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**SB-141 Education finance: education omnibus budget trailer bill.** (2023-2024)

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Date Published: 09/13/2023 09:00 PM

**Senate Bill No. 141**

**CHAPTER 194**

An act to amend Sections 8208, 8210, 8211, 8281.5, 14002, 32526, 41404.5, 41585, 42238.024, 44042.5, 46120, 46393, 48000.15, 48648, 48649, 48650, 51225.31, 52052, 52064.1, and 52202 of the Education Code, to amend Sections 144 and 148 of Chapter 44 of the Statutes of 2021, to amend Sections 124 and 137 of Chapter 52 of the Statutes of 2022, and to amend Sections 112, 115, and 121 of Chapter 48 of the Statutes of 2023, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor September 13, 2023. Filed with Secretary of State September 13, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 141, Committee on Budget and Fiscal Review. Education finance: education omnibus budget trailer bill.

(1) The Early Education Act, among other things, requires the Superintendent of Public Instruction to administer all California state preschool programs, including, but not limited to, part-day and full-day age and developmentally appropriate programs for 3- and 4-year-old children. The act requires, from July 1, 2022, to June 30, 2023, inclusive, at least 5% of funded enrollment to be reserved for children with exceptional needs, requires at least 7.5% of funded enrollment to be reserved for children with exceptional needs commencing July 1, 2025, to June 30, 2026, inclusive, and requires at least 10% of funded enrollment to be reserved for children with exceptional needs commencing July 1, 2026. On and after July 1, 2026, existing law provides that any agency that does not meet those requirements may be put on a conditional contract, as provided.

This bill would reestablish the 5% requirement until June 30, 2025, and make any agency that does not meet that requirement eligible to be placed on a conditional contract as of July 1, 2026. For any agency that does not meet the 7.5% or 10% requirements, the bill would delay their eligibility to be placed on a conditional contract to July 1, 2027, and July 1, 2028, respectively.

The act requires each state preschool program applicant or contracting agency to give priority for enrollment for part-day and full-day programs according to a specified priority ranking. Existing law requires the 3rd priority for services to be given to eligible 3- and 4-year old children who are not enrolled in a state-funded transitional kindergarten program. Within this priority, the act provides that if 2 or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child from a family in which the primary home language is a language other than English shall be enrolled first.

This bill would revise the latter priority criteria to be based on whether those children are identified as dual language learners instead of whether they are from a family in which the primary home language is a language other than English.

(2) Existing law establishes the California Prekindergarten Planning and Implementation Grant Program as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs. Existing law appropriates \$300,000,000 from the General Fund to the State Department of Education in both the 2021–22 fiscal year and the 2022–23

fiscal year for allocation to local educational agencies as base grants, enrollment grants, and supplemental grants, as specified. Existing law authorizes the department to allocate or prorate unexpended funds returned by or collected from a grant recipient for grants to local educational agencies for costs associated with the educational expenses of current and future California state preschool program, transitional kindergarten, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners, as provided.

This bill would extend the encumbrance period for those funds, as specified, thereby making an appropriation. The bill would require any remaining unexpended funds to revert to the General Fund on June 30, 2028.

(3) Existing law creates the Learning Recovery Emergency Fund in the State Treasury for the purpose of receiving appropriations for school districts, county offices of education, charter schools, and community college districts related to the state of emergency declared by the Governor on March 4, 2020, relating to the COVID-19 pandemic. Former law initially appropriated \$7,936,000,000 from the General Fund to the department for transfer to the Learning Recovery Emergency Fund. Existing law reduces that appropriation by \$1,590,595,000 to instead be \$6,345,405,000. Existing law requires the Superintendent to allocate these appropriated funds to school districts, county offices of education, and charter schools, as provided.

This bill would authorize the department to collect, from a local educational agency's principal apportionment monthly payment, the difference in the local educational agency's allocation resulting from the reduction in that appropriation described above. The bill would require the department to report any uncollectible amounts to the Department of Finance by January 31, 2024.

(4) Existing law sets forth the maximum ratios of administrative employees to each 100 teachers in the various types of school districts. Existing law requires the Superintendent to determine, for each current fiscal year, for each school district in the state, the total number of administrative employees except as provided, the total number of teachers except those serving in positions that are supported by federal funds or by categorical grants from any source and are in programs that require specific teacher/administrator ratios, the total maximum number of administrative employees that should be employed by the school district based upon the application of the appropriate ratio prescribed by law, and the number of administrative employees in excess of the number allowable without penalty, as provided. Existing law requires the Superintendent to determine the reduction in state support resulting from excess administrative employees, as specified, and requires the school district's 2nd principal apportionment for the current fiscal year to be reduced by that amount.

This bill would exempt the Paradise Unified School District from that reduction in state support for the 2021–22 fiscal year to the 2023–24 fiscal year, inclusive.

(5) Existing law authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district or a county office of education, or the governing body of a charter school, for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. Existing law requires each middle college high school to be structured as a broad-based, comprehensive instructional program focusing on college preparatory and school-to-work curricula, among other things. Under existing law, pupils in early college high schools begin taking college courses as soon as they demonstrate readiness, and the college credit earned may be applied toward completing an associate or bachelor's degree, transfer to a 4-year university, or obtaining a skills certificate. Existing law appropriates \$200,000,000 from the General Fund to the State Department of Education for the department, in consultation with the office of the Chancellor of the California Community Colleges, by January 1, 2023, to administer a competitive grant program to, among other things, enable local educational agencies with existing middle college or early college high schools or College and Career Access Pathways partnerships to couple robust pupil advising and success supports with dual enrollment opportunities and establish outreach campaigns to promote dual enrollment for new or existing middle college or early college high schools or College and Career Access Pathways partnerships, and authorizes local educational agencies to apply for, among other things, one-time grants of up to \$250,000 to support the costs to plan for, and start up, a middle college or early college high school that is located on the campus of a local educational agency, a partnering community college, or other location determined by the local partnership, as provided. Existing law requires the department, on or before June 30, 2024, and on or before June 30, 2027, to prepare a summary of how the funds were disbursed and used to further the program's goals and to submit the summary to the Department of Finance, the Joint Legislative Budget Committee, the Senate Committee on Education, the Assembly Committee on Higher Education, and the Assembly Committee on Education, as specified.

This bill would include local educational agencies with existing middle college and early college programs in those specific provisions. To the extent the bill expands the uses of an existing appropriation, the bill would make an appropriation. The bill would also make conforming changes to the reporting requirement.

(6) Existing law, commencing with the 2023–24 fiscal year, appropriates \$300,000,000 each fiscal year from the General Fund to the Superintendent for allocation for the Local Control Funding Formula Equity Multiplier apportionment, as provided. Existing law requires the funding to be allocated to eligible local educational agencies on a per-unit basis of a school's total prior year adjusted cumulative enrollment, as specified. Existing law excludes a charter school classified as a nonclassroom-based charter school from the definition of an eligible local educational agency for these purposes.

This bill would revise the definition of eligible local educational agency to instead exclude a charter school classified as a nonclassroom-based charter school as of the prior fiscal year's principal apportionment certification.

(7) Existing law establishes the Expanded Learning Opportunities Program. Existing law authorizes a local educational agency that elects to operate an expanded learning opportunity program to operate a before school component of a program, an after school component of a program, or both, and requires the local educational agency to comply with specified requirements, including, among others, that on schooldays, in-person before or after school expanded learning opportunities, when added to daily instructional minutes, recess, and meals, are no less than 9 hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day, and for at least 30 nonschooldays, inclusive of extended school year days, no less than 9 hours of in-person expanded learning opportunities are offered per day. Existing law, commencing with the 2023–24 fiscal year, if a school district or charter school fails to maintain the required number of days or hours, requires the Superintendent to withhold a specified amount from the school district's or charter school's Expanded Learning Opportunities Program apportionment.

This bill would exempt a local educational agency that is temporarily prevented from operating its expanded learning opportunity program because of a school or program site closure due to emergency conditions from that withholding if certain conditions are met, as specified.

Existing law requires the Superintendent, by February 1, 2024, and in consultation with the State Department of Social Services, to submit a report to the relevant fiscal and policy committees of the Legislature that includes specified information relating to, among other things, the number of expanded learning providers who are serving pupils enrolled in transitional kindergarten and kindergarten on a nonlocal educational agency site during the school year and during the summer, and how many pupils are served in those programs.

This bill would revise that reporting requirement by requiring the Superintendent to instead provide information on, among other things, the number of expanded learning providers who are operating an expanded learning opportunity program for pupils enrolled in transitional kindergarten and kindergarten on a nonlocal educational agency site during the fiscal year and during nonschooldays, and how many pupils are provided access to those programs.

(8) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program. Existing law requires a school district or a charter school, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, to ensure that, among other things, a child who will have their 5th birthday between September 2 and specified dates, depending on the school year, be admitted to a transitional kindergarten program, as provided. Existing law authorizes, in any school year, a school district or charter school to, at any time during a school year, admit a child to a transitional kindergarten program who will have their 5th birthday after the applicable cutoff date but during that same school year, as provided. Notwithstanding that provision, existing law authorizes a school district or charter school to enroll an early enrollment child in a transitional kindergarten program if specified conditions are met, including that each transitional kindergarten classroom that includes an early enrollment child maintains at least one adult for every 10 pupils. Existing law defines early enrollment child for these purposes to mean a child whose 4th birthday will be between June 2 and September 1 preceding the school year during which they are enrolled in a transitional kindergarten classroom.

This bill would, among other things, revise how the 10-to-1 adult-to-pupil ratio is calculated and revise the definition of early enrollment child to instead mean a child whose 4th birthday will be between June 3 and September 1, inclusive, preceding the school year during which they are enrolled in a transitional kindergarten classroom. The bill would require the Controller to incorporate verification of compliance with certain requirements related to early enrollment children into the Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting for the 2023–24 and 2024–25 fiscal years.

(9) Existing law requires county boards of education to provide for the administration and operation of juvenile court schools by the county superintendent of schools or by contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located, as provided. Existing law requires the State Department of Education to annually report specified information relating to pupils in juvenile court schools on its internet website.

This bill would delay that annual reporting requirement to instead commence with the 2024–25 fiscal year.

(10) Existing law requires the State Board of Education to, on or before October 1, 2016, adopt evaluation rubrics for certain purposes, including, among others, to assist a school district, county office of education, or charter school in evaluating its

strengths, weaknesses, and areas that require improvement. Existing law requires the single multiple measures public school accountability system, as authorized by those provisions, to measure the overall performance of numerically significant pupil subgroups in schools, including charter schools, school districts, and county offices of education, as provided. Existing law includes within these numerically significant pupil subgroups, among others, English learners and long-term English learners. Existing law defines long-term English learners for these purposes to mean a pupil who has not attained English language proficiency within 5 years of initial classification as an English learner, consistent with specified federal law.

This bill would revise the definition of long-term English learner to instead mean a pupil who has not attained English language proficiency within 7 years of initial classification as an English learner. To the extent this would create new duties for local educational agencies, the bill would constitute a state-mandated local program.

(11) Existing law establishes the Bilingual Teacher Professional Development Program, administered by the department in consultation with the Commission on Teacher Credentialing, for teachers seeking to provide instruction in bilingual and multilingual settings, as provided. For the 2023–24 fiscal year, existing law appropriates \$20,000,000 from the General Fund to the Superintendent for purposes of the program, to be available for grants totaling \$4,000,000 each fiscal year, from the 2023–24 fiscal year to the 2027–28 fiscal year, inclusive, and requires grant recipients of those funds to provide, by July 1, 2026, a preliminary report, and, by January 1, 2029, a final report, of specified information to the department, as provided.

This bill would extend the deadline for the final report by one year to January 1, 2030.

(12) Existing law appropriates \$15,000,000 from the General Fund to the Superintendent for the department and the California Collaborative for Educational Excellence, with approval from the executive director of the state board, to designate a county office of education to identify and curate a repository of high-quality open educational resources for use by local educational agencies. Existing law requires the collaborative, on or before October 1, 2025, and in consultation with the department, to evaluate and make recommendations to the Department of Finance, the executive director of the state board, and the appropriate fiscal and policy committees of the Legislature regarding the effectiveness of the online repository and resources. Existing law authorizes the collaborative to enter into a contract with a nonprofit entity to conduct the evaluation and to withhold no more than 3% of that appropriation.

This bill would increase that authorized withholding to instead be no more than 4%. By authorizing the use of appropriated funds for new purposes, the bill would make an appropriation.

(13) Existing law appropriates \$2,402,000 from the General Fund to the Superintendent to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils, as specified.

This bill would provide that those funds shall be available for encumbrance through June 30, 2025, thereby making an appropriation.

(14) Existing law requires the Superintendent to allocate certain funding to the Commission on Teacher Credentialing to establish the Diverse Education Leaders Pipeline Initiative program for the purpose of providing grants to local educational agencies, as defined, to train, place, and retain diverse and culturally responsive administrators in transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, to improve pupil outcomes and meet the needs of California's education workforce, as provided. The Budget Act of 2023 appropriates \$10,000,000 to the Superintendent for that purpose. Existing law requires the commission to award grants to local educational agencies of up to \$30,000 per administrator candidate, and requires an administrator candidate for whom a grant is awarded to agree in writing to serve in a public school in California for a period of at least 2 school years. The bill would require the commission to submit a report on the program to the Department of Finance and the appropriate policy and fiscal committees of both houses of the Legislature on or before June 30, 2027, as specified.

This bill would revise and add to the list of goals for the initiative. The bill would add regional occupational centers or programs operated by a joint powers authority or a county office of education to the definition of local educational agency for purposes of the initiative. The bill would prohibit grant recipients from using more than 5% of a grant award for administrative costs and from charging a sponsored candidate a fee for participating in the initiative, and would provide that upon receiving a preliminary administrator credential, the administrator has 4 years to complete their 2-year service requirement. The bill would include paying for the costs of an administrative services credential clear induction program to the list of allowable uses of funding. By expanding the pool of eligible local educational agencies and the allowable uses of funding, the bill would make an appropriation.

(15) Existing law appropriates \$250,000,000 from the General Fund to the Superintendent for allocation to local educational agencies meeting certain criteria for the Literacy Coaches and Reading Specialists Grant Program in order to employ and train literacy coaches and reading and literacy specialists to develop school literacy programs, mentor teachers, and develop and implement interventions for pupils in need of targeted literacy support, as provided. Existing law appropriates an additional \$250,000,000 from the General Fund to the Superintendent to augment the Literacy Coaches and Reading Specialists Grant Program to allocate moneys to eligible schoolsites, as defined, that did not receive moneys under the initial program to develop

school literacy programs, employ and train literacy coaches and reading and literacy specialists, and develop and implement interventions for pupils in need of targeted literacy support.

This bill would prohibit funds from the latter appropriation from being used to support the salaries of existing literacy coaches and reading specialists.

(16) Existing law, for the 2023–24 fiscal year, appropriates \$1,000,000 from the General Fund to the Superintendent for the State Board of Education to appoint an independent panel of experts for the purpose of creating an approved list of screening instruments to assess pupils for risk of reading difficulties, as specified.

This bill would authorize those funds to be allocated, in whole or in part, to the State Department of Education, upon the approval of the executive director of the state board, and would provide that those funds shall be available for encumbrance or expenditure through June 30, 2025, thereby making an appropriation.

(17) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the issuance and renewal of credentials, certificates, and permits. Existing law, until July 1, 2023, authorized any holder of a credential or permit issued by the commission that authorizes the holder to substitute teach in a general, special, or career technical education assignment to serve in a substitute teaching assignment aligned with their authorization, including for staff vacancies, for up to 60 cumulative days for any one assignment.

This bill would reestablish that authorization until July 1, 2024, as provided.

(18) This bill would, for the 2023–24 fiscal year, appropriate \$1,500,000 from the General Fund to the Superintendent for allocation to the California Teachers Collaborative for Holocaust and Genocide Education to continue its work to develop and provide curriculum resources related to genocide and Holocaust education and to provide professional development, including educator trainings, on genocide and Holocaust education.

(19) This bill also would update references and make other technical changes.

(20) This bill would make legislative findings and declarations as to the necessity of a special statute for the Paradise Unified School District.

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

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

(22) 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.

(23) 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

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

### **SECTION 1.** Section 8208 of the Education Code is amended to read:

**8208.** (a) (1) A three- or four-year-old child is eligible for the part-day California state preschool program if the child's family is one of the following:

(A) A current aid recipient.

(B) Income eligible.

(C) Homeless.

(D) One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

(E) (i) One that has children with exceptional needs, as defined in Section 8205.

(ii) Only the children in the family who are children with exceptional needs may be enrolled under the eligibility criteria of this subparagraph. Any other child in the family without exceptional needs may be enrolled pursuant to any of the criteria established in subparagraphs (A) to (D), inclusive.

(F) One who has a member of its household who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by the department. Children eligible for services pursuant to this subparagraph shall be prioritized by the income declared on the application for the means-tested government program.

(2) Notwithstanding any other law, a part-day California state preschool program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Section 8213, after all eligible three- and four-year-old children have been enrolled. No more than 10 percent of children enrolled, calculated throughout the participating program's entire contract, may be filled by children in families above the income eligibility threshold.

(3) Notwithstanding Section 8213, after all otherwise eligible children have been enrolled as provided in paragraphs (1) and (2), a part-day California state preschool program may provide services to three- and four-year-old children in families whose income is above the income eligibility threshold if those children are children with exceptional needs. Children receiving services pursuant to this paragraph shall not count towards the 10-percent limit in paragraph (2).

(4) Notwithstanding any other law, after all otherwise eligible children have been enrolled as provided in paragraphs (1) to (3), inclusive, a provider operating a part-day state preschool program within the attendance boundary of a public school, as set forth in Section 8217, may enroll three- and four-year-old children.

(b) A part-day California state preschool program contracting agency shall certify eligibility and enroll families into their program within 120 calendar days prior to the first day of the beginning of the new preschool year. Subsequent to enrollment, a child shall be deemed eligible for a part-day California state preschool program for the remainder of the program year and for the following program year, as long as applicable age-eligibility requirements are met, as specified in Sections 8205 and 48000.

(c) (1) (A) Commencing July 1, 2022, until June 30, 2025, inclusive, at least 5 percent of a part-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in Section 8205.

(B) Commencing July 1, 2025, to June 30, 2026, inclusive, at least 7.5 percent of a part-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in Section 8205.

(C) Commencing July 1, 2026, at least 10 percent of a part-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in Section 8205, and serve those children.

(2) (A) The department shall review data on compliance and provide technical assistance to California state preschool program contracting agencies to assist them in meeting the requirement described in paragraph (1).

(B) Agencies shall be fully funded for the percentage of enrollment specified in paragraph (1), inclusive of the exceptional needs adjustment factor for that enrollment pursuant to Section 8244, to ensure funding is available to enroll children with exceptional needs within the set aside specified in paragraph (1) at any point during the fiscal year. An agency not meeting the requirement to fill the percent of funded enrollment specified in paragraph (1) with children with exceptional needs shall conduct community outreach to special education partners to recruit additional children with exceptional needs into their programs.

(C) (i) Any agency not meeting the applicable requirement described in subclauses (I) to (III), inclusive, of clause (ii) may be put on a conditional contract as described in Section 8314 unless they have applied and been approved for a waiver pursuant to clause (iii).

(ii) (I) On and after July 1, 2026, any agency not meeting the 5-percent requirement pursuant to subparagraph (A) of paragraph (1).

(II) On and after July 1, 2027, any agency not meeting the 7.5-percent requirement pursuant to subparagraph (B) of paragraph (1).

(III) On and after July 1, 2028, any agency not meeting the 10-percent requirement pursuant to subparagraph (C) of paragraph (1).

(iii) The Superintendent shall create an ongoing waiver process for an agency not able to meet the requirement described in paragraph (1).

(3) Children with exceptional needs attending California state preschool programs shall be educated in the least restrictive environment in accordance with Section 1412(a)(5)(A) of Title 20 of the United States Code.

(4) (A) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5, until regulations are filed with the Secretary of State to implement this subdivision, the department shall implement this subdivision through management bulletins or similar letters of instruction on or before December 31, 2022.

(B) The department shall initiate a rulemaking action to implement this subdivision on or before December 31, 2023.

(d) (1) A three- or four-year-old child is eligible for a full-day California state preschool program if the family meets both of the following requirements:

(A) The child's family is one of the following:

(i) A current aid recipient.

(ii) Income eligible.

(iii) Homeless.

(iv) One whose children are recipients of child protective services, or whose children have been identified as being abused, neglected, or exploited, or at risk of being abused, neglected, or exploited.

(v) (I) One that has children with exceptional needs, as defined in Section 8205.

(II) Only the children in the family who are children with exceptional needs may be enrolled under the eligibility criteria of this clause. Any other child in the family without exceptional needs may be enrolled pursuant to any of the criteria established in clauses (i) to (iv), inclusive.

(vi) One who has a member of its household who is certified to receive benefits from Medi-Cal, CalFresh, the California Food Assistance Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the federal Food Distribution Program on Indian Reservations, Head Start, Early Head Start, or any other designated means-tested government program, as determined by the department. Children eligible for services pursuant to this subparagraph shall be prioritized by the income declared on the application for the means-tested government program.

(B) The child's family needs the childcare services because of either the following:

(i) The child has been 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 one of the following:

(I) A recipient of protective services.

(II) Being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation.

(III) Being homeless.

(ii) The child's parents are one of the following:

(I) Engaged in vocational training leading directly to a recognized trade, paraprofession, or profession.

(II) Engaged in an educational program for English language learners or to attain a high school diploma or general educational development certificate.

(III) Employed or seeking employment.

(IV) Seeking permanent housing for family stability.

(V) Incapacitated.

(2) (A) (i) Commencing July 1, 2022, until June 30, 2025, inclusive, at least 5 percent of a full-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in Section 8205.

(ii) Commencing July 1, 2025, to June 30, 2026, inclusive, at least 7.5 percent of a full-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in

Section 8205.

(iii) Commencing July 1, 2026, at least 10 percent of a full-day California state preschool program contracting agency's funded enrollment shall be reserved for children with exceptional needs, as defined in Section 8205, and serve those children.

(B) (i) The department shall review data on compliance and provide technical assistance to California state preschool program contracting agencies to assist them in meeting the requirement described in subparagraph (A).

(ii) Agencies shall be fully funded for the percentage of enrollment specified in subparagraph (A), inclusive of the exceptional needs adjustment factor for that enrollment pursuant to Section 8244, to ensure funding is available to enroll children with exceptional needs within the set aside specified in subparagraph (A) at any point during the fiscal year. An agency not meeting the requirement to fill the percent of funded enrollment specified in subparagraph (A) with children with exceptional needs shall conduct community outreach to special education partners to recruit additional children with exceptional needs into their programs.

(iii) (I) Any agency not meeting the applicable requirement described in sub-subclauses (ia) to (ic), inclusive, of subclause (II) may be put on a conditional contract as described in Section 8314 unless they have applied and been approved for a waiver pursuant to subclause (III).

(II) (ia) On and after July 1, 2026, any agency not meeting the 5-percent requirement pursuant to clause (i) of subparagraph (A).

(ib) On and after July 1, 2027, any agency not meeting the 7.5-percent requirement pursuant to clause (ii) of subparagraph (A).

(ic) On and after July 1, 2028, any agency not meeting the 10-percent requirement pursuant to clause (iii) of subparagraph (A).

(III) The Superintendent shall create an ongoing waiver process for agencies not able to meet the requirement described in subparagraph (A).

(C) Children with exceptional needs attending California state preschool programs shall be educated in the least restrictive environment in accordance with Section 1412(a)(5)(A) of Title 20 of the United States Code.

(D) (i) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5, until regulations are filed with the Secretary of State to implement this paragraph, the department shall implement this paragraph through management bulletins or similar letters of instruction on or before December 31, 2022.

(ii) The department shall initiate a rulemaking action to implement this paragraph on or before December 31, 2023.

(3) Notwithstanding any other law, a full-day California state preschool program may provide services to children in families whose income is no more than 15 percent above the income eligibility threshold, as described in Section 8213, after all eligible three- and four-year-old children have been enrolled pursuant to paragraph (1). No more than 10 percent of children enrolled, as calculated throughout the participating program's entire contract, may be filled by children in families above the income eligibility threshold.

(4) Notwithstanding paragraph (1), after all families meeting the criteria specified in paragraphs (1) and (3) have been enrolled, a full-day California state preschool program may provide services to three- and four-year-old children in families who do not meet at least one of the criteria specified in subparagraph (B) of paragraph (1).

(5) After all otherwise eligible children have been enrolled as provided in paragraphs (1), (3), and (4), a provider operating a full-day California state preschool program within the attendance boundary of a public school as set forth in Section 8217 may enroll any three- or four-year-old child.

(e) (1) With the exception of the age requirements and paragraphs (3) and (4), upon establishing initial eligibility or ongoing eligibility for full-day California state preschool program services under this chapter, a family shall be considered to meet all eligibility and need requirements for those services for not less than 24 months, shall receive those services for not less than 24 months before having their eligibility or need recertified, and shall not be required to report changes to income or other changes for at least 24 months.

(2) In the event that the eligibility period as described in paragraph (1) ends before the end of a program year, eligibility shall be extended until the end of the program year, as long as applicable age-eligibility requirements are met, as specified in Section



8205.

(3) A family that establishes initial eligibility or ongoing eligibility on the basis of income shall report increases in income that exceed the threshold for ongoing income eligibility, as described in Section 8213, and the family's ongoing eligibility for services shall at that time be recertified.

(4) A family may, at any time, voluntarily report income or other changes. This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification.

(f) (1) Because a family that meets eligibility requirements at its most recent eligibility certification or recertification is considered eligible until the next recertification, as provided in subdivision (d), a payment made by a preschool program for a child during this period shall not be considered an error or an improper payment due to a change in the family's circumstances during that same period.

(2) Notwithstanding paragraph (1), the Superintendent or the Superintendent's designated agent may seek to recover payments that are the result of fraud.

(g) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5, until regulations are filed with the Secretary of State to implement subdivision (e), the department shall implement subdivision (e) through management bulletins or similar letters of instruction on or before December 31, 2022.

(2) The department shall initiate a rulemaking action to implement subdivision (e) on or before December 31, 2023.

(h) The Superintendent shall establish guidelines according to which the director or a duly authorized representative of the California state preschool program will certify children as eligible for state reimbursement purposes.

**SEC. 2.** Section 8210 of the Education Code is amended to read:

**8210.** (a) Each applicant or contracting agency shall give priority for part-day programs according to the following:

(1) The first priority for services shall be given to three-year-old or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited and for whom there is a written referral from a legal, medical, or social service agency. If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resources and referral services so that services for the child can be located.

(2) (A) To the extent that there are additional three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the percent of funded enrollment set aside pursuant to Section 8208, the second priority for services shall be given to all three- and four-year-old children with exceptional needs from families with incomes below the income eligibility threshold, as described in Section 8213.

(B) Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(3) (A) The third priority for services shall be given to eligible three-year-old or four-year-old children who are not enrolled in a state-funded transitional kindergarten program. This priority shall not include children eligible pursuant to subparagraph (E) of paragraph (1) of subdivision (a) of Section 8208 if they are from families with incomes above the income eligibility threshold, as described in Section 8213.

(B) (i) Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first.

(iii) If there are no children who are identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

(4) The fourth priority, after all otherwise eligible children have been enrolled, shall be children from families whose income is no more than 15 percent above the eligibility income threshold, as described in Section 8213. Within this priority category, priority shall be given to three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the 10 percent of funded enrollment set aside pursuant to Section 8208, then to four-year-old children before three-year-old children without exceptional needs.

(5) After all otherwise eligible children have been enrolled in the first through fourth priority categories, as described in paragraphs (1) to (4), inclusive, the contractor may enroll the children in the following order:

(A) A California preschool program site operating within the attendance boundaries of a qualified free and reduced priced meals school, in accordance with Section 8217, may enroll any three- or four-year-old children whose families reside within the attendance boundary of the qualified elementary school. These children shall, to the extent possible, be enrolled by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

(B) Children enrolling in the California state preschool program to provide expanded learning and care to transitional kindergarten or kindergarten pupils, pursuant to subdivision (l) of Section 48000.

(b) The Superintendent shall set criteria for, and may grant specific waivers of, the priorities established in this section for agencies that wish to serve specific populations, including children with exceptional needs or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) (1) Children with exceptional needs enrolled in the percent of funded enrollment set aside pursuant to paragraph (1) of subdivision (c) of Section 8208 shall be enrolled without regard to the priorities listed in subdivision (a).

(2) Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(3) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

**SEC. 3.** Section 8211 of the Education Code is amended to read:

**8211.** (a) Each applicant or contracting agency shall give priority for full-day programs according to the following:

(1) The first priority for services shall be given to three-year-old or four-year-old children who are recipients of child protective services or who are at risk of being neglected, abused, or exploited upon written referral from a legal, medical, or social service agency. If an agency is unable to enroll a child in this first priority category, the agency shall refer the child's parent or guardian to local resources and referral services so that services for the child can be located.

(2) (A) To the extent that there are additional three- and four-year-old children with exceptional needs interested in enrolling beyond those already enrolled in the percent of funded enrollment set aside pursuant to paragraph (1) of subdivision (c) of Section 8208, the second priority for services shall be given to all three- and four-year-old children with exceptional needs from families with incomes below the income eligibility threshold, described in Section 8213.

(B) Within this priority category, children with exceptional needs from families with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(3) (A) The third priority for services shall be given to eligible three-year-old or four-year-old children who are not enrolled in a state-funded transitional kindergarten program. This priority shall not include children eligible pursuant to subparagraph (E) of paragraph (1) of subdivision (a) of Section 8208 if they are from families with incomes above the income eligibility threshold, as described in Section 8213.

(B) (i) Within this priority category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(ii) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, a child who is identified as a dual language learner shall be enrolled first.

(iii) If there are no children who are identified as dual language learners, the child that has been on the waiting list for the longest time shall be admitted first.

(4) The fourth priority, after all otherwise eligible children have been enrolled, shall be children from families whose income is no more than 15 percent above the income eligibility threshold, as described in Section 8213. Within this priority category, priority shall be given to three- and four-year-old children with an individualized family service plan or individualized education program, then four-year-old children before three-year-old children without an individualized family service plan or individualized education program.

(5) After all otherwise eligible children have been enrolled in the first through fourth priority categories, as described in paragraphs (1) to (4), inclusive, the contractor may enroll the children in the following order:

(A) The contractor may enroll three- and four-year-old children from families that meet eligibility criteria pursuant to paragraph (4) of subdivision (d) of Section 8208. Within this priority, contractors shall enroll families in income ranking order, lowest to highest, and within income ranking order, enroll four-year-old children before three-year-old children.

(B) For California state preschool program sites operating within the attendance boundaries of a qualified free and reduced priced meals school, in accordance with Section 8217, the contractor may enroll any three- and four-year-old children whose families reside within the attendance boundary of the qualified school without establishing eligibility or a need for services pursuant to paragraph (1) or (3) of subdivision (d) of Section 8208. These families shall, to the extent possible, be enrolled in income ranking order, by lowest to highest income according to the most recent schedule of income ceiling eligibility table.

(b) The Superintendent shall set criteria for, and may grant specific waivers of, the priorities established in this section for agencies that wish to serve specific populations, including children with exceptional needs or children of prisoners. These new waivers shall not include proposals to avoid appropriate fee schedules or admit ineligible families, but may include proposals to accept members of special populations in other than strict income order, as long as appropriate fees are paid.

(c) (1) Children with exceptional needs enrolled in the percent of funded enrollment set aside pursuant to paragraph (1) of subdivision (c) of Section 8208 shall be enrolled without regard to the priorities listed in subdivision (a).

(2) Within this category, eligible children with the lowest income according to the income ranking on the most recent schedule of income ceiling eligibility table, as published by the Superintendent at the time of enrollment, shall be enrolled first.

(3) If two or more families have the same income ranking according to the most recent schedule of income ceiling eligibility table, the child that has been on the waiting list for the longest time shall be admitted first.

**SEC. 4.** Section 8281.5 of the Education Code is amended to read:

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

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

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

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

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

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

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

(B) A minimum base grant for each county office of education of fifteen thousand dollars (\$15,000) for each local educational agency in their county that operates kindergarten programs to support countywide planning and capacity building.

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

(i) Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2019–20 fiscal year, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 fiscal year for each local educational agency.

(ii) Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574 certified as of the second principal apportionment. Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

(D) Notwithstanding any other law, any kindergarten enrollment reported by a county office of education shall be attributed to the school district of geographic residence.

(2) Grant funds may be used for costs associated with creating or expanding California state preschool programs or transitional kindergarten programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the local educational agency, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

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

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

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

(4) (A) Funds that are allocated or awarded pursuant to this subdivision shall be expended by June 30, 2026. The department shall then initiate collection proceedings for unexpended funds.

(B) The department shall initiate collection proceedings for grant funds used by local educational agencies in a manner inconsistent with the requirements of this section, including, but not limited to, failing to submit all required data pursuant to paragraph (3).

(C) The department may allocate or prorate any returned or collected funds pursuant to this subdivision for the purposes provided in subdivision (e).

(d) (1) For the 2022–23 fiscal year, the sum of three hundred million dollars (\$300,000,000) is hereby appropriated from the General Fund to the department for allocation to local educational agencies for the California Prekindergarten Planning and Implementation Grant Program pursuant to this section. These funds shall be available for encumbrance until June 30, 2026. The Superintendent shall allocate funds to local educational agencies as follows:

(A) A minimum base grant to all local educational agencies that operate kindergarten programs, as determined using California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment from the 2021–22 certification, as follows:

(i) For local educational agencies with an enrollment of 1 to 500 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).

(ii) For local educational agencies with an enrollment of 501 or more pupils, the minimum base grant shall be fifty thousand dollars (\$50,000).

(B) A minimum base grant for each county office of education of fifteen thousand dollars (\$15,000) for each local educational agency in their county that operates kindergarten programs to support countywide planning and capacity building.

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

(i) Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2021–22 fiscal year, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year for each local educational agency.

(ii) Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574, as applicable, and certified as of the second principal apportionment. Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

(D) Notwithstanding any other law, any kindergarten enrollment reported by a county office of education shall be attributed to the school district of geographic residence.

(2) Grant funds may be used for costs associated with creating or expanding California state preschool programs or transitional kindergarten programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the local educational agency, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for children four years of age. Allowable costs shall include, but are not necessarily limited to, classroom operating costs, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

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

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

(B) If the local educational agency did not develop the plan required pursuant to subparagraph (B) of paragraph (3) of subdivision (c), develop a plan for consideration by the governing board or body at a public meeting on or before March 30, 2023, for how all children in the attendance area of the local educational agency will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the local educational agency's expanding learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs. A plan developed pursuant to this subparagraph satisfies the requirements of subparagraph (B) of paragraph (3) of subdivision (c).

(C) Ensure expenditures are consistent with their local plan adopted pursuant to subdivision (c).

(D) Commit to planning with their county's local planning council, local tribes, and the California state preschool program and Head Start program providers in their region.

(E) Offer transitional kindergarten to all eligible pupils interested in transitional kindergarten within their attendance area by the 2025–26 school year.

(4) (A) Funds allocated or awarded pursuant to this subdivision shall be expended by June 30, 2026. The department shall then initiate collection proceedings for unexpended funds.

(B) The department may allocate or prorate any returned or collected funds pursuant to this subdivision for the purposes provided in subdivision (e).

(5) The department shall initiate collection proceedings for grant funds used by local educational agencies in a manner inconsistent with the requirements of this section, including, but not limited to, failing to submit all required data pursuant to subparagraph (A) of paragraph (3).

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

(B) Any funds allocated for purposes of this subdivision pursuant to subparagraph (C) of paragraph (4) of subdivision (c) or subparagraph (B) of paragraph (4) of subdivision (d) shall be available for encumbrance through June 30, 2026.

(2) The Superintendent shall develop and administer a process to award grants under paragraph (1), subject to approval of the executive director of the state board, on a competitive basis to local educational agencies. To apply for a grant, a local educational agency shall submit an application to the department describing how it will allocate funds and increase either the number of credentialed teachers meeting the requirements of subdivision (g) of Section 48000, or the competencies of California state preschool programs, transitional kindergarten, and kindergarten teachers to enhance their ability to provide

instruction in inclusive classrooms, provide culturally responsive instruction, support dual language learners, enhance social-emotional learning, implement trauma-informed and restorative practices, and mitigate implicit biases to eliminate exclusionary discipline.

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

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

- (A) A need for preschool and transitional kindergarten or kindergarten professional development in a region.
- (B) A need for preschool and transitional kindergarten teachers in a region.
- (C) The presence of, or plan to create, inclusive classroom settings.
- (D) The ability to connect the preschool, transitional kindergarten, or kindergarten program to before and after school programs and extended day services.
- (E) A plan to integrate preschool, transitional kindergarten, and kindergarten professional development opportunities.
- (F) A plan for recruiting new preschool, transitional kindergarten, or kindergarten teachers with experience in early learning and care settings and collaborating with institutions of higher education to ensure a qualified prekindergarten teacher pipeline.
- (G) A plan for how principals and administrators overseeing the transitional kindergarten program, or other prekindergarten program, will receive training and professional development on the value and tenets of effective instruction for young children.

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

- (A) The percentage of transitional kindergarten and kindergarten pupils eligible for free and reduced-price meals.
- (B) The percentage of dual language learners that the local educational agency is serving or is planning to serve in a California state preschool program or transitional kindergarten program.
- (C) The percentage of pupils with disabilities the local educational agency is serving or planning to serve in an inclusive California state preschool program or transitional kindergarten program.
- (D) The percentage of pupils served, or planned to be served, in full-day California state preschool, transitional kindergarten, or kindergarten programs offered by the local educational agency or community-based organizations.
- (E) The extent to which applicants operate in an attendance area where a significant disproportionality of particular races or ethnicities, as described in Section 1418(d) of Title 20 of the United States Code, has been identified in special education.
- (F) The extent to which the local educational agency is located in an area that has more than three young children, three to five years of age, inclusive, for every licensed childcare slot.
- (G) The extent to which applicants plan to partner with community-based California state preschool programs and Head Start programs in their program area to ensure those teachers have access to professional development along with teachers employed by the local educational agency.

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

- (A) Tuition, supplies, and other related educational expenses.
- (B) Transportation and childcare costs incurred as a result of attending classes.
- (C) Substitute teacher pay for California state preschool program, transitional kindergarten, and kindergarten professionals that are currently working in a California state preschool program, transitional kindergarten, or kindergarten classroom.
- (D) Stipends and professional development expenses, as determined by the Superintendent.

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

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

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

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

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

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

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

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

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

(B) Notwithstanding subparagraph (A), any unexpended funds allocated for purposes of this subdivision pursuant to subparagraph (C) of paragraph (4) of subdivision (c) and subparagraph (B) of paragraph (4) of subdivision (d) shall revert to the General Fund on June 30, 2028.

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

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

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (d) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2021–22 fiscal year.

**SEC. 5.** Section 14002 of the Education Code is amended to read:

**14002.** (a) (1) Notwithstanding any other law, upon certification of the Superintendent pursuant to Sections 41330, 41332, and 41335, any amount necessary to meet the requirements of programs specified in subdivision (b) during each fiscal year are hereby continuously appropriated from the General Fund to Section A of the State School Fund for allocation by the Controller.

(2) The amounts calculated for the programs specified in subdivision (b) are considered final as of the certification of the second principal apportionment in the fifth succeeding fiscal year, inclusive, of the fiscal year for which the calculation is being made. Final submissions shall be submitted pursuant to procedures and timeframes established by the Superintendent. This paragraph does not apply to a change that is the result of an audit exception, as described in paragraph (2) of subdivision (a) of Section 41341.

(b) Programs included for purposes of this section are all of the following:

(1) Chapter 12.5 (commencing with Section 2574) of Part 2.

(2) Section 41544.

(3) Section 41850.1.

(4) Article 2 (commencing with Section 42238) of Chapter 7 of Part 24 of Division 3 of Title 2, except Section 42238.024.

(5) Section 47663.

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

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

(c) (1) Notwithstanding subdivision (a), commencing with the 2019–20 fiscal year, if, for an upcoming fiscal year, the total amount necessary to meet the requirements of the programs specified in subdivision (b) is projected to be in excess of 89 percent of the General Fund and Education Protection Account revenues and allocated proceeds of taxes that are necessary to meet the requirements of Section 8 of Article XVI of the California Constitution, excluding appropriations made to the Chancellor of the California Community Colleges for allocation to community college districts, then before the enactment of the annual Budget Act for that fiscal year, the Director of Finance may reduce the following to a percentage equal to or greater than the projected growth rate of the minimum amount necessary to meet the requirements of Section 8 of Article XVI of the California Constitution, but not less than zero:

(A) The adjustments required pursuant to paragraph (4) of subdivision (a) of Section 2574, subparagraph (B) of paragraph (1) of subdivision (c) of Section 2574, subdivision (b) of Section 2575.1, paragraph (2) of subdivision (d) of Section 42238.02, and Section 42287.

(B) The inflation or cost-of-living adjustment otherwise authorized or required for all of the following programs:

(i) Subdivision (b) of Section 8265 or its successor section.

(ii) Subdivision (c) of Section 49536.

(iii) Subdivision (b) of Section 56836.142.

(iv) Subdivision (d) of Section 17581.6 of the Government Code.

(2) The percentage reductions made pursuant to subparagraph (B) of paragraph (1) shall be no less than the percentage reductions made pursuant to subparagraph (A) of paragraph (1).

(3) This subdivision shall not be construed to change the adjustment identified in paragraph (2) of subdivision (d) of Section 42238.02 for a prior fiscal year.

(4) Notwithstanding Section 10231.5 of the Government Code, the Director of Finance shall report to the Legislature, consistent with Section 9795 of the Government Code, before the enactment of the annual Budget Act each fiscal year any amounts or percentages reduced from inflation or cost-of-living adjustments pursuant to paragraph (1) for the upcoming fiscal year.

**SEC. 6.** Section 32526 of the Education Code is amended to read:

**32526.** (a) (1) For the 2022–23 fiscal year, the sum of six billion three hundred forty-five million four hundred five thousand dollars (\$6,345,405,000) is hereby appropriated from the General Fund to the department for transfer to the Learning Recovery Emergency Fund created in Section 32525. The Superintendent shall allocate available moneys in the Learning Recovery Emergency Fund deposited pursuant to this section to local educational agencies in the manner, and for the purposes, set forth in this section. This allocation shall be known as the Learning Recovery Emergency Block Grant.

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

(3) The department may collect, from a local educational agency’s principal apportionment monthly payment pursuant to Section 14041, the difference between the local educational agency’s allocation for the Learning Recovery Emergency Block Grant pursuant to this section, as amended by Assembly Bill 185 of the 2021–22 Regular Session, and the revised allocation pursuant to this section, as amended by Senate Bill 114 of the 2023–24 Regular Session. The department shall report any uncollectible amounts to the Department of Finance and the Legislature by January 31, 2024.

(b) Funds described in subdivision (a) shall be allocated on a per-unit basis of the local educational agency’s 2021–22 fiscal year second period reported kindergarten and grades 1 to 12, inclusive, average daily attendance multiplied by the local educational agency’s 2021–22 unduplicated pupil percentage calculated pursuant to Section 2574 or 42238.02, as applicable. Prior fiscal year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.

(c) (1) The governing board or body of a local educational agency may expend the one-time funds received pursuant to this section to establish learning recovery initiatives through the 2027–28 school year that, at a minimum, support academic learning



recovery and staff and pupil social and emotional well-being.

(2) Specifically, funds received under subdivision (b) shall only be expended for any of the following purposes:

(A) Instructional learning time for the 2022–23 through 2027–28 school years by increasing the number of instructional days or minutes provided during the school year, providing summer school or intersessional instructional programs, or taking any other action that increases or stabilizes the amount of instructional time or services provided to pupils, or decreases or stabilizes staff-to-pupil ratios, based on pupil learning needs.

(B) Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports, such as:

(i) Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff.

(ii) Learning recovery programs and materials designed to accelerate pupil academic proficiency or English language proficiency, or both.

(iii) Providing early intervention and literacy programs for pupils in preschool to grade 3, inclusive, including, but not limited to, school library access.

(iv) Supporting expanded learning opportunity program services pursuant to Section 46120.

(v) Providing instruction and services consistent with the California Community Schools Partnership Act (Chapter 6 (commencing with Section 8900) of Part 6) regardless of grantee status.

(C) Integrating pupil supports to address other barriers to learning, and staff supports and training, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and social-emotional learning, or referrals for support for family or pupil needs.

(D) Access to instruction for credit-deficient pupils to complete graduation or grade promotion requirements and to increase or improve pupils' college eligibility.

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

(d) (1) Local educational agencies receiving apportionments pursuant to this section shall report to the department, using the template developed by the department, and make publicly available on their internet websites, interim expenditures of those apportioned funds to the department by December 15, 2024, and annually thereafter, concluding with the submission of a final report on expenditures no later than December 15, 2029. Local educational agencies that do not submit the final expenditure report shall forfeit all funds apportioned pursuant to this section.

(2) If a charter school ceases to operate before December 15, 2029, a final expenditure report shall be due to the department within 60 days of the effective date of closure and the department shall collect any unspent amounts.

(3) (A) The department, on or before June 30, 2023, shall develop an expenditure report template for use by local educational agencies in fulfilling the requirements of paragraph (1).

(B) The template shall require the inclusion of the total expenditures, by fiscal year, for each allowable use pursuant to paragraph (2) of subdivision (c), disaggregated by each allowable use specified in subparagraphs (A) to (E), inclusive, of paragraph (2) of subdivision (c).

(C) The template shall, to the greatest extent practicable, use language that is understandable and accessible to parents.

(e) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, five billion six hundred twenty-five million six hundred forty-eight thousand dollars (\$5,625,648,000) of the appropriation made by paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2021–22 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, seven hundred nineteen million seven hundred fifty-seven thousand dollars (\$719,757,000) of the appropriation made by paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2022–23 fiscal year, and included within the "total allocations to school districts and community college

districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2022–23 fiscal year.

(f) It is the intent of the Legislature to allocate three hundred seventy-eight million six hundred fifty thousand dollars (\$378,650,000) per year from the 2025–26 fiscal year to 2027–28 fiscal year, inclusive, to the department for transfer to the Learning Recovery Emergency Fund created pursuant to Section 32525.

**SEC. 7.** Section 41404.5 of the Education Code is amended to read:

**41404.5.** (a) A school district with an average daily attendance of more than 400,000 as of the 2016–17 second principal apportionment shall be exempt from any reduction in state support pursuant to Section 41404 for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive. A school district subject to this exemption shall submit the following to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature:

(1) By September 1, 2019, a report containing the administrator-to-teacher ratio calculated pursuant to this article for the 2011–12 fiscal year to the 2019–20 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils, and a plan setting out goals for meeting the ratio by the 2023–24 fiscal year.

(2) By each September 1 from 2020 to 2022, inclusive, a report detailing the administrator-to-teacher ratio calculated pursuant to this article for the prior fiscal year and the progress towards meeting the goals set out in the report provided pursuant to subdivision (a).

(b) The Los Angeles Unified School District shall submit the following to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature:

(1) By September 1, 2023, a report containing the ratio of administrative employees to teachers calculated pursuant to this article for the 2011–12 fiscal year to the 2022–23 fiscal year, inclusive, a description of the reasons for not meeting the ratio requirement for each fiscal year in which the ratio was not met, including the estimated impact on pupils and the number of teachers and administrators above the required ratio, and a plan setting out goals for meeting the ratio by the 2025–26 fiscal year.

(2) By each September 1 from 2024 to 2025, inclusive, a report detailing the ratio of administrative employees to teachers calculated pursuant to this article, including the number of teachers and administrators above the required ratio, for the prior fiscal year and the progress towards meeting the goals set out in the report provided pursuant to paragraph (1).

(c) The Paradise Unified School District shall be exempt from any reduction in state support pursuant to Section 41404 for the 2021–22 fiscal year to the 2023–24 fiscal year, inclusive.

**SEC. 8.** Section 41585 of the Education Code is amended to read:

**41585.** (a) Contingent upon an appropriation by the Legislature in the annual Budget Act or another statute, the department, in consultation with the office of the Chancellor of the California Community Colleges, shall, beginning on or before January 1, 2023, administer a competitive grant program to do all of the following:

(1) Enable more local educational agencies to establish either middle college or early college high schools or programs that provide pupils with access to obtain college credits while enrolled in high school.

(2) Provide incentives for local educational agencies to establish dual enrollment course opportunities that are consistent with the requirements of Section 76004.

(3) Enable local educational agencies with existing middle college or early college high schools or programs or College and Career Access Pathways partnerships established pursuant to Section 76004 to couple robust pupil advising and success supports with dual enrollment opportunities and establish outreach campaigns to promote dual enrollment for new or existing middle college or early college high schools or programs or College and Career Access Pathways partnerships established pursuant to Section 76004. For local educational agencies with College and Career Access Pathways partnerships, outreach shall be focused toward families and pupils who may not be college bound or who are underrepresented in higher education.

(b) (1) Of the funds appropriated in support of this grant program, the Superintendent shall provide approved applicants with either or both of the following, as applicable:

(A) A one-time grant of up to two hundred fifty thousand dollars (\$250,000) to support the costs to plan for, and start up, a middle college or early college high school or program that is located on the campus of a local educational agency, a

partnering community college, or other location determined by the local partnership, and that is consistent with the specifications of Chapter 14 (commencing with Section 11300) of Part 7 of Division 1 of Title 1.

(B) A one-time grant of up to one hundred thousand dollars (\$100,000) to establish a College and Career Access Pathways dual enrollment partnership agreement that is consistent with the requirements of Section 76004 and to enable pupils at the participating high school to access dual enrollment opportunities pursuant to the College and Career Access Pathways partnership agreement.

(2) Nothing shall preclude a local educational agency from using any unexpended funds received for the purposes of subparagraph (A) or (B) of paragraph (1) from using those funds to collaborate with their partner community college to access pupil advising and success support services offered by the partner community college district.

(3) A local educational agency may request grants from either or both of the opportunities specified in subparagraphs (A) and (B) of paragraph (1).

(c) The funds appropriated in the annual Budget Act or other statute for purposes of this section shall be distributed, approximately, in the following manner:

(1) Up to 50 percent shall be available for the purposes of subparagraph (A) of paragraph (1) of subdivision (b).

(2) Up to 50 percent shall be available for the purposes of subparagraph (B) of paragraph (1) of subdivision (b).

(d) (1) A local educational agency seeking a grant under this section shall submit an application to the Superintendent at a time, in a manner, and with any appropriate information, as the Superintendent may reasonably require, including, but not limited to, evidence of an existing or planned partnership with an institution of higher education for the creation of the dual enrollment program.

(2) The Superintendent shall give priority to available grant funds to support applications from local educational agencies that display any of the following characteristics:

(A) Fifty percent or more of the enrolled pupils at the local educational agency are unduplicated pupils, as defined in Section 42238.02.

(B) The local educational agency has a higher than state average dropout rate.

(C) The local educational agency has a higher than state average rate of suspension and a higher than state average rate of expulsion.

(D) The local educational agency has higher than state average rates of child homelessness, foster youth, or justice-involved youth.

(E) The local educational agency has a lower than state average rate of pupils completing all of the A–G courses required to be eligible for admission to the University of California or the California State University.

(3) To ensure funds are disbursed in a timely manner, the Superintendent shall begin disbursing funds for approved applicants on or before December 1, 2023.

(e) (1) It is the intent of the Legislature that courses offered to high school pupils in dual enrollment programs pursuant to this section are part of structured, well-sequenced pathways and count toward postsecondary certificate or degree requirements, and are counted toward high school graduation requirements in equivalent subject areas.

(2) It is the intent of the Legislature that courses offered to high school pupils pursuant to a College and Career Access Pathways partnership agreement established by Section 76004 are part of structured, well-sequenced pathways and consist of transfer-level courses, unless one of the following occurs:

(A) The pupil elects to participate in a degree or certificate pathway that is not met with transfer-level courses.

(B) The pupil, in mathematics, English, or both, in grade 10 or 11, would warrant access to innovative remediation coursework, as determined by the partnering school district, county office of education, or charter school. The pupil may be placed into an innovative remediation course during their first year of participating in the College and Career Access Pathways partnership agreement as an intervention taken to ensure the pupil is on track to satisfactorily complete state and any local graduation requirements, as determined by the school district, county office of education, or charter school, and is prepared for transfer-level coursework at a community college upon graduation.

(f) On or before June 30, 2024, and on or before June 30, 2027, the department shall prepare a summary of how the funds in this section were disbursed and used to further the goals listed in subdivision (a), and shall submit the summary to the Department of Finance, the Joint Legislative Budget Committee, the Senate Committee on Education, the Assembly Committee on Higher Education, and the Assembly Committee on Education. The summary shall include all of the following information:

(1) The number of grants awarded, disaggregated by local educational agency.

(2) A qualitative description of how the funding was used by local educational agencies to accomplish the goals listed in subdivision (a).

(3) The total number of high school pupils by schoolsite enrolled in dual enrollment programs disaggregated by participation in middle college high schools or programs, early college high schools or programs, College and Career Access Pathways, and other dual enrollment programs.

(4) The total number of community college courses by course category taken by pupils participating in middle college high schools or programs, early college high schools or programs, College and Career Access Pathways, and other dual enrollment programs.

(5) The total number of successful course completions by course category disaggregated by participation in middle college high schools or programs, early college high schools or programs, College and Career Access Pathways, and other dual enrollment programs.

(6) Course and program outcomes for pupils who were enrolled in dual enrollment programs, disaggregated by grade level, gender, socioeconomic status, race and ethnicity, and other disproportionately impacted groups.

(g) It is the intent of the Legislature that, upon the implementation of the California Cradle-to-Career Data System established in Section 10860, future data and outcome reporting on dual enrollment programs shall be linked through, and conducted in accordance with, the privacy requirements of the California Cradle-to-Career Data System.

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

**SEC. 9.** Section 42238.024 of the Education Code is amended to read:

**42238.024.** (a) Commencing with the 2023–24 fiscal year, the sum of three hundred million dollars (\$300,000,000) is hereby appropriated each fiscal year from the General Fund to the Superintendent for allocation for the Local Control Funding Formula Equity Multiplier apportionment in the manner and for the purposes set forth in this section. Commencing with the 2024–25 fiscal year, the amount appropriated pursuant to this subdivision shall be adjusted each fiscal year by the percentage change applied pursuant to paragraph (2) of subdivision (d) of Section 42238.02 for that fiscal year.

(b) (1) Funds appropriated pursuant to subdivision (a) shall be made available by the Superintendent to eligible local educational agencies for allocation to schoolsites eligible pursuant to paragraph (2) for evidence-based services and supports for pupils, with a demonstration of how the resulting services and supports are increased or improved in comparison to services and supports that would have been provided at the schoolsites if the funding were not provided. Funds appropriated pursuant to subdivision (a) shall supplement, not supplant, funding provided for these schoolsites for purposes of the local control funding formula pursuant to Section 2574, 2575, or 42238.02, the Expanded Learning Opportunities Program pursuant to Section 46120, the Literacy Coaches and Reading Specialists Grant Program established pursuant to Section 137 of Chapter 52 of the Statutes of 2022, and the California Community Schools Partnership Act (Chapter 6 (commencing with Section 8900) of Part 6 of Division 1 of Title 1).

(2) For schoolsites with prior year nonstability rates greater than 25 percent and prior year socioeconomically disadvantaged pupil rates of greater than 70 percent, funding shall be allocated on a per-unit basis of the schoolsite's total prior year adjusted cumulative enrollment. The per-unit funding amount is based on total statewide eligible enrollment and the amount of funds available, as reported in the stability rate data file.

(3) An eligible schoolsite shall not receive funding pursuant to paragraph (2) of less than fifty thousand dollars (\$50,000).

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

(1) "Eligible local educational agency" means a school district, county office of education, or charter school that generates a local control funding formula entitlement pursuant to Sections 2574, 2575, or 42238.02, excluding a charter school classified as a nonclassroom-based charter school as of the prior fiscal year's principal apportionment certification pursuant to Section 47612.5.

(2) "Nonstability rate" means the percentage of pupils who are either enrolled for less than 245 continuous days between July 1 and June 30 of the prior school year, or exited from a school between July 1 and June 30 of the prior school year due to either

truancy, expulsion, or for unknown reasons and without stable subsequent enrollment at another school as identified in the stability rate data file.

(3) "Prior year adjusted cumulative enrollment" means any enrollment with a start date in the school year in transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, as identified in the stability rate data file.

(4) "Schoolsite" means an individual school in an eligible local educational agency.

(5) "Socioeconomically disadvantaged pupil rate" means the percentage of pupils that meet any of the following criteria for the prior school year:

(A) Neither of the pupil's parents has a high school diploma.

(B) The pupil is eligible for free or reduced-price meals under the federal National School Lunch Program, including by direct certification.

(C) The pupil is a migratory child for purposes of Part C (commencing with Section 6391) of Subchapter I of Chapter 70 of Title 20 of the United States Code.

(D) The pupil is a homeless child or youth.

(E) The pupil is a foster youth.

(F) The pupil is enrolled in a county juvenile court school.

(6) "Stability rate data file" means the initial publication of the annual file published by the department for the prior school year that will be used to determine a schoolsite's prior year adjusted cumulative enrollment, nonstability rate, and socioeconomically disadvantaged rate for the purposes of calculating funding pursuant to this section for an eligible local educational agency.

(d) Notwithstanding Section 10231.5 of the Government Code, by February 1, 2025, and each February 1 thereafter, the department, using existing resources, shall submit an annual report to the relevant policy and fiscal committees of the Legislature, the state board, and the Department of Finance that includes the following information on pupil outcomes at schoolsites that receive funding pursuant to this section and statewide pupil outcomes:

(1) Pupil subgroup data captured in the stability rate data file, based on enrollment at the eligible schoolsite.

(2) Number of truant pupils captured in the stability rate data file and enrolled at the eligible schoolsite.

(3) Number of expelled pupils captured in the stability rate data file and enrolled at the eligible schoolsite.

(4) Number of pupils whose reasons for exit from the schoolsite are unknown, as captured in the stability rate data file, and enrolled at the eligible schoolsite.

(5) Performance of the eligible schoolsites on California School Dashboard state indicators, disaggregated by pupil subgroup.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year for which the appropriation is made, 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 for which the appropriation is made.

**SEC. 10.** Section 44042.5 of the Education Code is amended to read:

**44042.5.** (a) (1) When a school employer determines a wage overpayment has been made to a school employee, it shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing recoupment actions, and inform the school employee of their rights specified in paragraph (4). If the school employee agrees that the school employer overpaid them in the claimed amount, reimbursement shall be made to the school employer through one of the following methods mutually agreed to by the employee and the school employer:

(A) Cash payment or cash installment payments.

(B) Installment payments through payroll deduction covering at least the same number of pay periods in which the error occurred.

(C) The adjustment of appropriate leave credits or compensating time off, provided that the overpayment involves the accrual or crediting of leave credits such as vacation, annual leave, holiday leave, or compensating time off. Any errors in sick leave balances shall only be adjusted with sick leave credits.

(2) Installment payment amounts deducted from an employee's salary or wages pursuant to paragraph (1), except as provided in subdivision (b), shall not exceed the amounts specified in Section 706.050 of the Code of Civil Procedure.

(3) Absent mutual agreement on a method of reimbursement pursuant to paragraph (1), within 30 days of the school employee verifying the overpayment amount the school employer shall proceed with recoupment pursuant to subparagraph (B) of paragraph (1).

(4) If a school employee disputes the existence or amount of a school employer's claimed overpayment made to the school employee, the school employer shall first initiate a legal action and obtain a court order or a binding arbitration decision validating the claimed overpayment amount before it may recover the overpayment amount. For purposes of this paragraph, binding arbitration may apply only when a memorandum of understanding between the school employer and an exclusive representative of the school employee sets forth procedures for adjudicating wage overpayment disputes that, at a minimum, meet the requirements and protections for school employees set forth in this section. If in court the school employee is represented by counsel supplied by the exclusive representative designated under the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code), then the provisions of subdivision (b) of Section 3543.8 of the Government Code shall apply to that litigation.

(b) A school employee who is separated from employment before full repayment of the overpayment amount owed pursuant to subdivision (a) shall have an amount sufficient to provide full repayment withheld from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the school employee. If the amount of money owed to the employee upon separation is insufficient to provide full reimbursement to the school employer, the school employer shall have the right to exercise any and all other legal means to recover the additional amount owed.

(c) A legal action shall not be taken by the school employer pursuant to this section to recover an overpayment unless the action is initiated within three years from the date of overpayment. The school employer shall not recover overpayments made to a school employee more than three years before the school employer initiates the action. If an overpayment involves leave credits, the date of overpayment is the date that the school employee receives compensation in exchange for leave erroneously credited to the employee. For purposes of this section, leave hours are considered exchanged for compensation in the order they were credited.

(d) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, that was in effect on July 31, 2022, the memorandum of understanding shall be controlling until the expiration or renewal of the memorandum of understanding.

(e) For purposes of this section, "school employer" means the applicable administrative entity of any of the following:

(1) School district.

(2) County office of education.

(3) Charter school.

**SEC. 11.** Section 46120 of the Education Code is amended to read:

**46120.** (a) (1) It is the intent of the Legislature that all local educational agencies offer all unduplicated pupils in classroom-based instructional programs access to comprehensive after school and intersessional expanded learning opportunities.

(2) The Expanded Learning Opportunities Program is hereby established.

(b) (1) For the 2021–22 and 2022–23 school years, local educational agencies that receive funds pursuant to subdivision (d) shall offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, and provide to at least 50 percent of enrolled unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs. Funding received pursuant to this section for the 2021–22 and 2022–23 school years shall be expended to develop an expanded learning opportunity program or provide services in accordance with program requirements. Commencing with the 2023–24 school year, as a condition of receipt of funds allocated pursuant to subparagraph (B) of paragraph (1) of subdivision (d), local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs, and shall provide access to any pupil whose parent or guardian requests their placement in a program. Commencing with the 2023–24 school year, as a condition of receipt of funds allocated pursuant to subparagraph (C) of paragraph (1) of subdivision (d), local educational agencies shall offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs, and shall provide access to any unduplicated pupil whose parent or guardian requests their placement in a program. Expanded learning opportunity programs shall include all of the following:

(A) On schooldays, as described in Section 46100 and Sections 46110 to 46119, inclusive, and days on which school is taught for the purpose of meeting the 175-instructional-day offering as described in Section 11960 of Title 5 of the California Code of Regulations, in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, are no less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day.

(B) (i) For at least 30 nonschooldays, inclusive of extended school year days provided pursuant to paragraph (3) of subdivision (b) of Section 56345, no less than nine hours of in-person expanded learning opportunities per day.

(ii) Extended school year days may include in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, recess, and meals, are not less than nine hours of combined instructional time, recess, meals, and expanded learning opportunities per instructional day.

(C) For expanded learning opportunity programs located in a frontier designated geographical location, program requirements are no less than eight hours of combined instructional time, recess, meals, and in-person before or after school expanded learning opportunities per instructional day, and no less than eight hours of in-person expanded learning opportunities on at least 30 nonschooldays.

(2) Local educational agencies operating expanded learning opportunity programs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites, and shall comply with subdivisions (c), (d), and (g) of Section 8482.3, including the development of a program plan based on all of the following:

(A) The department's guidance.

(B) Section 8482.6.

(C) Paragraphs (1) to (9), inclusive, and paragraph (12) of subdivision (c) of Section 8483.3.

(D) Section 8483.4, except that programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1.

(3) Local educational agencies shall prioritize services provided pursuant to this section at schoolsites in the lowest income communities, as determined by prior year percentages of pupils eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with expanded learning opportunity programs across their attendance area.

(4) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs provided pursuant to this section.

(5) Local educational agencies may charge pupil fees for expanded learning opportunity programs provided pursuant to this section, consistent with Section 8482.6.

(6) Local educational agencies are encouraged to collaborate with community-based organizations and childcare providers, especially those participating in state or federally subsidized childcare programs, to maximize the number of expanded learning opportunity programs offered across their attendance areas.

(7) This section does not limit parent choice in choosing a care provider or program for their child outside of the required instructional minutes provided during a schoolday. Pupil participation in an expanded learning opportunity program is optional. Children eligible for an expanded learning opportunity program may participate in, and generate reimbursement for, other state or federally subsidized childcare programs, pursuant to the statutes regulating those programs.

(8) Local educational agencies may provide up to three days of staff development during regular expanded learning opportunity program hours.

(9) For a local educational agency that is temporarily prevented from operating its expanded learning opportunity program because of a school or program site closure due to emergency conditions listed in Section 41422 or subdivision (d) of Section 8482.8, and is not able to meet all of the requirements pursuant to paragraph (1), which is in fact shown by a resolution adopted by the governing board or body of the local educational agency, in addition to documentation substantiating the need for closure, the local educational agency shall not be subject to the penalty required pursuant to paragraphs (1) to (3), inclusive, of subdivision (c) as a result of the emergency.

(10) (A) An expanded learning opportunity program shall not be required to comply with the requirements of Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 or the requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

(B) Notwithstanding any other law, an expanded learning opportunity program operating pursuant to this section may operate without obtaining a child daycare facility license or special permit pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code. An expanded learning opportunity program shall not receive any additional funding pursuant to this subparagraph.

(C) Notwithstanding subparagraph (B), an expanded learning opportunity program operated by a third party that holds a child daycare facility license or special permit pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code, as of June 1, 2023, shall maintain that license or permit capacity as a requirement of contracting pursuant to this section until June 30, 2024. An expanded learning opportunity program shall not receive any additional funding pursuant to this subparagraph.

(D) Nothing in this section exempts an expanded learning opportunity program operating pursuant to this section from complying with the child daycare facility license requirements set forth in Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code when serving children who do not participate in the After School Education and Safety Program (Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1), 21st Century Community Learning Centers (Article 22.6 (commencing with Section 8484.7) of Chapter 2 of Part 6 of Division 1 of Title 1), or the Expanded Learning Opportunities Program pursuant to this section. If multiple funding sources are used to serve pupils in an expanded learning opportunity program, a conflict in program requirements shall be resolved in favor of the funding source with the stricter requirements.

(c) (1) Commencing with the 2023–24 fiscal year, a local educational agency shall be subject to the audit conducted pursuant to Section 41020 to determine compliance with subdivision (b).

(2) Commencing with the 2023–24 fiscal year, if a local educational agency either fails to offer or provide access to expanded learning opportunity programs to eligible pupils pursuant to paragraph (1) of subdivision (b), the Superintendent shall withhold from the local educational agency's apportionment of funds pursuant to subdivision (d) an amount proportionate to the number of pupils to whom the local educational agency failed to offer or provide access to expanded learning opportunity programs. Pupils opting not to participate in the expanded learning opportunity program shall not generate a penalty for a local educational agency pursuant to this paragraph.

(3) (A) Commencing with the 2023–24 fiscal year, if a school district fails to maintain the required number of days or hours described in subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (b), the Superintendent shall withhold from the school district's apportionment of funds pursuant to subdivision (d), as adjusted pursuant to paragraph (2), an amount equal to the product of 0.0048 times the school district's apportionment for each day the school district fails to meet the day or hour requirements.

(B) Commencing with the 2023–24 fiscal year, if a charter school fails to maintain the required number of days or hours described in subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (b), the Superintendent shall withhold from the charter school's apportionment of funds pursuant to subdivision (d), as adjusted pursuant to paragraph (2), an amount equal to the product of 0.0049 times the charter school's apportionment for each day the charter school fails to meet the day or hour requirements.

(d) (1) The Superintendent shall allocate funding appropriated in Item 6100-110-0001 of the annual Budget Act and in subdivision (h), if applicable, in the following manner:

(A) For the 2021–22 fiscal year, for local educational agencies with a prior fiscal year local control funding formula unduplicated pupil percentage calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 of equal to or greater than 80 percent, the amount of one thousand one hundred seventy dollars (\$1,170) per unit of the local educational agency's prior fiscal year second period reported kindergarten and grades 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage. Prior fiscal year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.

(B) Commencing with the 2022–23 fiscal year, for local educational agencies with a prior fiscal year local control funding formula unduplicated pupil percentage calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 of equal to or greater than 75 percent, the amount of two thousand seven hundred fifty dollars (\$2,750) per unit of the local educational agency's prior fiscal year second period reported kindergarten and grades 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage. Prior fiscal year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.



(C) For all other local educational agencies not receiving an allocation under subparagraph (A) or (B), the amount of funds remaining from the appropriations in Item 6100-110-0001 of the annual Budget Act and subdivision (h), if applicable, after the amount allocated pursuant to subparagraph (A) or (B), shall be allocated on a per-unit basis of the local educational agency's prior year second period reported kindergarten and grades 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage. Prior year average daily attendance and unduplicated pupil percentage shall be considered final as of the second principal apportionment for that fiscal year.

(2) A local educational agency with prior year classroom-based average daily attendance in kindergarten and grades 1 to 6, inclusive, shall not receive funding pursuant to paragraph (1) of less than fifty thousand dollars (\$50,000).

(3) Funds provided to a local educational agency pursuant to paragraph (1) shall be used to support pupil access to expanded learning opportunity programs, which may include, but is not limited to, hiring literacy coaches, high-dosage tutors, school counselors, and instructional day teachers and aides to assist pupils as part of the local educational agency's program enrichment activities.

(4) A local educational agency receiving funding pursuant to subparagraph (B) of paragraph (1) shall be provided at least three years of funding pursuant to that subparagraph upon becoming eligible to receive funding pursuant to that subparagraph. A local educational agency that does not meet the requirements of subparagraph (B) of paragraph (1) for four consecutive years shall be ineligible to receive funding pursuant to that subparagraph.

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

(6) For the 2021–22 fiscal year, a school district or charter school may expend or encumber the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2023–24 fiscal year, inclusive. For the 2022–23 fiscal year, a school district or charter school may expend or encumber the funds received pursuant to this subdivision from the 2022–23 and 2023–24 fiscal years.

(7) (A) For reorganized school districts, the prior fiscal year percentage of unduplicated pupils for purposes of paragraph (1) shall be calculated as follows:

(i) For a new or acquiring school district that has reorganized pursuant to paragraph (1), (2), or (3) of subdivision (a), or subdivision (b), of Section 35511, formed by all of two or more existing districts, combine the unduplicated pupils and total pupil enrollment of the original school districts.

(ii) For a new or acquiring school district that has reorganized pursuant to paragraph (1), (2), or (3) of subdivision (a), or subdivision (b), of Section 35511, formed by parts of one or more existing districts, and for the remaining portion of a divided district, or for a new school district formed as a result of a deunification pursuant to paragraph (4) of subdivision (a) of Section 35511, the county office of education with jurisdiction over the reorganized school district may provide to the department, under timelines and procedures established by the Superintendent, the unduplicated pupils and total pupil enrollment for the prior three fiscal years from each affected school district that will be served by each reorganized district, and the prior fiscal year unduplicated pupil percentage may be based on the unduplicated pupils and total pupil enrollment attributed to each reorganized school district. If the county office of education with jurisdiction over the reorganized school district does not provide to the department the unduplicated pupils and total pupil enrollment for the prior three fiscal years from each affected school district that will be served by each reorganized school district, the unduplicated pupils and total pupil enrollment shall be equal to the counts reported for the original school district.

(B) For reorganized school districts, the prior fiscal year average daily attendance for purposes of paragraph (1) shall be calculated as follows:

(i) For a new or acquiring school district that has reorganized pursuant to paragraph (1), (2), or (3) of subdivision (a), or subdivision (b), of Section 35511, the sum of the average daily attendance of the original school districts.

(ii) For a remaining portion of a divided school district, the average daily attendance attributed to that portion of the school district.

(iii) For a new school district formed as a result of a deunification pursuant to paragraph (4) of subdivision (a) of Section 35511, the average daily attendance of the former school district shall be attributed to the new school districts so that the sum of the average daily attendance for the new school districts equals the average daily attendance of the former school district.

(iv) For purposes of clauses (i), (ii), and (iii), the county superintendent of schools with jurisdiction over the reorganized school district shall provide to the department the prior fiscal year average daily attendance as of the second principal apportionment from each affected school district that will be served by each reorganized district.

(8) (A) Beginning with the 2022–23 fiscal year, the department may allocate up to five million dollars (\$5,000,000) of moneys appropriated for purposes of this subdivision to county offices of education to provide technical assistance, evaluation, and training services to support program improvement, in coordination with activities described in Section 8483.55. County offices of education already providing technical assistance pursuant to Section 8483.55 shall be prioritized to receive these funds.

(B) Training and support shall include, but is not limited to, supporting local educational agencies with leveraging multiple funding initiatives to support expanded learning, including, but not limited to, community schools, school meal programs, and California state preschool programs.

(e) Commencing with the 2023–24 school year, the Superintendent, in consultation with the State Department of Social Services, shall establish a process and a timeline for local educational agencies that contract with third-party providers to operate expanded learning opportunity programs at a location other than a local educational agency's school campus pursuant to this section, and California state preschool program providers pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1, to annually submit program access information to the department, which shall distribute a compiled list to the State Department of Social Services for purposes of Community Care Licensing Division data collection and submission to the local educational agency's applicable resource and referral agency. Information required to be submitted under this subdivision shall include, but not be limited to, all of the following:

- (1) The name, address, and telephone number of each third party.
- (2) The number of pupils being served by each third party, as well as the grade levels of those pupils.
- (3) The State Department of Social Services child daycare facility license number of each third party, if applicable.
- (4) A single point of contact for each local educational agency regarding expanded learning opportunity programs.

(f) By February 1, 2024, the Superintendent, in consultation with the State Department of Social Services, shall submit a report to the relevant fiscal and policy committees of the Legislature that includes all of the following:

- (1) The number of expanded learning providers who are operating an expanded learning opportunity program for pupils enrolled in transitional kindergarten and kindergarten on a nonlocal educational agency site during the fiscal year, and how many pupils are provided access to these programs.
- (2) The number of expanded learning providers who are operating an expanded learning opportunity program for pupils enrolled in transitional kindergarten and kindergarten on a nonlocal educational agency site during nonschooldays, and how many pupils are provided access to these programs.
- (3) The number of expanded learning providers who are operating an expanded learning opportunity program for pupils enrolled in transitional kindergarten and kindergarten on a nonlocal educational agency site in the 2023–24 fiscal year who are also licensed by the State Department of Social Services for purposes of community care licensing, the type of programs that are licensed by the State Department of Social Services for purposes of community care licensing, and how many pupils are provided access to their programs.
- (4) A list of local educational agencies that contract with third-party providers that provide access to pupils on a nonlocal educational agency site during the fiscal year, how many contractors they work with, and the number of pupils provided access to these programs, by grade.
- (5) A list of local educational agencies that contract with third-party providers that provide access to pupils on a nonlocal educational agency site during nonschooldays, how many contractors they work with, and the number of pupils provided access to these programs, by grade.

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

- (1) "Expanded learning opportunities" has the same meaning as "expanded learning" is defined in Section 8482.1. "Expanded learning opportunities" does not mean an extension of instructional time, but rather, opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities.
- (2) "Frontier designated geographic location" means a schoolsite in an area that has a population density of less than 11 persons per square mile.

(3) "Local educational agency" means a school district or charter school, excluding a charter school established pursuant to Section 47605.5.

(4) "Nonschooldays" means days not identified pursuant to subparagraph (A) of paragraph (1) of subdivision (b), inclusive of Saturdays, as described in Section 37223.

(5) "Offer access" means to recruit, advertise, publicize, or solicit through culturally and linguistically effective and appropriate communication channels.

(6) "Provide access," with respect to an "expanded learning opportunity program," means to enroll in the expanded learning opportunity program. If a parent or guardian has a signed expanded learning opportunity program registration form and that form is on file, the pupil shall be considered enrolled in the expanded learning opportunity program. For a local educational agency receiving an expanded learning opportunity program apportionment, transportation shall be provided for any pupil who attends a school that is not operating an expanded learning opportunity program to attend a location that is providing an expanded learning opportunity program and to return to their original location or another location that is established by the local educational agency.

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

(h) For the 2021–22 fiscal year, the sum of seven hundred fifty-four million twenty-one thousand dollars (\$754,021,000) is hereby appropriated from the General Fund to the Superintendent for allocation for the Expanded Learning Opportunities Program in the manner and for the purpose set forth in this section.

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

**SEC. 12.** Section 46393 of the Education Code is amended to read:

**46393.** (a) (1) The Legislature finds and declares that, given the effects of public health emergencies and the significant and growing number of natural disasters that the state has faced in recent years, there is an increased need for local educational agencies to provide instructional continuity for pupils when conditions make in-person instruction infeasible for all or some pupils, and that maintaining access to instruction during a natural disaster or emergency is crucial in mitigating the negative impacts of lost learning time and supporting pupil mental health.

(2) It is the intent of the Legislature that all local educational agencies have plans in place to keep pupils learning in the event of school closures or absences, especially by being prepared to shift to independent study-based online learning options, if necessary. While the first priority will always be to get pupils back to in-person instruction as quickly as possible following a natural disaster or other emergency event, schools should have the infrastructure in place to move instruction online and ensure that pupils can access that instruction at short notice. Best practices like including independent study agreements in back-to-school paperwork provided pursuant to Section 48980 for parents to sign ahead of time, posting assignments and pupil academic resources online, assigning laptops to all pupils, developing emergency partnerships with neighboring local educational agencies, and maintaining an online instructional platform can help local educational agencies be better prepared to shift to independent study-based online learning options if the need arises.

(b) For affidavits submitted to the Superintendent for events occurring after September 1, 2021, that resulted in a school closure or material decrease in attendance, a school district, county office of education, or charter school that provides an affidavit to the Superintendent, pursuant to Section 41422 or 46392, shall certify that it has a plan for which independent study will be offered to pupils, pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4. The plan shall comply with all of the following:

(1) Independent study is offered to any pupil impacted by any of the conditions listed in Section 46392 within 10 days of the first day of a school closure or material decrease in attendance. Pupils who are individuals with exceptional needs shall receive the services identified in their individualized education programs pursuant to paragraph (9) of subdivision (a) of Section 56345 and may participate in an independent study program.

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

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

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

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

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

**SEC. 13.** Section 48000.15 of the Education Code is amended to read:

**48000.15.** (a) It is the intent of the Legislature that each transitional kindergarten classroom that includes an early enrollment child maintains at least one adult for every 10 pupils, and that credentialed teachers who are first assigned to a transitional kindergarten classroom that includes one or more early enrollment children meet at least one of the requirements specified subparagraphs (A) to (C), inclusive, of paragraph (4) of subdivision (g) of Section 48000.

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

(1) (A) "Active enrollment count" means the count of all pupils enrolled in a transitional kindergarten classroom with early enrollment children on the first day of the school year on which the class was in session, plus all subsequent enrollees, minus all withdrawals since that first day.

(B) An active enrollment count shall be made on the last teaching day of each school month that ends before April 15 of the school year.

(C) (i) For school districts, the active enrollment count shall not include pupils enrolled in independent study pursuant to Article 5.5 (commencing with Section 51744) of Chapter 5 of Part 28 who (I) meet the minimum day requirements for independent study and (II) are continually enrolled in independent study for more than 14 schooldays in a school year.

(ii) For charter schools, the active enrollment count shall not include pupils enrolled in independent study pursuant to Article 5.5 (commencing with Section 51744) of Chapter 5 of Part 28 who are continually enrolled in independent study for more than 14 schooldays on any of the days on which school is taught for the purpose of meeting the 175-instructional-day offering requirement, as described in Section 11960 of Title 5 of the California Code of Regulations.

(2) "Adult-to-pupil ratio" shall be the quotient of the active enrollment count divided by the total number of adults, rounded to the nearest half or whole integer.

(3) "Class" means a group of pupils scheduled to report regularly at a particular time to a particular teacher during the regular schoolday, as defined by the governing board of the school district or the governing body of the charter school, as applicable, excluding special day classes. Classes in the evening and summer school class shall not be considered classes for purposes of this calculation.

(4) "Early enrollment child" means a child whose fourth birthday will be between the third of June and first of September, inclusive, preceding the school year during which they are enrolled in a transitional kindergarten classroom.

(5) "Number of adults" shall be determined for each classroom subject to this section as follows:

(A) A count of employees of the school district or charter school assigned to each class that includes early enrollment transitional kindergarten pupils shall be made on the last teaching day of each school month that ends before April 15 of the school year.

(B) The sum of all of the adult counts pursuant to subparagraph (A) shall be divided by the total number of those counts, rounded to the nearest half or whole integer.

(c) (1) Beginning July 1, 2023, and for the 2023–24 and 2024–25 school years, any school district or charter school that offers transitional kindergarten to early enrollment children shall concurrently offer enrollment in a California state preschool program that is operated by the school district or charter school if the school district or charter school operates a California state preschool program and if that program is not fully subscribed, and may, notwithstanding Section 8208, enroll an early enrollment child in a California state preschool program operated by the school district or charter school, regardless of income, after all other eligible children have been enrolled.

(2) Notwithstanding any other law, a pupil admitted to a transitional kindergarten program pursuant to this section shall not generate average daily attendance for purposes of Section 46300, or be included in the enrollment or unduplicated pupil count pursuant to Section 42238.02, until the pupil has attained their fifth birthday.

(d) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (c) of Section 48000, a school district or charter school may enroll an early enrollment child in a transitional kindergarten program if all of following conditions are met:

(1) Any classroom that includes an early enrollment child shall maintain an adult-to-pupil ratio of at least one adult to every 10 pupils.

(2) The school district or charter school prioritizes assigning credentialed teachers that meet at least one of the requirements specified in subparagraphs (A) to (C), inclusive, of paragraph (4) of subdivision (g) of Section 48000 to early enrollment transitional kindergarten classrooms, to the extent possible.

(3) Any transitional kindergarten classroom that includes an early enrollment child shall maintain a classroom enrollment that does not exceed 20 pupils.

(e) (1) If a school district or charter school fails to comply with the requirements of paragraph (1) or (3) of subdivision (d), the Superintendent shall withhold from the school district's or charter school's entitlement computed pursuant to Section 42238.02 an amount pursuant to the following:

(A) For school districts and charter schools that fail to meet the adult-to-pupil ratio requirements of paragraph (1) of subdivision (d) for classrooms that include an early enrollment child, the amount shall be determined by multiplying:

(i) The number of additional adults needed to meet the requirements of paragraph (1) of subdivision (d), as calculated by dividing the total enrollment pupils in each transitional kindergarten classroom with early enrollment children, by 10, rounded to the nearest half or whole integer, minus the total number of adults assigned to the classroom, as determined pursuant to subparagraph (B) of paragraph (3) of subdivision (b).

(ii) Twenty, reduced by the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, as calculated by the department for the prior fiscal year, with the resultant figures and rates rounded to the nearest tenth.

(iii) The per average daily attendance rate determined pursuant to paragraph (2) of subdivision (g) of Section 42238.02.

(B) For school districts and charter schools that fail to maintain a class enrollment of not more than 20 pupils, as required pursuant to paragraph (3) of subdivision (d), the amount determined by multiplying the then-current fiscal year's average daily attendance reported for the second principal apportionment period in transitional kindergarten classrooms with early enrollment children by the amount specified in subparagraph (A) of paragraph (3) of subdivision (d) of Section 42238.02, unless the school district or charter school fails to meet the requirements for average class size for kindergarten and grades 1 to 3, inclusive, pursuant to clause (i) of subparagraph (D) of paragraph (3) of subdivision (d) of Section 42238.02.

(2) The Superintendent shall adjust an amount withheld pursuant to the requirements of paragraph (1) in order to ensure that the total amount withheld pursuant to paragraph (1) and Section 48000.1 does not exceed the product of both of the following:

(A) The then-current fiscal year's average daily attendance reported for the second principal apportionment period in transitional kindergarten for the applicable school district or charter school.

(B) The sum of the per average daily attendance rates of all of the following:

(i) Subparagraph (A) of paragraph (1) of subdivision (d) of Section 42238.02.

(ii) Subparagraph (A) of paragraph (3) of subdivision (d) of Section 42238.02.

(iii) Paragraph (2) of subdivision (g) of Section 42238.02.

(f) For the 2023–24 and 2024–25 school years, any school district or charter school that serves early enrollment children in transitional kindergarten shall report to the department, pursuant to a process determined by the department, the number of teachers in transitional kindergarten classrooms with early enrollment children that did not meet at least one of the requirements specified in subparagraphs (A) to (C), inclusive, of paragraph (4) of subdivision (g) of Section 48000. The department shall submit a report to the appropriate fiscal and policy committees of the Legislature and the Department of Finance by October 1, 2024, and again by October 1, 2025, that includes this information, disaggregated by each school district and charter school.

(g) For the 2023–24 and 2024–25 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of compliance with the requirements specified in paragraphs (1) and (3) of subdivision (d).

(h) This section shall become inoperative on July 1, 2025.

**SEC. 14.** Section 48648 of the Education Code is amended to read:

**48648.** (a) Commencing with the 2024–25 fiscal year, the department shall annually report all of the following on its internet website:

- (1) The number and percentage of pupils who leave juvenile court schools or county community schools without a high school diploma or a high school equivalency who transfer back and enroll in a school district or charter school.
- (2) The number and percentage of pupils who enroll in a juvenile court school or county community school without a high school diploma or a high school equivalency who do not transfer back or enroll in a school district or charter school.
- (3) Juvenile court school or county community school pupil access to and completion of A–G approved courses, high school equivalency tests, and accredited college coursework.
- (4) A statewide summary of outcomes aligned with the California School Dashboard indicators for pupils served by county office of education alternative schools, with the ability to display information by all juvenile court schools, or by all county community schools.

(b) The information reported by the department pursuant to subdivision (a) shall be available at the statewide, county, and school levels.

**SEC. 15.** Section 48649 of the Education Code is amended to read:

**48649.** (a) The department shall, within existing resources, enter into a contract for an independent evaluation of county juvenile court and county community schools. On or before November 1, 2025, the Superintendent shall, within existing resources, provide a report of the evaluation to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the state board or their designee, and the Director of Finance. The evaluation shall include all of the following:

- (1) An analysis of state and federal funding available to support pupils enrolled in county juvenile court schools and county community schools.
- (2) The availability and transparency of pupil- and school-level outcome data available for county juvenile court schools and county community schools.
- (3) County juvenile court school and county community school pupil enrollment and demographic trends, including:
  - (A) Enrollment projections.
  - (B) The impacts of recent changes to pupil expulsion policies, including recent changes to Sections 48900, 48901.1, and 48915.
  - (C) The impacts of the closure of all California Division of Juvenile Justice facilities pursuant Senate Bill 92 of the 2021–22 Regular Session on county office of education programs.
  - (D) Recommendations for how the state may collect and utilize pupil- and school-level data related to justice-involved youth as a demographic subgroup, as these youth often make frequent moves between local educational agencies.
- (4) A representative sample and summary of cost-sharing agreements between county offices of education and county probation departments or other relevant county agencies related to the operation of county juvenile court schools.

(b) The report required to be submitted pursuant to subdivision (a) shall be submitted consistent with Section 9795 of the Government Code.

**SEC. 16.** Section 48650 of the Education Code is amended to read:

**48650.** (a) (1) The Superintendent shall convene a workgroup on meeting the needs of pupils with disabilities who enroll in juvenile court schools operated by county offices of education.

- (2) The workgroup shall include, but not be limited to, representatives of county offices education, school districts, charter schools, county probation, county behavioral health, special education local plan areas, regional centers, former pupils of county juvenile court schools and county community schools, staff from the appropriate fiscal subcommittees and policy committees of the Legislature, staff from the state board, and relevant state and national juvenile court school and federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) policy experts.
- (3) The workgroup shall examine existing law and current practices regarding the education of pupils with disabilities enrolled in county juvenile court schools and county community schools and make recommendations on improvements regarding all the

following, specific to the county juvenile court school setting:

(A) Child find procedures, as required by the federal Individuals with Disabilities Education Act.

(B) Referral for, and provision of, timely evaluation, as required by the federal Individuals with Disabilities Education Act.

(C) Timely transfer of pupil records to and from county juvenile court schools, including individualized education programs (IEPs).

(D) Provision of education and related services, as required by pupils' IEPs.

(E) Provision of education in the least restrictive environment, as required by the federal Individuals with Disabilities Education Act.

(F) Staffing of special education certificated and classified positions serving pupils with disabilities, including participation in state educator workforce initiatives.

(G) Implementation of Section 48645.7, transition planning required by the federal Individuals with Disabilities Education Act, and provision for alternate pathways to earn a diploma for pupils with disabilities.

(H) Family support and dispute prevention and resolution, as required by the federal Individuals with Disabilities Education Act and state law.

(I) Transition planning for pupils with disabilities moving to educational placements after leaving county juvenile court schools and county community day schools.

(J) Compliance monitoring of special education in county juvenile court schools and county community schools.

(K) Coordination and collaboration between county offices and other agencies, including, but not limited to, county probation departments, county courts, county child welfare agencies, county behavioral health care programs, and regional centers.

(4) To the extent practicable, the workgroup shall leverage the findings related to foster youth pursuant to Assembly Bill 2083 of the 2017–18 Regular Session.

(b) On or before February 25, 2025, the department shall submit a report with findings and recommendations regarding the topics identified in subdivision (a) to the relevant policy and budget committees of the Legislature, the state board, and the Department of Finance.

**SEC. 17.** Section 51225.31 of the Education Code is amended to read:

**51225.31.** (a) (1) Notwithstanding any other law, a local educational agency shall exempt an individual with exceptional needs who satisfies the eligibility criteria described in subdivision (b) from all courses and other requirements adopted by the governing board or governing body of the local educational agency that are additional to the statewide course requirements specified in Section 51225.3 and shall award the pupil a diploma of graduation from high school, as described in Section 7801(23)(A)(ii)(I)(bb) of Title 20 of the United States Code.

(2) In accordance with Section 300.102(a)(3) of Title 34 of the Code of Federal Regulations, the award of a diploma of graduation from high school pursuant to this subdivision does not change a local educational agency's obligation to provide a free appropriate public education until 22 years of age, or otherwise constitute a change in placement.

(b) An individual with exceptional needs, who entered ninth grade in the 2022–23 school year or later, shall be eligible for the exemption and award described in subdivision (a) if their individualized education program provides for all of the following:

(1) The pupil's individualized education program team has deemed the pupil eligible to take the state alternate assessments as described in subdivision (k) of Section 60640.

(2) The pupil is required to complete state standards aligned coursework to meet the statewide course requirements specified in Section 51225.3.

(c) An individual with exceptional needs who meets the criteria for the alternative diploma pathway pursuant to this section shall be eligible to participate in any graduation ceremony and any school activity related to graduation with their grade-level peers with and without disabilities. Participation in graduation activities that are subject to this section shall not be construed as termination of the provision of free appropriate public education, consistent with Section 300.102(a)(3)(ii) of Title 34 of the Code of Federal Regulations, unless the individualized education program team, which includes the parent and pupil, as defined in Sections 300.320 and 300.321 of Title 34 of the Code of Federal Regulations, has determined the pupil has completed their high school experience.

(d) For purposes of this section, "local educational agency" includes a school district, county office of education, charter school, or state special school.

**SEC. 18.** Section 52052 of the Education Code is amended to read:

**52052.** (a) (1) The single multiple measures public school accountability system authorized by Article 4.5 (commencing with Section 52059.5) shall measure the overall performance of numerically significant pupil subgroups in schools, including charter schools, school districts, and county offices of education.

(2) For purposes of this section, numerically significant pupil subgroups include all of the following:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English learners and, separately, long-term English learners, defined as a pupil who has not attained English language proficiency within seven years of initial classification as an English learner.

(D) Pupils with disabilities.

(E) Foster youth.

(F) Homeless youth.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that consists of at least 30 pupils.

(B) Notwithstanding subparagraph (A), for a subgroup of pupils who are foster youth, homeless youth, or long-term English learners, a numerically significant pupil subgroup is one that consists of at least 15 pupils.

(b) To complement the multiple measures system, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work.

(c) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the multiple measures system.

(d) For purposes of the statewide system of support established pursuant to Article 4.5 (commencing with Section 52059.5), or any successor system, alternative schools include schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools, dropout recovery high schools, and opportunity schools.

(e) For purposes of this section, the following terms shall have the following meanings:

(1) "Dropout recovery high school" means a school offering instruction in any of grades 9 to 12, inclusive, in which 50 percent or more of its pupils are either designated as dropouts pursuant to the exit and withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days and the school provides instruction in partnership with any of the following:

(A) The federal Workforce Innovation and Opportunity Act (Public Law 113-128).

(B) Federally affiliated Youthbuild programs (29 U.S.C. Sec. 3226 et seq.).

(C) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(D) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Section 14406 or 14507.5 of the Public Resources Code.

(2) "Homeless youth" has the same meaning as in Section 11434a(2) of Title 42 of the United States Code.

(f) For any program identified in law that utilized a calculation pursuant to the former Academic Performance Index established pursuant to this section, as this section read on January 1, 2018, the 2013 growth calculation shall be applied for those purposes. For purposes of paragraphs (1) to (3), inclusive, of subdivision (b) of Section 47607, alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used.

**SEC. 19.** Section 52064.1 of the Education Code is amended to read:



**52064.1.** (a) (1) On or before July 1, 2019, and each year thereafter, each school district, county office of education, and charter school shall develop a summary document that shall be known as the local control funding formula budget overview for parents.

(2) The local control funding formula budget overview for parents shall be developed in conjunction with, and attached as a cover to, the local control and accountability plan and annual update to the local control and accountability plan adopted by the governing board of a school district pursuant to Section 52062, by a county board of education pursuant to Section 52068, or by a charter school pursuant to Section 47606.5. The local control funding formula budget overview for parents, local control and accountability plan, and annual update to the local control and accountability plan shall comprise a single document for purposes of the posting requirements described in Section 52065.

(b) The local control funding formula budget overview for parents shall include all of the following information for the school district, county office of education, or charter school:

(1) The total projected general fund revenue for the ensuing fiscal year and the subtotals for each of the following categories:

(A) (i) Funds apportioned under the local control funding formula pursuant to Section 2574 or 42238.02, as applicable.

(ii) Additionally and separately, for county offices of education, funds apportioned pursuant to subdivision (c) of Section 2574.

(B) Of the funds described in paragraph (1), the funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Section 2574 or 42238.02, as applicable.

(C) (i) All other state funds.

(ii) Additionally and separately, for county offices of education, funds apportioned pursuant to Section 2575.5.

(D) All local funds.

(E) All federal funds.

(2) (A) The total projected general fund expenditures for the ensuing fiscal year.

(B) Additionally and separately, for county offices of education, budgeted expenditures of funds apportioned pursuant to subdivision (c) of Section 2574.

(C) Additionally and separately, for county offices of education, budgeted expenditures of funds apportioned pursuant to Section 2575.5.

(3) (A) The total budgeted expenditures for the ensuing fiscal year on the planned actions and services to meet the goals included in the local control and accountability plan.

(B) Additionally and separately, for county offices of education, budgeted expenditures of funds apportioned pursuant to subdivision (c) of Section 2574 for the ensuing fiscal year on the planned actions and services to meet the goals included in the local control and accountability plan.

(C) Additionally and separately, for county offices of education, budgeted expenditures of funds apportioned pursuant to Section 2575.5 for the ensuing fiscal year on the planned actions and services to meet the goals included in the local control and accountability plan.

(4) The total budgeted expenditures for the ensuing fiscal year on the planned actions and services included in the local control and accountability plan that contribute to the increased or improved services for unduplicated pupils pursuant to Section 42238.07.

(5) The total budgeted expenditures for the existing fiscal year on the planned actions and services included in the local control and accountability plan that contribute to the increased or improved services for unduplicated pupils pursuant to Section 42238.07.

(6) The estimated actual expenditures for the existing fiscal year on the planned actions and services included in the local control and accountability plan that contribute to the increased or improved services for unduplicated pupils pursuant to Section 42238.07.

(7) A brief description of the activities or programs supported by any expenditures described in paragraph (2) that are not included in paragraph (3).

(8) To the extent there is any difference between the expenditures described in paragraph (4) and the revenue described in subparagraph (B) of paragraph (1), a brief description of how the actions and services included in the local control and accountability plan improve services for unduplicated pupils pursuant to Section 42238.07.

(9) A brief description of how any difference between the expenditures described in paragraph (5) that are not included in paragraph (6) impacted the planned actions and services included in the local control and accountability plan that contribute to the increased or improved services for unduplicated pupils pursuant to Section 42238.07, and the overall increased or improved services for unduplicated pupils pursuant to Section 42238.07.

(10) For county offices of education, a brief description of activities supported by the expenditures described in subparagraphs (B) and (C) of paragraph (2) that are not included in subparagraphs (B) and (C) of paragraph (3).

(11) The name and contact information for the school district, county office of education, or charter school.

(c) (1) The local control funding formula budget overview for parents shall be subject to all of the following requirements for adoption, review, and approval of the local control and accountability plan and annual update to the local control and accountability plan:

(A) For a school district, Sections 52062, 52065, and 52070.

(B) For a county superintendent of schools, Sections 52065, 52068, and 52070.5.

(C) For a charter school, Section 47604.33 and subdivisions (e) and (f) of Section 47606.5.

(2) (A) A local control funding formula budget overview for parents filed by the governing board of a school district with a county superintendent of schools, or a local control funding formula budget overview for parents filed by a county board of education with the Superintendent, shall be approved by the county superintendent of schools or the Superintendent, as applicable, if it adheres to the template adopted by the Superintendent pursuant to subdivision (e) and follows any instructions or directions for completing the template developed by the Superintendent.

(B) If a county superintendent of schools or the Superintendent does not approve a local control funding formula budget overview for parents pursuant to subparagraph (A), the county superintendent of schools or the Superintendent shall withhold approval of the local control and accountability plan and annual update to the local control and accountability plan filed by the governing board of the school district or county board of education and shall provide technical assistance pursuant to subdivision (b) of Section 52071 or subdivision (b) of Section 52071.5.

(d) The template for the local control funding formula budget overview for parents developed pursuant to subdivision (e) shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The information specified in subdivision (b) shall be displayed, to the greatest extent practicable, using visuals and graphics.

(e) (1) The Superintendent, subject to approval by the executive director of the state board, shall develop a template for the local control funding formula budget overview for parents on or before December 31, 2018. In developing the template, the Superintendent shall not require school districts to provide any information in addition to the information required pursuant to subdivision (b) and shall establish reasonable word or character limits for the information required pursuant to subdivision (b), as appropriate.

(2) The Superintendent, subject to approval by the executive director of the state board, shall update the template for the local control funding formula budget overview for parents, on or before December 31, 2024, to reflect county office of education requirements pursuant to subdivision (b) imposed by Section 63 of Chapter 48 of the Statutes of 2023.

(3) The development of the template for the local control funding formula budget overview for parents shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

**SEC. 20.** Section 52202 of the Education Code is amended to read:

**52202.** (a) The Bilingual Teacher Professional Development Program shall be administered by the department in consultation with the Commission on Teacher Credentialing. The department shall issue grants to applicants through a competitive process.

(b) (1) The department shall allocate grant funding to eligible local educational agencies, including county offices of education, school districts, charter schools, or a consortia of local educational agencies for purposes of providing professional development services to teachers or paraprofessionals who satisfy the requirements of subdivision (c). Grant recipients may partner with community colleges, public or private four-year institutions of postsecondary education, and professional organizations or nonprofit organizations with English learner expertise.

(2) The department shall issue a minimum of five grants under the program.

(c) (1) A teacher shall be eligible for professional development services pursuant to subdivision (b) if the teacher possesses a teaching credential or an education specialist credential authorizing the holder to teach pupils with exceptional needs, and does either of the following:

(A) Possesses an authorization to provide instruction to English learners pursuant to Section 44253.3, 44253.4, or 44253.7, and has provided instruction solely in English-only classrooms for three years or more.

(B) Is fluent in a language other than English, and seeks an authorization pursuant to Section 44253.3, 44253.4, or 44253.7 to provide instruction to English learners.

(2) A school paraprofessional employee shall be eligible for professional development services if the employee is fluent in a language other than English, seeks to work with English learners or in a bilingual program, and intends to enter a pathway to become a credentialed teacher who holds a bilingual authorization.

(3) Notwithstanding paragraph (1), participants who are currently enrolled in, or have completed, the Asian Language Bilingual Teacher Education Program shall be eligible for professional development services.

(d) In selecting a grant recipient pursuant to subdivision (b), the department shall ensure that an applicant indicates how it plans to increase the number of teachers who obtain a bilingual authorization as a result of participation in the program and increase the number of teachers with a bilingual authorization who return to teaching in a bilingual or multilingual setting.

(e) In awarding funding to eligible applicants pursuant to subdivision (b), the department shall adopt criteria demonstrating an applicant's ability to provide professional development services. The adopted criteria shall include, but are not limited to, all of the following:

(1) Demonstrated commitment to bilingual and multilingual education and bilingual teacher development.

(2) Demonstrated capability to fully prepare teachers to obtain bilingual authorizations and to improve or update a teacher's knowledge and skills relating to biliteracy, English language acquisition, English language development, pupil assessment in English and other languages, and instruction in the components of a high-quality bilingual or multilingual education program.

(3) The availability of bilingual education staff with demonstrated experience and knowledge of bilingual and multilingual education for purposes of providing professional development programs.

(4) Demonstrated management and support services necessary to efficiently and effectively use funding provided under subdivision (b) to help meet the demand for bilingual teachers.

(5) Matching funds, or other in-kind matching resources, offered by the applicant in support of a professional development program funded pursuant to this article.

(6) Capacity to conduct an evaluation of a professional development program offered by the applicant for the purpose of identifying areas of strength, areas requiring improvement, and recommendations for making improvement.

(f) The department shall ensure grant recipients selected for purposes of this article, to the maximum extent possible, are balanced with regard to geographic regions and urban and rural settings.

(g) The department shall meet quarterly with grant recipients to share promising practices and resources, and to resolve issues of implementation.

(h) (1) By January 1, 2022, grant recipients awarded funds appropriated pursuant to Section 85 of Chapter 15 of the Statutes of 2017 shall provide a final report to the department on the number of participants who were issued bilingual authorizations, the number of previously authorized teachers who have participated in the program and subsequently returned to bilingual teaching assignments, and the number of teachers who are still working at least 50 percent of the time in a bilingual setting.

(2) The project performance period for Bilingual Teacher Professional Development grant funds appropriated pursuant to Section 85 of Chapter 15 of the Statutes of 2017 is January 1, 2018, to June 30, 2021, inclusive.

(i) (1) By July 1, 2026, grant recipients awarded funds appropriated pursuant to Section 119 of Chapter 48 of the Statutes of 2023 shall provide a preliminary report, and, by January 1, 2030, a final report, to the department on the number of participants who were issued bilingual authorizations, the number of previously authorized teachers who have participated in the program and subsequently returned to bilingual teaching assignments, and the number of teachers who are still working at least 50 percent of the time in a bilingual setting.

(2) The project performance period for Bilingual Teacher Professional Development grant funds appropriated pursuant to Section 119 of Chapter 48 of the Statutes of 2023 is January 1, 2024, to June 30, 2029, inclusive.

**SEC. 21.** Section 144 of Chapter 44 of the Statutes of 2021, as amended by Section 95 of Chapter 48 of the Statutes of 2023, is amended to read:

**Sec. 144.** (a) The Legislature finds and declares all the following:

(1) Educators and pupils need access to high-quality online instructional materials to help reduce costs, provide equitable opportunities for pupils, and provide opportunities for the sharing of best practices and collaboration among staff.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include resources to help identify high-quality online instructional materials, such as free open-source materials and platforms, and provide a repository for local educational agencies and educators.

(b) On or before December 15, 2021, the State Department of Education and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, shall designate a county office of education to identify and curate a repository of high-quality open educational resources for use by local educational agencies as part of the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The designated county office of education shall do all of the following:

(1) Develop a transparent process for vetting materials to ensure quality and alignment with state academic standards, which may include, but not be limited to, the creation of standardized rubrics for review of materials.

(2) Curate easy-to-use resources for local educational agencies and educators.

(3) Develop and maintain a repository of identified materials for use by local educational agencies and educators.

(4) Provide guidance and resources for local educational agencies and educators regarding implementation and use of open educational resources, including professional learning opportunities and opportunities for collaboration among peers.

(5) Report data to the California Collaborative for Educational Excellence to allow for an evaluation of the activities performed in increasing access and use of open educational resources by local educational agencies and educators.

(c) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for purposes of subdivision (b). This funding shall be available for encumbrance until June 30, 2025.

(d) On or before October 1, 2025, the California Collaborative for Educational Excellence, in consultation with the State Department of Education, shall evaluate and make recommendations to the Department of Finance, the executive director of the State Board of Education, and the appropriate fiscal and policy committees of the Legislature regarding the effectiveness of the online repository and resources developed pursuant to subdivision (b). The California Collaborative for Educational Excellence may enter into a contract with a nonprofit entity to conduct the evaluation and may withhold no more than 4 percent of the amount allocated pursuant to this section for this purpose.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated by subdivision (c) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

**SEC. 22.** Section 148 of Chapter 44 of the Statutes of 2021 is amended to read:

**Sec. 148.** (a) The sum of two million four hundred two thousand dollars (\$2,402,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils. These funds shall be available for encumbrance through June 30, 2025.

(b) Of the funds appropriated in subdivision (a), one million eight hundred two thousand dollars (\$1,802,000) is available to develop online training content for teachers and other certificated staff. In developing the online training, the State Department of Education shall work in partnership with consultants who are experts in media marketing, video communications, teacher and staff training, and youth education to ensure the training is sufficiently engaging and interactive, and requires the sustained input and participation of the trainee.

(c) Training developed pursuant to this section shall be tailored to reach teachers and other certificated employees who may not have a background in LGBTQ+ cultural competency, and be crafted in consultation with the advisory committee established in

Provision 49 of Item 6100-001-0001 of Section 2.00 of the Budget Act of 2021. At a minimum, the training shall include information on all of the following topics:

- (1) The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.
- (2) Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.
- (3) The provision of targeted support services to LGBTQ+ youth, including counseling services.
- (4) Requirements regarding school antibullying and harassment policies, and complaint procedures.
- (5) Requirements regarding suicide prevention policies and related procedures.
- (6) Requirements regarding policies relating to use of school facilities, including, but not limited to, bathrooms and locker rooms.
- (7) Requirements regarding policies and procedures to protect the privacy of LGBTQ+ pupils.
- (8) The importance of identifying local, community-based organizations that provide support to LGBTQ+ youth.
- (9) The importance of identifying local physical and mental health providers with experience in treating and supporting LGBTQ+ youth.
- (10) The formation of peer support or affinity clubs and organizations.
- (11) The importance of school staff who have received antibias or other training aimed at supporting LGBTQ+ youth.
- (12) Health and other curriculum materials that are inclusive of, and relevant to, LGBTQ+ youth.

(d) Of the funds appropriated in subdivision (a), six hundred thousand dollars (\$600,000) is available for the State Department of Education to develop an online platform for the training developed pursuant to this section that meets all of the following criteria:

- (1) Be able to track trainee usage and participation for the purpose of compliance on both the local level and on an aggregate statewide basis.
- (2) Be able to assess trainee knowledge before and after training in order to measure outcomes.
- (3) Be highly interactive by requiring the sustained input and participation of the trainee.

(e) When performing the activities described in this section, the State Department of Education may enter into appropriate contracts for the provision of support and services, as necessary.

**SEC. 23.** Section 124 of Chapter 52 of the Statutes of 2022, as amended by Section 98 of Chapter 48 of the Statutes of 2023, is amended to read:

**Sec. 124.** (a) For the 2022–23 fiscal year, the sum of twenty million dollars (\$20,000,000) is hereby appropriated from the General Fund to the State Department of Education to allocate in a manner consistent with subdivision (b) to further support the Educator Workforce Investment Grant Program established pursuant to Section 84 of Chapter 51 of the Statutes of 2019, to coordinate and support professional learning opportunities for educators across the state. These funds shall be available through the 2024–25 fiscal year to provide one or more grants consistent with subdivision (b).

(b) (1) The State Department of Education and the California Collaborative for Educational Excellence shall, through a competitive grant process and subject to approval by the executive director of the State Board of Education, select one or more county offices of education or one or more consortia of county offices of education with expertise in developing and providing high-quality professional learning to teachers and paraprofessionals in public schools serving transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, to conduct either of the activities described in paragraph (2) in a manner that aligns with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. Applicants may submit an application in partnership with one or more institutions of higher education or one or more nonprofit organizations. The State Department of Education shall prioritize applications from a county office of education or consortium of county offices of education that were part of the consortia awarded a grant as part of the Educator Workforce Investment Grant Program established pursuant to Section 84 of Chapter 51 of the Statutes of 2019.

- (2) The State Department of Education and the California Collaborative for Educational Excellence shall ensure that the entities selected pursuant to paragraph (1) are able to deliver professional learning for teachers and paraprofessionals statewide within

each of the following areas:

(A) Universal design for learning to improve inclusive practices for all pupils, including pupils with disabilities, in general education settings.

(B) Implement effective language acquisition programs for English learners, which may include integrated language development within and across content areas, building and strengthening capacity to implement the English Learner Roadmap adopted by the State Board of Education in July 2017, and bilingual and biliterate proficiency.

(3) In developing the process for selecting grantees, the State Department of Education and the California Collaborative for Educational Excellence shall, to the greatest extent practicable, facilitate coordination among the grantees and the subject matter projects authorized pursuant to Article 1 (commencing with Section 99200) of Chapter 5 of Part 65 of Division 14 of Title 3 of the Education Code.

(c) The department and the California Collaborative for Education Excellence shall ensure that the selected grantee or grantees do all of the following:

(1) Develop, and deliver free of charge to local educational agencies statewide, professional development and professional learning opportunities that, at a minimum, are publicly available, content focused, standards and research based, incorporate active learning, support and promote collaboration, use models of effective practice, provide coaching and expert support, offer feedback and reflection, and are of sustained duration.

(2) Leverage and use expertise and resources already identified, developed, and available, including, but not limited to, expert leads established pursuant to Section 52073.1 of the Education Code and the special education resource leads established pursuant to Section 52073.2 of the Education Code, to advance the goals of this section.

(3) Provide professional learning opportunities in a manner that is consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code.

(4) Provide ongoing coaching and training for school staff that supports the professional learning opportunities provided pursuant to this section.

(5) Design and develop professional learning opportunities to include early educators.

(6) Work within the statewide system of support to provide professional development and professional learning opportunities.

(7) Provide ongoing training to develop mentors and coaches that support school staff in high-need settings.

(8) Review professional learning opportunities offered pursuant to this section to ensure they are high quality.

(9) In consultation with the department and the California Collaborative for Educational Excellence, evaluate the professional learning opportunities offered or funded pursuant to this section for their effectiveness. The grantee or grantees shall participate in development of the evaluation.

(10) Identify any existing gaps in capacity to deliver high-quality professional learning opportunities on a statewide basis and work with professional learning providers selected pursuant to this section and other partners to address those gaps.

(d) The grantee or grantees shall provide program information to, and as needed by, the State Department of Education, as a condition of receiving funds pursuant to this section.

(e) By September 1 of each year, the State Department of Education and the California Collaborative for Educational Excellence shall report to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor on the process for awarding grants, the name of each grant recipient, the amount awarded to each grant recipient, the activities provided with grant funds, and, if available, the number of schools served and the number of educators served.

(f) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, five million dollars (\$5,000,000) of the appropriation made pursuant to subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021–22 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, fifteen million dollars (\$15,000,000) of the appropriation made pursuant to subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal

year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

**SEC. 24.** Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, is amended to read:

**Sec. 137.** (a) The sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the Literacy Coaches and Reading Specialists Grant Program, which is hereby established, in the manner and for the purposes set forth in this section. Funds appropriated for this purpose are available for encumbrance through June 30, 2027.

(b) (1) Of the amount appropriated in subdivision (a), two hundred twenty-five million (\$225,000,000) shall be allocated by the Superintendent of Public Instruction to local educational agencies for schools eligible pursuant to paragraph (2), to develop school literacy programs, employ and train literacy coaches and reading and literacy specialists, and develop and implement interventions for pupils in need of targeted literacy support. Local educational agencies may opt not to participate in the program described pursuant to this subdivision by informing the State Department of Education, by September 30, 2022, and via a form provided by the State Department of Education, of their intent to decline program funds for their eligible schoolsites. Local educational agencies who receive funding pursuant to this section may also be eligible for the Reading and Literacy Supplementary Authorization Incentive Grant Program.

(2) Of the amount identified in paragraph (1), the department shall compute an amount per pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, at each eligible schoolsite, such that no local educational agency shall receive less than four hundred fifty thousand dollars (\$450,000) per eligible schoolsite. Grant amounts shall be determined using 2021–22 school enrollment data determined as of the California Longitudinal Pupil Achievement Data System Fall 1 Certification. Local educational agencies receiving an allocation of funds pursuant to this paragraph are encouraged to use these funds over the full grant period, through June 30, 2027. For purposes of allocations and apportionments under this paragraph, a locally funded charter school shall be included with the chartering authority.

(3) On or before June 30, 2024, a recipient local educational agency shall submit an interim report to the State Department of Education, and a final report on or before June 30, 2027, detailing how it used funds awarded pursuant to this subdivision. The State Department of Education shall create a reporting template for the purposes of this requirement no later than December 31, 2022. Specifically, these reports shall include:

(A) How funds were used to employ literacy coaches and reading and literacy specialists for its eligible schools.

(B) How funds were used to develop and implement school literacy programs.

(C) How expenditures impacted pupils' literacy achievement, including for pupil subgroups.

(D) How the local educational agency plans to continue to fund literacy coaches and reading and literacy specialists past the award period.

(E) Other metrics as determined by the State Department of Education.

(4) On or before July 30, 2024, and again on or before July 30, 2027, the Superintendent of Public Instruction shall provide the interim and final reports submitted by recipient local educational agencies to the grantee selected pursuant to subdivision (c) for an independent evaluation pursuant to subdivision (c) of Section 115 of Chapter 48 of the Statutes of 2023.

(5) On or before December 31, 2025, and again on or before December 31, 2028, the Superintendent of Public Instruction shall provide a comprehensive report to the Department of Finance, State Board of Education, and the appropriate policy and fiscal committees of both houses of the Legislature summarizing the data collected pursuant to paragraph (3) of this subdivision and paragraph (3) of subdivision (b) of Section 115 of Chapter 48 of the Statutes of 2023.

(c) (1) Of the funds appropriated pursuant to subdivision (a), twenty-five million dollars (\$25,000,000) shall be available for the Superintendent of Public Instruction, in collaboration with the Commission on Teacher Credentialing, and subject to the approval of the executive director of the State Board of Education, to select a county office of education, through a competitive process, to develop and provide training for educators to become literacy coaches and reading and literacy specialists. The Superintendent of Public Instruction shall prioritize applicants with demonstrated success in improving literacy, especially among underperforming pupil subgroups, as well as for those planning on partnering with institutions of higher education with demonstrated success in providing statewide professional development for expert literacy practice. Applicants who participate in the training established pursuant to this subdivision may also participate in the Reading and Literacy Supplementary Authorization Incentive Grant Program.

(2) The grantee selected pursuant to paragraph (1) shall consider the preparation program standards set by the Commission on Teacher Credentialing for reading and literacy in developing the standards for educator training developed pursuant to this subdivision.

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

(1) "Eligible schoolsite" means an elementary schoolsite operated by a local educational agency with an unduplicated pupil percentage of 97 percent or greater for pupils enrolled in kindergarten and grades 1 to 3, inclusive, based on 2021–22 Fall 1 census day pupil data submitted through the California Longitudinal Pupil Achievement Data System. The unduplicated pupil percentage for a schoolsite shall be calculated by the sum of the number of unduplicated pupils eligible for free and reduced-price meals, English language learners, and youth in foster care, divided by each schoolsite's total enrollment for kindergarten and grades 1 to 3, inclusive.

(2) "Employ" means that a local educational agency, to the extent feasible, will hire a new literacy coach, reading specialist, or both, train existing staff to become a literacy coach, or support existing staff in obtaining a reading specialist credential or authorization. Funds shall not be used to support the salaries of existing literacy coaches and reading specialists.

(3) "Local educational agency" means an elementary or unified school district, county office of education, or charter school.

(4) "School" and "schoolsite" means an elementary school of a local educational agency.

(5) "School literacy program" means a program that includes all of the following:

(A) A school literacy plan that includes goals and actions to improve literacy acquisition for pupils in preschool, if applicable, and kindergarten or any of grades 1 to 3, inclusive. The plan shall identify metrics to measure progress toward the goals and actions.

(B) At least one literacy coach or reading and literacy specialist per school to support educators and pupils in improving literacy instruction and pupil outcomes.

(C) Increased access to evidence-based literacy instruction, through strategies, including, but not limited to, any of the following:

(i) Providing bilingual reading specialists to support dual language acquisition and English language development programs.

(ii) Developing and implementing culturally responsive curriculum and instruction.

(iii) Providing professional development for educators and school leaders in literacy instruction and the use of data to identify and support struggling pupils.

(iv) Providing professional development for educators and school leaders regarding implementation of the curriculum framework for English Language Arts/English Language Development adopted by the State Board of Education pursuant to Section 60207 of the Education Code and the use of data to support effective instruction.

(v) Establishing an evidence-based family literacy initiative, which may include, but is not limited to, any of the following:

(I) Family literacy plans that identify literacy and biliteracy goals, benchmarks, and roles for all family members.

(II) Family literacy home visiting programs, including, but not limited to, "promotora" family literacy outreach specialists. Local educational agencies may establish literacy and biliteracy home visits to engage families in how to best support their pupils and every family member in reaching their literacy goals.

(III) Extended-day, summer, or weekend family institutes related to literacy and biliteracy. Local educational agencies are encouraged to work with in-house expanded learning programs to establish literacy and biliteracy support programs and literacy enrichment programs during after school, weekend, and summer hours.

(IV) Public library family literacy partnerships, including, but not limited to, digital tools to support whole family literacy.

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



**SEC. 25.** Section 112 of Chapter 48 of the Statutes of 2023 is amended to read:

**Sec. 112.** (a) For the 2023–24 fiscal year, the Superintendent of Public Instruction shall allocate the sum of ten million dollars (\$10,000,000) from the funding appropriated in Provision 3 of Item 6100-488 of the Budget Act of 2023 to the Commission on Teacher Credentialing to establish the Diverse Education Leaders Pipeline Initiative program, as set forth in this section.

(b) The purpose of the program is to train, place, and retain diverse and culturally responsive administrators in transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, to improve pupil outcomes and meet the needs of California's education workforce. The program shall have the following goals:

- (1) Increasing diversity among public school administrators for transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, to promote school environments that better represent and reflect the diversity of the pupils served.
- (2) Cultivating culturally responsive public school administrators for transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, through professional development that centers diversity, equity, and inclusion.
- (3) Mitigating or removing administrator credentialing costs for aspiring public school administrators for transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, and administrator preparation and induction programs.
- (4) Promoting improved academic and school climate outcomes for all pupils, especially historically underserved pupil subgroups.
- (5) Tracking and publicly reporting recruitment, retention, and demographic data for educators that benefit from this program to inform policy, legislation, and practice.
- (6) Build capacity and partnerships between local educational agencies, nonprofit educational service providers, and institutions of higher education to meet the needs of administrator candidates with a focus on improving outcomes for pupils and strengthening California's educator workforce.
- (7) Increasing quality school administrators statewide and incorporating culturally diverse practices that prove effective towards increasing local educational agency and schoolsite leadership.

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

- (1) "Administrator candidate" means an individual with a teaching or services credential eligible to pursue an administrative services credential, including individuals who will apply or who have applied to administrator programs.
- (2) "Grant recipient" means a local educational agency or a consortium of local educational agencies that is awarded a grant pursuant to this section.
- (3) "Institution of higher education" means a California postsecondary college or university accredited by the Commission on Teacher Credentialing to offer a preparation program for an administrative services credential.
- (4) "Local educational agency" means a school district, county office of education, charter school, or a regional occupational center or program operated by a joint powers authority or a county office of education.
- (5) "Nonprofit educational service provider" means either of the following:
  - (A) A California nonprofit entity accredited by the Commission on Teacher Credentialing to offer a preparation program for an administrative services credential.
  - (B) A California nonprofit entity in partnership with a local educational agency or institution of higher education accredited by the California Commission on Teacher Credentialing to offer a preparation program for an administrative services credential.

(d) When selecting grant recipients, the Commission on Teacher Credentialing shall do both of the following:

- (1) Develop criteria for the awarding of competitive grants and an application process, request necessary data from participating local educational agencies, and award grants consistent with this section. Successful applicants shall demonstrate an understanding of how diverse and culturally competent school leadership affects pupil academic success and social-emotional well-being, family engagement, and the retention of a diverse educator workforce.
- (2) Give priority consideration to grant applicants who demonstrate a commitment to increasing diversity in the teaching workforce, have a higher percentage than other applicants of enrolled unduplicated pupils, as defined in Section 42238.02 of the Education Code, and have one or more schools that exhibit one or both of the following characteristics:
  - (A) A school where 50 percent or more of the enrolled pupils are eligible for free or reduced-price meals.

(B) A school that is located in either a rural location or a densely populated region.

(e) Grant recipients awarded funding pursuant to this section shall demonstrate a commitment to administrator diversity and culturally responsive school leadership, as evidenced by programmatic pedagogy, curriculum, coursework, mission statements, or any other relevant data, and shall receive an amount of up to thirty thousand dollars (\$30,000) per administrator candidate.

(f) (1) Permissible uses of funding allocated pursuant to this section include, but are not limited to, all of the following:

(A) Coaching, training, and mentoring activities for current administrators and administrator candidates to serve and educate diverse pupil populations, engage diverse families, and support and retain a diverse educator workforce.

(B) Developing support systems for a diverse administrator workforce that reflects a local educational agency community's diversity.

(C) Paying for or reimbursing administrator program costs.

(D) Paying for or reimbursing administrator credentialing costs, including administrative services credential clear induction programs.

(2) A grant recipient shall not use more than 5 percent of a grant award for program administration costs.

(3) In performing these activities, a grant recipient is highly encouraged to partner with an institution of higher education or a nonprofit educational service provider, or both, as applicable. These partnerships may require that grant recipients provide fiscal support to partner organizations to support their capacity for meaningful collaboration and implementation of the Diverse Education Leaders Pipeline Initiative program.

(g) An administrator candidate shall agree in writing to serve in a school within the jurisdiction of the grant recipient that sponsored the candidate or another public school in California for a period of at least two school years. The administrator candidate shall also commit in the written agreement to annually report to their sponsoring local educational agency where they are employed and their current contact information until they have completed their service requirement. Upon receiving the preliminary administrator credential, the administrator candidate has four years to complete the two-year service requirement.

(h) If a candidate is unable to complete a school year of service, that school year may still be counted toward the required two complete school years if any of the following occur:

(1) The candidate has completed at least one-half of the school year.

(2) The employer deems the candidate to have fulfilled their contractual requirements for the school year.

(3) The candidate was not able to serve as an administrator due to the financial circumstances of the sponsoring grant recipient, including a decision to not reelect the employee for the succeeding school year.

(4) The candidate has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or similar state law.

(5) The candidate was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.

(i) (1) If the Commission on Teacher Credentialing is informed that more than 10 percent of sponsored candidates in a local educational agency's yearly program cohort failed to earn an administrator credential or failed to meet their commitment pursuant to this section, the Commission on Teacher Credentialing shall confirm with the grant recipient the applicable grant amount to be recovered from the grant recipient based on the number of candidates who failed to earn a credential or meet their administrator commitment above a 10-percent attrition rate.

(2) The amount to be recovered shall be adjusted proportionately to reflect the service provided if the candidate served at least one year at a public school in California.

(j) Upon confirming the amount to be recovered from the grant recipient pursuant to subdivision (i), the Commission on Teacher Credentialing shall notify the grant recipient of the amount to be repaid within 60 days. The grant recipient shall have 60 days from the date of the notification to make the required repayment to the Commission on Teacher Credentialing. If the grant recipient fails to make the required payment within 60 days, the Commission on Teacher Credentialing shall notify the Controller and the grant recipient of the failure to repay the amount owed. The Controller shall deduct an amount equal to the amount owed to the Commission on Teacher Credentialing from the grant recipient's next principal apportionment or apportionments of state funds, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(k) An amount recovered by the Commission on Teacher Credentialing or deducted by the Controller pursuant to subdivision (j) shall be deposited into the Proposition 98 Reversion Account.

(l) Grant recipients may recover from a sponsored candidate who fails to earn an administrator credential, or who fails to complete the period of placement, the amount of grant funding invested in the administrator candidate's training. The amount to be recovered shall be adjusted proportionately to reflect the service provided if the administrator candidate served at least one year, but less than two years, at a public school in California.

(m) Grant recipients shall not charge a sponsored candidate a fee to participate in the Diverse Education Leaders Pipeline Initiative program.

(n) On or before June 30, 2027, the Commission on Teacher Credentialing shall submit a report on the Diverse Education Leaders Pipeline Initiative program to the Department of Finance and the appropriate policy and fiscal committees of both houses of the Legislature. The report shall include an evaluation of the program, including, but not limited to, all of the following information:

(1) The number of local educational agencies awarded a grant and the number of institutions of higher education and nonprofit educational service providers that were included in grantee partnerships.

(2) The number of administrator candidates supported by the grant award and the number of individuals who obtained an administrative services credential and employment as an administrator as a result of the program.

(3) Any relevant demographic data for each participating local educational agency, including the racial, ethnic, and gender demographics and first language of each administrator candidate supported by the grant award.

(4) The types of culturally relevant support provided to administrator candidates and administrators to improve retention and the education, engagement, and retention of diverse pupils, families, and educators.

(5) Where applicable, the impact of the program on pupil academic and school climate outcomes in participating local educational agencies.

**SEC. 26.** Section 115 of Chapter 48 of the Statutes of 2023 is amended to read:

**Sec. 115.** (a) The sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to augment the Literacy Coaches and Reading Specialists Grant Program, established pursuant to Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023. Funds appropriated for this purpose are available for encumbrance through June 30, 2028.

(b) (1) Of the amount appropriated in subdivision (a), two hundred forty-eight million dollars (\$248,000,000) shall be allocated by the Superintendent of Public Instruction to local educational agencies for schools eligible pursuant to paragraph (2), to develop school literacy programs, employ and train literacy coaches and reading and literacy specialists, and develop and implement interventions for pupils in need of targeted literacy support. Local educational agencies may opt not to participate in the program described pursuant to this subdivision by informing the State Department of Education, by September 30, 2023, and via a form provided by the State Department of Education, of their intent to decline program funds for their eligible schoolsites. Local educational agencies who receive funding pursuant to this section may also be eligible for the Reading and Literacy Supplementary Authorization Incentive Grant Program.

(2) Of the amount identified in paragraph (1), the State Department of Education shall compute an amount per pupil enrolled in kindergarten or any of grades 1 to 3, inclusive, at each eligible schoolsite, in a manner that also ensures that no local educational agency shall receive less than four hundred fifty thousand dollars (\$450,000) per eligible schoolsite. Grant amounts shall be determined using 2022–23 school enrollment data determined as of the California Longitudinal Pupil Achievement Data System Fall 1 Certification. Local educational agencies receiving an allocation of funds pursuant to this paragraph are encouraged to use these funds over the full grant period, through June 30, 2028. For purposes of allocations and apportionments under this paragraph, a locally funded charter school shall be included with the chartering authority.

(3) On or before June 30, 2025, a recipient local educational agency receiving funds pursuant to this section shall submit an interim report to the State Department of Education, and a final report on or before June 30, 2028, detailing how it used funds awarded pursuant to this subdivision. The State Department of Education shall use the existing reporting template described in paragraph (3) of subdivision (b) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, for the purposes of this requirement. Specifically, these reports shall include all of the following:

(A) How funds were used to employ literacy coaches and reading and literacy specialists for its eligible schools.

(B) How funds were used to develop and implement school literacy programs.

(C) How expenditures impacted pupils' literacy achievement, including for pupil subgroups.

(D) How the local educational agency plans to continue to fund literacy coaches and reading and literacy specialists beyond the award period.

(E) Other metrics as determined by the State Department of Education.

(4) On or before July 30, 2025, and again on or before July 30, 2028, the Superintendent of Public Instruction shall provide the interim and final reports submitted by recipient local educational agencies to the grantee selected pursuant to subdivision (c) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, for the independent evaluation pursuant to subdivision (c).

(5) On or before December 31, 2025, and again on or before December 31, 2028, the Superintendent of Public Instruction shall provide a comprehensive report to the Department of Finance, State Board of Education, and the appropriate policy and fiscal committees of both houses of the Legislature summarizing the data collected pursuant to paragraph (3) of this subdivision and paragraph (3) of subdivision (b) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023.

(c) (1) Of the funds appropriated pursuant to subdivision (a), two million dollars (\$2,000,000) shall be available to the grantee selected pursuant to subdivision (c) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, to provide additional training for educators to become literacy coaches and reading and literacy specialists, consistent with the training developed for the Literacy Coaches and Reading Specialists Grant program pursuant to Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, and to contract for an independent evaluation pursuant to paragraph (2).

(2) The grantee selected pursuant to subdivision (c) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, shall, in consultation with, and subject to the approval of, the executive director of the State Board of Education and the Superintendent of Public Instruction, issue a request for proposals and contract for an independent evaluation of the effectiveness of the funding provided pursuant to this section, as well as the funding appropriated pursuant to Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023. The grantee shall use up to five hundred thousand dollars (\$500,000) of the funding appropriated pursuant to paragraph (1) for the independent evaluation.

(3) The evaluation conducted pursuant to paragraph (2) shall include an examination of the following:

(A) Data collected from recipient local educational agencies pursuant to subdivision (b) of this section and subdivision (b) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, including, but not limited to, the following:

(i) How funds were used to employ literacy coaches and reading and literacy specialists.

(ii) How funds were used to develop and implement school literacy programs.

(iii) How expenditures impacted pupils' literacy achievement, including for pupil subgroups.

(iv) How the local educational agencies plan to continue to fund literacy coaches and reading and literacy specialists beyond the award period.

(B) How the trainings developed and provided by the grantee selected pursuant to subdivision (c) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, impacted the training of literacy coaches and literacy and reading specialists.

(4) On or before June 30, 2029, the grantee selected pursuant to subdivision (c) of Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023, shall provide the evaluation report to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance.

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

(1) "Eligible schoolsite" means an elementary schoolsite operated by a local educational agency with an unduplicated pupil percentage of 95 percent or greater for pupils enrolled in kindergarten and grades 1 to 3, inclusive, based on 2022–23 Fall 1 census day pupil data submitted through the California Longitudinal Pupil Achievement Data System that did not receive funding pursuant to Section 137 of Chapter 52 of the Statutes of 2022, as amended by Section 104 of Chapter 48 of the Statutes of 2023. The unduplicated pupil percentage for a schoolsite shall be calculated by the sum of the number of

unduplicated pupils eligible for free and reduced-price meals, English language learners, and youth in foster care, divided by each schoolsite's total enrollment for kindergarten and grades 1 to 3, inclusive.

(2) "Employ" means that a local educational agency, to the extent feasible, will hire a new literacy coach, reading specialist, or both, train existing staff to become a literacy coach, or support existing staff in obtaining a reading specialist credential or authorization. Funds shall not be used to support the salaries of existing literacy coaches and reading specialists.

(3) "Local educational agency" means an elementary or unified school district, county office of education, or charter school.

(4) "School" and "schoolsite" means an elementary school of a local educational agency.

(5) "School literacy program" means a program that includes all of the following:

(A) A school literacy plan that includes goals and actions to improve literacy acquisition for pupils in preschool, if applicable, and kindergarten or any of grades 1 to 3, inclusive. The plan shall identify metrics to measure progress toward the goals and actions.

(B) At least one literacy coach or reading and literacy specialist per school to support educators and pupils in improving literacy instruction and pupil outcomes.

(C) Increased access to evidence-based literacy instruction through strategies, including, but not limited to, any of the following:

(i) Providing bilingual reading specialists to support dual language acquisition and English language development programs.

(ii) Developing and implementing culturally responsive curriculum and instruction.

(iii) Providing professional development for educators and school leaders in literacy instruction and the use of data to identify and support struggling pupils.

(iv) Providing professional development for educators and school leaders regarding implementation of the curriculum framework for English language arts and English language development adopted by the State Board of Education pursuant to Section 60207 of the Education Code and the use of data to support effective instruction.

(v) Establishing an evidence-based family literacy initiative, which may include, but is not limited to, any of the following:

(I) Family literacy plans that identify literacy and biliteracy goals, benchmarks, and roles for all family members.

(II) Family literacy home visiting programs, including, but not limited to, "promotora" family literacy outreach specialists. Local educational agencies may establish literacy and biliteracy home visits to engage families in how to best support their pupils and every family member in reaching their literacy goals.

(III) Extended-day, summer, or weekend family institutes related to literacy and biliteracy. Local educational agencies are encouraged to work with in-house expanded learning programs to establish literacy and biliteracy support programs and literacy enrichment programs during after school, weekend, and summer hours.

(IV) Public library family literacy partnerships, including, but not limited to, digital tools to support whole family literacy.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made pursuant to subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021–22 fiscal year.

**SEC. 27.** Section 121 of Chapter 48 of the Statutes of 2023 is amended to read:

**Sec. 121.** (a) For the 2023–24 fiscal year, the sum of one million dollars (\$1,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the State Board of Education to appoint an independent panel of experts for the purpose of creating an approved list of screening instruments to assess pupils for risk of reading difficulties, as described in Section 53008 of the Education Code.

(b) Funds appropriated pursuant to subdivision (a) may be allocated, in whole or in part, to the State Department of Education, upon the approval of the executive director of the State Board of Education, for purposes of subdivision (a).

(c) Funds appropriated pursuant to subdivision (a), including any funds allocated pursuant to subdivision (b), shall be available for encumbrance or expenditure through June 30, 2025.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2023–24 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 2023–24 fiscal year.

**SEC. 28.** Notwithstanding any other law, and until July 1, 2024, any holder of a credential or permit issued by the Commission on Teacher Credentialing that authorizes the holder to substitute teach in a general, special, or career technical education assignment may serve in a substitute teaching assignment aligned with their authorization, including for staff vacancies, for up to 60 cumulative days for any one assignment. Nothing in this section shall preclude a local educational agency from following the hiring provisions outlined in Section 44225.7 of the Education Code.

**SEC. 29.** In regards to Section 7 of this act, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances concerning the recovery of the City of Paradise from the devastating Camp Fire and its impact on Paradise Unified School District.

**SEC. 30.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 31.** For the 2023–24 fiscal year, the sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the California Teachers Collaborative for Holocaust and Genocide Education to continue its work to do both of the following:

(a) Develop and provide curriculum resources related to genocide and Holocaust education.

(b) Provide professional development, including educator trainings, on genocide and Holocaust education.

**SEC. 32.** 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.