the balance of a KIDS Account, including earnings designated for the child, information on how the parent or legal guardian may establish a separate account pursuant to Article 19 (commencing with Section 69980), and information on contribution matching opportunities provided pursuant to that article.

(e) The board shall translate program notifications and information provided pursuant to subdivisions (b) to (d), inclusive, into languages pursuant to Section 7295.2 of the Government Code.

(f) Upon appropriation by the Legislature, the board shall establish one or more accounts and shall make a separately accounted-for seed deposit from the fund into a KIDS Account established within an account in an amount determined by the board. Each seed deposit shall be designated for a particular child for whom the board receives birth data pursuant to subdivision (b), if no parent or legal guardian has opted that child out of the program. Moneys in a KIDS Account designated for a child, including any investment earnings attributed to the amount of the child’s seed deposit since the date of the deposit as calculated by the board, shall be used for the purpose of providing awards for qualified higher education expenses associated with the attendance of the child at an eligible institution of higher education. Each seed deposit shall be at least twenty-five dollars ($25). The board may provide additional seed funding designated for a child into a KIDS Account if the parent or legal guardian of the child engages with the KIDS Account by verifying receipt of information provided pursuant to paragraph (2) of subdivision (b), establishing a separate account pursuant to Article 19 (commencing with Section 69980), or engaging with the KIDS Account by other means approved by the board.

(g) Upon receiving documentation of a child’s enrollment as a student at an institution of higher education, the board shall make a payment to that institution in the amount of the seed deposit designated for the child pursuant to subdivision (f), plus any

investment earnings attributed to that amount since the date of that deposit as calculated by the board, for qualified higher education expenses associated with the child's attendance at that institution.

(h) Subject to available money in the fund, the board may provide additional incentives from the fund for children participating in the program, including, but not limited to, incentives targeting low-income households.

(i) (1) Subject to available funding, a parent or legal guardian, residing in California, of a child who meets the criteria in paragraph (2) may apply to the board to enroll the child into the program. Subject to available funding, the enrollee shall be eligible for any incentives described in subdivision (h), as applicable, but is not eligible for a seed deposit.

(2) The child is a current California resident under 10 years of age who was either of the following:

(A) Born a California resident before July 1, 2020.

(B) Not a California resident at the time of birth.

(j) (1) If a beneficiary does not use any portion, or all, of the moneys intended for the beneficiary in a KIDS Account for a qualified higher education expense for any reason, including the death or disability of the beneficiary, before the beneficiary turns 26 years of age, all contributions made for the beneficiary into the KIDS Account and any earnings from those moneys shall be forfeited and deposited into the fund for the program.

(2) Notwithstanding paragraph (1), subject to available funding, the board may establish an appeal process to allow a beneficiary to use the moneys designated for the beneficiary in a KIDS Account after the beneficiary turns 26 years of age.

(3) All contributions made into a KIDS Account for a child who has opted out of the program pursuant to subdivision (b), including any investment earnings attributed to the amount of the child's seed deposit since the date of the deposit as calculated by the board, shall be forfeited and deposited into the fund for the program in a timely manner.

(k) The board shall encourage each parent and legal guardian of a beneficiary, including each parent and legal guardian of a child who applies to enroll the child into the program as a beneficiary pursuant to subdivision (i), to establish a separate account pursuant to Article 19 (commencing with Section 69980). The board shall provide assistance on how to establish the separate account.

(l) The board may use up to 5 percent of state appropriations provided for purposes of the program for administrative costs.

SEC. 29. Section 71000 of the Education Code is amended to read:

71000. There is in the state government a Board of Governors of the California Community Colleges, consisting of 17 voting members and one nonvoting member, as follows:

(a) Twelve members, each appointed by the Governor with the advice and consent of two-thirds of the membership of the Senate to six-year staggered terms. Two of these members shall be current or former elected members of local community college district governing boards.

(b) (1) (A) One voting student member, and one nonvoting student member, who exercise their duties in accordance with the procedure set forth in paragraph (3).

(B) A student member shall be enrolled in a community college with a minimum of five semester units, or its equivalent, at the time of the appointment and throughout the period of the student member's term, or until a replacement has been named. A student member shall be enrolled in a community college at least one semester before the student member's appointment, and shall meet and maintain the minimum standards of scholarship prescribed for community college students.

(C) Each student member shall be appointed by the Governor from a list of names of at least three eligible persons submitted to the Governor by the student organization recognized by the board of governors.

(2) The term of office of one student member of the board shall commence on July 1 of an even-numbered year, and expire on June 30 two years thereafter. The term of office of the other student member of the board shall commence on July 1 of an odd-numbered year, and expire on June 30 two years thereafter. Notwithstanding paragraph (1), a student member who graduates from the student member's college on or after January 1 of the second year of the student member's term of office may serve the remainder of the term.

(3) During the first year of a student member's term, a student member shall be a member of the board and may attend all meetings of the board and its committees. At these meetings, a student member may fully participate in discussion and debate, but shall not vote. During the second year of a student member's term, a student member may exercise the same right to

attend meetings of the board, and its committees, and shall have the same right to vote as the members appointed pursuant to subdivisions (a) and (c).

(4) Notwithstanding paragraph (3), if a student member resigns from office or a vacancy is otherwise created in that office during the second year of a student member's term, the remaining student member shall immediately assume the office created by the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(c) Two voting tenured faculty members from a community college, who shall be appointed by the Governor for two-year terms. The Governor shall appoint each faculty member from a list of names of at least three eligible persons furnished by the Academic Senate of the California Community Colleges. Each seat designated as a tenured faculty member seat shall be filled by a tenured faculty member from a community college pursuant to this section and Section 71003.

(d) One voting classified employee, who shall be appointed by the Governor for a two-year term. The Governor shall appoint the classified employee member from a list of at least three eligible persons furnished by the exclusive representatives of classified employees of the California Community Colleges.

(e) The Lieutenant Governor, who shall be a voting member.

SEC. 30. Section 92411 is added to the Education Code, immediately following Section 92410, to read:

92411. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 31. Section 92495 of the Education Code is amended to read:

92495. (a) (1) Commencing with the 2013–14 fiscal year and for each fiscal year thereafter, if the University of California plans to use any of its support appropriation in the annual budget for the subsequent fiscal year for capital expenditures pursuant to Section 92493, as defined in subparagraph (A) or (D) of paragraph (2) of subdivision (b) of that section, or for capital outlay projects pursuant to Section 92494, as defined in paragraph (1) of subdivision (b) of that section, it shall simultaneously submit, on or before September 1, 10 months before the commencement of that fiscal year, a report to the committees in each house of the Legislature that consider the annual state budget, the budget subcommittees in each house of the Legislature that consider appropriations for the University of California, and the Department of Finance.

(2) The report shall detail the scope of capital expenditures or capital outlay projects and how the capital expenditures or capital outlay projects will be funded, and it shall provide the same level of detail as a capital outlay budget change proposal. The certifications required by subdivision (e) shall be attached to the report.

(3) The Department of Finance shall review the report and submit, by February 1, a list of preliminarily approved capital expenditures and capital outlay projects, including the certifications required by subdivision (e) for each applicable expenditure and project, to the committees in each house of the Legislature that consider the annual state budget and the budget subcommittees in each house of the Legislature that consider appropriations for the University of California. These committees may review and respond to the list of preliminarily approved capital expenditures and capital outlay projects before April 1.

(4) The Department of Finance shall submit a final list of approved capital expenditures and capital outlay projects to the University of California no earlier than April 1, three months before the commencement of the fiscal year of the planned expenditures.

(b) The Department of Finance may approve capital expenditures defined in subparagraph (C) of paragraph (2) of subdivision (b) of Section 92493, or capital outlay projects defined in paragraph (2) of subdivision (b) of Section 92494, no sooner than 30 days after submitting, in writing, a list of capital expenditures and capital outlay projects being considered for approval, with the applicable certifications required by subdivision (e), to the chairpersons of the committees in each house of the Legislature that consider appropriations, the chairpersons of the committees and the appropriate subcommittees in each house of the Legislature that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.

(c) The University of California shall not use its General Fund support appropriation to fund a capital expenditure defined in subparagraph (A), (C), or (D) of paragraph (2) of subdivision (b) of Section 92493, or capital outlay project defined in subdivision (b) of Section 92494, before receiving approval from the Department of Finance pursuant to this section.

(d) (1) The University of California may proceed with capital expenditures pursuant to Section 92493, as defined in paragraph (2) of subdivision (b) of that section, or capital outlay projects pursuant to Section 92494, only if all work traditionally performed by persons with University of California Service Unit (SX) job classifications is performed only by employees of the University of California. This paragraph shall become inoperative on January 1, 2021.

(2) Commencing January 1, 2021, the University of California may proceed with capital expenditures, as defined in subparagraph (A), (C), or (D) of paragraph (2) of subdivision (b) of Section 92493, or capital outlay projects defined in subdivision (b) of Section 92494, only upon certification that during the subsequent fiscal year and at all times thereafter, all cleaning, maintenance, groundskeeping, food service, or other work traditionally performed by persons with University of California Service Unit (SX) job classifications, shall be performed only by employees of the University of California at each beneficially affected facility, building, or other property.

(3) This subdivision does not apply to, and shall not restrict the performance of, work done under contract and paid for in whole or in part out of public funds, when the work is either of the following:

(A) Construction, alteration, demolition, installation, or repair work, including work performed during the design, preconstruction, and postconstruction phases of construction.

(B) Carpentry, electrical, plumbing, glazing, painting, and other craft work designed to preserve, protect, or keep any publicly owned facility in a safe and continuously usable condition, including repairs, cleaning, and other operations on machinery and other equipment permanently attached to the building or real property as fixtures.

(e) Commencing with the 2021–22 fiscal year, and for each fiscal year thereafter, the Department of Finance shall approve each new and ongoing capital expenditure defined in subparagraph (A), (C), or (D) of paragraph (2) of subdivision (b) of Section 92493, and each capital outlay project defined in subdivision (b) of Section 92494, only after the University of California has demonstrated ongoing and continuous compliance with subdivisions (c) and (d). For each capital expenditure and each capital outlay project, a demonstration of compliance shall include a certification of compliance with subdivision (d) signed by the President of the University of California, or their duly authorized designee, indicating that, at each facility, building, or other property that will benefit from state funding for a capital expenditure or capital outlay project, both of the following occur:

(1) All work specified in subdivision (d) will be performed exclusively by University of California employees.

(2) Either of the following:

(A) All work described in subdivision (d) has been performed exclusively by University of California employees at all times since the University of California received state funding for a capital expenditure or capital outlay project after January 1, 2017.

(B) The University of California shall provide a written report detailing any noncompliance with subdivision (c) or (d), specifying how many contract workers performed work at each site, for what periods of time, and what the University of California has done to remedy the noncompliance, and, on or before February 1 of each calendar year, shall certify to the satisfaction of the chairpersons of the budget committee of each house of the Legislature that it has maintained subsequent compliance with subdivisions (c) and (d).

(f) Notwithstanding Section 10231.5 of the Government Code, commencing with the 2014–15 fiscal year, on or before February 1 of each fiscal year, the University of California shall simultaneously submit a progress report to the Joint Legislative Budget Committee and the Department of Finance detailing the scope, funding, and current status of all capital expenditures undertaken pursuant to Section 92493 and for all capital outlay projects undertaken pursuant to Section 92494.

(g) All reporting, certification requirements, approval procedures, and other provisions of this section shall apply to all General Fund support appropriations for capital expenditures or capital outlay projects, regardless of whether those projects involve academic or nonacademic facilities. This subdivision does not authorize appropriations for capital expenditures or capital outlay projects for nonacademic facilities.

SEC. 32. Section 92496.1 is added to the Education Code, to read:

92496.1. (a) Notwithstanding Section 92496, for the 2020–21 and 2021–22 fiscal years, if the University of California is able to reduce annual debt service costs by refunding, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds, as described in Section 92493, the university may use the savings from refunding, restructuring, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds, as described in Section 92493, to mitigate the impacts to programs and services that predominantly support underrepresented student access to, and success at, the university, and to provide for continued employment of employees without resorting to involuntary layoffs, furloughs, or reductions-in-time in the 2020–21 and 2021–22 fiscal years.

(b) This section does not authorize the university to use the savings from refunding, restructuring, defeasing, or retiring general obligation bonds or State Public Works Board lease revenue bonds, as described in Section 92493, for any purpose other than the purposes specified in this section or Section 92496.

(c) The university is encouraged to collaborate with donors to identify resources to provide support for programs and services that predominantly support underrepresented student access to, and success at, the university, and provide for continued employment of employees without resorting to involuntary layoffs, furloughs, or reductions-in-time in the 2020–21 and 2021–22 fiscal years.

(d) This section shall become inoperative on July 1, 2023, and, as of January 1, 2024, is repealed.

SEC. 33. Section 8880.4.1 is added to the Government Code, to read:

8880.4.1. (a) The Legislature finds and declares that this section is clarifying of, and consistent with, the intent of Proposition 20, as approved by the voters at the March 7, 2000, statewide primary election and is not authorizing any new use of moneys expended pursuant to subparagraph (B) of paragraph (2) of subdivision (a) of Section 8880.4, as amended by Section 1 of Chapter 56 of the Statutes of 2011, and paragraph (2) of subdivision (a) of Section 8880.4, as amended by Section 2 of Chapter 56 of the Statutes of 2011.

(b) For purposes of subparagraph (B) of paragraph (2) of subdivision (a) of Section 8880.4, as amended by Section 1 of Chapter 56 of the Statutes of 2011, and paragraph (2) of subdivision (a) of Section 8880.4, as amended by Section 2 of Chapter 56 of the Statutes of 2011, “instructional materials” include, but are not limited to, laptop computers and devices that provide internet access for use by pupils, students, teachers, and faculty as learning resources.

SEC. 34. Section 14900 of the Government Code is amended to read:

14900. (a) It is the policy of the State of California to make freely available to its inhabitants all state publications.

(b) If a state agency proposes a regulation that incorporates by reference any publication, including, but not limited to, international or state standards, two copies of the referenced publication shall, if practicable, be deposited by the agency at the California State Library upon adoption of those regulations.

(c) State publications in physical format shall be made freely available to the public by distribution to libraries throughout the state, subject to the assumption by those libraries of the responsibilities of keeping the documents readily accessible for use, and of rendering assistance in their use to qualified patrons without charge.

SEC. 35. Section 14901 of the Government Code is amended to read:

14901. (a) To the end that the policy specified in Section 14900 may be effectively carried out, subject to availability of the necessary resources, the California State Library may create a digital repository and delivery system to maintain and preserve copies of publications in electronic format for ready access to the public. Each state agency may provide digital publications to the California State Library in an appropriate electronic format as specified by the California State Library. The California State Library shall determine the appropriate electronic format and may consult with the State Archivist.

(b) Two copies of each state publication, in physical or electronic format, as selected by the State Archivist shall be filed with the State Archivist by the State Printer or the department, commission, or other agency concerned. The cost of printing, publishing, and distributing the copies shall be fixed and charged pursuant to Section 14866.

(c) In order to maintain maximum transparency and accessibility, complete and selective repository libraries shall maintain paper copies previously distributed through this article until these legacy paper materials can be digitized.

(d) Publications printed in physical format or that have not been submitted to the California State Library pursuant to subdivision (a) shall be printed in a sufficient number of copies of each state publication as determined by the State Librarian in accordance with this section and Sections 14903, 14904, and 14907, not to exceed 350, and forwarded to the California State Library. The cost of printing, publishing, and distributing the copies shall be fixed and charted pursuant to Section 14866.

(e) When physical printing of a publication ends, the distribution of copies to the complete and selective repository libraries shall end.

SEC. 36. Section 14902 of the Government Code is amended to read:

14902. (a) For purposes of this article, “state publication” or “publication” includes any document, compilation, journal, law, resolution, Blue Book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical, or magazine, in physical or electronic format, issued by the state, the Legislature, constitutional officers, or any department, commission, or other agency thereof or prepared for the state by a private individual or organization and issued in print for access by the public. For purposes of this section, “print” includes either physical or electronic format. The publications of the University of California, however, and intraoffice or interoffice publications and forms are not state publications for purposes of this article.

(b) Publications prepared by an officer or employee of the state as part of the person's official duties shall be placed in the public domain.

(c) Documents in the public domain can generally be reprinted without legal restriction. However, state government publications may contain copyrighted material that was used with the permission of the copyright owner. Publication in a government document does not authorize any use or appropriation of the copyrighted material without consent of the owner.

SEC. 37. Section 14903 of the Government Code is amended to read:

14903. In addition to the required distributions set forth in Section 14901, the agreed-upon number of each publication printed by the State Printer, including the legislative bills, daily journals, and daily or weekly histories, shall be forwarded by the State Printer to the California State Library at Sacramento, to the University of California libraries at Berkeley and Los Angeles, and to the California State University, to be allocated among the libraries of the California State University as directed by the Trustees of the California State University.

SEC. 38. Section 14904 of the Government Code is amended to read:

14904. In addition to the required distributions set forth in Section 14901, publications in any format not printed by the State Printer shall be distributed by the issuing department, commission, or other agency as soon as practicable after completion, first to all "complete depositories," and second to "selective depositories," designated by the California State Library.

SEC. 39. Section 14905 of the Government Code is amended to read:

14905. To be classified as a "complete depository" or as a "selective depository" of physical materials, a library must contract with the California State Library to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service without charge to qualified patrons in the use of the publications. A library designated as a "complete depository" shall be sent one copy of every state publication in a physical format, while a library designated as a "selective depository" shall be sent one copy of each publication existing in physical format from only the subset of issuing agencies the library selected or one copy of each publication existing in physical format of the publication type selected by the library.

SEC. 40. Section 14905.1 of the Government Code is repealed.

SEC. 41. Section 14906 of the Government Code is amended to read:

14906. Any municipal or county free library, any state college or state university library, the library of any incorporated college or university in this state, the library of any public community college in this state, and the California State Library may contract as provided in this article. Applications are to be considered in the order of their receipt by the California State Library.

SEC. 42. Section 14910 of the Government Code is amended to read:

14910. To facilitate the distribution of state publications, the California State Library shall maintain information about state publications issued and deposited with the library on the California State Library internet website. All state departments, commissions, and other agencies shall, upon request, supply information regarding the respective agency's publications to the California State Library.

SEC. 43. Section 14911 of the Government Code is amended to read:

14911. If any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year.

SEC. 44. Section 8024 is added to the Health and Safety Code, immediately preceding Section 8025, to read:

8024. For purposes of this article, "consultation" has the same meaning as defined in Section 65352.4 of the Government Code.

SEC. 45. Section 8025 of the Health and Safety Code is amended to read:

8025. (a) In order to better implement the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.), the Regents of the University of California shall not use state funds for the handling or maintenance of Native American human remains and cultural items unless the regents do all the following:

(1) Facilitate the establishment, composition, and function of systemwide and campus-level committees, established pursuant to Section 8026, with respect to reviewing and advising the university on matters related to the university's implementation of legal requirements to make repatriations or dispositions of Native American human remains and cultural items.

(2) (A) Adopt and implement systemwide policies regarding the culturally appropriate treatment of Native American human remains and cultural items while in the possession of a University of California campus or museum, including policies regarding research requests and testing following the submission of a request for repatriation.

(B) Adopt and implement clear and transparent policies and procedures on the systemwide requirements for submitting claims for the repatriation of human remains and cultural items, demonstrating cultural affiliation, notification to tribes of human remains and cultural items deemed culturally affiliated but that are not subject to a current repatriation claim, dispute resolution regarding repatriation claims, and any other relevant subject governed by the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and this chapter.

(C) Adopt or amend systemwide University of California museum deaccessioning policies to explicitly provide for the deaccession of collections containing Native American human remains and cultural items to effect the timely and respectful repatriation of those items pursuant to valid claims submitted by a California Indian tribe.

(D) Adopt systemwide University of California policies and procedures for the identification and disposition of culturally unidentifiable human remains and cultural items as required by the federal Native American Graves Protection and Repatriation Regulations (43 C.F.R. Part 10). Those policies shall include updates to existing inventories in order to determine whether cultural affiliation can be determined, or to confirm that the human remains are "culturally unidentifiable" as defined in paragraph (2) of subsection (e) of Section 10.2 of Part 10 of Title 43 of the Code of Federal Regulations.

(3) Develop all policies and procedures pursuant to paragraph (2) in consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission. Each California Indian tribe that is on the contact list shall be invited to consult on the proposed policies and procedures.

(4) Timely submit the policies and procedures adopted pursuant to paragraph (2) to the commission, so they may review and comment upon them pursuant to subdivision (q) of Section 5097.94 of the Public Resources Code by July 1, 2019.

(5) Implement the systemwide policies adopted pursuant to paragraph (2) by January 1, 2021, and implement any campus policies within one year after the adoption of the systemwide policies.

(6) Ensure that each campus Native American Graves Protection and Repatriation Act Implementation Committee implements the policies and procedures adopted pursuant to paragraph (2).

(7) Adopt procedures to support appeals and dispute resolution in cases where a tribe disagrees with a campus determination regarding repatriation or disposition of human remains or cultural items directly to the systemwide Native American Graves Protection and Repatriation Act Implementation and Oversight Committee.

(b) A campus of the University of California may adopt policies to supplement the systemwide policies adopted pursuant to paragraph (2), if the campus determines that individual circumstances involving that campus are not adequately addressed in the adopted and approved systemwide policies, in consultation with California Native American tribes. A policy or procedure adopted by a campus pursuant to this subdivision shall not conflict with the approved systemwide policies.

SEC. 46. Section 102426 of the Health and Safety Code is amended to read:

102426. (a) (1) In addition to the items of information collected pursuant to Section 102425, the State Registrar shall instruct all local registrars that have automated birth registration to electronically capture the information specified in paragraph (2) in an electronic file. The information shall not be transcribed onto the actual hard copy of the certificate of live birth.

(2) The information required pursuant to paragraph (1) shall consist of the following:

(A) The mother's marital status.

(B) The mother's mailing address. The mother may designate an alternate address at her discretion.

(C) Information about whether the birth mother received food for herself during the pregnancy pursuant to the Women, Infants, and Children (WIC) program.

(D) The Activity, Pulse, Grimace, Appearance, and Respiration (Apgar) scores of 5 and 10 minutes.

(E) The birth mother's prepregnancy weight, weight at delivery, and height.

(F) Information about smoking before and during pregnancy, including the average number of cigarettes or packs of cigarettes smoked during the three months before pregnancy and the average number of cigarettes or packs of cigarettes smoked during each trimester of pregnancy.

(G) The email address and mobile telephone numbers of the intended parents, if voluntarily provided by the parents, to be used for the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code.

(3) Subparagraphs (B) to (F), inclusive, of paragraph (2) shall become operative on January 1, 2007.

(b) Notwithstanding any law to the contrary, information collected pursuant to subparagraph (A) of paragraph (2) of subdivision (a) shall not under any circumstances be disclosed or available to anyone, except for both of the following:

(1) The State Department of Public Health and the Department of Child Support Services for demographic and statistical analysis. The Department of Child Support Services shall keep information received pursuant to this subdivision confidential in accordance with Section 17212 of the Family Code.

(2) The federal government, without any personal identifying information, for demographic and statistical analysis.

(c) Notwithstanding any law to the contrary, information collected pursuant subparagraph (G) of paragraph (2) of subdivision (a), if voluntarily provided by the parents, shall not under any circumstances be disclosed or available to anyone except for the Scholarshare Investment Board created pursuant to Section 69984 of the Education Code. The information shall be collected as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

SEC. 46.5. Section 102426 of the Health and Safety Code is amended to read:

102426. (a) (1) In addition to the items of information collected pursuant to Section 102425, the State Registrar shall instruct all local registrars that have automated birth registration to electronically capture the information specified in paragraph (2), and other necessary items as the State Registrar may designate, in an electronic file. The information shall not be transcribed onto the actual hard copy of the certificate of live birth.

(2) The information required pursuant to paragraph (1) shall consist of the following:

(A) The mother's marital status.

(B) The mother's mailing address. The mother may designate an alternate address at her discretion.

(C) Information about whether the birth mother received food for herself during the pregnancy pursuant to the Women, Infants, and Children (WIC) program.

(D) The Activity, Pulse, Grimace, Appearance, and Respiration (Apgar) scores of 5 and 10 minutes.

(E) The birth mother's prepregnancy weight, weight at delivery, and height.

(F) Information about smoking before and during pregnancy, including the average number of cigarettes or packs of cigarettes smoked during the three months before pregnancy and the average number of cigarettes or packs of cigarettes smoked during each trimester of pregnancy.

(G) The planned place of birth and whether it was a hospital, freestanding birthing center, home delivery, clinic or physician's office, or other specified place.

(H) The email address and mobile telephone numbers of the intended parents, if voluntarily provided by the parents, to be used for the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code.

(3) Subparagraphs (B) to (F), inclusive, of paragraph (2) shall become operative on January 1, 2007.

(b) Notwithstanding any law to the contrary, information collected pursuant to subparagraph (A) of paragraph (2) of subdivision (a) shall not under any circumstances be disclosed or available to anyone, except for both of the following:

(1) The State Department of Public Health and the Department of Child Support Services for demographic and statistical analysis. The Department of Child Support Services shall keep information received pursuant to this subdivision confidential in accordance with Section 17212 of the Family Code.

(2) The federal government, without any personal identifying information, for demographic and statistical analysis.

(c) Notwithstanding any law to the contrary, information collected pursuant subparagraph (H) of paragraph (2) of subdivision (a), if voluntarily provided by the parents, shall not under any circumstances be disclosed or available to anyone except for the Scholarshare Investment Board created pursuant to Section 69984 of the Education Code. The information shall be collected as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

SEC. 47. Section 102430 of the Health and Safety Code is amended to read:

102430. (a) The second section of the certificate of live birth as specified in subdivision (b) of Section 102425, the electronic file of birth information collected pursuant to subparagraphs (B) to (G) inclusive, of paragraph (2) of subdivision (a) of Section 102426, the birth mother linkage collected pursuant to Section 102425.2, and the second section of the certificate of fetal death as specified in Section 103025, are confidential. Access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information collected pursuant to subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (a) of Section 102426, and the birth mother linkage collected pursuant to Section 102425.2 shall be limited to the following:

(1) Department staff.

(2) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively.

(3) The county coroner.

(4) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological, or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar.

(5) The parent who signed the certificate or, if no parent signed the certificate, the mother.

(6) The person named on the certificate.

(7) A person who has petitioned to adopt the person named on the certificate of live birth, subject to Section 102705 of the Health and Safety Code and Sections 9200 and 9203 of the Family Code.

(8) The following state government departments requesting the information for official government business purposes as deemed appropriate by the State Registrar, that agree to maintain confidentiality as prescribed by this part:

(A) The State Department of Public Health.

(B) The State Department of Health Care Services.

(C) The Department of Finance. This section shall not be construed as a limitation of the authority granted to the Department of Finance in Sections 13073 to 13073.5, inclusive, of the Government Code.

(D) The Scholarshare Investment Board, for the purpose of implementing the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

(9) The birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records. The birth hospital shall not further disclose the information nor use the information for purposes other than allowed by this part.

(b) (1) The department shall maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include all of the following:

(A) The name of the person authorizing access.

(B) The name, title, and organizational affiliation of persons given access.

(C) The dates of access.

(D) The specific purpose for which the information is to be used.

(2) The record of access shall be open to public inspection during normal operating hours of the department.

(c) All research proposed to be conducted using the confidential medical and social information on the birth certificate or fetal death certificate shall first be reviewed by the appropriate committee constituted for the protection of human subjects that is approved by the federal Department of Health and Human Services and has a general assurance pursuant to Part 46 of Title 45 of the Code of Federal Regulations. Information shall not be released until the request for information has been reviewed by the Vital Statistics Advisory Committee and the committee has recommended to the State Registrar that the information shall be released.

SEC. 47.5. Section 102430 of the Health and Safety Code is amended to read:

102430. (a) The second section of the certificate of live birth as specified in subdivision (b) of Section 102425, the electronic file of birth information collected pursuant to subparagraphs (B) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 102426, the birth mother linkage collected pursuant to Section 102425.2, and the second section of the certificate of fetal death as specified in Section 103025, are confidential. Access to the confidential portion of any certificate of live birth or fetal death, the electronic file of birth information collected pursuant to subparagraphs (B) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 102426, and the birth mother linkage collected pursuant to Section 102425.2 shall be limited to the following:

(1) Department staff.

(2) Local registrar's staff and local health department staff when approved by the local registrar or local health officer, respectively.

(3) The county coroner.

(4) Persons with a valid scientific interest as determined by the State Registrar, who are engaged in demographic, epidemiological, or other similar studies related to health, and who agree to maintain confidentiality as prescribed by this part and by regulation of the State Registrar.

(5) The parent who signed the certificate or, if no parent signed the certificate, the mother.

(6) The person named on the certificate.

(7) A person who has petitioned to adopt the person named on the certificate of live birth, subject to Section 102705 of the Health and Safety Code and Sections 9200 and 9203 of the Family Code.

(8) The following state government departments requesting the information for official government business purposes as deemed appropriate by the State Registrar, that agree to maintain confidentiality as prescribed by this part:

(A) The State Department of Public Health.

(B) The State Department of Health Care Services.

(C) The Department of Finance. This section shall not be construed as a limitation of the authority granted to the Department of Finance in Sections 13073 to 13073.5, inclusive, of the Government Code.

(D) The Scholarshare Investment Board, for the purpose of implementing the California Kids Investment and Development Savings Program pursuant to Article 19.5 (commencing with Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, as long as the California Kids Investment and Development Savings Program is operational and actively opening new KIDS accounts, as defined in subdivision (g) of Section 69996.2 of the Education Code, for eligible children.

(9) The birth hospital responsible for preparing and submitting a record of the birth or fetal death for purposes of reviewing and correcting birth or fetal death records. The birth hospital shall not further disclose the information nor use the information for purposes other than allowed by this part.

(b) (1) The department shall maintain an accurate record of all persons who are given access to the confidential portion of the certificates. The record shall include all of the following:

(A) The name of the person authorizing access.

(B) The name, title, and organizational affiliation of persons given access.

(C) The dates of access.

(D) The specific purpose for which the information is to be used.

(2) The record of access shall be open to public inspection during normal operating hours of the department.

(c) All research proposed to be conducted using the confidential medical and social information on the birth certificate or fetal death certificate shall first be reviewed by the appropriate committee constituted for the protection of human subjects that is approved by the federal Department of Health and Human Services and has a general assurance pursuant to Part 46 of Title 45 of the Code of Federal Regulations. Information shall not be released until the request for information has been reviewed by the Vital Statistics Advisory Committee and the committee has recommended to the State Registrar that the information shall be released.

SEC. 48. Section 48 of Chapter 29 of the Statutes of 2016 is repealed.

SEC. 49. Section 1 of Chapter 3 of the Statutes of 2020, as amended by Section 91 of Chapter 24 of the Statutes of 2020, is amended to read:

Section 1. (a) For all local educational agencies that comply with Executive Order No. N–26–20 or that are not subject to a closure due to the coronavirus (COVID-19), and for purposes of average daily attendance claimed for apportionment purposes pursuant to Section 41601 of the Education Code, for the 2019–20 school year average daily attendance reported to the State Department of Education for the second period and the annual period for local educational agencies shall only include all full school months from July 1, 2019, to February 29, 2020, inclusive. Any applicable contrary provisions in Sections 1244 and 41601 of the Education Code are waived.

(b) It is the intent of the Legislature that a local educational agency receiving a hold harmless apportionment pursuant to this section ensures that the local educational agency's employees and contractors are compensated and paid during the period of time a school is closed due to COVID-19, as reasonably anticipated if the school has not been closed due to COVID–19.

(c) This section shall become inoperative on July 1, 2020.

SEC. 50. Section 2 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 2. (a) To prevent the loss of funding related to an instructional time penalty because of a school closed due to the coronavirus (COVID–19), instructional days and minutes that a local educational agency would otherwise have offered pupils to meet the requirements of Sections 41420, 46207, 46208, and paragraph (1) of subdivision (a) of Section 47612.5 of the Education Code, and their implementing regulations, during the period of time the school was closed due to COVID–19 are deemed to be met.

(b) Pursuant to Executive Order No. N–26–20, the superintendent of a school district, county superintendent of schools, or administrator of a charter school of a school closed due to COVID–19 shall certify in writing to the Superintendent of Public Instruction that the school was closed due to COVID–19 and provide any additional information related to the school closure that is requested by the Superintendent.

(c) This section shall become inoperative on July 1, 2020.

SEC. 51. Section 3 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 3. (a) A charter school that does not have an independent study program, as described in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code, or a distance learning program in its currently-approved charter petition is not required to submit a request to materially revise its charter petition to its chartering authority in order to offer an independent study program or distance learning program during the period of time the school is closed due to the coronavirus (COVID–19) and complying with Executive Order No. N–26–20.

(b) This section shall become inoperative on July 1, 2020.

SEC. 52. Section 4 of Chapter 3 of the Statutes of 2020, as amended by Section 92 of Chapter 24 of the Statutes of 2020, is amended to read:

Sec. 4. (a) For local educational agencies that comply with Executive Order No. N–26–20, and to ensure continuity of funding for the After School Education and Safety Program established by Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, a school closure due to the coronavirus (COVID–19) shall be considered a qualifying event for purposes of subdivision (d) of Section 8482.8 of the Education Code, and the obligation for a program grantee to submit a request for pupil attendance credits is waived. Program grantees shall be credited with the average annual attendance that the grantee would have received if it had been able to operate its entire program during the period of time the school was closed or restructured due to COVID–19.

(b) This section shall become inoperative on July 1, 2020.

SEC. 53. Section 5 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 5. (a) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, on or before June 30, 2020, the Superintendent of Public Instruction shall develop informal directives and bulletins, in compliance with Executive Orders, to address contractual and reporting requirements applicable for the 2019–20 fiscal year for childcare and development programs impacted by the coronavirus (COVID–19).

(b) To ensure continuity of payments to state-subsidized childcare and development programs, the attendance and reporting requirements imposed on childcare and development programs pursuant to Sections 8221.5, 8230, 8235, 8240, 8245, 8250, 8351, 8353, and 8354 of the Education Code, and subdivision (a) of Section 18056 of Title 5 of the California Code of Regulations, are waived for programs that comply with an Executive Order, subject to guidance from the Superintendent of Public Instruction pursuant to this section. Pursuant to guidance and direction from the Superintendent, childcare and development programs shall be reimbursed using the most recent certified record or invoice available.

(c) This section shall become inoperative on July 1, 2020.

SEC. 54. Section 6 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 6. For the 2019–20 school year, both of the following shall apply:

(a) The time required to assess pupils for English language proficiency pursuant to Section 313 of the Education Code and Sections 11511 and 11511.5 of Title 5 of the California Code of Regulations is extended by 45 days, unless otherwise determined by the Superintendent of Public Instruction.

(b) The testing window for assessments required by Sections 313 to 313.5, inclusive, 60640 to 60649, inclusive, and 60800 of the Education Code, and their implementing regulations, is extended by the length of time a school is closed due to the coronavirus (COVID–19), or until the end of the testing window, whichever comes first.

(c) This section shall become inoperative on July 1, 2020.

SEC. 55. Section 7 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 7. (a) The timelines established pursuant to Section 33315 of the Education Code and Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations are extended by the length of time a school is closed due to the coronavirus (COVID–19).

(b) This section shall become inoperative on July 1, 2020.

SEC. 56. Section 8 of Chapter 3 of the Statutes of 2020 is amended to read:

Sec. 8. (a) If a school is closed due to the coronavirus (COVID–19), the State Department of Education, in order to determine a local educational agency's compliance with the special education timelines required by subdivision (a) of Section 56043 and subdivision (a) of Section 56321 of the Education Code, shall consider the days a school is closed due to COVID–19 as days between a pupil's regular school session, up until the time the school reopens and the regular school session reconvenes.

(b) The timelines established in subdivisions (n) and (o) of Section 56043 and Section 56504 of the Education Code, and subdivision (a) of Section 3024 of Title 5 of the California Code of Regulations shall be waived if a school is closed due to COVID–19, up until the time school reopens and the regular school session reconvenes.

(c) This section applies all local educational agencies, even if a local educational agency continues to offer educational opportunities through distance learning, or independent study, or both, during the period of time a school is closed due to COVID–19.

(d) The Legislature encourages local educational agencies to respond as expeditiously as possible to requests from parents or guardians received during the period of time a school is closed due to COVID–19.

(e) This section does not waive any federal requirements imposed under the federal Individual with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.).

(f) This section shall become inoperative on July 1, 2020.

SEC. 57. Section 95 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 95. (a) For purposes of the annual update to the local control and accountability plan for the 2021–22 school year required pursuant to Sections 47606.5, 52061, and 52066 of the Education Code, the school district, county office of education, or charter school shall include the actions and expenditures included in the learning continuity and attendance plan adopted pursuant to Section 43509 of the Education Code and the local control and accountability plan adopted for the 2019–20 school year.

(b) The Superintendent of Public Instruction, in consultation with the executive director of the State Board of Education, shall revise the template for the annual update to the local control and accountability plan before January 31, 2021, to reflect the inclusion of the learning continuity and attendance plan in the 2021–22 annual update.

SEC. 58. Section 97 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 97. (a) The State Department of Education may waive the following provisions relating to before and after school programs during the 2020–21 school year to provide the needed flexibility to serve pupils during the COVID-19 pandemic:

(1) Subdivision (c) of Section 8421 of the Education Code.

(2) Paragraphs (3) and (4) of subdivision (d) of Section 8426 of the Education Code.

(3) Paragraph (1) of subdivision (a) of Section 8483 of the Education Code.

(4) Paragraphs (1) and (2) of subdivision (a) of Section 8483.1 of the Education Code.

(5) The requirement in Section 8483.4 of the Education Code that a program established pursuant to Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code shall maintain a pupil-to-staff member ratio of no more than 20 to 1.

(6) Subparagraphs (C) and (D) of paragraph (1) of subdivision (a) of Section 8483.7 of the Education Code.

(7) Paragraph (5) of subdivision (a) of Section 8483.7 of the Education Code.

(b) The State Department of Education may prorate the funding rates pursuant to Sections 8483.7 and 8483.75 of the Education Code for programs operating for more than three hours per day, up to six hours per day.

SEC. 59. Section 110 of Chapter 24 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 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 apportioned pursuant to this section shall be used from March 1, 2020, to December 30, 2020, inclusive, unless otherwise provided in federal law, 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) 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.

(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) 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 December 30, 2020, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(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. 60. Section 111 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 111. (a) The Legislature finds and declares all of the following:

(1) The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) Child Care and Development Block Grant supplemental payment awarded three hundred fifty million three hundred fourteen thousand dollars ($350,314,000) to California to address the impact of the COVID-19 pandemic on childcare providers and the families they serve. These funds were awarded to prevent, prepare for, and respond to the COVID-19 pandemic emergency, to provide assistance to childcare providers in the case of decreased enrollment or closures, and to provide childcare assistance to essential workers during the response to the COVID-19 pandemic.

(2) In response to the COVID-19 pandemic, the state appropriated the sum of one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) from the General Fund to childcare providers for COVID-19 pandemic-related assistance between March 4, 2020, and August 28, 2020, inclusive, as follows:

(A) Fifty million dollars ($50,000,000) was allocated to non-local educational agency childcare providers, which remained open or intend to reopen during the COVID-19 pandemic emergency, for health, safety, and cleaning supplies related to federal, state, and local COVID-19 pandemic emergency public health and safety guidance, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020).

(B) Fifty million dollars ($50,000,000) was allocated to existing state-subsidized childcare providers to support additional access to early learning and care 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, pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020), for a minimum of 60 days of care for each eligible worker and at-risk child.

(C) Forty-one million three hundred fourteen thousand dollars ($41,314,000) was allocated for the estimated cost of provider closures, waived family fees, and other assistance, consistent with Executive Order No. N–66–20.

(D) Three million three hundred thousand dollars ($3,300,000) was allocated to CalWORKs Stage 1 childcare for the estimated cost of waived family fees, consistent with Executive Order No. N–66–20.

(E) Six million dollars ($6,000,000) was allocated for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66–20.

(F) Two million dollars ($2,000,000) was allocated to CalWORKs Stage 1 childcare for the estimated costs of extending the family fee waivers through June 30, 2020, consistent with Executive Order No. N–66-20.

(b) It is therefore the intent of the Legislature, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, which allow states to restore amounts either directly or through reimbursement for obligations incurred to prevent, prepare for, and respond to the COVID-19 pandemic before enactment of the CARES Act, to allocate one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) of the CARES Act Child Care and Development Block Grant supplemental payment to fund reimbursement of the General Fund for the costs described in paragraph (2) of subdivision (a).

(c) On July 1, 2020, the Controller shall transfer the sum of one hundred fifty-two million three hundred fourteen thousand dollars ($152,314,000) from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the General Fund to offset the state costs incurred in the 2019–20 fiscal year described in subdivision (b).

(d) For the 2020–21 fiscal year, the sum of one hundred ninety-eight million dollars ($198,000,000) is hereby appropriated from the Federal Trust Fund, consistent with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Child Care and Development Block Grant supplemental payment requirements, to the Superintendent of Public Instruction for COVID-19 pandemic-related relief and assistance for childcare providers, the families those childcare providers serve, and essential workers, as follows:

(1) Of the funds appropriated pursuant to this subdivision, one hundred twenty-five million dollars ($125,000,000) shall be allocated to state-subsidized childcare providers, including centers, family childcare homes, and license-exempt providers, serving children through an alternative payment program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and 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, or through a CalWORKs Stage 1, Stage 2, or Stage 3 program, for financial assistance to address any hardships incurred as a result of various economic factors, such as decreased enrollment, increased teacher-to-child ratios, and other increased costs, to ensure that childcare providers maintain high-quality care, access, and safety for workers and families in their childcare programs. These funds shall be allocated as follows:

(A) (i) Of the funds allocated for purposes of this paragraph, sixty-two million five hundred thousand dollars ($62,500,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) through June 30, 2021, or until this funding is exhausted, whichever is sooner. Notwithstanding subdivision (d) of Section 8221.5 of the Education Code, reimbursement for childcare providers, including license-exempt providers, shall be based on families' certified need, regardless of attendance.

(ii) For families certified for a variable schedule, providers shall be reimbursed based on the maximum authorized hours of care.

(iii) For license-exempt providers that provide part-time services, providers shall be reimbursed based on the maximum authorized hours of care.

(B) Of the funds allocated for purposes of this paragraph, up to thirty-one million two hundred fifty thousand dollars ($31,250,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse providers described in paragraph (1) with a one-time stipend as follows:

(i) The State Department of Education, in consultation with the State Department of Social Services, shall determine a flat-rate stipend amount for all childcare providers based on the number of subsidized children enrolled and the average cost of care.

(ii) The Superintendent of Public Instruction shall allocate stipends to alternative payment programs for distribution to childcare providers according to a schedule to be provided by the Superintendent of Public Instruction and approved by the Department of Finance. The State Department of Education may designate another agency to distribute these funds to childcare providers if the alternative payment program in the area is determined by the State Department of Education to be unable to allocate the funds.

(iii) The administration fee charged by an alternative payment program distributing the stipends to childcare providers shall not exceed 5 percent.

(C) (i) A state-subsidized childcare provider, as described in this paragraph, is eligible for up to 14 paid nonoperational days, in addition to the current 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, when the provider is closed due to the COVID-19 pandemic emergency.

(ii) Of the funds allocated for purposes of this paragraph, up to thirty-one million two hundred fifty thousand dollars (31,250,000) shall be allocated to support alternative payment programs, including migrant alternative payment programs, to reimburse state-subsidized childcare providers for providing short-term childcare to eligible children when a provider is closed as described in clause (i). Reimbursements shall be made to providers until funds are exhausted.

(iii) An alternative payment program, including a migrant alternative payment program, 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 section, 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 clause (ii).

(D) (i) Notwithstanding Section 8273 of the Education Code and any accompanying regulations, family fee waivers are extended through August 31, 2020.

(ii) Family fees that have already been collected for the months of July 2020 and August 2020 shall be refunded to the family or credited to a future month pursuant to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(iii) Those families who were disenrolled, voluntarily or involuntarily, due to family fees in the month of July 2020 or August 2020 may be reenrolled without the need for any additional eligibility documentation, subject to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(iv) From September 1, 2020, to June 30, 2021, inclusive, family fees applicable for programs administered by the State Department of Education are waived only for families described in Section 8273.1 of the Education Code and families where all children in the family enrolled in subsidized early learning and care remain at home, either for distance learning or for families sheltering in place, subject to guidance from the Superintendent of Public Instruction and the State Department of Social Services.

(v) To the extent that additional federal funds are not provided, as specified in Section 61 of the act adding this subparagraph, the cost of waiving the fees pursuant to clause (iv) shall be absorbed by the respective direct service contractors, family childcare home providers participating in a family childcare home education network, and alternative payment program providers.

(E) Once the funding from the allocations in subparagraphs (A), (B), and (C) necessary for CalWORKs Stage 1 providers, pursuant to Section 8351 of the Education Code, has been identified, a budget revision shall be submitted by the State Department of Education to the Controller to move the appropriate funding amounts identified for CalWORKs Stage 1 providers to the State Department of Social Services for allocation.

(2) Of the funds appropriated pursuant to this subdivision, seventy-three million dollars ($73,000,000) shall be allocated by the State Department of Education 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 who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) and who were not able 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.

(A) The funds allocated pursuant to this paragraph shall be used to provide childcare services for 90 days in addition to the days specified in Executive Order No. N–66–20.

(B) Notwithstanding any other law, if 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 who accessed childcare services pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) were disenrolled, they may be reenrolled pursuant to this paragraph before July 15, 2020, without needing to provide eligibility documentation.

(C) An alternative payment program shall, to the extent possible, work directly with a family that receives childcare services funded pursuant to this paragraph and the local resource and referral agency to assist the family in accessing ongoing subsidized or nonsubsidized childcare services that meets the family's needs.

(D) If an alternative payment program projects that it will have unspent funds after childcare services are provided pursuant to subparagraph (A), the alternative payment program may extend childcare services beyond 90 days for the enrolled families, until funds are exhausted.

(E) Of the funds appropriated pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020) 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, any funds not encumbered before July 1, 2020, shall be used for purposes of this section.

(e) Notwithstanding Section 26.00 of the Budget Act of 2020, the State Department of Education may transfer program expenditure authority provided in paragraph (1) of subdivision (d) between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance. The Department of Finance may, at its discretion, approve such a transfer of program expenditure authority to the extent total allocations do not exceed the total amount appropriated pursuant to paragraph (1) of subdivision (d). Upon approval from the Department of Finance, the Superintendent of Public Instruction shall notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of its intent to transfer program expenditure authority between programs.

(f) Notwithstanding the priorities for services pursuant to Section 8263 of the Education Code, all children who meet the need and eligibility requirements of Sections 8263 and 8263.1 of the Education Code enrolled in childcare pursuant to Executive Order No. N–45–20, N–47–20, or N–66–20 shall be first priority for enrollment in alternative payment programs with available capacity, subject to guidance from the Superintendent of Public Instruction.

(g) For purposes of this section, "essential worker" has the same meaning as "essential critical infrastructure worker" pursuant to Executive Order No. N–45–20.

SEC. 61. Section 112 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 112. (a) It is the intent of the Legislature to prepare for the effective use of childcare funds available from the federal government during the COVID-19 pandemic and recovery period in order to support the essential workforce through necessary, high-quality childcare, support healthy child development during this historic time, and ensure the stability of California's childcare system.

(b) Contingent on the receipt of federal funds that may be used for these purposes during the 2020–21 fiscal year, the State Department of Education shall prioritize funding in the following order, over the total duration of time allowable for expenditure under federal law, or, if shorter, until an applicable date specified below:

(1) Up to thirty million dollars ($30,000,000) for reimbursing childcare providers for family fees waived pursuant to Section 60 of the act adding this paragraph for families enrolled, but not receiving in-person care, from September 1, 2020, to June 30, 2021, inclusive.

(2) Up to thirty-five million dollars ($35,000,000) to support alternative payment programs, including migrant alternative payment programs, to reimburse providers for providing short-term childcare to eligible children when a provider is closed pursuant to clause (i) of subparagraph (C) of paragraph (1) of subdivision (d) of Section 60 of the act adding this paragraph.

(3) Up to one hundred million dollars ($100,000,000) for alternative payment programs to extend childcare services for families eligible for services under Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code, with first priority to extend childcare services through June 30, 2021, 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 who accessed care pursuant to Senate Bill 89 (Chapter 2 of the Statutes of 2020), second priority for children who are (A) identified as children at risk of abuse, neglect, or exploitation in a written referral from a legal, medical, or social service agency, or emergency shelter, or (B) identified by a legal, medical, or social services agency, a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, a Head Start program, or an emergency or transitional shelter as (i) a recipient of protective services, (ii) being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or (iii) being homeless, and third priority for other essential workers otherwise eligible for childcare services pursuant to Section 8263 of the Education Code through June 30, 2021, to the extent required or permitted under federal law.

(4) Up to thirty million dollars ($30,000,000) to contractors for California state preschool programs pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code and contractors for general childcare and development programs pursuant to Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of

Division 1 of Title 1 of the Education Code to increase capacity for up to two years. Priority for funding pursuant to this paragraph shall be as follows:

(A) First priority shall go to existing general childcare and development program contractors to expand new childcare services for children from 0 to 3 years of age, inclusive.

(B) Second priority shall go to existing California state preschool program contractors to expand new capacity for full-day programs, pursuant to Section 8239 of the Education Code.

(C) Third priority shall go to new or existing contractors for general childcare and development programs or California state preschool programs.

(5) (A) Up to fifteen million dollars ($15,000,000) in stipends to assist licensed childcare providers with costs to reopen childcare facilities closed due to the COVID-19 pandemic, and to supplement unfunded costs caused by low attendance or temporary closures due to the COVID-19 pandemic. First priority for these stipends shall be given to providers whose total child enrollment is at least 50-percent state-subsidized.

(B) Stipends shall go to licensed family childcare home providers and licensed center-based childcare programs that closed on or after March 15, 2020, and remain closed through July 1, 2020, and that served at least three children enrolled in childcare services under CalWORKs or through an alternative payment program between January 1, 2019, and March 1, 2020.

(C) Alternative payment programs shall provide up to five thousand dollars ($5,000) per licensed family childcare home contractor and up to fifteen thousand dollars ($15,000) per licensed center-based childcare agency to address debts incurred during the childcare and development facility's closure after the 30 days of funding provided under Senate Bill 89 (Chapter 2 of the Statutes of 2020). Allowable costs shall be determined by the department, consistent with federal law and reimbursable costs guidance, to address debts incurred between March 15, 2020, and July 1, 2020, that may be preventing a licensed family childcare home or licensed center-based childcare agency from reopening.

(D) For each stipend provided pursuant to this paragraph, the alternative payment program shall disburse one-half of the awarded funds up front. A stipend recipient shall remain open and willing to serve families eligible for childcare services under CalWORKs or through an alternative payment program for at least three months after reopening. At the end of the three-month period, the remainder of stipend shall be disbursed.

(E) A stipend provided pursuant to this paragraph may cover up to 100 percent of operating costs during the childcare and development facility's closure period, up to the applicable amount stated in subparagraph (C), on the condition that the childcare program meets all federal requirements, including, but not limited to, staff compensation. A licensed family childcare home provider or licensed center-based childcare program shall not have received family fees or state or federal reimbursement for services during the childcare and development facility's closure period. To the extent funds received under Senate Bill 89 (Chapter 2 of the Statutes of 2020) were received by a provider during a closure period, the alternative payment program shall subtract the amount of funds received under Senate Bill 89 (Chapter 2 of the Statutes of 2020) from the facility's closure period operating costs, for purposes of calculating the stipend amount.

(6) (A) Up to ninety million dollars ($90,000,000) to the department for subsidized childcare provider stipends to assist all subsidized childcare providers operating programs pursuant to Article 3 (commencing with Section 8220) of, Article 6 (commencing with Section 8230) of, Article 7 (commencing with Section 8235) of, 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 with increased cost-of-care expenses during the COVID-19 pandemic period.

(B) The Superintendent of Public Instruction shall, on or before September 1, 2020, develop a methodology for augmenting each individual contractor operating programs identified in subparagraph (A) with a stipend, in accordance with both of the following:

(i) For the direct-contract subsidized childcare programs pursuant to Article 6 (commencing with Section 8230) of, Article 7 (commencing with Section 8235) of, Article 8 (commencing with Section 8240) of, Article 8.5 (commencing with Section 8245) of, and Article 9 (commencing with Section 8250) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, the proposed stipend methodology shall be based on the number of children served and the proportion to the provider's reimbursement from the state and the applicable regional market rate.

(ii) For voucher-based subsidized childcare programs pursuant to Article 3 (commencing with Section 8220), Article 6 (commencing with Section 8230), and Article 15.5 (commencing with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, the proposed methodology shall be based on the number of children served and the

regional average cost of care. The methodology developed pursuant to this clause shall be developed in consultation and collaboration with the State Department of Social Services.

(C) The Superintendent of Public Instruction shall present the methodology developed pursuant to subparagraph (B) and the proposed schedule of augmentations to the Department of Finance and the Joint Legislative Budget Committee for review and approval before any augmentations are made.

(D) Once the Department of Finance and the Joint Legislative Budget Committee have approved the methodology and the proposed schedule of augmentations, a budget revision shall be submitted by the State Department of Education to the Controller to move the appropriate funding amounts for augmentation to CalWORKs Stage 1, pursuant to Section 8351 of the Education Code, to the State Department of Social Services.

(c) Notwithstanding Section 26.00 of the Budget Act of 2020, the State Department of Education may transfer program expenditure authority provided in paragraph (6) of subdivision (b) between schedules to accurately reflect expenditures in the program schedules, upon the approval of the Department of Finance. The Department of Finance may, at its discretion, approve such a transfer of program expenditure authority to the extent total allocations do not exceed the total amount specified in paragraph (6) of subdivision (b). Upon approval from the Department of Finance, the Superintendent of Public Instruction shall notify the chairs of the relevant policy committees and budget subcommittees of the Legislature of its intent to transfer program expenditure authority between programs.

(d) For purposes of this section, “essential worker” has the same meaning as “essential critical infrastructure worker” pursuant to Executive Order No. N–45–20.

SEC. 62. Section 116 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 116. (a) For the 2020–21 fiscal year, the sum of four hundred fifty thousand dollars ($450,000) is hereby appropriated from the General Fund to the State Department of Education to support the alignment and integration of the online platforms supporting the California School Dashboard, the Local Control and Accountability Plan Electronic Template System, and the School Accountability Report Card. In performing this work, every effort shall be made to maximize the consistency of school-level data reported through the School Accountability Report Card with the state priorities described in subdivision (d) of Section 52060 of the Education Code and included in California’s accountability system and reported through the California School Dashboard.

(b) It is the intent of the Legislature that the work conducted pursuant to this section on the Local Control and Accountability Plan Electronic Template System include the development of a database connected to a data entry tool that will allow comprehensive analysis by policymakers of actions and expenditures and progress on metrics included within Local Control and Accountability Plans adopted by local educational agencies.

(c) It is the intent of the Legislature that the work conducted pursuant to this section on the School Accountability Report Card platform focus on ensuring that users of the California School Dashboard can readily access the information contained in locally adopted School Accountability Report Cards.

(d) (1) For 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 the San Joaquin County Office of Education. Of the funds appropriated in subdivision (a), and consistent with subdivision (c), no less than fifty thousand dollars ($50,000) shall be used to hire an outside consultant pursuant to paragraph (2) with expertise in user design.

(2) Of the funds appropriated in subdivision (a), fifty thousand dollars ($50,000) is available to facilitate stakeholder sessions to gather input on the design of the Local Control and Accountability Plan Electronic Template System and a potential database connected to that system, including opportunities to display or create reports based on information contained in such a database.

(3) When performing these activities, the San Joaquin County Office of Education may enter into appropriate contracts to provide support and services, as necessary.

(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 2018–19 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 2018–19 fiscal year.

SEC. 63. Section 117 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 117. (a) The Legislature finds and declares all of the following:

(1) The COVID-19 emergency has exacerbated conditions associated with poverty, including food insecurity, housing and employment instability, and inadequate health care, which has led to additional barriers to learning.

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

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

(b) The sum of forty-five million dollars ($45,000,000) is hereby appropriated from the Federal Trust Fund (Elementary and Secondary School Emergency Relief Fund (ESSER)) in the 2020–21 fiscal year to the Superintendent of Public Instruction to establish and administer the California Community Schools Partnership Program in the manner and for the purposes set forth in this section. Funds shall be made available for encumbrance or expenditure until September 30, 2022.

(c) On or before November 1, 2020, the Superintendent of Public Instruction, with the approval of the executive director of the State Board of Education, shall develop an application process and administration plan for the selection of grant recipients. Administration of the California Community Schools Partnership Program shall include offering technical assistance to potential applicants before awarding a grant under the program and providing program oversight and technical assistance to grantees selected pursuant to this section. The Superintendent of Public Instruction may retain up to 1 percent of the appropriation pursuant to this section for technical assistance purposes.

(d) The Superintendent of Public Instruction shall award, subject to the approval of the executive director of the State Board of Education, grants on a competitive basis to local educational agencies, including county offices of education, to support and expand existing community schools and shall give priority to grant funding based on the following:

(1) Applicants serving pupils in high-poverty schools in which at least 80 percent of the pupil population are eligible for free and reduced-price meals.

(2) Applicants with a demonstrated need for expanded access to integrated services.

(3) Applicants who commit to partner in a consortium with other schools or county agencies.

(4) Applicants with committed matching funds for pupil services.

(5) Applicants with a plan for sustaining community school services after grant expiration.

(6) Applications with cosignatories from partner government agencies, including, but not limited to, county public health, county health, and county mental health agencies.

(e) Grant funding may be used for any of the following purposes:

(1) Expanding and sustaining existing community schools, which may include direct grants to local educational agencies.

(2) Coordinating and providing health, mental health, and pupil support services to pupils and families at community schools.

(3) Providing training and support to local educational agency personnel to help develop best practices for integrating pupil supports.

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

(1) “Community school” means a public school serving preschool, kindergarten, or any of grades 1 to 12, inclusive, and includes the following:

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

(B) Family and community engagement, which may include home visits, home-school collaboration, community partnerships, and school climate surveys.

(C) Collaborative leadership and practices for educators and administrators, including professional development to support mental and behavioral health, trauma-informed care, social-emotional learning, restorative justice, and other key areas.

(D) Extended learning time and opportunities, including before and after school care.

(2) “Local educational agency” means a school district, county office of education, or charter school, excluding nonclassroom-based charter schools operating pursuant to Section 47612.5 of the Education Code.

(g) Grant recipients shall commit to providing program data to the State Department of Education, as specified by the Superintendent of Public Instruction, and participate in overall program evaluation.

(h) The Superintendent of Public Instruction shall provide a comprehensive report, on December 31, 2025, to the Governor and the appropriate policy and fiscal committees of the Legislature on the impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided.

SEC. 64. Section 118 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 118. (a) (1) The sum of one hundred twelve million two hundred thirty-one thousand dollars ($112,231,000) is hereby appropriated from the Federal Trust Fund in accordance with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136) for allocation by the State Department of Education for purposes of subdivision (b).

(2) The sum of eighty million dollars ($80,000,000) is hereby appropriated from the General Fund for allocation by the State Department of Education for purposes of subdivision (b).

(b) (1) A program operator participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program that has served meals any time during the months of March 2020 to August 2020, inclusive, consistent with the United States Department of Agriculture regulations and waivers for the applicable program, during school closures caused by the COVID-19 pandemic is eligible for increased state meal reimbursement pursuant to this section.

(2) Funds appropriated in subdivision (a) are available to reimburse eligible program operators based on meals served for breakfast and lunch at a rate not to exceed an additional $0.75 per meal.

(c) If other federal funding for child nutrition programs is made available to the State Department of Education for increased reimbursement for the Seamless Summer Option or Summer Food Service Program pursuant to this section, the State Department of Education shall allocate the one hundred twelve million two hundred thirty-one thousand dollars ($112,231,000) appropriated in subdivision (a) to local educational agencies pursuant to Section 110 of Chapter 24 of the Statutes of 2020.

(d) For the months of March 2020 to August 2020, inclusive, a program operator participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program may apply for reimbursement from the State Department of Education for eligible costs pursuant to this subdivision. The State Department of Education shall reimburse nutrition program operators for eligible costs by using savings identified in Item 6100-203-0001 of the Budget Act of 2019. Requests for reimbursement shall be subject to review and approval by the State Department of Education. Program operators are eligible for reimbursement in the following order of priority:

(1) (A) A program operator with some or all sites that temporarily closed as a result of a state or federally declared pandemic emergency, and that has made an effort to serve eligible meals to eligible pupils during the closure, is eligible to receive reimbursement equal to the average daily participation of closed sites multiplied by the average combined state and federal reimbursement rate received by the program operator in the month before the closure, multiplied by the number of days the program operator closed, to pay for salaries and other fixed expenses of the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program.

(B) (i) For purposes of subparagraph (A), the State Department of Education may determine if the program operator has made an effort to serve eligible meals to eligible pupils during the closure.

(ii) To the extent funds are not available to fully fund claims made pursuant to subparagraph (A), the State Department of Education shall prorate reimbursement funds.

(2) (A) To the extent funds are available, if eligible meals served to eligible pupils by the program operator have been reduced as a result of a state or federally declared pandemic emergency, the program operator is eligible to receive reimbursement equal to the difference between clause (i) and clause (ii), as follows:

(i) The average daily participation multiplied by the combined state and federal meal reimbursement rate received by the program operator in the month before the reduction occurred, multiplied by the number of days the program operator experienced a reduction in meals served.

(ii) The number of meals served to eligible pupils during the state or federally declared pandemic emergency multiplied by the combined state and federal meal reimbursement rate, multiplied by the number of days the program operator experienced a reduction in meals served.

(B) To the extent funds are not available to fully fund claims made pursuant to subparagraph (A), the State Department of Education shall prorate reimbursement funds.

(e) If federal funding for meal reimbursement or other state or federal funding for emergency response is made available to the program operator, the program operator is eligible to claim only those meals not reimbursed by other federal or state funding.

(f) All program operators participating in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program that apply for reimbursement pursuant to subdivision (d) shall demonstrate conformity with the applicable procedures required in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The State Department of Education shall ensure that applicants for reimbursement under subdivision (d) have followed those procedures.

(g) The funds appropriated pursuant to Item 6100-203-0001 of the Budget Act of 2019 shall be available for encumbrance until December 31, 2020, for the purposes specified in subdivision (d).

(h) For purposes of this section, “program operator” means a school district, county office of education, charter school, residential childcare institution, or private school that participates in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, or Summer Food Service Program.

(i) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (2) of subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

SEC. 65. Section 119 of Chapter 24 of the Statutes of 2020 is amended to read:

Sec. 119. (a) The Legislature finds and declares all of the following:

(1) (A) Pupils with dyslexia and other forms of specific learning disabilities often go undiagnosed until the pupil is failing in school, while many pupils are never diagnosed and never receive services. Early identification and intervention with pupils showing signs of dyslexia are critical for improving pupil outcomes.

(B) The most effective treatment for pupils who struggle with reading and related language problems is early diagnosis and skilled teaching. For that reason, it is critical that educators receive evidence-based practices and strategies informed by research to reduce the impact on long-term educational outcomes.

(C) The California Dyslexia Guidelines, developed by the State Department of Education pursuant to Section 56335 of the Education Code, as added by Chapter 647 of the Statutes of 2015 (Assembly Bill 1369 of the 2015–16 Regular Session), provides guidelines for educators, parents, and other stakeholders in identifying, assessing, and supporting pupils with dyslexia. While these guidelines created a road map for supporting pupils with dyslexia, the guidelines were developed before the establishment of the statewide system of support and are not integrated into those supports.

(D) To ensure existing research and available resources lead to improved outcomes for these pupils, the state must invest in a statewide effort to build upon the California Dyslexia Guidelines and to disseminate the knowledge and information of best practices throughout the statewide system of support.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include expertise and resources to help school districts, county offices of education, and charter schools improve their ability to identify signs of dyslexia and other specific learning disabilities as early as possible and to provide evidence-based supports and services to pupils once identified.

(b) The California Dyslexia Initiative is hereby established for all of the following purposes:

(1) To build capacity in the statewide system of support for school districts, county offices of education, and charter schools to provide early intervention services and supports for pupils with specific learning disabilities, such as dyslexia, with a focus on improving outcomes for pupils in all education settings.

(2) To identify effective models for diagnosis and treatment of specific learning disabilities.

(3) To develop effective professional development for educators on evidence-based instruction and strategies informed by research to reduce the impact on long-term educational outcomes.

(4) To develop effective partnerships between school districts, county offices of education, and charter schools in using the statewide system of support structure administered by the California Collaborative for Educational Excellence and the

resources of the State Department of Education to disseminate lessons learned from the capacity built pursuant to paragraph (1) and the models identified in paragraph (2).

(5) To disseminate the resources, information, and models identified in paragraphs (1) to (4), inclusive.

(c) By November 15, 2020, 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 an applicant county office of education to administer the California Dyslexia Initiative in direct consultation with the State Department of Education, the California Collaborative for Educational Excellence, and the postsecondary educational institution selected pursuant to subdivision (d). For this work, the designated county office of education shall demonstrate a willingness and capacity to do all of the following:

(1) Work collaboratively with the State Department of Education, the California Collaborative for Educational Excellence, and the postsecondary educational institution selected pursuant to subdivision (d) to further the purposes of the California Dyslexia Initiative described in subdivision (b).

(2) Communicate regularly with the State Department of Education and the California Collaborative for Educational Excellence.

(3) In partnership with the California Collaborative for Educational Excellence, document the outcomes of the activities described in this section throughout the duration of the California Dyslexia Initiative to ensure the resources, research, and professional development models that are developed are available throughout the statewide system of support and align with other statewide initiatives.

(4) Play a leadership role in the California Dyslexia Initiative.

(d) The designated county office of education shall contract with a California postsecondary educational institution, selected in consultation with the executive director of the State Board of Education, to expand the state's dyslexia and specific learning disabilities early identification and evidence-based best practices for supports and services in furtherance of the California Dyslexia Initiative. The postsecondary educational institution shall be selected no later than December 1, 2020.

(e) The designated county office of education and the selected postsecondary educational institution shall identify existing evidence-based resources, professional development activities, and other efforts currently available at the state, federal, and local levels, and develop new evidence-based resources and activities designed to help local educational agencies across the state identify and provide services and supports to pupils with specific learning disabilities, as defined in Section 56337 of the Education Code, such as dyslexia. The identified and developed resources and activities shall be able to accomplish, at a minimum, all of the following:

(1) Develop professional development through train-the-trainer models or online training modules.

(2) Provide technical assistance to local educational agencies.

(3) Develop a network of educators who can provide coaching and training to other local educational agencies.

(4) Develop evaluation tools to measure the effectiveness of identified evidence-based strategies.

(f) (1) The sum of two million dollars ($2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to the designated county office of education for the California Dyslexia Initiative.

(2) The sum of two million dollars ($2,000,000) is hereby appropriated from the Federal Trust Fund to the Superintendent of Public Instruction to allocate to the designated county office of education for the California Dyslexia Initiative.

(3) Of the total amount appropriated pursuant to paragraphs (1) and (2), the designated county office of education may use up to five hundred thousand dollars ($500,000) to administer the program.

(4) The designated county office of education shall submit an expenditure plan for the funds allocated pursuant to this subdivision to the Department of Finance for approval by January 20, 2021, that includes the estimated allocation to the postsecondary educational institution. The approved expenditure plan shall become operative no sooner than 30 days after notification is provided in writing to the Joint Legislative Budget Committee. The designated county office of education shall encumber or expend the funds appropriated pursuant to this subdivision by June 30, 2023.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (1) of subdivision (f) 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. 66. Executive Order No. N-26-20 shall become inoperative on July 1, 2020.

SEC. 67. (a) (1) The requirements pursuant to subdivision (a) of Section 44225 of, paragraph (3) of subdivision (b) of Section 44259 of, and Section 44320.2 of, the Education Code, and any accompanying regulations, for preliminary multiple subject credential candidates and preliminary single subject credential candidates to complete a teaching performance assessment are suspended for candidates whose program of professional preparation verifies that, during the 2020–21 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by schoolsite closures related to COVID-19.

(B) The candidate was in the process of completing the teaching performance assessment.

(C) The candidate was unable to complete the teaching performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary teaching credential requirements.

(2) A candidate for whom the teaching performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a teaching performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear teaching credential.

(b) (1) The requirement pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 80054 of the California Code of Regulations for preliminary administrative services credential candidates to complete an administrator performance assessment is suspended for candidates whose administrator preparation program verifies that, during the 2020–21 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by COVID-19 related schoolsite closures.

(B) The candidate was in the process of completing an administrator performance assessment.

(C) The candidate was unable to complete the administrator performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary administrative services credential requirements.

(2) A candidate for whom the administrator performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass an administrator performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear administrative services credential.

(c) (1) The requirements in Sections 44283 and 44283.2 of the Education Code and paragraph (5) of subdivision (a) of Section 80048.3 of, paragraph (5) of subdivision (a) of Section 80048.8 of, Section 80071.5 of, and paragraph (4) of subdivision (a) of Section 80413 of, the California Code of Regulations for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete a reading instruction competence assessment are suspended for candidates who, between March 19, 2020, and August 31, 2021, are unable to complete a reading instruction competence assessment due to testing center closures related to COVID-19.

(2) A candidate for whom the reading instruction competence assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a reading instruction competence assessment approved by the Commission on Teacher Credentialing before being recommended for a clear credential.

(d) (1) The requirement in paragraph (1) of subdivision (f) of Section 44252 of the Education Code and any accompanying regulations for credential program applicants to complete the basic skills proficiency test before admission to a credential program approved by the Commission on Teacher Credentialing is suspended for applicants who, between March 19, 2020, and August 31, 2021, are unable to complete the basic skills proficiency test due to testing center closures related to COVID-19.

(2) An applicant for whom the basic skills proficiency test requirement is suspended pursuant to paragraph (1) shall complete the basic skills proficiency test during the credential program before recommendation for a preliminary credential. Any use of an applicant's basic skills proficiency test scores by a credential program shall be consistent with subdivision (f) of Section 44252 of the Education Code.

(e) (1) The requirement in subdivision (a) of Section 44453 of the Education Code and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination before admission to a university intern credential program, and the requirement in paragraph (3) of subdivision (c) of Section 44325 of the Education Code and any accompanying regulations for applicants for a university or district intern credential to complete a subject matter examination, are suspended for applicants who, between March 19, 2020, and August 31, 2021, are unable to complete a subject matter examination due to testing center closures related to COVID-19.

(2) An applicant for whom the subject matter examination requirement is suspended pursuant to paragraph (1) shall complete a subject matter examination before being recommended for a preliminary credential. Notwithstanding the requirement in Section 44326 of the Education Code that a district intern teach only in the subject area for which the intern has met the subject matter requirement, a district intern for whom the subject matter examination requirement is suspended pursuant to paragraph (1) may teach in the subject area for which the intern has enrolled.

SEC. 68. (a) Notwithstanding Section 60800 of the Education Code, as a result of the COVID-19 pandemic and the need to comply with state and local health guidelines, the administration of the physical performance test shall be suspended for the 2020–21 school year.

(b) The State Department of Education shall consult with experts and other stakeholders, including, but not limited to, individuals with expertise in fitness, adaptive physical education, gender identity, body image, and pupils with disabilities, in order to provide recommendations regarding the purpose and administration of the physical performance test. The State Department of Education may contract with a research entity to conduct a study regarding the physical performance testing of pupils.

(c) On or before November 1, 2022, the Superintendent of Public Instruction shall submit a report with recommendations pursuant to subdivision (b) to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, and the State Board of Education.

SEC. 69. (a) For the 2020–21 school year, the time period required to initially assess pupils for English language proficiency pursuant to Section 313 of the Education Code and Sections 11518 and 11518.5 of Title 5 of the California Code of Regulations is extended by 45 calendar days, unless otherwise determined by the Superintendent of Public Instruction.

(b) A local educational agency shall screen new pupils at the time of enrollment to informally determine English learner status to ensure pupils receive language development support, including providing pupils with designated and integrated language development instruction, as described in paragraph (5) of subdivision (b) of Section 43503 of the Education Code, pending formal identification pursuant to subdivision (a).

SEC. 70. For monthly attendance records or invoices from July 2020 to June 2021, inclusive, notwithstanding subdivision (b) of Section 8221.5 of the Education Code, if the childcare provider attempts to collect a signature on the monthly attendance record or invoice and the parent or guardian is unable to sign due to the COVID-19 pandemic, the childcare provider may submit an attendance record or invoice without the parent or guardian signature so long as there is documentation of the childcare provider's attempts to collect a signature from the parent or guardian and all other requirements of Section 8221.5 of the Education Code have been met.

SEC. 71. (a) A migrant childcare and development program pursuant to Article 6 (commencing with Section 8230) of, a California state preschool program pursuant to Article 7 (commencing with Section 8235) of, a general childcare and development program pursuant to Article 8 (commencing with Section 8240) of, a family childcare home education network pursuant to Article 8.5 (commencing with Section 8245) of, or childcare and development services for children with special needs pursuant to Article 9 (commencing with Section 8250) of, Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, whose ability to serve currently enrolled children is limited due to state or local public health guidance or order related to COVID-19 that impacts group size or ratios shall prioritize families for in-person early learning and care services pursuant to guidance issued by the Superintendent of Public Instruction.

(b) The guidance issued by the Superintendent of Public Instruction pursuant to subdivision (a) shall incorporate the priorities listed in subdivision (b) of Section 8263.3 of the Education Code and the extent to which the services are required because the parents work outside the home.

(c) Any children not able to receive in-person early learning and care services due to the limitations described in subdivision (a) shall be provided with distance learning pursuant to guidance issued by the Superintendent of Public Instruction.

SEC. 72. Expenditures of moneys appropriated pursuant to Sections 110 and 118 of Chapter 24 of the Statutes of 2020 and Section 18003(c) of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) shall not be considered school district or county office of education general fund expenditures for purposes of Section 17070.75 of the Education Code.

SEC. 73. Notwithstanding subdivision (b) of Section 65000 of the Education Code, for the 2020–21 school year, single school districts and charter schools shall use the stakeholder engagement process for the learning continuity and attendance plan pursuant to subdivision (b) of Section 43509 of the Education Code to meet the stakeholder engagement requirements for the adoption of their School Plan for Student Achievement.

SEC. 74. (a) The Young People's Task Force, established pursuant to Section 123 of Chapter 24 of the Statutes of 2020, shall, consistent with subdivision (e) of Section 38000 of the Education Code, conduct a balanced evaluation of the presence of peace officers and other law enforcement personnel on school campuses and identify and consider possible alternative options to

ensure pupil safety on a school campus, pupil safety coming and going to and from school, and pupils' academic and social-emotional success based on the needs of the local school community. The task force shall also develop recommended guidance to ensure pupil health and safety during interactions between law enforcement and young people on school campuses.

(b) (1) The Superintendent of Public Instruction and the president of the State Board of Education, or the president's designee, shall jointly convene the Young People's Task Force in partnership with a youth facilitator, to be designated by the Governor.

(2) The youth facilitator shall be a person who has graduated from a California public high school within the previous seven years and who has experience working in youth leadership development.

(c) (1) The Young People's Task Force shall consist of no more than 15 members. All appointments to the task force shall be California public high school pupils currently enrolled in a regular, charter, or alternative high school.

(2) California youth leadership development organizations with demonstrated expertise in developing youth leadership on matters related to school policing, pupil safety, and school climate shall be invited to nominate up to three of the organization's high school pupil members to be considered for appointment to the task force. Nominees shall have prior experience interacting with law enforcement or school resource officers and may have experience with probation or the juvenile justice system.

(3) The Governor shall appoint up to 15 pupils to serve on the task force, with at least 2 of the appointees being pupils that are currently attending, or have attended, an alternative high school.

(d) Members of the task force and the youth facilitator shall be compensated with a per diem of one hundred dollars ($100) per day for participation in task force meetings. Members of the task force and the youth facilitator shall receive reimbursement for required traveling expenses.

(e) Members of the task force may invite stakeholder groups, researchers, and policymakers to provide informational presentations in implementing subdivision (a).

(f) The task force shall hold at least two public meetings in a manner consistent with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). All other meetings of the task force shall be exempt from the Bagley-Keene Open Meeting Act.

(g) No later than October 1, 2021, the task force shall prepare a written report on its findings and recommendations for state and local policy changes and guidance on the topics described in subdivision (a). The report shall be submitted to the Superintendent of Public Instruction, the executive director of the State Board of Education or their designee, the relevant policy and budget committees of the Legislature, the Director of Finance, and the Governor or their designee.

SEC. 75. A charter school with a nonclassroom-based funding determination pursuant to Section 47612.5 of the Education Code that expires on June 30, 2021, or June 30, 2022, shall receive its current funding level for two years upon submission of a complete funding determination request to the State Department of Education pursuant to Section 11963.3 of Title 5 of the California Code of Regulations. A charter school's funding determination request shall be received by the State Department of Education no later than June 30, 2021 or June 30, 2022, as applicable. A charter school that submits a funding determination request after the applicable deadline shall receive 85 percent funding for two fiscal years for nonclassroom-based instruction attendance. Either the charter school or the State Department of Education may request that the Advisory Commission on Charter Schools or the State Board of Education consider a higher or lower funding level pursuant to Section 11963.6 or 11963.7 of Title 5 of the California Code of Regulations. The requirements of this section shall not be waived by the State Board of Education pursuant to Section 33050 of the Education Code or any other law.

SEC. 76. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 77. The Legislature finds and declares that Section 74 of this act imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of minors and young adults and to allow discussion of information contained in confidential pupil records, it is necessary that this act limit the public's right of access to that information.

SEC. 78. (a) Section 46.5 of this bill incorporates amendments to Section 102426 of the Health and Safety Code proposed by both this bill and Senate Bill 1237. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, but this bill becomes operative first, (2) each bill amends Section 102426 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 1237, in which case Section 102426 of the Health and Safety Code, as

amended by Section 46 of this bill, shall remain operative only until the operative date of Senate Bill 1237, at which time Section 46.5 of this bill shall become operative.

(b) Section 47.5 of this bill incorporates amendments to Section 102430 of the Health and Safety Code proposed by both this bill and Senate Bill 1237. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, but this bill becomes operative first, (2) each bill amends Section 102430 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 1237, in which case Section 102430 of the Health and Safety Code, as amended by Section 47 of this bill, shall remain operative only until the operative date of Senate Bill 1237, at which time Section 47.5 of this bill shall become operative.

SEC. 79. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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. 80. 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.