

AMENDED IN ASSEMBLY AUGUST 24, 2020

SENATE BILL

No. 820

Introduced by Committee on Budget and Fiscal Review

January 10, 2020

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

LEGISLATIVE COUNSEL'S DIGEST

SB 820, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2020.~~ *Education finance.*

(1) Existing law requires the State Department of Education to develop, on or before December 31, 2021, a standardized English language teacher observation protocol for use by teachers in evaluating a pupil's English language proficiency. Existing law requires a local educational agency to assess the English language development of each

pupil in order to determine the pupil's level of proficiency. Existing law requires that assessment to be conducted annually during a 4-month period after January 1.

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

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

This bill would authorize a county superintendent of schools, during the portion of the 2019–20 school year in which schools were closed due to the COVID-19 pandemic and the 2020–21 school year, to rely on information obtained only through means other than a physical visit to the schoolsite for purposes of that report, as provided. The bill would waive the requirement to annually visit those low-performing schools from March 2020 to June 2021, inclusive, during the period of time the school is not offering in-person instruction.

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

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

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

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

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

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

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

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

(7) Existing law appropriates \$282,237,000 from the General Fund to the Controller in the 2019–20 fiscal year for allocation to school districts and community college districts for the purpose of reducing

the outstanding balance of the minimum funding obligation in specified fiscal years. Existing law allocates \$149,059,000 of that amount to the San Francisco Unified School District and the San Francisco County Office of Education, as provided.

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

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

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

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

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

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

(10) Existing law authorizes any person 16 years of age or older and certain other persons to have their proficiency in basic skills taught in public high schools verified according to criteria established by the

department. Existing law requires the state board to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires regular examinations for that purpose to be held once in the fall semester and once in the spring semester of every school year.

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

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

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

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

This bill would require the State Department of Public Health, when providing the board with identifiable birth data, to additionally provide

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

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

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

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

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

(15) Existing law, the University of California Revenue Bond Act of 1947, authorizes the University of California to issue revenue bonds, secured by a specified pledge of revenues. Existing law authorizes the University of California to pledge its annual General Fund support appropriation, less certain amounts, to secure the payment of its general revenue bonds or commercial paper associated with the general revenue bond program. Existing law authorizes the University of California to

fund debt service for capital expenditures, as defined, and pay-as-you-go capital outlay projects, as defined, from its General Fund support appropriation, as specified. Existing law, until June 30, 2024, authorizes the University of California to proceed with these capital expenditures or capital outlay projects only if all work traditionally performed by persons with University of California Service Unit (SX) job classifications is performed only by employees of the University of California.

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

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

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

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

This bill would revise and recast these provisions.

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

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

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

This bill would repeal that provision.

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

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

(21) The After School Education and Safety Program Act of 2002, an initiative statute approved by the voters as Proposition 49 at the November 5, 2002, statewide general election, establishes the After School Education and Safety (ASES) Program under which participating public schools receive grants to operate before and after school programs serving pupils in kindergarten or any of grades 1 to 9, inclusive. Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETS) program to create incentives for establishing after school enrichment programs to provide academic support and safe, constructive alternatives for high school pupils and to support college and career readiness. Existing law authorizes the State Department of Education, during the 2020–21 school year, to waive specified provisions relating to those programs.

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

(22) Existing law appropriates \$355,227,000 from the Federal Trust Fund, \$4,439,844,000 from the Coronavirus Relief Fund, and \$539,926,000 from the General Fund to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies to support pupil academic achievement and mitigate learning loss related to COVID-19 school closures. Existing law requires the funds appropriated from the Federal Trust Fund to be used from March 13, 2020, to September 30, 2021, and requires the funds appropriated from the General Fund and Coronavirus Relief Fund to be used from March 1, 2020, to December 30, 2020.

This bill would instead require the funds appropriated from the Federal Trust Fund to be used from March 13, 2020, to September 30,

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

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

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

This bill would instead allocate \$31,250,000 to reimburse alternative payment program providers. The bill would extend childcare and development services family fee waivers through August 31, 2020.

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

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

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

(26) Existing law requires the Commission on Teacher Credentialing to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law requires a credential applicant

to pass various commission-approved assessments and examinations to receive a credential.

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

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

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

(28) The Leroy F. Greene School Facilities Act of 1998 establishes a program in which the State Allocation Board is required to provide state per-pupil funding for new construction and modernization of school facilities. The act requires the board to require applicant school districts that receive funding under the act to establish a restricted account within the general fund of the school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings and to agree to deposit minimum amounts into the restricted account based on certain calculations.

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

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

This bill, notwithstanding that requirement, would require single school districts and charter schools, for the 2020–21 school year, to

use the stakeholder engagement process for the learning continuity and attendance plan for the adoption of their SPSA.

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

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

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2020.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

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

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

3 313.3. (a) On or before December 31, ~~2021~~, 2022, the
4 department shall develop a standardized English language teacher
5 observation protocol for use by teachers in evaluating a pupil's
6 English language proficiency, as required by paragraph (2) of
7 subdivision (f) of Section 313.

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

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

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

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

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

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

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

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

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

35 (d) (1) In developing ~~this~~ *the* protocol, the department shall
36 consult, at a minimum, with current content area teachers at
37 different grade levels, English language development teachers,
38 bilingual teachers, and special education teachers, and with experts

1 with demonstrated experience in observing and documenting pupil
2 academic language practices and in developing and administering
3 assessments for English learners. The department shall ensure that
4 the majority of individuals with whom it consults are currently
5 teaching, credentialed teachers who regularly instruct English
6 learner pupils.

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

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

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

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

26 *SEC. 2. Section 1241 is added to the Education Code, to read:*
27 *1241. (a) Due to the COVID-19 pandemic, the provisions*
28 *described in subdivision (b) are waived or modified, in accordance*
29 *with this section, during the portion of the 2019–20 school year*
30 *in which schools were closed due to the pandemic and during the*
31 *2020–21 school year.*

32 *(b) (1) The authorization pursuant to subparagraph (B) of*
33 *paragraph (3) of subdivision (i) of Section 1240 for a county*
34 *superintendent of schools in a county with 200 or more schools*
35 *that are ranked in any of deciles 1 to 3, inclusive, of the base*
36 *Academic Performance Index (API), to use a combination of visits*
37 *and written surveys of teachers for the purpose of determining*
38 *sufficiency of textbooks and instructional materials in accordance*
39 *with subparagraph (A) of paragraph (1) of subdivision (a) of*
40 *Section 60119 and as defined in subdivision (c) of Section 60119*

1 *is extended to every county superintendent of schools regardless*
2 *of the number of schools in the county that are ranked in any of*
3 *deciles 1 to 3, inclusive, of the base API.*

4 *(2) For purposes of the annual report required pursuant to*
5 *subparagraph (B) of paragraph (2) of subdivision (c) of Section*
6 *1240, a county superintendent of schools may rely on information*
7 *obtained only through means other than a physical visit to the*
8 *schoolsite, including school administrator or teacher surveys.*
9 *However, the report shall include a justification indicating why a*
10 *schoolsite visit was not conducted and an outline of plans to*
11 *conduct a schoolsite visit as soon as possible, and the county*
12 *superintendent of schools shall provide an updated report before*
13 *July 1, 2021.*

14 *(3) The requirement in subparagraph (H) of paragraph (2) of*
15 *subdivision (c) of Section 1240 that the county superintendent of*
16 *schools annually conduct a visit of schools is waived for any school*
17 *that does not offer in-person instruction, as defined in Section*
18 *43500, from March 2020 to June 2021, inclusive. This waiver*
19 *applies only for the time during which the school does not provide*
20 *in-person instruction, and the county superintendent of schools*
21 *shall make a plan to visit all necessary schoolsites as soon as*
22 *possible, which must be noted in the outline required pursuant to*
23 *paragraph (2). If, following the resumption of in-person instruction,*
24 *a county superintendent of schools is unable to visit a schoolsite*
25 *in sufficient time to include the observations in the report required*
26 *pursuant to subdivision (c) of Section 1240, any schoolsite not*
27 *visited shall be prioritized for a visit as soon as possible during*
28 *the following school year.*

29 *(4) The requirement in clause (iii) of subparagraph (H) of*
30 *paragraph (2) of subdivision (c) of Section 1240 that 25 percent*
31 *of the visits required by paragraph (2) of subdivision (c) of Section*
32 *1240 be unannounced is waived. An unannounced visit may be*
33 *undertaken at the discretion of the county superintendent of schools*
34 *in compliance with any orders or guidance issued by any local or*
35 *state public health official.*

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

38 *8209. (a) If a state of emergency is declared by the Governor,*
39 *the Superintendent may waive any requirements of this code or*
40 *regulations adopted pursuant to this code relating to childcare and*

1 development programs operated pursuant to this chapter only to
2 the extent that enforcement of the regulations or requirements
3 would directly impede disaster relief and recovery efforts or would
4 disrupt the current level of service in childcare and development
5 programs.

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

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

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

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

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

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

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

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

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

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

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

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

33 14041.8. (a) (1) For the 2020–21 fiscal year only, up to one
34 hundred million dollars (\$100,000,000) of the amount of the
35 warrants for the principal apportionments for the month of
36 February, that are instead to be drawn in November, pursuant to
37 Section 14041.6, may be drawn in February, subject to the approval
38 of the Director of Finance, for a charter school or school district
39 as follows:

1 (A) In order for a charter school to receive a payment in
2 February pursuant to this subdivision, the chartering authority, in
3 consultation with the county superintendent of schools, shall certify
4 to the Superintendent and the Director of Finance on or before
5 ~~January 5, 2021~~, *December 15, 2020*, that the deferral of warrants
6 pursuant to Section 14041.6 will result in the charter school being
7 unable to meet its financial obligations for February or any
8 subsequent month until the deferral is repaid, and shall provide
9 the Superintendent an estimate of the amount of additional funds
10 necessary for the charter school to meet its financial obligations
11 for February and any subsequent month until the deferral is repaid,
12 as applicable.

13 (B) In order for a school district to receive a payment in
14 February pursuant to this subdivision, the county superintendent
15 of schools shall certify to the Superintendent and to the Director
16 of Finance on or before ~~January 5, 2021~~, *December 15, 2020*, that
17 the deferral of warrants pursuant to Section 14041.6 will result in
18 the school district being unable to meet its financial obligations
19 for February or any subsequent month until the deferral is repaid,
20 and shall provide the Superintendent an estimate of the amount of
21 additional funds necessary for the school district to meet its
22 financial obligations for February and any subsequent month until
23 the deferral is repaid, as applicable.

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

26 (i) The school district must have exhausted all internal and
27 external sources of borrowing including those pursuant to Sections
28 42603, 42620, 42621, and 42622 of this code, Article 7.6
29 (commencing with Section 53850) of Chapter 4 of Part 1 of
30 Division 2 of Title 5 of the Government Code, and Section 6 of
31 Article XVI of the California Constitution.

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

36 (D) A charter school or school district may receive, pursuant to
37 this subdivision, no more than the lesser of the monthly payment
38 for the charter school or school district calculated pursuant to
39 Section 14041 or the amount of additional funds necessary for the
40 charter school or school district to meet its financial obligations,

1 as reported to the Superintendent pursuant to subparagraph (A) or
2 (B), as applicable.

3 (2) If the total amount requested by charter schools and school
4 districts pursuant to subparagraph (D) of paragraph (1) exceeds
5 one hundred million dollars (\$100,000,000), the Controller, the
6 Treasurer, and the Director of Finance may authorize additional
7 payments to meet these requests, but total payments to charter
8 schools and school districts pursuant to this subdivision shall not
9 exceed three hundred million dollars (\$300,000,000). On or before
10 February 1, the Controller, the Treasurer, and the Director of
11 Finance shall determine whether sufficient cash is available to
12 make payments in excess of one hundred million dollars
13 (\$100,000,000). In making the determination that cash is sufficient
14 to make additional payments, in whole or in part, the Controller,
15 the Treasurer, and the Director of Finance shall consider costs for
16 state government, the amount of any identified cash shortage,
17 timing, achievability, legislative direction, and the impact and
18 hardship imposed on potentially affected programs, entities, and
19 related public services. The Department of Finance shall notify
20 the Joint Legislative Budget Committee within 10 days of this
21 determination and identify the total amount of requests that will
22 be paid.

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

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

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

37 (A) In order for a charter school to receive a payment in March
38 pursuant to this subdivision, the chartering authority, in
39 consultation with the county superintendent of schools, shall certify
40 to the Superintendent and the Director of Finance on or before

1 ~~January 5, 2021~~, *December 15, 2020*, that the deferral of warrants
2 pursuant to Section 14041.6 will result in the charter school being
3 unable to meet its financial obligations for March or any subsequent
4 month until the deferral is repaid, and shall provide the
5 Superintendent an estimate of the amount of additional funds
6 necessary for the charter school to meet its financial obligations
7 for March and any subsequent month until the deferral is repaid,
8 as applicable.

9 (B) In order for a school district to receive a payment in March
10 pursuant to this subdivision, the county superintendent of schools
11 shall certify to the Superintendent and to the Director of Finance
12 on or before ~~January 5, 2021~~, *December 15, 2020*, that the deferral
13 of warrants pursuant to Section 14041.6 will result in the school
14 district being unable to meet its financial obligations for March or
15 any subsequent month until the deferral is repaid, and shall provide
16 the Superintendent an estimate of the amount of additional funds
17 necessary for the school district to meet its financial obligations
18 for March and any subsequent month until the deferral is repaid,
19 as applicable.

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

22 (i) The school district must have exhausted all internal and
23 external sources of borrowing including those pursuant to Sections
24 42603, 42620, 42621, and 42622 of this code, Article 7.6
25 (commencing with Section 53850) of Chapter 4 of Part 1 of
26 Division 2 of Title 5 of the Government Code, and Section 6 of
27 Article XVI of the California Constitution.

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

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

39 (2) If the total amount requested by charter schools and school
40 districts pursuant to subparagraph (D) of paragraph (1) exceeds

1 one hundred million dollars (\$100,000,000), the Controller, the
2 Treasurer, and the Director of Finance may authorize additional
3 payments to meet these requests, but total payments to charter
4 schools and school districts pursuant to this subdivision shall not
5 exceed three hundred million dollars (\$300,000,000). On or before
6 February 1, the Controller, the Treasurer, and the Director of
7 Finance shall determine whether sufficient cash is available to
8 make payments in excess of one hundred million dollars
9 (\$100,000,000). In making the determination that cash is sufficient
10 to make additional payments, in whole or in part, the Controller,
11 the Treasurer, and the Director of Finance shall consider costs for
12 state government, the amount of any identified cash shortage,
13 timing, achievability, legislative direction, and the impact and
14 hardship imposed on potentially affected programs, entities, and
15 related public services. The Department of Finance shall notify
16 the Joint Legislative Budget Committee within 10 days of this
17 determination and identify the total amount of requests that will
18 be paid.

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

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

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

33 (A) In order for a charter school to receive a payment in April
34 pursuant to this subdivision, the chartering authority, in
35 consultation with the county superintendent of schools, shall certify
36 to the Superintendent and the Director of Finance on or before
37 ~~January 5, 2021~~, *December 15, 2020*, that the deferral of warrants
38 pursuant to Section 14041.6 will result in the charter school being
39 unable to meet its financial obligations for April or any subsequent
40 month until the deferral is repaid, and shall provide the

1 Superintendent an estimate of the amount of additional funds
2 necessary for the charter school to meet its financial obligations
3 for April and any subsequent month until the deferral is repaid, as
4 applicable.

5 (B) In order for a school district to receive a payment in April
6 pursuant to this subdivision, the county superintendent of schools
7 shall certify to the Superintendent and to the Director of Finance
8 on or before ~~January 5, 2021~~, *December 15, 2020*, that the deferral
9 of warrants pursuant to Section 14041.6 will result in the school
10 district being unable to meet its financial obligations for April or
11 any subsequent month until the deferral is repaid, and shall provide
12 the Superintendent an estimate of the amount of additional funds
13 necessary for the school district to meet its financial obligations
14 for April and any subsequent month until the deferral is repaid, as
15 applicable.

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

18 (i) The school district must have exhausted all internal and
19 external sources of borrowing including those pursuant to Sections
20 42603, 42620, 42621, and 42622 of this code, Article 7.6
21 (commencing with Section 53850) of Chapter 4 of Part 1 of
22 Division 2 of Title 5 of the Government Code, and Section 6 of
23 Article XVI of the California Constitution.

24 (ii) If not exempt from the April deferral the school district will
25 require a state emergency loan pursuant to Article 2 (commencing
26 with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title
27 2.

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

35 (2) If the total amount requested by charter schools and school
36 districts pursuant to subparagraph (D) of paragraph (1) exceeds
37 one hundred million dollars (\$100,000,000), the Controller, the
38 Treasurer, and the Director of Finance may authorize additional
39 payments to meet these requests, but total payments to charter
40 schools and school districts pursuant to this subdivision shall not

1 exceed three hundred million dollars (\$300,000,000). On or before
2 February 1, the Controller, the Treasurer, and the Director of
3 Finance shall determine whether sufficient cash is available to
4 make payments in excess of one hundred million dollars
5 (\$100,000,000). In making the determination that cash is sufficient
6 to make additional payments, in whole or in part, the Controller,
7 the Treasurer, and the Director of Finance shall consider costs for
8 state government, the amount of any identified cash shortage,
9 timing, achievability, legislative direction, and the impact and
10 hardship imposed on potentially affected programs, entities, and
11 related public services. The Department of Finance shall notify
12 the Joint Legislative Budget Committee within 10 days of this
13 determination and identify the total amount of requests that will
14 be paid.

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

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

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

29 (A) In order for a charter school to receive a payment in May
30 pursuant to this subdivision, the chartering authority, in
31 consultation with the county superintendent of schools, shall certify
32 to the Superintendent and the Director of Finance on or before
33 ~~January 5, 2021~~, *December 15, 2020*, that the deferral of warrants
34 pursuant to Section 14041.6 will result in the charter school being
35 unable to meet its financial obligations for May or any subsequent
36 month until the deferral is repaid, and shall provide the
37 Superintendent an estimate of the amount of additional funds
38 necessary for the charter school to meet its financial obligations
39 for May and any subsequent month until the deferral is repaid, as
40 applicable.

1 (B) In order for a school district to receive a payment in May
2 pursuant to this subdivision, the county superintendent of schools
3 shall certify to the Superintendent and to the Director of Finance
4 on or before ~~January 5, 2021~~, *December 15, 2020*, that the deferral
5 of warrants pursuant to Section 14041.6 will result in the school
6 district being unable to meet its financial obligations for May or
7 any subsequent month until the deferral is repaid, and shall provide
8 the Superintendent an estimate of the amount of additional funds
9 necessary for the school district to meet its financial obligations
10 for May and any subsequent month until the deferral is repaid, as
11 applicable.

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

14 (i) The school district must have exhausted all internal and
15 external sources of borrowing including those pursuant to Sections
16 42603, 42620, 42621, and 42622 of this code, Article 7.6
17 (commencing with Section 53850) of Chapter 4 of Part 1 of
18 Division 2 of Title 5 of the Government Code, and Section 6 of
19 Article XVI of the California Constitution.

20 (ii) If not exempt from the May deferral the school district will
21 require a state emergency loan pursuant to Article 2 (commencing
22 with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title
23 2.

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

31 (2) If the total amount requested by charter schools and school
32 districts pursuant to subparagraph (D) of paragraph (1) exceeds
33 one hundred million dollars (\$100,000,000), the Controller, the
34 Treasurer, and the Director of Finance may authorize additional
35 payments to meet these requests, but total payments to charter
36 schools and school districts pursuant to this subdivision shall not
37 exceed three hundred million dollars (\$300,000,000). On or before
38 February 1, the Controller, the Treasurer, and the Director of
39 Finance shall determine whether sufficient cash is available to
40 make payments in excess of one hundred million dollars

1 (\$100,000,000). In making the determination that cash is sufficient
2 to make additional payments, in whole or in part, the Controller,
3 the Treasurer, and the Director of Finance shall consider costs for
4 state government, the amount of any identified cash shortage,
5 timing, achievability, legislative direction, and the impact and
6 hardship imposed on potentially affected programs, entities, and
7 related public services. The Department of Finance shall notify
8 the Joint Legislative Budget Committee within 10 days of this
9 determination and identify the total amount of requests that will
10 be paid.

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

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

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

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

36 (B) In order for a school district to receive a payment in June
37 pursuant to this subdivision, the county superintendent of schools
38 shall certify to the Superintendent and to the Director of Finance
39 on or before April 1 that the deferral of warrants pursuant to
40 Section 14041.5 will result in the school district being unable to

1 meet its financial obligations for June or any subsequent month
2 until the deferral is repaid, and shall provide the Superintendent
3 an estimate of the amount of additional funds necessary for the
4 school district to meet its financial obligations for June and any
5 subsequent month until the deferral is repaid, as applicable.

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

8 (i) The school district must have exhausted all internal and
9 external sources of borrowing including those pursuant to Sections
10 42603, 42620, 42621, and 42622 of this code, Article 7.6
11 (commencing with Section 53850) of Chapter 4 of Part 1 of
12 Division 2 of Title 5 of the Government Code, and Section 6 of
13 Article XVI of the California Constitution.

14 (ii) If not exempt from the June deferral the school district will
15 require a state emergency loan pursuant to Article 2 (commencing
16 with Section 41320) of Chapter 3 of Part 24 of Division 3 of Title
17 2.

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

25 (2) If the total amount requested by charter schools and school
26 districts pursuant to subparagraph (D) of paragraph (1) exceeds
27 one hundred million dollars (\$100,000,000), the Controller, the
28 Treasurer, and the Director of Finance may authorize additional
29 payments to meet these requests, but total payments to charter
30 schools and school districts pursuant to this subdivision shall not
31 exceed three hundred million dollars (\$300,000,000). On or before
32 May 1, the Controller, the Treasurer, and the Director of Finance
33 shall determine whether sufficient cash is available to make
34 payments in excess of one hundred million dollars (\$100,000,000).
35 In making the determination that cash is sufficient to make
36 additional payments, in whole or in part, the Controller, the
37 Treasurer, and the Director of Finance shall consider costs for state
38 government, the amount of any identified cash shortage, timing,
39 achievability, legislative direction, and the impact and hardship
40 imposed on potentially affected programs, entities, and related

1 public services. The Department of Finance shall notify the Joint
2 Legislative Budget Committee within 10 days of this determination
3 and identify the total amount of requests that will be paid.

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

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

12 (f) Except as provided in subdivisions (c) and (e) of Section
13 41202, for purposes of making the computations required by
14 Section 8 of Article XVI of the California Constitution, the
15 warrants drawn pursuant to paragraphs (1) and (2) of subdivisions
16 (a) to (e), inclusive, shall be deemed to be “General Fund revenues
17 appropriated for school districts,” as defined in subdivision (c) of
18 Section 41202, for the fiscal year in which the warrants are drawn
19 and included within the “total allocations to school districts and
20 community college districts from General Fund proceeds of taxes
21 appropriated pursuant to Article XIII B,” as defined in subdivision
22 (e) of Section 41202, for the fiscal year in which the warrants are
23 drawn.

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

26 *17199.15. Notwithstanding any other law, if any bonds that*
27 *were issued for purposes of borrowing pursuant to paragraph (3)*
28 *of subdivision (a) of Section 17199.1 to fund several financings of*
29 *working capital for several participating parties under a single*
30 *resolution remain outstanding, each participating party for which*
31 *those bonds were issued is ineligible to be a debtor in a case under*
32 *Chapter 9 of the United States Bankruptcy Code (Chapter 9*
33 *(commencing with Section 901) of Title 11 of the United States*
34 *Code), as that chapter may be amended from time to time, and no*
35 *governmental officer or organization is or may be empowered to*
36 *authorize a participating party to be a debtor under that chapter.*

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

39 17199.4. (a) Notwithstanding any other law, any participating
40 party, in connection with securing financing or refinancing of

1 projects, or working capital pursuant to this chapter, may, in
2 accordance with this section, elect to provide for funding, in whole
3 or in part, one or more of the following:

- 4 (1) Payments on authority bonds.
 - 5 (2) Payments under credit enhancement or liquidity support
6 agreements in connection with authority bonds.
 - 7 (3) Amounts pledged or assigned under one or more pledges or
8 assignments to pay authority bonds or obligations under these
9 credit enhancement or liquidity support agreements.
 - 10 (4) Payments to fund reserves available to pay any of the
11 payments described in paragraphs (1), (2), and (3), exclusively
12 until paid.
 - 13 (5) Fees and charges contemplated by the instruments of the
14 authority, trustees, tender agents, remarketing agents, credit
15 enhancement and liquidity support providers, and service providers.
 - 16 (6) Any other costs necessary or incidental to any financing or
17 refinancing conducted under this chapter.
- 18 (b) The payments made pursuant to subdivision (a) may be in
19 connection with a financing or refinancing benefiting the
20 participating party itself, one or more other participating parties,
21 or any combination thereof.
- 22 (c) To participate under this section, the participating party shall
23 do all of the following:
- 24 (1) Elect to participate by an action of its governing board taken
25 in compliance with the rules of that board.
 - 26 (2) Provide written notice to the Controller, no later than the
27 date of the issuance of the bonds or 60 days before the next
28 payment, whichever is later, of all of the following:
 - 29 (A) Its election to participate.
 - 30 (B) A schedule of the payments subject to that election.
 - 31 (C) The payee or payees of those payments, or the trustee or
32 agent on their behalf to receive those payments.
 - 33 (D) (i) Payment delivery instructions, which may be by wire
34 transfer or other method approved by the Controller.
35 (ii) If the method of payment delivery is wire transfer, the
36 participating party shall complete and submit the appropriate
37 authorization form as prescribed by the Controller.
 - 38 (d) The participating party may amend, supplement, or restate
39 the notice required pursuant to paragraph (2) of subdivision (c)
40 for any reason, including, but not necessarily limited to, providing

1 for new or increased payments. The participating party shall certify
2 in the notice and in any amendment, supplement, or restatement
3 of the notice that each and every payment reflected in the schedule
4 is a payment described in subdivision (a) and the amounts
5 scheduled do not exceed the actual or reasonably estimated
6 payment obligations to be funded pursuant to this section. The
7 participating party shall also represent in the notice that it is not
8 submitting the notice for the purpose of accelerating a participating
9 party's receipt of its apportionments. Nothing in this section
10 prohibits transfer by the recipient of an apportionment under this
11 section to the participating party submitting the notice of the excess
12 apportionment above the amount needed to fund actual payments
13 where the excess resulted from erroneous estimation of scheduled
14 payments or otherwise.

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

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

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

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

36 (4) In making apportionments under this section, the Controller
37 may rely conclusively and without liability on any notice or request
38 delivered under this section, including any notice of request
39 delivered before enactment of the act that adds this paragraph. The
40 Controller may make, but is not obligated to make, apportionments

1 not reflected on a notice or on an amended, supplemented, or
2 restated notice delivered under this section that the Controller
3 receives less than 20 days before when the apportionment would
4 otherwise be required.

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

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

14 (2) Any funding apportioned for purposes of the charter school
15 block grant or the local control funding formula pursuant to Section
16 42238.02, as implemented by Section 42238.03, to a charter school
17 without regard to the specific funding source of the apportionment.

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

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

26 (h) (1) The authority may require participation under this section
27 under the terms of any financing or refinancing under this chapter
28 to provide for one or more of the payments described in paragraphs
29 (1), (2), (3), and (4) of subdivision (a). The authority may impose
30 limits on new participation under this section. The authority may
31 require participating parties to apply to the authority for
32 participation. If the authority limits participation under this section,
33 the authority shall consider each of the following priorities in
34 making participation available:

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

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

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

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

6 (3) A school district electing to participate under this section
7 that has applied for revenue bond moneys for purposes of joint
8 venture school facilities construction projects, pursuant to Article
9 5 (commencing with Section 17060) of Chapter 12, shall not be
10 subject to the priorities set forth in paragraph (1).

11 (i) This section shall not be construed to make the State of
12 California liable for any payments within the meaning of Section
13 1 of Article XVI of the California Constitution.

14 (j) A school district that has a qualified or negative certification
15 pursuant to Section 42131, or a county office of education that has
16 a qualified or negative certification pursuant to Section 1240, may
17 ~~not only~~ participate under this section. *section to intercept payments*
18 *for short-term financings.*

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

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

26 17391. Notwithstanding Section 17388, the governing board
27 of a school district may elect not to appoint a school district
28 advisory committee pursuant to Section 17388 in ~~either~~ *any* of the
29 following circumstances:

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

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

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

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

3 17463.7. (a) Notwithstanding any other law, a school district
4 may deposit the proceeds from the sale or lease of surplus real
5 property, together with any personal property located on the
6 property, ~~purchased entirely with local~~ *nonstate* funds, into the
7 general fund of the school district and may use the proceeds for
8 any one-time general fund purpose. If the purchase of the property
9 was made using the proceeds of a local general obligation bond
10 or revenue derived from developer fees, the amount of the proceeds
11 of the transaction that may be deposited into the general fund of
12 the school district may not exceed the percentage computed by the
13 difference between the purchase price of the property and the
14 proceeds from the transaction, divided by the amount of the
15 proceeds of the transaction. For purposes of this section, proceeds
16 of the transaction means either of the following, as appropriate:

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

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

23 (b) The State Allocation Board shall reduce an apportionment
24 of hardship assistance awarded to the particular school district
25 pursuant to Article 8 (commencing with Section ~~17075.10~~)
26 ~~17075.10~~, *except an apportionment of hardship assistance*
27 *awarded pursuant to paragraph (2) of subdivision (b) of Section*
28 ~~17075.10~~, by an amount equal to the amount of the sale of surplus
29 real property used for a one-time expenditure of the school district
30 pursuant to this section.

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

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

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

39 (d) Before the school district exercises the authority granted
40 pursuant to this section, the governing board of the school district

1 ~~shall adopt a plan at a regularly scheduled public meeting shall~~
2 ~~present a plan~~ for expending one-time resources pursuant to this
3 section. The plan shall identify the source and *the intended* use of
4 ~~the funds~~ *surplus property proceeds* and describe the reasons why
5 the expenditure will not result in ongoing fiscal obligations for the
6 school district.

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

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

17 (e)

18 (f) The Office of Public School Construction shall submit an
19 interim and a final report to the State Allocation Board and the
20 budget, education policy, and fiscal committees of the Legislature
21 that identifies the school districts that have exercised the authority
22 granted by this section, the amount of proceeds involved, and the
23 purposes for which those proceeds were used. The interim report
24 shall be submitted by June 1, 2022, and the final report shall be
25 submitted by January 1, ~~2025~~, 2026.

26 (g) *For any transaction for the sale or lease of surplus property*
27 *a school district initiates pursuant to this section before June 30,*
28 *2024, the proceeds from the sale or lease transaction that are*
29 *received after June 30, 2024, shall be considered proceeds that*
30 *can be deposited in accordance with this section.*

31 (f)

32 (h) Subdivisions (a) to ~~(d)~~, (e), inclusive, shall become
33 inoperative on July 1, 2024, subdivision ~~(e)~~ (f) shall become
34 inoperative on January 15, ~~2025~~, 2026, and this section as of
35 January 1, ~~2026~~, 2027, is repealed.

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

38 37700. (a) Notwithstanding any other law, the Big Sur Unified
39 School District, the Leggett Valley Unified School District, and
40 the Reeds Creek Elementary School District may operate one or

1 more schools in their respective school districts on a four-day
2 school week, if the school district complies with the instructional
3 time requirements specified in Section 37701 and the other
4 requirements of this chapter.

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

11 (2) If the school district offered less than the minimum
12 instructional minutes required under Section 46207, the school
13 district shall be subject to the penalties described in subdivision
14 (b) of Section 46207 and subdivision (c) of Section 46208. Nothing
15 in this section shall be construed to subject a school district that
16 has met the minimum instructional minutes required under Section
17 46207 to those penalties.

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

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

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

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

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

38 (3) *Instructional minutes shall be determined as follows:*

39 (A) *For in-person instruction, instructional minutes shall be*
40 *based on time scheduled under the immediate physical supervision*

1 *and control of an employee of the local educational agency who*
2 *possesses a valid certification document, registered as required*
3 *by law.*

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

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

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

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

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

25 41024. (a) (1) Commencing April 1, 2017, a local educational
26 agency that receives any funds pursuant to the Leroy F. Greene
27 School Facilities Act of 1998 (Chapter 12.5 (commencing with
28 Section 17070.10) of Part 10 of Division 1 of Title 1) shall annually
29 report a detailed list of all expenditures of state funds, including
30 interest, and of the local educational agency's matching funds for
31 completed projects until all state funds, including interest, all of
32 the local educational agency's matching funds, and savings
33 achieved, including interest, pursuant to Section 17070.63, are
34 expended in accordance with the requirements of the Leroy F.
35 Greene School Facilities Act of 1998, associated regulations, and
36 any accompanying grant agreement signed by a local educational
37 agency. A local educational agency's detailed list of expenditures
38 shall identify expenditures on a project-by-project basis, reflect
39 completed projects that were reimbursed within that fiscal year,

1 and shall clearly indicate the list of projects that have been
2 completed.

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

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

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

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

33 (6) The audit described in this section shall be completed within
34 one year of project completion as determined by Section 1859.104
35 of Title 2 of the California Code of ~~Regulations, as that section~~
36 ~~read on July 1, 2017.~~ *Regulations.*

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

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

10 (B) That savings achieved, including interest, pursuant to Section
11 17070.63, are used for other high priority capital outlay purposes
12 identified by the local educational agency, ~~and agency or returned~~
13 *to the Office of Public School Construction, and are used in*
14 *accordance with the requirements of the Leroy F. Greene School*
15 *Facilities Act of 1998 (Chapter 12.5 (commencing with Section*
16 *17070.10) of Part 10 of Division 1 of Title 1), associated*
17 *regulations, and as specified in any accompanying grant agreement.*

18 (C) Adjustments to the grant amounts received by a local
19 educational agency for site acquisition costs based upon the local
20 educational agency's final approved expenditures as required
21 pursuant to Sections 1859.105 and 1859.106 of Title 2 of the
22 California Code of Regulations, ~~as those sections read on July 1,~~
23 ~~2017.~~ *Regulations.*

24 (D) If there are any unspent funds associated with the completion
25 of a Charter School Facilities Program project that must be returned
26 to the Office of Public School Construction as required pursuant
27 to Section 1859.169.1 of Title 2 of the California Code of
28 Regulations, ~~as that section read on July 1, 2017.~~ *Regulations.*

29 (E) If there are any unspent funds associated with the completion
30 of a Career Technical Education Facilities Program project that
31 must be returned to the Office of Public School Construction as
32 required pursuant to Section 1859.199 of Title 2 of the California
33 Code of Regulations, ~~as that section read on July 1, 2017.~~
34 *Regulations.*

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

1 to Section 1859.103 of Title 2 of the California Code of
2 Regulations, as that section read on July 1, 2017. *Regulations.*

3 (G) Adjustments to the grant amounts received by a local
4 educational agency associated with the substantial progress
5 requirements reflected in the program reporting requirements
6 pursuant to Section 1859.104 of Title 2 of the California Code of
7 Regulations, as that section read on July 1, 2017. *Regulations.*

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

13 ~~(e) (1) The department shall provide the Office of Public School~~
14 ~~Construction with a copy of the audit identifying the amounts to~~
15 ~~be adjusted if, as a result of the audit conducted in accordance with~~
16 ~~the requirements of subdivisions (a) and (b), any of the following~~
17 ~~is determined:~~

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

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

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

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

36 ~~(A)~~

37 *(i) A local educational agency has unspent funds for the project*
38 *not identified as savings pursuant to Section 17070.63, which are*
39 *therefore required to 17070.63 that shall be returned pursuant to*
40 *subparagraphs (C) to (G), inclusive, of paragraph (1) of subdivision*

1 (b), and any accompanying grant agreement signed by a local
2 educational agency.

3 ~~(B)~~

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

9 ~~(C)~~

10 (iii) A local educational agency ~~failed to~~ *did not* expend funds
11 in accordance with the Leroy F. Greene School Facilities Act of
12 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part
13 10 of Division 1 of Title 1) and any accompanying grant agreement
14 signed by a local educational agency.

15 ~~(2)~~

16 (3) Upon receipt of the *certified* audit, the Office of Public
17 School Construction shall present any grant adjustments required
18 pursuant to ~~subparagraphs (A) and (B) of paragraph (1) clauses~~
19 *(i) and (ii) of subparagraph (B) of paragraph (2)* for a specified
20 project to the State Allocation Board for an adjustment to the
21 project apportionment. Funds identified for purposes of
22 ~~subparagraphs (A) and (B) of paragraph (1) clauses (i) and (ii) of~~
23 *subparagraph (B) of paragraph (2)* shall be apportioned from, or
24 returned to, the appropriate funds, as established in the State
25 Treasury pursuant to Section 17070.40 or 17070.41, as applicable.
26 If a school district is required to return unspent funds, the fund
27 source for returned funds shall be the county school facilities fund
28 ~~identified in established pursuant to~~ subdivision (a) of Section
29 17070.43.

30 ~~(3) The auditor conducting the audit pursuant to this section~~
31 ~~shall notify the department of any audit exceptions identified~~
32 ~~pursuant to this section and any amounts or adjustments identified~~
33 ~~pursuant to subparagraph (C) of paragraph (1) consistent with the~~
34 ~~notification requirements established in subdivision (l) of Section~~
35 ~~41020.~~

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

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

7 (d) (1) If, as the result of the audit, a local educational agency
8 is required to pay funds pursuant to ~~subparagraph (C) of paragraph~~
9 ~~(4) clause (iii) of subparagraph (B) of paragraph (2)~~ of subdivision
10 (c), the ~~department~~ *Office of Public School Construction* shall
11 recover the funds from the local educational agency.

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

17 (3) A local educational agency may use any local fund source
18 to pay the disallowed ~~or penalty~~ amount pursuant to ~~subparagraph~~
19 ~~(C) of paragraph (4) clause (iii) of subparagraph (B) of paragraph~~
20 (2) of subdivision (c) so long as there is no legal prohibition
21 regarding the use of those funds for this purpose.

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

31 (A) If the ~~department~~ *executive officer of the Office of Public*
32 *School Construction* and the Director of Finance, in consultation
33 with the ~~Executive Officer of the Office of Public School~~
34 ~~Construction, department,~~ concur that ~~payment of the penalty~~
35 ~~repayment of the disallowed amount~~ in the current fiscal year
36 would constitute a severe financial hardship for the local
37 educational agency, they may jointly approve a plan of equal
38 annual payments over a period of up to eight years. The plan may
39 include interest on each year's outstanding balance at the rate
40 earned on the state's Pooled Money Investment Account during

1 that year. The ~~department~~ *executive officer of the Office of Public*
2 *School Construction* and the Director of Finance jointly shall
3 establish this plan. At the time the local educational agency is
4 notified, the Controller also shall be notified of the plan by the
5 ~~department~~. *executive officer of the Office of Public School*
6 *Construction*. The Controller shall withhold the annual amount
7 established pursuant to the plan from the local educational agency's
8 principal apportionment or Education Protection Account
9 payments.

10 (B) Notwithstanding subparagraph (A), if the ~~department~~
11 *executive officer of the Office of Public School Construction* and
12 the Director of Finance, in consultation with the ~~Executive Officer~~
13 ~~of the Office of Public School Construction~~, *department*, concur
14 that ~~payment of the penalty~~ *repayment of the disallowed amount*
15 over an eight-year period would require the local educational
16 agency to request an emergency apportionment pursuant to ~~the~~
17 ~~provisions of~~ Article 2 (commencing with Section 41320) of, and
18 Article 2.5 (commencing with Section 41325) of, Chapter 3, they
19 may approve a plan of equal annual payments over a period of up
20 to 20 years. The plan shall include interest on each year's
21 outstanding balance at the rate earned on the state's Pooled Money
22 Investment Account during that year. The Controller shall withhold
23 the annual amount established pursuant to the plan from the local
24 educational agency's principal apportionment or Education
25 Protection Account payments.

26 (C) If a payment plan submitted pursuant to this section is not
27 approved by the ~~department~~ *executive officer of the Office of Public*
28 *School Construction* and the Director of Finance, in consultation
29 with the ~~Executive Officer of the Office of Public School~~
30 ~~Construction~~, *department*, or is not requested by the local
31 educational agency, the ~~department~~ *executive officer of the Office*
32 *of Public School Construction* shall invoice the local educational
33 agency for the entire disallowed amount. If the local educational
34 agency does not remit payment for the invoice within 120 days of
35 issuance, the ~~department~~ *executive officer of the Office of Public*
36 *School Construction* shall request that the Controller withhold the
37 entire disallowed amount from the local educational agency's
38 principal apportionment or Education Protection Account
39 payments.

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

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

11 (e) As used in this section, “audit or review” and “local
12 educational agency” shall have the same meaning as the terms are
13 defined in paragraphs (1) and (2) of subdivision (e) of Section
14 41344.

15 (f) The State Allocation Board shall not waive all or any part
16 of this section, any grant agreement or provisions of a grant
17 agreement signed by a local educational agency that receives any
18 funds pursuant to the Leroy F. Greene School Facilities Act of
19 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part
20 10 of Division 1 of Title 1), or any regulation adopted that
21 implements a provision of this section.

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

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

1 (i) Notwithstanding subdivision (a), this section shall not apply
2 to any school facilities project that was apportioned before July 1,
3 2017.

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

6 41207.47. (a) (1) The sum of two hundred ~~eighty-two~~ *sixty-six*
7 million ~~two three~~ hundred ~~thirty-seven~~ *six* thousand dollars
8 ~~(\$282,237,000)~~ *(\$266,306,000)* is hereby appropriated in the
9 2019–20 fiscal year from the General Fund to the Controller for
10 allocation to school districts and community colleges for purposes
11 of reducing the outstanding balance of the minimum funding
12 obligation to school districts and community college districts
13 pursuant to Section 8 of Article XVI of the California Constitution
14 for the 2009–10, 2011–12, 2013–14, 2014–15, and 2016–17 fiscal
15 years.

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

20 (A) Ninety-eight million four hundred fifty-four thousand dollars
21 (\$98,454,000) to the Controller for allocation by the Superintendent
22 pursuant to Section 42238.02.

23 (B) Thirteen million four hundred eighty-six thousand dollars
24 (\$13,486,000) for transfer by the Controller to Section B of the
25 State School Fund for allocation by the Chancellor of the California
26 Community Colleges to community college districts for deferred
27 maintenance, instructional materials, and other activities, as
28 specified in subdivisions (a) and (b) of Provision 22 of Item
29 6870-101-0001 of the Budget Act of 2018 (Chapter 29 of the
30 Statutes of 2018 (Senate Bill 840 of the 2017–18 Regular Session)).
31 These funds shall be available for one-time use until June 30, 2021.

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

39 (D) Two million five hundred thousand dollars (\$2,500,000)
40 for transfer by the Controller to Section B of the State School Fund

1 for allocation by the Chancellor of the California Community
2 Colleges to support expansion of veteran resource centers at the
3 following community colleges, provided that the colleges commit
4 to meeting or making progress towards meeting the minimum
5 standards developed by the Office of the Chancellor of the
6 California Community Colleges:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (M) One hundred ~~forty-nine~~ *thirty-three* million ~~thirty-three~~ *one*
22 *hundred twenty-eight* thousand dollars—(~~\$149,059,000~~)
23 (*\$133,128,000*) to the Controller for allocation by the
24 Superintendent pursuant to Section 42238.02 to offset moneys
25 from the General Fund paid to the San Francisco Unified School
26 District and San Francisco County Office of Education as a result
27 of a miscalculation of offsetting property tax revenues in the
28 2016–17 fiscal year.

29 (b) (1) For purposes of Section 8 of Article XVI of the
30 California Constitution, of the amount appropriated pursuant to
31 subdivision (a), thirty million five hundred thirty-seven thousand
32 dollars (\$30,537,000) shall be applied to the outstanding balance
33 of the minimum funding obligation to school districts and
34 community college districts, pursuant to Section 8 of Article XVI
35 of the California Constitution, for the 2009–10 fiscal year, and
36 shall be deemed to be appropriations made and allocated in that
37 fiscal year in which the deficiencies resulting in the outstanding
38 balance were incurred.

39 (2) For purposes of Section 8 of Article XVI of the California
40 Constitution, of the amount appropriated pursuant to subdivision

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

9 (3) For purposes of Section 8 of Article XVI of the California
10 Constitution, of the amount appropriated pursuant to subdivision
11 (a), one hundred ~~seventy-one~~ *fifty-six* million ~~nine hundred~~
12 ~~thirty-seven~~ *six* thousand dollars ~~(\$171,937,000)~~ *(\$156,006,000)*
13 shall be applied to the outstanding balance of the minimum funding
14 obligation to school districts and community college districts,
15 pursuant to Section 8 of Article XVI of the California Constitution,
16 for the 2013–14 fiscal year, and shall be deemed to be
17 appropriations made and allocated in that fiscal year in which the
18 deficiencies resulting in the outstanding balance were incurred.

19 (4) For purposes of Section 8 of Article XVI of the California
20 Constitution, of the amount appropriated pursuant to subdivision
21 (a), thirty-one million five hundred eleven thousand dollars
22 (\$31,511,000) shall be applied to the outstanding balance of the
23 minimum funding obligation to school districts and community
24 college districts, pursuant to Section 8 of Article XVI of the
25 California Constitution, for the 2014–15 fiscal year, and shall be
26 deemed to be appropriations made and allocated in that fiscal year
27 in which the deficiencies resulting in the outstanding balance were
28 incurred.

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

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

1 43501. For the 2020–21 school year, the minimum schoolday
2 for a local educational agency is as follows:

- 3 (a) 180 instructional minutes in kindergarten.
- 4 (b) 230 instructional minutes in grades 1 to 3, inclusive.
- 5 (c) 240 instructional minutes in grades 4 to 12, inclusive.
- 6 (d) 180 instructional minutes for pupils in grades 11 and 12 that
7 are also enrolled part time in classes of the California State
8 University or the University of California for which academic
9 credit will be provided upon satisfactory completion of enrolled
10 courses.
- 11 (e) 180 instructional minutes for any pupil who is also a special
12 part-time student enrolled in a community college under Article
13 1 (commencing with Section 48800) of Chapter 5 of Part 27 of
14 Division 4 and who will receive academic credit upon satisfactory
15 completion of enrolled courses.
- 16 (f) 180 instructional minutes for pupils enrolled in a continuation
17 high school or an opportunity school.

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

20 43502. (a) For purposes of calculating apportionments for the
21 2020–21 fiscal year, a local educational agency shall offer
22 in-person instruction, and may offer distance learning, pursuant
23 to the requirements of this part.

24 (b) (1) Notwithstanding Sections 41601, 42238.05 to
25 42238.053, inclusive, and 46010, for purposes of calculating
26 apportionments for the 2020–21 fiscal year for a local educational
27 agency, except for a new charter school that is authorized by the
28 governing board of a school district or county board of education
29 on or before June 1, 2020, or approved by the state board at its
30 July 8 and 9, 2020, meeting and that is beginning instruction in
31 the 2020–21 school year, the local educational agency with
32 apportionments calculated pursuant to Section 43505, the
33 department shall use the average daily attendance in the 2019–20
34 fiscal year reported for both the second period and the annual
35 period apportionment that included all full school months from
36 July 1, 2019, to February 29, 2020, inclusive, and extended year
37 average daily attendance attributed to the 2019–20 school year
38 reported pursuant to Section 96 of the act adding this part. Chapter
39 24 of the Statutes of 2020. Any positive adjustment to average
40 daily attendance for the 2019–20 fiscal year in the second or annual

1 period attendance report submitted to the Superintendent after
2 August 17, 2020, shall be substantiated by concurrence from an
3 independent auditor.

4 (2) *The 2019–20 reported average daily attendance used for*
5 *purposes of calculating apportionments pursuant to subdivision*
6 *(d) of Section 42238.02 in the 2020–21 fiscal year shall exclude*
7 *the average daily attendance resulting from pupils attending*
8 *schools funded pursuant to Article 4 (commencing with Section*
9 *42280) of Chapter 7 of Part 24.*

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

14 (4) *If the Superintendent has been notified pursuant to Section*
15 *47604.32 that a charter school has ceased operation during or*
16 *after the 2019–20 school year and did not provide any instruction*
17 *in the 2020–21 school year, the Superintendent shall increase the*
18 *average daily attendance determined pursuant to paragraph (1)*
19 *for the sponsoring local educational agency, as defined in*
20 *subdivision (i) of Section 47632, by the average daily attendance*
21 *sponsored by that local educational agency as reported by the*
22 *charter school for the 2019–20 school year.*

23 (c) For the 2020–21 fiscal year, a local educational agency shall
24 satisfy the annual instructional day requirements described in
25 Sections 41420, 46200.5, and 46208, and in Section 11960 of Title
26 5 of the California Code of Regulations through in-person
27 instruction or a combination of in-person instruction and distance
28 learning pursuant to this part.

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

34 (2) For the 2020–21 fiscal year, a local educational agency shall
35 not be required to offer the minimum instructional minutes in
36 physical education required pursuant to Sections 51210, 51220,
37 51222, and 51223.

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

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

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

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

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

24 (g) ~~Except for a new charter school that is authorized by the~~
25 ~~governing board of a school district or county board of education~~
26 ~~on or before June 1, 2020, or approved by the state board at its~~
27 ~~July 8 and 9, 2020, meeting, and that is beginning instruction in~~
28 ~~the 2020–21 school year, local educational agency with~~
29 ~~apportionments calculated pursuant to Section 43505, for purposes~~
30 of any calculations that would use average daily attendance, the
31 Superintendent, consistent with subdivision (b), shall use the local
32 educational agency’s average daily attendance in the 2019–20
33 school year in place of its average daily attendance in the 2020–21
34 school year.

35 (h) (1) *For a divided charter school, where the restructured*
36 *portion of the charter school is beginning instruction in the*
37 *2020–21 school year, average daily attendance for the 2019–20*
38 *school year shall be provided by the original charter school in a*
39 *format and according to a timeline prescribed by the*
40 *Superintendent. The total average daily attendance attributable*

1 to the restructured and remaining portions of a divided charter
2 school shall not exceed the total average daily attendance of the
3 original charter school for the 2019–20 fiscal year and shall be
4 used for purposes of any calculations for the affected charter
5 schools that would use average daily attendance consistent with
6 subdivision (b).

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

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

11 43502.5. Notwithstanding paragraph (4) of subdivision (e) of
12 Section 47605 or paragraph (4) of subdivision (e) of Section
13 47605.6, and except for existing pupils of the charter school, for
14 the 2020–21 school year, if the enrollment of a charter school
15 exceeds the charter school’s capacity due to the calculation of
16 attendance pursuant to Section 43502, the charter school shall
17 determine attendance pursuant to a public random drawing in
18 accordance with subparagraph (B) of paragraph (2) of subdivision
19 (e) of Section 47605 or subparagraph (B) of paragraph (2) of
20 subdivision (e) of Section 47605.6.

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

23 43503. (a) (1) For the 2020–21 school year, a local educational
24 agency that offers distance learning shall comply with the
25 requirements of subdivision (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 43504. (a) The compulsory education requirements described
10 in Section 48200 continue to apply for the 2020–21 school year.

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

13 (c) For the 2020–21 school year, for purposes of the requirement
14 on school districts to offer 180 instructional days per school year
15 pursuant to Section 46208 and the requirement on charter schools
16 to offer 175 instructional days per school year pursuant to Section
17 11960 of Title 5 of the California Code of Regulations, an
18 instructional day is a day in which all pupils are scheduled for the
19 length of the day established by the governing board or body of
20 the local educational agency in a classroom under the immediate
21 supervision of a certificated employee or in distance learning that
22 meets the minimum requirements described in this part. *For*
23 *purposes of this section, for charter schools, distance learning*
24 *shall be provided by a certificated employee pursuant to the*
25 *requirements of Sections 47605, 47605.4, and 47605.6.*

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

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

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

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

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

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

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

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

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

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

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

6 43505. (a) (1) For purposes of calculating apportionments for
7 the 2020–21 fiscal year and for any other calculations that would
8 be based on average daily attendance in the 2020–21 school year,
9 for all newly operational charter schools that are authorized by the
10 governing board of a school district or county board of education
11 on or before June 1, 30, 2020, or approved by the state board at
12 its July 8 and 9, 2020, meeting and that are beginning instruction
13 in the 2020–21 school year, the department shall use the *certified*
14 enrollment of that charter school as of Information Day, October
15 7, 2020, based on data reported in the California Longitudinal
16 Pupil Achievement Data System pursuant to Chapter 10
17 (commencing with Section 60900) of Part 33 of Division 4, reduced
18 by either the statewide average rate of absence for elementary
19 school districts for kindergarten and grades 1 to 8, inclusive, or
20 the statewide average rate of absence for high school districts for
21 grades 9 to 12, inclusive, as applicable, as calculated by the
22 department for the prior fiscal year with the resultant figures and
23 rates rounded to the nearest tenth.

24 (2) *A newly operational charter school eligible for funding*
25 *pursuant to paragraph (1) shall receive advance funding pursuant*
26 *to subdivision (a) of Section 47652 for the months of July 2020 to*
27 *January 2021, inclusive. Monthly payments for the remainder of*
28 *the 2020–21 fiscal year shall be drawn pursuant to Sections 14041,*
29 *14041.5, and 14041.6, consistent with the certifications made*
30 *pursuant to Sections 41332 and 41335.*

31 (b) (1) (A) *For purposes of calculating apportionments for the*
32 *2020–21 fiscal year and for any other calculations that would be*
33 *based on average daily attendance in the 2020–21 school year, a*
34 *continuing local educational agency shall be eligible for an*
35 *apportionment calculation pursuant to paragraph (2) if it is a*
36 *charter school, school district, or county office of education with*
37 *growth in overall pupil enrollment from its actual 2019–20 level*
38 *to its projected 2020–21 level, as documented in its most recent*
39 *2020–21 budget adopted by the governing board or body of the*
40 *local educational agency on or before June 30, 2020, or in its*

1 *adopted 2019–20 second interim report. If a local educational*
2 *agency does not document or project enrollment growth in its most*
3 *recent 2020–21 budget adopted by the governing board or body*
4 *of the local educational agency on or before June 30, 2020, or in*
5 *its adopted 2019–20 second interim report, it may use overall pupil*
6 *average daily attendance growth from its actual 2019–20 level to*
7 *its projected 2020–21 level, as documented in its most recent*
8 *2020–21 budget adopted by the governing board or body of the*
9 *local educational agency on or before June 30, 2020, or in its*
10 *adopted 2019–20 second interim report to establish eligibility for*
11 *an apportionment calculation pursuant to paragraph (2).*

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

19 *(2) For a local educational agency that is eligible pursuant to*
20 *paragraph (1) and meets the requirements of paragraph (3), the*
21 *department shall use the lesser of subparagraph (A) or (B) for*
22 *purposes of calculating apportionments for the 2020–21 fiscal*
23 *year. Apportionments calculated pursuant to this paragraph shall*
24 *exclude average daily attendance attributed to a local educational*
25 *agency pursuant to paragraph (4) of subdivision (b) of Section*
26 *43502.*

27 *(A) The certified enrollment of the local educational agency as*
28 *of Information Day, October 7, 2020, based on data reported in*
29 *the California Longitudinal Pupil Achievement Data System*
30 *pursuant to Chapter 10 (commencing with Section 60900) of Part*
31 *33 of Division 4, reduced by either the statewide average rate of*
32 *absence for elementary school districts for kindergarten and grades*
33 *1 to 8, inclusive, or the statewide average rate of absence for high*
34 *school districts for grades 9 to 12, inclusive, as applicable, as*
35 *calculated by the department for the prior fiscal year with the*
36 *resultant figures and rates rounded to the nearest tenth.*

37 *(B) (i) If enrollment growth is used to establish eligibility*
38 *pursuant to paragraph (1), the 2020–21 enrollment of the local*
39 *educational agency projected in its most recent 2020–21 budget*
40 *adopted by the governing board or body of the local educational*

1 agency on or before June 30, 2020, or in its adopted 2019–20
2 second interim report, reduced by either the statewide average
3 rate of absence for elementary school districts for kindergarten
4 and grades 1 to 8, inclusive, or the statewide average rate of
5 absence for high school districts for grades 9 to 12, inclusive, as
6 applicable, as calculated by the department for the prior fiscal
7 year with the resultant figures and rates rounded to the nearest
8 tenth.

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

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

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

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

24 (B) (i) A copy of the local educational agency's adopted
25 2020–21 budget or 2019–20 second interim report and any
26 supporting documentation, including governing board or body
27 minutes, identifying growth in overall pupil average daily
28 attendance or enrollment from its actual 2019–20 level to its
29 projected 2020–21 level. If the 2020–21 budget is provided, it shall
30 have been adopted by the governing board or body of the local
31 educational agency on or before June 30, 2020, and shall be the
32 most recently adopted budget on or before June 30, 2020.

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

38 (C) The superintendent or equivalent officer and the president
39 of the governing board or body of the local educational agency
40 shall both attest under penalty of perjury that documentation

1 *submitted pursuant to subparagraphs (A) and (B) is true and*
2 *correct and is the most recent budget adopted by the governing*
3 *board or body of the local educational agency on or before June*
4 *30, 2020, or is the 2019–20 second interim report adopted by the*
5 *governing board or body of the local educational agency.*

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

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

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

19 ~~(b) (1)~~

20 (2) *For purposes of calculating apportionments for the 2020–21*
21 *fiscal year and for any other calculations that would be based on*
22 *average daily attendance in the 2020–21 school year, for a*
23 *nonclassroom-based charter school described in Section 47612.5*
24 *as of the second principal apportionment certification for the*
25 *2019–20 fiscal year, the department shall use the*
26 *nonclassroom-based charter school’s average daily attendance in*
27 *the 2019–20 fiscal year pursuant to subdivision (b) of Section*
28 *43502.*

29 ~~(2)~~

30 (3) *For the 2020–21 school year, a nonclassroom-based charter*
31 *school described in Section 47612.5 as of the second principal*
32 *apportionment certification for the 2019–20 fiscal year shall adopt*
33 *a learning continuity and attendance plan pursuant to Section*
34 *43509, and shall not be required to adopt a local control and*
35 *accountability plan pursuant to Section 47606.5.*

36 ~~(3)~~

37 (4) *A nonclassroom-based charter school described in Section*
38 *47612.5 as of the second principal apportionment certification for*
39 *the 2019–20 fiscal year shall continue to comply with all of the*
40 *statutory requirements in Article 5.5 (commencing with Section*

1 51745) of Chapter 5 of Part 28 of Division 4 and the implementing
2 regulations for that article.

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

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

7 *43506.5. A charter school that provided notification that it was*
8 *delaying adding grade levels in the 2020–21 school year pursuant*
9 *to Section 105 of Chapter 24 of the Statutes of 2020 may rescind*
10 *that notification. No later than September 30, 2020, the charter*
11 *school shall notify its chartering authority, the department, and*
12 *the parents or guardians of pupils who have indicated an intent*
13 *to enroll in the charter school or enroll in the affected grade levels,*
14 *in writing, of the charter school’s decision to rescind its decision*
15 *and to add grade levels as proposed in its charter petition in the*
16 *2020–21 school year. Notwithstanding Section 47652, funding for*
17 *a continuing charter school eligible pursuant to Section 43505*
18 *shall be provided consistent with Section 43505.*

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

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

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

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

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

38 *(B) The governing board of a school district, a county board of*
39 *education, and the governing body of a charter school shall not be*

1 required to comply with paragraph (2) of Executive Order No.
2 N-56-20.

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

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

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

28 (3) The superintendent of a school district and a county
29 superintendent of schools shall present the learning continuity and
30 attendance plan to the parent advisory committee and the English
31 learner parent advisory committee established pursuant to Section
32 52063 separately for review and comment. The superintendent of
33 a school district and a county superintendent of schools shall
34 respond, in writing, to comments received from the parent advisory
35 committee and the English learner parent advisory committee.

36 (4) The superintendent of a school district, a county
37 superintendent of schools, and a charter school administrator shall
38 present the learning continuity and attendance plan at a public
39 hearing of the governing board of the school district, the county
40 board of education, or the governing body of the charter school

1 for review and comment by members of the public. The agenda
2 for the public hearing shall be posted at least 72 hours before the
3 public hearing and shall include the location where the learning
4 continuity and attendance plan will be available for public
5 inspection.

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

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

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

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

39 (3) Not later than five days after adoption of a learning
40 continuity and attendance plan, the governing body of a charter

1 school shall file the learning continuity and attendance plan with
2 its chartering authority and the county superintendent of schools,
3 or only to the county superintendent of schools if the county board
4 of education is the chartering authority.

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

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

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

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

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

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

36 (i) How the school district, county office of education, or charter
37 school will provide continuity of instruction during the school year
38 to ensure pupils have access to a full curriculum of substantially
39 similar quality regardless of the method of delivery. This shall
40 include a plan for curriculum and instructional resources that will

- 1 ensure instructional continuity for pupils if a transition between
2 in-person instruction and distance learning is necessary.
- 3 (ii) A plan for ensuring access to devices and connectivity for
4 all pupils to support distance learning whenever it occurs.
- 5 (iii) How the school district, county office of education, or
6 charter school will measure participation and assess pupil progress
7 through live contacts and synchronous instructional minutes, as
8 well as how the time value of pupil work will be measured.
- 9 (iv) What professional development and resources will be
10 provided to staff to support the provision of distance learning,
11 including technological support.
- 12 (v) To the extent that staff roles and responsibilities change
13 because of COVID-19, what the new roles and responsibilities of
14 affected staff will be.
- 15 (vi) What additional supports for pupils with unique needs will
16 be provided, including for English learners, pupils with exceptional
17 needs served across the full continuum of placements, pupils in
18 foster care, and pupils who are experiencing homelessness during
19 the period in which distance learning is provided.
- 20 (C) How the school district, county office of education, or
21 charter school will address pupil learning loss that results from
22 COVID-19 during the 2019–20 and 2020–21 school years,
23 including all of the following:
- 24 (i) How the school district, county office of education, or charter
25 school will assess pupils to measure pupil learning status,
26 particularly in the areas of English language arts, English language
27 development, and mathematics.
- 28 (ii) What actions and strategies the school district, county office
29 of education, or charter school will use to address learning loss
30 and accelerate learning progress for pupils, as needed, and how
31 these strategies differ for pupils who are classified as English
32 learners, are eligible for a free or reduced-price meal, or are foster
33 youth, as those terms are defined in Section 42238.01, individuals
34 with exceptional needs, pupils in foster care, and pupils who are
35 experiencing homelessness.
- 36 (iii) How the effectiveness of the services or supports provided
37 to address learning loss will be measured.
- 38 (D) How the school district, county office of education, or
39 charter school will monitor and support the mental health and

1 social and emotional well-being of pupils and staff during the
2 school year.

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

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

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

24 (2) For each of the areas described in paragraph (1), the learning
25 continuity and attendance plan shall describe how federal and state
26 funding included in the original or revised budget adopted by the
27 governing board of a school district, a county board of education,
28 or the governing body of a charter school is used to support the
29 efforts described in the learning continuity and attendance plan,
30 including federal and state funds provided for learning loss
31 mitigation pursuant to Section 110 of ~~the act adding this part.~~
32 *Chapter 24 of the Statutes of 2020*. If the actions and expenditures
33 described in paragraph (1) are not included in the budget, the
34 learning continuity and attendance plan shall reference how these
35 expenditures will be included in the first interim report of the
36 school district, county office of education, or charter school
37 pursuant to Section 1240, 42131, or 47604.33.

38 (3) The learning continuity and attendance plan shall include a
39 description of how the school district, county office of education,
40 or charter school is increasing or improving services in proportion

1 to funds generated on the basis of the number and concentration
 2 of unduplicated pupils under the local control funding formula
 3 pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the
 4 2020–21 fiscal year pursuant to the regulations adopted by the
 5 state board pursuant to Section 42238.07. ~~The description shall~~
 6 ~~include the portion of any federal funds provided to backfill~~
 7 ~~reductions to the local control funding formula on a~~
 8 ~~dollar-for-dollar basis generated on the basis of the number and~~
 9 ~~concentration of unduplicated pupils pursuant to Sections 2574,~~
 10 ~~2575, 42238.02, and 42238.03.~~

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

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

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

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

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

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

34 48412. (a) (1) A person 16 years of age or older, or who has
 35 been enrolled in the 10th grade 10 for one ~~academic school~~ year
 36 or longer, or who will complete one ~~academic school~~ year of
 37 enrollment in the 10th grade 10 at the end of the semester during
 38 which the next regular examination will be conducted, may have
 39 ~~his or her~~ *their* proficiency in basic skills taught in public high
 40 schools verified according to criteria established by the department.

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

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

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

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

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

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

3 (A) The examinee qualifies as a homeless child or youth, as
4 defined in paragraph (2) of Section 725 of the federal
5 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
6 11434a(2)), or as a foster youth, as defined in subdivision (h).

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

9 (C) For an examinee who qualifies as a homeless child or youth
10 pursuant to subparagraph (A), the examinee can verify ~~his or her~~
11 *the examinee's* status as a homeless child or youth. A homeless
12 services provider that has knowledge of the examinee's housing
13 status may verify the examinee's status for purposes of this
14 subparagraph.

15 (3) For purposes of this subdivision, a "homeless services
16 provider" includes either of the following:

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

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

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

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

27 (2) Notwithstanding paragraph (1), the state board shall adopt
28 emergency regulations, as necessary, to implement the provisions
29 of subdivision (c), as amended by ~~the act that added this paragraph.~~
30 *Chapter 384 of the Statutes of 2015*. The adoption of these
31 regulations shall be deemed to be an emergency and necessary for
32 the immediate preservation of the public peace, health, and safety,
33 or general welfare.

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

38 (f) (1) On or before December 1, 2018, the Superintendent shall
39 submit a report to the appropriate policy and fiscal committees of

1 the Legislature that includes, but is not limited to, all of the
2 following:

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

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

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

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

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

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

18 (2) The requirement for submitting a report imposed under
19 paragraph (1) is inoperative on January 1, 2020, pursuant to Section
20 10231.5 of the Government Code.

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

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

25 (1) A child who was the subject of a petition filed pursuant to
26 Section 300 of the Welfare and Institutions Code and removed
27 from ~~his or her~~ *the child's* home by the juvenile court pursuant to
28 Section 319 or 361 of the Welfare and Institutions Code.

29 (2) A child who was the subject of a petition filed pursuant to
30 Section 602 of the Welfare and Institutions Code and removed
31 from ~~his or her~~ *the child's* home by the juvenile court pursuant to
32 Section 727 of the Welfare and Institutions Code.

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

35 51461. (a) The State Seal of Biliteracy certifies attainment of
36 a high level of proficiency by a graduating high school pupil in
37 one or more languages, in addition to English, and certifies that
38 the graduate meets all of the following criteria:

- 1 (1) Completion of all English language arts requirements for
2 graduation with an overall grade point average of 2.0 or above in
3 those classes.
- 4 (2) Passing the California Assessment of Student Performance
5 and Progress for English language arts, or any successor test,
6 administered in grade 11, at or above the “standard met”
7 achievement level, or at the achievement level determined by the
8 Superintendent for any successor test.
- 9 (3) Proficiency in one or more languages other than English,
10 demonstrated through one of the following methods:
- 11 (A) Passing a world language Advanced Placement examination
12 with a score of 3 or higher or an International Baccalaureate
13 examination with a score of 4 or higher.
- 14 (B) Successful completion of a four-year high school course of
15 study in a world language, attaining an overall grade point average
16 of 3.0 or above in that course of study, and oral proficiency in the
17 language comparable to that required pursuant to subparagraph
18 (A).
- 19 (C) (i) If no Advanced Placement examination or off-the-shelf
20 language test exists and the school district can certify to the
21 Superintendent that the test meets the rigor of a four-year high
22 school course of study in that world language, passing a school
23 district language examination that, at a minimum, assesses
24 speaking, reading, and writing in a language other than English at
25 the proficient level or higher. If a school district offers a language
26 examination in a language in which an Advanced Placement
27 examination or off-the-shelf language test exists, the school district
28 language examination shall be approved by the Superintendent for
29 the purpose of determining proficiency in a language other than
30 English.
- 31 (ii) Notwithstanding clause (i), a pupil who seeks to qualify for
32 the State Seal of Biliteracy through a language that is not
33 characterized by listening, speaking, or reading, or for which there
34 is no written system, shall pass an assessment on the modalities
35 that characterize communication in that language at the proficient
36 level or higher.
- 37 (D) Passing the SAT II world language examination with a score
38 of 600 or higher.

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

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

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

10 (c) For languages in which an Advanced Placement test is not
11 available, the Superintendent may provide a listing of equivalent
12 summative tests that school districts may use in place of an
13 Advanced Placement test for purposes of subparagraph (A) of
14 paragraph (3) of subdivision (a). A school district may provide the
15 Superintendent with a list of equivalent summative tests that the
16 school district uses in place of an Advanced Placement test for
17 purposes of subparagraph (A) of paragraph (3) of subdivision (a).
18 The Superintendent may use lists received from school districts
19 in developing the Superintendent’s list of equivalent summative
20 tests.

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

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

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

36 52065. (a) The superintendent of a school district shall do both
37 of the following:

38 (1) Prominently post on the homepage of the internet website
39 of the school district any local control and accountability plan
40 approved by the governing board of the school ~~district~~, *district*

1 and any ~~updates or revisions~~ *updates, revisions, or addenda,*
 2 *including those to comply with federal law,* to a local control and
 3 accountability plan approved by the governing board of the school
 4 district.

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

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

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

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

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

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

28 *SEC. 23. Section 56836.07 of the Education Code is amended*
 29 *to read:*

30 56836.07. (a) For the 2004–05 fiscal year to the 2019–20 fiscal
 31 year, inclusive, to the extent there is an appropriation in the annual
 32 Budget Act for purposes of educationally related mental health
 33 services, the Superintendent shall allocate funds per unit of average
 34 daily attendance, as defined in Section 56836.06, reported for the
 35 special education local plan area. For the 2004–05 fiscal year to
 36 the 2019–20 fiscal year, inclusive, for which there is an
 37 appropriation in the annual Budget Act for this purpose, the
 38 Superintendent shall determine a proportionate share, consistent
 39 with existing law, to the Los Angeles County Juvenile Court and
 40 Community School/Division of Alternative Education Special

1 Education Local Plan Area based on the ratio of the amount per
2 unit of average daily attendance determined pursuant to Section
3 56836.10 to the amount of the statewide target per unit of average
4 daily attendance determined pursuant to Section 56836.11.

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

22 (c) For the 2020–21 fiscal year and each fiscal year thereafter,
23 to the extent there is a General Fund appropriation in the annual
24 Budget Act for purposes of mental health-related services, the
25 Superintendent shall allocate funds per unit of average daily
26 attendance, as defined in Section 56836.06, reported for the special
27 education local plan area for the 2019–20 fiscal ~~year~~ *year as of*
28 *the second principal apportionment*. For the 2020–21 fiscal year
29 and each fiscal year thereafter for which there is a General Fund
30 appropriation in the annual Budget Act for this purpose, the
31 Superintendent shall determine a proportionate share, consistent
32 with existing law, to the Los Angeles County Juvenile Court and
33 Community School/Division of Alternative Education Special
34 Education Local Plan Area based on the ratio of the amount per
35 unit of average daily attendance for the 2019–20 fiscal year
36 determined pursuant to Section 56836.10 to the amount of the
37 statewide target per unit of average daily attendance for the
38 2019–20 fiscal year determined pursuant to Section 56836.11.

39 (d) For the 2020–21 fiscal year and each fiscal year thereafter,
40 the General Fund appropriations specified in subdivision (c) shall

1 be available for all mental health-related ~~services~~, *services for*
2 *pupils with or without an individualized education program,*
3 including, but not limited to, all of the following:

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

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

8 (3) Psychological services.

9 (4) Social work services.

10 (5) Behavioral interventions.

11 (6) Any other mental health-related service not necessarily
12 required by the federal Individuals with Disabilities Education Act
13 (20 U.S.C. Sec. 1400 et seq.).

14 *SEC. 24. Section 56836.148 of the Education Code is amended*
15 *to read:*

16 56836.148. (a) For the 2020–21 fiscal year, the Superintendent
17 shall determine the base grant funding for each special education
18 local plan area by multiplying the amount funded per unit of
19 average daily attendance for each special education local plan area
20 computed in subdivision (a) of Section 56836.146 by the funded
21 average daily attendance computed in Section 56836.144 for the
22 corresponding special education local plan area.

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

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

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

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

6 *SEC. 25. Section 56836.24 of the Education Code is amended*
7 *to read:*

8 56836.24. (a) Commencing with the 2018–19 fiscal year and
9 each fiscal year thereafter, the Superintendent shall make the
10 following computations to determine the amount of funding for
11 the purposes specified in Section 56836.23 for apportionment to
12 each special education local plan area for the fiscal year in which
13 the computation is made:

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

16 (A) Compute the statewide average for program specialists and
17 regionalized services, excluding the amount computed for the
18 special education local plan area identified as the Los Angeles
19 County Juvenile Court and Community School/Division of
20 Alternative Education Special Education Local Plan Area, for the
21 2012–13 fiscal year.

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

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

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

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

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

38 (B) Multiply the amount computed in subparagraph (A) by the
39 number of units of average daily attendance upon which funding
40 is based pursuant to clause (i) of subparagraph (B) of paragraph

1 (3) of subdivision (b) of Section 56836.08 for the special education
2 local plan area.

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

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

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

13 (b) For purposes of this section, a special education local plan
14 area that only includes charter schools shall be apportioned by the
15 Superintendent for each unit of average daily attendance reported
16 pursuant to subdivision (a) of Section ~~56836.06~~. *56836.06 for the*
17 *2019–20 fiscal year.*

18 *SEC. 26. Section 60010 of the Education Code is amended to*
19 *read:*

20 60010. For purposes of this part, the following terms have the
21 following meanings unless the context in which they appear clearly
22 requires otherwise:

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

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

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

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

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

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

1 (g) “High school” means all public schools other than
2 elementary schools in which instruction is given through grade
3 12, or in any one or more of those grades.

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

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

13 (j) “School official” means a member of a governing board, a
14 city, county, city and county, or district superintendent of schools,
15 and a principal, teacher, or other employee under ~~his or her~~ *their*
16 charge.

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

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

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

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

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

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

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

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

39 (2) Technology-based materials ~~do not include~~ *also includes*
40 the electronic equipment required to make use of those ~~materials~~,

1 ~~unless that equipment is to be materials used by pupils and teachers~~
 2 ~~as a learning resource. However, this shall not be construed to~~
 3 ~~authorize a school district to replace computers or related~~
 4 ~~equipment in an existing computer lab or allow a school district~~
 5 ~~to establish a new computer lab. resource, including, but not limited~~
 6 ~~to, laptop computers and devices that provide internet access.~~

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

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

17 *SEC. 27. Section 69996.3 of the Education Code is amended*
 18 *to read:*

19 69996.3. (a) Each child born on or after July 1, 2020, who is
 20 a California resident at the time of birth is eligible for the program.

21 (b) No later than 90 days after a birth certificate is registered
 22 for a child described in subdivision (a), the State Department of
 23 Public Health shall provide the board with identifiable birth data
 24 for the child in a file format as defined by the board. The birth data
 25 ~~shall include, but not necessarily be limited to,~~ *include* the child’s
 26 name and birth date and the name and contact information of each
 27 parent of the child, including the parent’s ~~street address.~~ *address*
 28 *and, if provided to the department, the parent’s mobile telephone*
 29 *number and email address. In addition, upon request by the board,*
 30 *the department shall include, in the birth data it provides to the*
 31 *board, information collected pursuant to subparagraph (C) of*
 32 *paragraph (2) of subdivision (a) of Section 102426 of the Health*
 33 *and Safety Code. The department may provide additional*
 34 *identifiable birth data to the board, upon request, and upon a*
 35 *determination by the State Registrar, in consultation with the*
 36 *board, that the data is necessary for administration of the program.*
 37 The birth data is confidential and shall not be disclosed except as
 38 necessary for the program. No more than 90 days after receiving
 39 the birth data from the department, the board shall notify each

1 parent of each eligible child about the program. The notification
2 shall include information on all of the following:

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

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

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

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

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

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

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

1 or engaging with the KIDS Account by other means approved by
2 the board.

3 (g) Upon receiving documentation of a child's enrollment as a
4 student at an institution of higher education, the board shall make
5 a payment to that institution in the amount of the seed deposit
6 designated for the child pursuant to subdivision (f), plus any
7 investment earnings attributed to that amount since the date of that
8 deposit as calculated by the board, for qualified higher education
9 expenses associated with the child's attendance at that institution.

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

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

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

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

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

24 (j) (1) If a beneficiary does not use any portion, or all, of the
25 ~~funds moneys~~ intended for the beneficiary in a KIDS Account for
26 a qualified higher education expense for any reason, including *the*
27 death or disability of the beneficiary, before the beneficiary turns
28 26 years of age, all contributions made for the beneficiary into the
29 KIDS Account and any earnings from those ~~funds moneys~~ shall
30 be forfeited and deposited into the fund for the program.

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

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

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

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

10 *SEC. 28. Section 71000 of the Education Code is amended to*
11 *read:*

12 71000. There is in the state government a Board of Governors
13 of the California Community Colleges, consisting of ~~16~~ 17 voting
14 members and one nonvoting member, as follows:

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

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

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

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

35 (2) The term of office of one student member of the board shall
36 commence on July 1 of an even-numbered year, and expire on
37 June 30 two years thereafter. The term of office of the other student
38 member of the board shall commence on July 1 of an
39 odd-numbered year, and expire on June 30 two years thereafter.
40 Notwithstanding paragraph (1), a student member who graduates

1 from ~~his or her~~ *the student member's* college on or after January
 2 1 of the second year of ~~his or her~~ *the student member's* term of
 3 office may serve the remainder of the term.

4 (3) During the first year of a student member's term, a student
 5 member shall be a member of the board and may attend all
 6 meetings of the board and its committees. At these meetings, a
 7 student member may fully participate in discussion and debate,
 8 but shall not vote. During the second year of a student member's
 9 term, a student member may exercise the same right to attend
 10 meetings of the board, and its committees, and shall have the same
 11 right to vote as the members appointed pursuant to subdivisions
 12 (a) and (c).

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

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

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

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

34 *SEC. 29. Section 92411 is added to the Education Code,*
 35 *immediately following Section 92410, to read:*

36 *92411. The provisions of this chapter are severable. If any*
 37 *provision of this chapter or its application is held invalid, that*
 38 *invalidity shall not affect other provisions or applications that can*
 39 *be given effect without the invalid provision or application.*

1 *SEC. 30. Section 92495 of the Education Code is amended to*
2 *read:*

3 92495. (a) (1) Commencing with the 2013–14 fiscal year and
4 for each fiscal year thereafter, if the University of California plans
5 to use any of its support appropriation in the annual budget for the
6 subsequent fiscal year for capital expenditures pursuant to Section
7 92493, as defined in subparagraph (A) *or* (D) of paragraph (2) of
8 subdivision (b) of that section, or for capital outlay projects
9 pursuant to Section 92494, as defined in paragraph (1) of
10 subdivision (b) of that section, it shall simultaneously submit, on
11 or before September 1, 10 months before the commencement of
12 that fiscal year, a report to the committees in each house of the
13 Legislature that consider the annual state budget, the budget
14 subcommittees in each house of the Legislature that consider
15 appropriations for the University of California, and the Department
16 of Finance.

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

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

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

37 (b) The Department of Finance may approve capital expenditures
38 defined in subparagraph (C) of paragraph (2) of subdivision (b)
39 of Section 92493, or capital outlay projects defined in paragraph
40 (2) of subdivision (b) of Section 92494, no sooner than 30 days

1 after submitting, in writing, a list of capital expenditures and capital
2 outlay projects being considered for ~~approval~~ *approval, with the*
3 *applicable certifications required by subdivision (e)*, to the
4 chairpersons of the committees in each house of the Legislature
5 that consider appropriations, the chairpersons of the committees
6 and the appropriate subcommittees in each house of the Legislature
7 that consider the State Budget, and the Chairperson of the Joint
8 Legislative Budget Committee.

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

15 ~~(d) (1) For the 2013–14 fiscal year only, if the University of~~
16 ~~California plans to use any of its support appropriation in the~~
17 ~~annual budget for the 2013–14 fiscal year for capital expenditures~~
18 ~~pursuant to Section 92493, as defined in subparagraph (A) of~~
19 ~~paragraph (2) of subdivision (b) of that section, or for capital outlay~~
20 ~~projects pursuant to Section 92494, it shall simultaneously submit,~~
21 ~~on or before August 1 of that fiscal year, a report to the Joint~~
22 ~~Legislative Budget Committee and the Department of Finance.~~
23 ~~This report shall detail the scope of each capital outlay project or~~
24 ~~capital expenditure and how it will be funded, and it shall provide~~
25 ~~the same level of detail as a capital outlay budget change proposal.~~

26 ~~(2) The Department of Finance shall review the report and~~
27 ~~submit a list of preliminarily approved projects to the Joint~~
28 ~~Legislative Budget Committee by November 1 of that fiscal year.~~

29 ~~(3) The Department of Finance shall submit a final list of~~
30 ~~approved projects to the University of California no earlier than~~
31 ~~December 1 of that fiscal year.~~

32 ~~(4) The University of California shall not proceed with any~~
33 ~~capital expenditures pursuant to Section 92493, as defined in~~
34 ~~subparagraph (A) of paragraph (2) of subdivision (b) of that section,~~
35 ~~or capital outlay projects pursuant to Section 92494, before~~
36 ~~receiving approval from the Department of Finance pursuant to~~
37 ~~this subdivision.~~

38 ~~(e) Notwithstanding subdivision (b), the University of California~~
39 ~~may use the authority provided in Section 92493 for the Merced~~
40 ~~Classroom and Academic Office Building, as specified in Provision~~

1 ~~3 of Item 6440-001-0001 of Section 2.00 of the Budget Act of~~
2 ~~2013.~~

3 ~~(f)~~

4 *(d) (1) The University of California may proceed with capital*
5 *expenditures pursuant to Section 92493, as defined in paragraph*
6 *(2) of subdivision (b) of that section, or capital outlay projects*
7 *pursuant to Section 92494, only if all work traditionally performed*
8 *by persons with University of California Service Unit (SX) job*
9 *classifications is performed only by employees of the University*
10 *of California. This subdivision shall become inoperative on ~~June~~*
11 *~~30, 2024.~~ January 1, 2021.*

12 *(2) Commencing January 1, 2021, the University of California*
13 *may proceed with capital expenditures, as defined in subparagraph*
14 *(A), (C), or (D) of paragraph (2) of subdivision (b) of Section*
15 *92493, or capital outlay projects defined in subdivision (b) of*
16 *Section 92494, only upon certification that during the subsequent*
17 *fiscal year and at all times thereafter, all cleaning, maintenance,*
18 *groundskeeping, food service, or other work traditionally*
19 *performed by persons with University of California Service Unit*
20 *(SX) job classifications, shall be performed only by employees of*
21 *the University of California at each beneficially affected facility,*
22 *building, or other property. This paragraph does not apply to work*
23 *performed by individuals whose compensation is governed by*
24 *Chapter 1 (commencing with Section 1720) of Part 7 of Division*
25 *2 of the Labor Code.*

26 *(e) Commencing with the 2021–22 fiscal year, and for each*
27 *fiscal year thereafter, the Department of Finance shall approve*
28 *each new and ongoing capital expenditure defined in subparagraph*
29 *(A), (C), or (D) of paragraph (2) of subdivision (b) of Section*
30 *92493, and each capital outlay project defined in subdivision (b)*
31 *of Section 92494, only after the University of California has*
32 *demonstrated ongoing and continuous compliance with*
33 *subdivisions (c) and (d). For each capital expenditure and each*
34 *capital outlay project, a demonstration of compliance shall include*
35 *a certification of compliance with subdivision (d) signed by the*
36 *President of the University of California, or their duly authorized*
37 *designee, indicating that, at each facility, building, or other*
38 *property that will benefit from state funding for a capital*
39 *expenditure or capital outlay project, both of the following occur:*

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

3 (2) Either of the following:

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

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

17 ~~(g)~~

18 (f) Notwithstanding Section 10231.5 of the Government Code,
19 commencing with the 2014–15 fiscal year, on or before February
20 1 of each fiscal year, the University of California shall
21 simultaneously submit a progress report to the Joint Legislative
22 Budget Committee and the Department of Finance detailing the
23 scope, funding, and current status of all capital expenditures
24 undertaken pursuant to Section 92493 and for all capital outlay
25 projects undertaken pursuant to Section 92494.

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

33 SEC. 31. Section 92496.1 is added to the Education Code, to
34 read:

35 92496.1. (a) Notwithstanding Section 92496, for the 2020–21
36 and 2021–22 fiscal years, if the University of California is able
37 to reduce annual debt service costs by refunding, defeasing, or
38 retiring general obligation bonds or State Public Works Board
39 lease revenue bonds, as described in Section 92493, the university
40 may use the savings from refunding, restructuring, defeasing, or

1 *retiring general obligation bonds or State Public Works Board*
2 *lease revenue bonds, as described in Section 92493, to mitigate*
3 *the impacts to programs and services that predominantly support*
4 *underrepresented student access to, and success at, the university,*
5 *and to provide for continued employment of employees without*
6 *resorting to involuntary layoffs, furloughs, or reductions-in-time*
7 *in the 2020–21 and 2021–22 fiscal years.*

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

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

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

22 *SEC. 32. Section 8880.4.1 is added to the Government Code,*
23 *to read:*

24 *8880.4.1. (a) The Legislature finds and declares that this*
25 *section is clarifying of, and consistent with, the intent of*
26 *Proposition 20, as approved by the voters at the March 7, 2000,*
27 *statewide primary election and is not authorizing any new use of*
28 *moneys expended pursuant to subparagraph (B) of paragraph (2)*
29 *of subdivision (a) of Section 8880.4, as amended by Section 1 of*
30 *Chapter 56 of the Statutes of 2011, and paragraph (2) of*
31 *subdivision (a) of Section 8880.4, as amended by Section 2 of*
32 *Chapter 56 of the Statutes of 2011.*

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

1 *SEC. 33. Section 14900 of the Government Code is amended*
2 *to read:*

3 14900. (a) It is the policy of the State of California to make
4 freely available to its inhabitants all state ~~publications by~~
5 ~~distribution to libraries throughout the state, subject to the~~
6 ~~assumption by such libraries of the responsibilities of keeping such~~
7 ~~documents readily accessible for use, and of rendering assistance~~
8 ~~in their use to qualified patrons without charge.~~ *publications.*

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

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

20 *SEC. 34. Section 14901 of the Government Code is amended*
21 *to read:*

22 14901. (a) To the end that the policy specified in Section
23 14900 may be effectively carried out, ~~the State Printer shall print~~
24 ~~a sufficient number of copies of each state publication as~~
25 ~~determined by the State Librarian in accordance with Sections~~
26 ~~14901, 14903, 14904, 14905.1, and 14907, not to exceed three~~
27 ~~hundred fifty (350), unless the Department of General Services~~
28 ~~with the advice of the State Librarian determines that a greater~~
29 ~~number is necessary in order to meet the requirements for deposit~~
30 ~~in a “library stockroom” (to be maintained by the State Printer for~~
31 ~~that purpose) for distribution to libraries as hereinafter provided,~~
32 ~~except that of legislative bills, daily journals, and daily or weekly~~
33 ~~histories, not more than one hundred fifty (150) copies shall be~~
34 ~~printed for such deposit and distribution, and of publications not~~
35 ~~printed by the State Printer, the department, commission or other~~
36 ~~agency concerned shall print one hundred (100) copies for such~~
37 ~~distribution. An additional two (2) subject to availability of the~~
38 ~~necessary resources, the California State Library may create a~~
39 ~~digital repository and delivery system to maintain and preserve~~
40 ~~copies of publications in electronic format for ready access to the~~

1 *public. Each state agency may provide digital publications to the*
2 *California State Library in an appropriate electronic format as*
3 *specified by the California State Library. The California State*
4 *Library shall determine the appropriate electronic format and may*
5 *consult with the State Archivist.*

6 *(b) Two copies of each state publication publication, in physical*
7 *or electronic format, as selected by the State Archivist shall be*
8 *printed and delivered to filed with the State Archivist by the State*
9 *Printer or the department, commission, or other agency concerned,*
10 *and all remaining copies in excess of two (2) copies heretofore*
11 *received shall be distributed to interested parties without charge*
12 *or destroyed. concerned. The cost of printing, publishing, and*
13 *distributing such the copies shall be fixed and charged pursuant*
14 *to Section 14866.*

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

19 *(d) Publications printed in physical format or that have not*
20 *been submitted to the California State Library pursuant to*
21 *subdivision (a) shall be printed in a sufficient number of copies of*
22 *each state publication as determined by the State Librarian in*
23 *accordance with this section and Sections 14903, 14904, and*
24 *14907, not to exceed 350, and forwarded to the California State*
25 *Library. The cost of printing, publishing, and distributing the*
26 *copies shall be fixed and charted pursuant to Section 14866.*

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

30 *SEC. 35. Section 14902 of the Government Code is amended*
31 *to read:*

32 *14902. “State—(a) For purposes of this article, “state*
33 *publication” or “publication” as herein employed is defined to*
34 *include includes any document, compilation, journal, law,*
35 *resolution, Blue Book, statute, code, register, pamphlet, list, book,*
36 *report, memorandum, hearing, legislative bill, leaflet, order,*
37 *regulation, directory, periodical or magazine periodical, or*
38 *magazine, in physical or electronic format, issued by the state, the*
39 *Legislature, constitutional officers, or any department, commission*
40 *commission, or other agency thereof or prepared for the state by*

1 a private individual or organization and issued in print, and “print”
 2 is defined to include all forms of duplicating other than by the use
 3 of carbon paper. in print for access by the public. For purposes of
 4 this section, “print” includes either physical or electronic format.
 5 The publications of the University of California, however, and
 6 intraoffice or interoffice publications and forms shall are not be
 7 included. state publications for purposes of this article.

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

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

17 SEC. 36. Section 14903 of the Government Code is amended
 18 to read:

19 14903. As soon as practicable after deposit of the copies in the
 20 library stockroom, the State Printer shall forward of each
 21 publication other than the legislative bills, daily journals and daily
 22 or weekly histories, 50 copies to the In addition to the required
 23 distributions set forth in Section 14901, the agreed-upon number
 24 of each publication printed by the State Printer, including the
 25 legislative bills, daily journals, and daily or weekly histories, shall
 26 be forwarded by the State Printer to the California State Library
 27 at Sacramento, 25 copies each to the University of California
 28 libraries at Berkeley and Los Angeles, and 50 copies to the
 29 California State University, to be allocated among the libraries
 30 thereof of the California State University as directed by the
 31 Trustees of the California State University. Those copies in excess
 32 of the number required for the institutions themselves may be used
 33 for exchanges with other institutions or with agencies of other
 34 states and countries.

35 SEC. 37. Section 14904 of the Government Code is amended
 36 to read:

37 14904. The copies remaining in the library stockroom,
 38 including the legislative bills, daily journals, and daily or weekly
 39 histories, shall be distributed as soon as practicable by the State
 40 Printer first one copy each to the libraries which are on his mailing

1 list as “complete depositories,” second one copy each to the
2 libraries which are on his mailing list as “selective depositories,”
3 and third the balance to any libraries which may write for a copy
4 or copies. ~~Publications~~ *In addition to the required distributions*
5 *set forth in Section 14901, publications in any format* not printed
6 by the State Printer shall be distributed by the issuing department,
7 ~~commission~~ *commission*, or other agency as soon as practicable
8 after ~~printing, completion~~, first to all “complete depositories,” and
9 second to “selective depositories,” designated by the ~~Department~~
10 ~~of General Services~~. *California State Library.*

11 *SEC. 38. Section 14905 of the Government Code is amended*
12 *to read:*

13 14905. To be placed on the mailing list as *classified as a*
14 *“complete depository” or as a “selective depository,” depository”*
15 *of physical materials*, a library must contract with the ~~Department~~
16 ~~of General Services~~ *California State Library* to provide adequate
17 facilities for the storage and use of the publications, and must agree
18 to render reasonable service without charge to qualified patrons
19 in the use of the publications. A library designated as a “complete
20 depository” shall be sent one copy of every state ~~publication,~~
21 *publication in a physical format*, while a library designated as a
22 “selective depository” shall be sent one copy of each publication
23 ~~of the type or issuing agency it selects.~~ *existing in physical format*
24 *from only the subset of issuing agencies the library selected or*
25 *one copy of each publication existing in physical format of the*
26 *publication type selected by the library.*

27 *SEC. 39. Section 14905.1 of the Government Code is repealed.*

28 14905.1. ~~The California State Library may enter into~~
29 ~~agreements with the appropriate state agencies of each of the 49~~
30 ~~other states of the United States of America, to establish a program~~
31 ~~for the exchange of publications of legislative service agencies,~~
32 ~~other than publications of the Joint Legislative Audit Committee~~
33 ~~and of the Joint Legislative Budget Committee. The California~~
34 ~~legislative reports to be exchanged shall be selected by the State~~
35 ~~Librarian after consultation with, and subject to the approval of,~~
36 ~~the Joint Committee on Legislative Organization. The legislative~~
37 ~~research reports received from other states in exchange shall be~~
38 ~~made available by the California State Library to the California~~
39 ~~Legislature.~~

1 Prior to designation as an exchange agency, the state agency
 2 shall agree to provide adequate facilities for the storage and use
 3 of the publications, and must agree to render reasonable service
 4 in the use of the publications without charge to the legislature of
 5 that state and other qualified patrons.

6 The California State Library shall notify the appropriate state
 7 agency of each of the other states of the provisions of this section.

8 The additional number of copies of publications, not to exceed
 9 100, needed to implement the program shall be printed or otherwise
 10 duplicated. The State Printer and the state legislative agencies upon
 11 notification of the need shall provide the designated number of
 12 publications.

13 *SEC. 40. Section 14906 of the Government Code is amended*
 14 *to read:*

15 14906. Any municipal or county free library, any state college
 16 or state university library, the library of any incorporated college
 17 or university in this state, the library of any public community
 18 college in this state, and the ~~California State Library, Library~~ may
 19 contract as ~~above provided.~~ *provided in this article.* Applications
 20 are to be considered in the order of their receipt by the ~~Department~~
 21 ~~of General Services.~~ *California State Library.*

22 *SEC. 41. Section 14910 of the Government Code is amended*
 23 *to read:*

24 14910. To facilitate the distribution of state publications, the
 25 ~~State Library shall issue monthly or quarterly a complete list of~~
 26 ~~state publications issued during the immediately preceding month~~
 27 ~~or quarter, such lists to be cumulated and printed at the end of each~~
 28 ~~calendar year.~~ *California State Library shall maintain information*
 29 *about state publications issued and deposited with the library on*
 30 *the California State Library internet website.* All state departments,
 31 ~~commissions~~ *commissions*, and other agencies shall, upon request,
 32 supply information ~~to the State Library for the preparation of the~~
 33 ~~monthly or quarterly lists and the annual cumulative lists.~~ *regarding*
 34 *the respective agency's publications to the California State Library.*

35 *SEC. 42. Section 14911 of the Government Code is amended*
 36 *to read:*

37 14911. ~~Whenever~~ *If* any state agency maintains a mailing list
 38 of public officials or other persons to whom publications or other
 39 printed matter is sent without charge, the state agency shall correct
 40 its mailing list and verify its accuracy at least once each year. ~~This~~

1 shall be done by addressing an appropriate post card or letter to
2 each person on the mailing list. The name of any person who does
3 not respond to such letter or post card, or who indicates that he
4 does not desire to receive such publications or printed matter, shall
5 be removed from the mailing lists. The responses of those desiring
6 to be on the mailing list shall be retained by these agencies for one
7 year.

8 *SEC. 43. Section 8024 is added to the Health and Safety Code,*
9 *immediately preceding Section 8025, to read:*

10 8024. For purposes of this article, “consultation” has the
11 same meaning as defined in Section 65352.4 of the Government
12 Code.

13 *SEC. 44. Section 8025 of the Health and Safety Code is*
14 *amended to read:*

15 8025. (a) In order to better implement the federal Native
16 American Graves Protection and Repatriation Act (25 U.S.C. Sec.
17 3001 et seq.), the Regents of the University of California shall not
18 use state funds for the handling or maintenance of Native American
19 human remains and cultural items unless the regents do all the
20 following:

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

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

33 (B) Adopt and implement clear and transparent policies and
34 procedures on the systemwide requirements for submitting claims
35 for the repatriation of human remains and cultural items,
36 demonstrating cultural affiliation, notification to tribes of human
37 remains and cultural items deemed culturally affiliated but that
38 are not subject to a current repatriation claim, dispute resolution
39 regarding repatriation claims, and any other relevant subject

1 governed by the federal Native American Graves Protection and
2 Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and this chapter.

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

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

19 (3) Develop all policies and procedures pursuant to paragraph
20 (2) in consultation with California Native American tribes on the
21 contact list maintained by the Native American Heritage
22 Commission. Each California Indian tribe that is on the contact
23 list shall be invited to consult on the proposed policies and
24 procedures. ~~For purposes of this section, “consultation” has the~~
25 ~~same meaning as defined in Section 65352.4 of the Government~~
26 ~~Code.~~

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

31 (5) Implement the systemwide policies adopted pursuant to
32 paragraph (2) by January 1, ~~2020~~, 2021, and implement any campus
33 policies within one year after the adoption of the systemwide
34 policies.

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

38 (7) Adopt procedures to support appeals and dispute resolution
39 in cases where a tribe disagrees with a campus determination
40 regarding repatriation or disposition of human remains or cultural

1 items directly to the systemwide Native American Graves
2 Protection and Repatriation Act Implementation and Oversight
3 Committee.

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

12 *SEC. 45. Section 102426 of the Health and Safety Code is*
13 *amended to read:*

14 102426. (a) (1) In addition to the items of information
15 collected pursuant to Section 102425, the State Registrar shall
16 instruct all local registrars that have automated birth registration
17 to electronically capture the information specified in paragraph
18 (2) in an electronic file. The information shall not be transcribed
19 onto the actual hard copy of the certificate of live birth.

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

22 (A) The mother's marital status.

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

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

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

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

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

37 (G) *The email address and mobile telephone numbers of the*
38 *intended parents, if voluntarily provided by the parents, to be used*
39 *for the California Kids Investment and Development Savings*
40 *Program pursuant to Article 19.5 (commencing with Section*

1 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of the
2 Education Code.

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

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

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

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

16 (c) *Notwithstanding any law to the contrary, information*
17 *collected pursuant subparagraph (G) of paragraph (2) of*
18 *subdivision (a), if voluntarily provided by the parents, shall not*
19 *under any circumstances be disclosed or available to anyone except*
20 *for the Scholarshare Investment Board created pursuant to Section*
21 *69984 of the Education Code. The information shall be collected*
22 *as long as the California Kids Investment and Development Savings*
23 *Program is operational and actively opening new KIDS accounts,*
24 *as defined in subdivision (g) of Section 69996.2, for eligible*
25 *children.*

26 *SEC. 46. Section 102430 of the Health and Safety Code is*
27 *amended to read:*

28 102430. (a) The second section of the certificate of live birth
29 as specified in subdivision (b) of Section 102425, the electronic
30 file of birth information collected pursuant to subparagraphs (B)
31 to ~~(F)~~, (G) inclusive, of paragraph (2) of subdivision (a) of Section
32 102426, the birth mother linkage collected pursuant to Section
33 102425.2, and the second section of the certificate of fetal death
34 as specified in Section 103025, are confidential. Access to the
35 confidential portion of any certificate of live birth or fetal death,
36 the electronic file of birth information collected pursuant to
37 subparagraphs (B) to ~~(F)~~, (G), inclusive, of paragraph (2) of
38 subdivision (a) of Section 102426, and the birth mother linkage
39 collected pursuant to Section 102425.2 shall be limited to the
40 following:

- 1 (1) Department staff.
- 2 (2) Local registrar’s staff and local health department staff when
3 approved by the local registrar or local health officer, respectively.
- 4 (3) The county coroner.
- 5 (4) Persons with a valid scientific interest as determined by the
6 State Registrar, who are engaged in demographic, epidemiological,
7 or other similar studies related to health, and who agree to maintain
8 confidentiality as prescribed by this part and by regulation of the
9 State Registrar.
- 10 (5) The parent who signed the certificate or, if no parent signed
11 the certificate, the mother.
- 12 (6) The person named on the certificate.
- 13 (7) A person who has petitioned to adopt the person named on
14 the certificate of live birth, subject to Section 102705 of the Health
15 and Safety Code and Sections 9200 and 9203 of the Family Code.
- 16 (8) The following state government departments requesting the
17 information for official government business purposes as deemed
18 appropriate by the State Registrar, that agree to maintain
19 confidentiality as prescribed by this part:
 - 20 (A) The State Department of Public Health.
 - 21 (B) The State Department of Health Care Services.
 - 22 (C) The Department of Finance. This section shall not be
23 construed as a limitation of the authority granted to the Department
24 of Finance in Sections 13073 to 13073.5, inclusive, of the
25 Government Code.
 - 26 (D) The Scholarshare Investment Board, for the purpose of
27 implementing the California Kids Investment and Development
28 Savings Program pursuant to Article 19.5 (commencing with
29 Section 69996) of Chapter 2 of Part 42 of Division 5 of Title 3 of
30 the Education—~~Code~~. *Code, as long as the California Kids*
31 *Investment and Development Savings Program is operational and*
32 *actively opening new KIDS accounts, as defined in subdivision (g)*
33 *of Section 69996.2 of the Education Code, for eligible children.*
- 34 (9) The birth hospital responsible for preparing and submitting
35 a record of the birth or fetal death for purposes of reviewing and
36 correcting birth or fetal death records. The birth hospital shall not
37 further disclose the information nor use the information for
38 purposes other than allowed by this part.

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

4 (A) The name of the person authorizing access.

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

7 (C) The dates of access.

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

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

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

22 *SEC. 47. Section 48 of Chapter 29 of the Statutes of 2016 is*
23 *repealed.*

24 ~~Sec. 48. Commencing with the 2016-17 fiscal year, the~~
25 ~~Superintendent of Public Instruction shall add three million five~~
26 ~~hundred thousand dollars (\$3,500,000) to the amount to be~~
27 ~~apportioned pursuant to Sections 42238.02 and 42238.03 of the~~
28 ~~Education Code to the San Francisco Unified School District.~~
29 ~~These funds shall be made available to contract with the~~
30 ~~Exploratorium in San Francisco for purposes of supporting~~
31 ~~professional development and leadership training for education~~
32 ~~professionals, expanding access to quality STEM learning~~
33 ~~opportunities, and supporting statewide implementation of the~~
34 ~~Next Generation Science Standards.~~

35 *SEC. 48. Section 1 of Chapter 3 of the Statutes of 2020, as*
36 *amended by Section 91 of Chapter 24 of the Statutes of 2020, is*
37 *amended to read:*

38 Section 1. (a) For all local educational agencies that comply
39 with Executive Order No. N-26-20 or that are not subject to a
40 closure due to the coronavirus (COVID-19), and for purposes of

1 average daily attendance claimed for apportionment purposes
2 pursuant to Section 41601 of the Education Code, for the 2019–20
3 school year average daily attendance reported to the State
4 Department of Education for the second period and the annual
5 period for local educational agencies shall only include all full
6 school months from July 1, 2019, to February 29, 2020, inclusive.
7 Any applicable contrary provisions in Sections 1244 and 41601
8 of the Education Code are waived.

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

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

16 *SEC. 49. Section 2 of Chapter 3 of the Statutes of 2020 is*
17 *amended to read:*

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

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

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

35 *SEC. 50. Section 3 of Chapter 3 of the Statutes of 2020 is*
36 *amended to read:*

37 Sec. 3. (a) A charter school that does not have an independent
38 study program, as described in Article 5.5 (commencing with
39 Section 51745) of Chapter 5 of Part 28 of Division 4 of Title 2 of
40 the Education Code, or a distance learning program in its

1 currently-approved charter petition is not required to submit a
2 request to materially revise its charter petition to its chartering
3 authority in order to offer an independent study program or distance
4 learning program during the period of time the school is closed
5 due to the coronavirus (COVID-19) and complying with Executive
6 Order No. N-26-20.

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

8 *SEC. 51. Section 4 of Chapter 3 of the Statutes of 2020, as*
9 *amended by Section 92 of Chapter 24 of the Statutes of 2020, is*
10 *amended to read:*

11 Sec. 4. (a) For local educational agencies that comply with
12 Executive Order No. N-26-20, and to ensure continuity of funding
13 for the After School Education and Safety Program established by
14 Article 22.5 (commencing with Section 8482) of Chapter 2 of Part
15 6 of Division 1 of Title 1 of the Education Code, a school closure
16 due to the coronavirus (COVID-19) shall be considered a
17 qualifying event for purposes of subdivision (d) of Section 8482.8
18 of the Education Code, and the obligation for a program grantee
19 to submit a request for pupil attendance credits is waived. Program
20 grantees shall be credited with the average annual attendance that
21 the grantee would have received if it had been able to operate its
22 entire program during the period of time the school was closed or
23 restructured due to COVID-19.

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

25 *SEC. 52. Section 5 of Chapter 3 of the Statutes of 2020 is*
26 *amended to read:*

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

35 (b) To ensure continuity of payments to state-subsidized
36 childcare and development programs, the attendance and reporting
37 requirements imposed on childcare and development programs
38 pursuant to Sections 8221.5, 8230, 8235, 8240, 8245, 8250, 8351,
39 8353, and 8354 of the Education Code, and subdivision (a) of
40 Section 18056 of Title 5 of the California Code of Regulations,

1 are waived for programs that comply with an Executive Order,
2 subject to guidance from the Superintendent of Public Instruction
3 pursuant to this section. Pursuant to guidance and direction from
4 the Superintendent, childcare and development programs shall be
5 reimbursed using the most recent certified record or invoice
6 available.

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

8 *SEC. 53. Section 6 of Chapter 3 of the Statutes of 2020 is*
9 *amended to read:*

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

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

17 (b) The testing window for assessments required by Sections
18 313 to 313.5, inclusive, 60640 to 60649, inclusive, and 60800 of
19 the Education Code, and their implementing regulations, is
20 extended by the length of time a school is closed due to the
21 coronavirus (COVID–19), or until the end of the testing window,
22 whichever comes first.

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

24 *SEC. 54. Section 7 of Chapter 3 of the Statutes of 2020 is*
25 *amended to read:*

26 Sec. 7. (a) The timelines established pursuant to Section 33315
27 of the Education Code and Chapter 5.1 (commencing with Section
28 4600) of Division 1 of Title 5 of the California Code of Regulations
29 are extended by the length of time a school is closed due to the
30 coronavirus (COVID–19).

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

32 *SEC. 55. Section 8 of Chapter 3 of the Statutes of 2020 is*
33 *amended to read:*

34 Sec. 8. (a) If a school is closed due to the coronavirus
35 (COVID–19), the State Department of Education, in order to
36 determine a local educational agency’s compliance with the special
37 education timelines required by subdivision (a) of Section 56043
38 and subdivision (a) of Section 56321 of the Education Code, shall
39 consider the days a school is closed due to COVID–19 as days

1 between a pupil’s regular school session, up until the time the
2 school reopens and the regular school session reconvenes.

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

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

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

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

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

22 *SEC. 56. Section 95 of Chapter 24 of the Statutes of 2020 is*
23 *amended to read:*

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

32 *(b) The Superintendent of Public Instruction, in consultation*
33 *with the executive director of the State Board of Education, shall*
34 *revise the template for the annual update to the local control and*
35 *accountability plan before January 31, 2021, to reflect the*
36 *inclusion of the learning continuity and attendance plan in the*
37 *2021–22 annual update.*

38 *SEC. 57. Section 97 of Chapter 24 of the Statutes of 2020 is*
39 *amended to read:*

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

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

6 ~~(1)~~

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

9 ~~(2)~~

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

12 ~~(3)~~

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

15 ~~(4)~~

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

21 ~~(5)~~

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

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

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

30 *SEC. 58. Section 110 of Chapter 24 of the Statutes of 2020 is*
31 *amended to read:*

32 Sec. 110. (a) The sum of three hundred fifty-five million two
33 hundred twenty-seven thousand dollars (\$355,227,000) from the
34 Federal Trust Fund and the sum of one billion one hundred
35 forty-four million seven hundred seventy-three thousand dollars
36 (\$1,144,773,000) from the Coronavirus Relief Fund are hereby
37 appropriated to the Superintendent of Public Instruction for
38 allocation in the 2020–21 fiscal year to eligible local educational
39 agencies in an equal amount per pupil using the following
40 methodology:

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

5 (2) The sum of the totals determined pursuant to paragraph (1)
6 is the total statewide number of pupils with exceptional needs for
7 the applicable year.

8 (3) Calculate a per pupil amount by dividing the amount
9 specified in subdivision (a) for purposes of this section by the total
10 statewide number of pupils with exceptional needs calculated in
11 paragraph (2).

12 (4) Calculate a grant for each eligible local educational agency
13 by multiplying the per pupil amount calculated in paragraph (3)
14 by the total amount of pupils with exceptional needs for the eligible
15 local educational agency determined in paragraph (1).

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

19 (b) (1) In addition to the amounts specified in subdivisions (a)
20 and (c), the sum of two billion eight hundred fifty-five million two
21 hundred twenty-seven dollars (\$2,855,227,000) from the
22 Coronavirus Relief Fund is hereby appropriated to the
23 Superintendent for allocation in the 2020–21 fiscal year to eligible
24 local educational agencies. For purposes of making this allocation,
25 funds shall be apportioned proportionally on the basis of the
26 eligible local educational agency’s supplemental and concentration
27 grant funding determined as of the 2019–20 second principal
28 apportionment certification, pursuant to subdivisions (e) and (f)
29 ~~of of, and paragraph (1) of subdivision (i) of, Section 42238.02~~
30 ~~of the Education Code or paragraphs (2) and (3) (2), (3), and (4)~~
31 of subdivision (c) of Section 2574 of the Education Code, as
32 applicable.

33 (2) Consistent with Section 2576 of the Education Code, a
34 county office of education’s supplemental and concentration grant
35 funding for purposes of paragraph (1) shall include funding that
36 the Superintendent transferred to the county, wherein a pupil is
37 enrolled, equal to the amount calculated for the school district of
38 residence pursuant to subdivisions (e) and (f) of Section 42238.02
39 of the Education Code for each unit of average daily attendance

1 credited to the school district of residence as of the 2019–20 second
2 principal apportionment certification.

3 (c) (1) In addition to the amounts specified in subdivisions (a)
4 and (b), the sum of five hundred thirty-nine million nine hundred
5 twenty-six thousand dollars (\$539,926,000) from the General Fund
6 and the sum of four hundred thirty-nine million eight hundred
7 forty-four thousand dollars (\$439,844,000) from the Coronavirus
8 Relief Fund are hereby appropriated to the Superintendent for
9 allocation in the 2020–21 fiscal year to eligible local educational
10 agencies. For purposes of making this allocation, funds shall be
11 apportioned proportionally on the basis of the eligible local
12 educational agency’s local control funding formula entitlement
13 determined as of the 2019–20 second principal apportionment
14 ~~certification.~~ *certification, pursuant to Sections 42238.02 and*
15 *42238.025 of the Education Code, or subdivision (e) of Section*
16 *2574 or subdivision (a) of Section 2575 of the Education Code, as*
17 *applicable. For purposes of this section, entitlements shall include*
18 *apportionments allocated pursuant to Section 41544 of the*
19 *Education Code and Article 7 (commencing with Section 48300)*
20 *of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education*
21 *Code.*

22 (2) *Consistent with Section 2576 of the Education Code, a*
23 *county office of education’s local control funding formula*
24 *entitlement for purposes of paragraph (1) shall include funding*
25 *that the Superintendent of Public Instruction transferred to the*
26 *county, wherein a pupil is enrolled, equal to the amount calculated*
27 *for the school district of residence pursuant to Section 42238.02*
28 *of the Education Code for each unit of average daily attendance*
29 *credited to the school district of residence as of the 2019–20 second*
30 *principal apportionment certification.*

31 (d) Funds apportioned to eligible local educational agencies
32 from the Federal Trust Fund pursuant to subdivision (a) shall be
33 used from March 13, 2020, to September 30, ~~2021, inclusive, and~~
34 ~~all other funds~~ *2022, inclusive, funds apportioned from the General*
35 *Fund pursuant to subdivision (c) shall be used from March 1,*
36 *2020, to June 30, 2021, inclusive, and funds apportioned from the*
37 *Coronavirus Relief Fund apportioned pursuant to this section shall*
38 *be used from March 1, 2020, to December 30, 2020, inclusive,*
39 *unless otherwise provided in federal law, for activities that directly*
40 *support pupil academic achievement and mitigate learning loss*

1 related to COVID-19 school ~~closures~~, *closures*. *Funds may be used*
2 *to support individuals served by local educational agencies,*
3 *including, but not limited to, those enrolled in a childcare program,*
4 *California state preschool program, kindergarten, any of grades*
5 *1 to 12, inclusive, and adult education programs, and shall be*
6 *expended for any of the following purposes:*

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

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

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

22 (4) Providing integrated pupil supports to address other barriers
23 to learning, such as the provision of health, counseling, or mental
24 health services, professional development opportunities to help
25 teachers and parents support pupils in distance-learning contexts,
26 access to school breakfast and lunch programs, or programs to
27 address pupil trauma and social-emotional learning.

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

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

39 (f) This section does not preclude an eligible local educational
40 agency from receiving or expending funds pursuant to subdivisions

1 ~~(a) and (b)~~ (a), (b), and (c) before the adoption of its learning
2 continuity and attendance plan for the 2020–21 school year.

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

13 (h) (1) As a condition of receipt of the funds pursuant to this
14 section, an eligible local educational agency shall report, on or
15 before ~~August 31~~, *October 15, 2020*, the balance of any
16 unexpended funds received from the Coronavirus Relief Fund to
17 the Superintendent. Funds that are not expended by December 30,
18 2020, shall be reported to the Superintendent within 30 days, and
19 the Superintendent shall initiate collection proceedings.

20 (2) As a condition of receipt of the funds pursuant to this section,
21 an eligible local educational agency shall report, on or before
22 August 31, ~~2021~~, 2022, the balance of any unexpended funds
23 received from the Federal Trust Fund to the Superintendent. Funds
24 that are not expended by September 30, ~~2021~~, 2022, shall be
25 reported to the Superintendent within 30 days, and the
26 Superintendent shall initiate collection proceedings.

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

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

36 (j) (1) For purposes of the calculations pursuant to subdivisions
37 (a) and (b), data for a classroom-based locally funded charter school
38 shall be included in the determination of the chartering authority’s
39 funding.

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

4 (k) (1) *For purposes of making the computations required by*
5 *Section 8 of Article XVI of the California Constitution, of the*
6 *amount appropriated from the General Fund in subdivision (c)*
7 *two hundred seventy million six hundred thirty-four thousand*
8 *dollars (\$270,634,000) shall be deemed to be "General Fund*
9 *revenues appropriated for school districts," as defined in*
10 *subdivision (c) of Section 41202 of the Education Code, for the*
11 *2019–20 fiscal year; and included within the "total allocations to*
12 *school districts and community college districts from General*
13 *Fund proceeds of taxes appropriated pursuant to Article XIII B,"*
14 *as defined in subdivision (e) of Section 41202 of the Education*
15 *Code, for the 2019–20 fiscal year.*

16 (2) *For purposes of making the computations required by*
17 *Section 8 of Article XVI of the California Constitution, of the*
18 *amount appropriated from the General Fund in subdivision (c)*
19 *two hundred sixty-nine million two hundred ninety-two thousand*
20 *dollars (\$269,292,000) shall be deemed to be "General Fund*
21 *revenues appropriated for school districts," as defined in*
22 *subdivision (c) of Section 41202 of the Education Code, for the*
23 *2020–21 fiscal year; and included within the "total allocations to*
24 *school districts and community college districts from General*
25 *Fund proceeds of taxes appropriated pursuant to Article XIII B,"*
26 *as defined in subdivision (e) of Section 41202 of the Education*
27 *Code, for the 2020–21 fiscal year.*

28 SEC. 59. *Section 111 of Chapter 24 of the Statutes of 2020 is*
29 *amended to read:*

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

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

1 childcare assistance to essential workers during the response to
2 the COVID-19 pandemic.

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

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

16 (B) Fifty million dollars (\$50,000,000) was allocated to existing
17 state-subsidized childcare providers to support additional access
18 to early learning and care for essential workers, at-risk children,
19 and children with disabilities or special health care needs whose
20 individualized education programs or individualized family service
21 plans include early learning and care services, pursuant to Senate
22 Bill 89 (Chapter 2 of the Statutes of 2020), for a minimum of 60
23 days of care for each eligible worker and at-risk child.

24 (C) Forty-one million three hundred fourteen thousand dollars
25 (\$41,314,000) was allocated for the estimated cost of provider
26 closures, waived family fees, and other assistance, consistent with
27 Executive Order No. N-66-20.

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

32 (E) Six million dollars (\$6,000,000) was allocated for the
33 estimated costs of extending the family fee waivers through June
34 30, 2020, consistent with Executive Order No. N-66-20.

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

39 (b) It is therefore the intent of the Legislature, consistent with
40 the federal Coronavirus Aid, Relief, and Economic Security

1 (CARES) Act Child Care and Development Block Grant
2 supplemental payment requirements, which allow states to restore
3 amounts either directly or through reimbursement for obligations
4 incurred to prevent, prepare for, and respond to the COVID-19
5 pandemic before enactment of the CARES Act, to allocate one
6 hundred fifty-two million three hundred fourteen thousand dollars
7 (\$152,314,000) of the CARES Act Child Care and Development
8 Block Grant supplemental payment to fund reimbursement of the
9 General Fund for the costs described in paragraph (2) of
10 subdivision (a).

11 (c) On July 1, 2020, the Controller shall transfer the sum of one
12 hundred fifty-two million three hundred fourteen thousand dollars
13 (\$152,314,000) from the Federal Trust Fund, consistent with the
14 federal Coronavirus Aid, Relief, and Economic Security (CARES)
15 Act Child Care and Development Block Grant supplemental
16 payment requirements, to the General Fund to offset the state costs
17 incurred in the 2019–20 fiscal year described in subdivision (b).

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

27 (1) Of the funds appropriated pursuant to this subdivision, one
28 hundred twenty-five million dollars (\$125,000,000) shall be
29 allocated to state-subsidized childcare providers, including centers,
30 family childcare homes, and license-exempt providers, serving
31 children through an alternative payment program pursuant to
32 Article 3 (commencing with Section 8220) of Chapter 2 of Part 6
33 of Division 1 of Title 1 of the Education Code and migrant
34 childcare and development programs pursuant to Article 6
35 (commencing with Section 8230) of Chapter 2 of Part 6 of Division
36 1 of Title 1 of the Education Code, or through a CalWORKs Stage
37 1, Stage 2, or Stage 3 ~~program that remained open or intends to~~
38 ~~reopen during the COVID-19 pandemic emergency;~~ *program*, for
39 financial assistance to address any hardships incurred as a result
40 of various economic factors, such as decreased enrollment,

1 increased teacher-to-child ratios, and other increased costs, to
2 ensure that childcare providers maintain high-quality care, access,
3 and safety for workers and families in their childcare programs.
4 These funds shall be allocated as follows:

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

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

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

20 (B) Of the funds allocated for purposes of this paragraph, up to
21 ~~sixty-two million five hundred thousand dollars (\$62,500,000)~~
22 *thirty-one million two hundred fifty thousand dollars (\$31,250,000)*
23 shall be allocated to support alternative payment programs,
24 including migrant alternative payment programs, to reimburse
25 providers described in paragraph (1) with a one-time stipend as
26 follows:

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

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

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

4 (C) (i) *A state-subsidized childcare provider, as described in*
5 *this paragraph, is eligible for up to 14 paid nonoperational days,*
6 *in addition to the current nonoperational days allowable by*
7 *paragraph (2) of subdivision (b) of Section 18076.2 of Title 5 of*
8 *the California Code of Regulations, between September 1, 2020,*
9 *and June 30, 2021, when the provider is closed due to the*
10 *COVID-19 pandemic emergency.*

11 (ii) *Of the funds allocated for purposes of this paragraph, up*
12 *to thirty-one million two hundred fifty thousand dollars*
13 *(31,250,000) shall be allocated to support alternative payment*
14 *programs, including migrant alternative payment programs, to*
15 *reimburse state-subsidized childcare providers for providing*
16 *short-term childcare to eligible children when a provider is closed*
17 *as described in clause (i). Reimbursements shall be made to*
18 *providers until funds are exhausted.*

19 (iii) *An alternative payment program, including a migrant*
20 *alternative payment program, shall track the usage of paid*
21 *nonoperational days and associated costs due to the COVID-19*
22 *pandemic emergency and short-term childcare to eligible children,*
23 *pursuant to this section, and report monthly on usage to the State*
24 *Department of Education and the State Department of Social*
25 *Services. The use of nonoperational days and associated costs*
26 *reported to the State Department of Education shall be used to*
27 *determine reimbursements as described in clause (ii).*

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

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

36 (iii) *Those families who were disenrolled, voluntarily or*
37 *involuntarily, due to family fees in the month of July 2020 or*
38 *August 2020 may be reenrolled without the need for any additional*
39 *eligibility documentation, subject to guidance from the*

1 *Superintendent of Public Instruction and the State Department of*
2 *Social Services.*

3 *(iv) From September 1, 2020, to June 30, 2021, inclusive, family*
4 *fees applicable for programs administered by the State Department*
5 *of Education are waived only for families described in Section*
6 *8273.1 of the Education Code and families where all children in*
7 *the family enrolled in subsidized early learning and care remain*
8 *at home, either for distance learning or for families sheltering in*
9 *place, subject to guidance from the Superintendent of Public*
10 *Instruction and the State Department of Social Services.*

11 *(v) To the extent that additional federal funds are not provided,*
12 *as specified in Section 60 of the act adding this subparagraph, the*
13 *cost of waiving the fees pursuant to clause (iv) shall be absorbed*
14 *by the respective direct service contractors, family childcare home*
15 *providers participating in a family childcare home education*
16 *network, and alternative payment program providers.*

17 ~~(E)~~

18 *(E) Once the funding from the allocations in subparagraphs ~~(A)~~*
19 *and ~~(B)~~ (A), (B), and (C) necessary for CalWORKs Stage 1*
20 *providers, pursuant to Section 8351 of the Education Code, has*
21 *been identified, a budget revision shall be submitted by the State*
22 *Department of Education to the Controller to move the appropriate*
23 *funding amounts identified for CalWORKs Stage 1 providers to*
24 *the State Department of Social Services for allocation.*

25 *(2) Of the funds appropriated pursuant to this subdivision,*
26 *seventy-three million dollars (\$73,000,000) shall be allocated by*
27 *the State Department of Education to existing state-subsidized*
28 *alternative payment programs, including, but not limited to,*
29 *alternative payment programs for migrant childcare and*
30 *development programs pursuant to Article 6 (commencing with*
31 *Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1 of the*
32 *Education Code, to extend childcare services for essential workers,*
33 *at-risk children, and children with disabilities or special health*
34 *care needs whose individualized education programs or*
35 *individualized family service plans include early learning and care*
36 *services who accessed childcare services pursuant to Senate Bill*
37 *89 (Chapter 2 of the Statutes of 2020) and who were not able to*
38 *get ongoing childcare services through the additional funds*
39 *provided in Schedule (3) and described in Provision (7) of Item*
40 *6100-194-0890 of Section 2.00 of the Budget Act of 2020.*

1 (A) The funds allocated pursuant to this paragraph shall be used
2 to provide childcare services for 90 days in addition to the days
3 specified in Executive Order No. N-66-20.

4 (B) Notwithstanding any other law, if essential workers, at-risk
5 children, and children with disabilities or special health care needs
6 whose individualized education programs or individualized family
7 service plans include early learning and care services who accessed
8 childcare services pursuant to Senate Bill 89 (Chapter 2 of the
9 Statutes of 2020) were disenrolled, they may be reenrolled pursuant
10 to this paragraph before July 15, 2020, without needing to provide
11 eligibility documentation.

12 (C) An alternative payment program shall, to the extent possible,
13 work directly with a family that receives childcare services funded
14 pursuant to this paragraph and the local resource and referral
15 agency to assist the family in accessing ongoing subsidized or
16 nonsubsidized childcare services that meets the family's needs.

17 (D) If an alternative payment program projects that it will have
18 unspent funds after childcare services are provided pursuant to
19 subparagraph (A), the alternative payment program may extend
20 childcare services beyond 90 days for the enrolled families, until
21 funds are exhausted.

22 (E) Of the funds appropriated pursuant to Senate Bill 89
23 (Chapter 2 of the Statutes of 2020) to extend childcare services
24 for essential workers, at-risk children, and children with disabilities
25 or special health care needs whose individualized education
26 programs or individualized family service plans include early
27 learning and care services, any funds not encumbered before July
28 1, 2020, shall be used for purposes of this section.

29 (e) Notwithstanding Section 26.00 of the Budget Act of 2020,
30 the State Department of Education may transfer program
31 expenditure authority provided in paragraph (1) of subdivision (d)
32 between schedules to accurately reflect expenditures in the program
33 schedules, upon the approval of the Department of Finance. The
34 Department of Finance may, at its discretion, approve such a
35 transfer of program expenditure authority to the extent total
36 allocations do not exceed the total amount appropriated pursuant
37 to paragraph (1) of subdivision (d). Upon approval from the
38 Department of Finance, the Superintendent of Public Instruction
39 shall notify the chairs of the relevant policy committees and budget

1 subcommittees of the Legislature of its intent to transfer program
2 expenditure authority between programs.

3 (f) Notwithstanding the priorities for services pursuant to Section
4 8263 of the Education Code, all children who meet the need and
5 eligibility requirements of Sections 8263 and 8263.1 of the
6 Education Code enrolled in childcare pursuant to Executive Order
7 No. N-45-20, N-47-20, or N-66-20 shall be first priority for
8 enrollment in alternative payment programs with available capacity,
9 subject to guidance from the Superintendent of Public Instruction.

10 (g) For purposes of this section, “essential worker” has the same
11 meaning as “essential critical infrastructure worker” pursuant to
12 Executive Order No. N-45-20.

13 *SEC. 60. Section 112 of Chapter 24 of the Statutes of 2020 is*
14 *amended to read:*

15 Sec. 112. (a) It is the intent of the Legislature to prepare for
16 the effective use of childcare funds available from the federal
17 government during the COVID-19 pandemic and recovery period
18 in order to support the essential workforce through necessary,
19 high-quality childcare, support healthy child development during
20 this historic time, and ensure the stability of California’s childcare
21 system.

22 (b) Contingent on the receipt of federal funds that may be used
23 for these purposes during the 2020-21 fiscal year, the State
24 Department of Education shall prioritize funding in the following
25 order, over the total duration of time allowable for expenditure
26 under federal law, or, if shorter, until an applicable date specified
27 below:

28 (1) *Up to thirty million dollars (\$30,000,000) for reimbursing*
29 *childcare providers for family fees waived pursuant to Section 59*
30 *of the act adding this paragraph for families enrolled, but not*
31 *receiving in-person care, from September 1, 2020, to June 30,*
32 *2021, inclusive.*

33 (2) *Up to thirty-five million dollars (\$35,000,000) to support*
34 *alternative payment programs, including migrant alternative*
35 *payment programs, to reimburse providers for providing short-term*
36 *childcare to eligible children when a provider is closed pursuant*
37 *to clause (i) of subparagraph (C) of paragraph (1) of subdivision*
38 *(d) of Section 59 of the act adding this paragraph.*

39 (H)

1 (3) Up to one hundred million dollars (\$100,000,000) for
2 alternative payment programs to extend childcare services for
3 families eligible for services under Chapter 2 (commencing with
4 Section 8200) of Part 6 of Division 1 of Title 1 of the Education
5 Code, with first priority to extend childcare services through June
6 30, 2021, for essential workers, at-risk children, and children with
7 disabilities or special health care needs whose individualized
8 education programs or individualized family service plans include
9 early learning and care services who accessed care pursuant to
10 Senate Bill 89 (Chapter 2 of the Statutes of 2020), second priority
11 for children who are (A) identified as children at risk of abuse,
12 neglect, or exploitation in a written referral from a legal, medical,
13 or social service agency, or emergency shelter, or (B) identified
14 by a legal, medical, or social services agency, a local educational
15 agency liaison for homeless children and youths designated
16 pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United
17 States Code, a Head Start program, or an emergency or transitional
18 shelter as (i) a recipient of protective services, (ii) being neglected,
19 abused, or exploited, or at risk of neglect, abuse, or exploitation,
20 or (iii) being homeless, and third priority for other essential workers
21 otherwise eligible for childcare services pursuant to Section 8263
22 of the Education Code through June 30, 2021, to the extent required
23 or permitted under federal law.

24 ~~(2)~~

25 (4) Up to ~~fifty~~ *thirty* million dollars ~~(\$50,000,000)~~ *(\$30,000,000)*
26 to contractors for California state preschool programs pursuant to
27 Article 7 (commencing with Section 8235) of Chapter 2 of Part 6
28 of Division 1 of Title 1 of the Education Code and contractors for
29 general childcare and development programs pursuant to Article
30 8 (commencing with Section 8240) of Chapter 2 of Part 6 of
31 Division 1 of Title 1 of the Education Code to increase capacity
32 for up to two years. Priority for funding pursuant to this paragraph
33 shall be as follows:

34 (A) First priority shall go to existing general childcare and
35 development program contractors to expand new childcare services
36 for children from 0 to 3 years of age, inclusive.

37 (B) Second priority shall go to existing California state preschool
38 program contractors to expand new capacity for full-day programs,
39 pursuant to Section 8239 of the Education Code.

1 (C) Third priority shall go to new or existing contractors for
2 general childcare and development programs or California state
3 preschool programs.

4 ~~(3)~~

5 (5) (A) Up to ~~twenty-five~~ *fifteen* million dollars ~~(\$25,000,000)~~
6 ~~(\$15,000,000)~~ in stipends to assist licensed childcare providers
7 with costs to reopen childcare facilities closed due to the
8 COVID-19 pandemic, and to supplement unfunded costs caused
9 by low attendance or temporary closures due to the COVID-19
10 pandemic. First priority for these stipends shall be given to
11 providers whose total child enrollment is at least 50-percent
12 state-subsidized.

13 (B) Stipends shall go to licensed family childcare home
14 providers and licensed center-based childcare programs that closed
15 on or after March 15, 2020, and remain closed through July 1,
16 2020, and that served at least three children enrolled in childcare
17 services under CalWORKs or through an alternative payment
18 program between January 1, 2019, and March 1, 2020.

19 (C) Alternative payment programs shall provide up to five
20 thousand dollars (\$5,000) per licensed family childcare home
21 contractor and up to fifteen thousand dollars (\$15,000) per licensed
22 center-based childcare agency to address debts incurred during the
23 childcare and development facility's closure after the 30 days of
24 funding provided under Senate Bill 89 (Chapter 2 of the Statutes
25 of 2020). Allowable costs shall be determined by the department,
26 consistent with federal law and reimbursable costs guidance, to
27 address debts incurred between March 15, 2020, and July 1, 2020,
28 that may be preventing a licensed family childcare home or licensed
29 center-based childcare agency from reopening.

30 (D) For each stipend provided pursuant to this paragraph, the
31 alternative payment program shall disburse one-half of the awarded
32 funds up front. A stipend recipient shall remain open and willing
33 to serve families eligible for childcare services under CalWORKs
34 or through an alternative payment program for at least three months
35 after reopening. At the end of the three-month period, the remainder
36 of stipend shall be disbursed.

37 (E) A stipend provided pursuant to this paragraph may cover
38 up to 100 percent of operating costs during the childcare and
39 development facility's closure period, up to the applicable amount
40 stated in subparagraph (C), on the condition that the childcare

1 program meets all federal requirements, including, but not limited
2 to, staff compensation. A licensed family childcare home provider
3 or licensed center-based childcare program shall not have received
4 family fees or state or federal reimbursement for services during
5 the childcare and development facility's closure period. To the
6 extent funds received under Senate Bill 89 (Chapter 2 of the
7 Statutes of 2020) were received by a provider during a closure
8 period, the alternative payment program shall subtract the amount
9 of funds received under Senate Bill 89 (Chapter 2 of the Statutes
10 of 2020) from the facility's closure period operating costs, for
11 purposes of calculating the stipend amount.

12 ~~(4)~~

13 (6) (A) Up to ~~one hundred twenty-five~~ *ninety* million dollars
14 ~~(\$125,000,000)~~ *(\$90,000,000)* to the department for subsidized
15 childcare provider stipends to assist all subsidized childcare
16 providers operating programs pursuant to Article 3 (commencing
17 with Section 8220) of, Article 6 (commencing with Section 8230)
18 of, Article 7 (commencing with Section 8235) of, Article 8
19 (commencing with Section 8240) of, Article 8.5 (commencing
20 with Section 8245) of, Article 9 (commencing with Section 8250)
21 of, or Article 15.5 (commencing with Section 8350) of, Chapter
22 2 of Part 6 of Division 1 of Title 1 of the Education Code with
23 increased cost-of-care expenses during the COVID-19 pandemic
24 period.

25 (B) The Superintendent of Public Instruction shall, on or before
26 September 1, 2020, develop a methodology for augmenting each
27 individual contractor operating programs identified in subparagraph
28 (A) with a stipend, in accordance with both of the following:

29 (i) For the direct-contract subsidized childcare programs
30 pursuant to Article 6 (commencing with Section 8230) of, Article
31 7 (commencing with Section 8235) of, Article 8 (commencing
32 with Section 8240) of, Article 8.5 (commencing with Section 8245)
33 of, and Article 9 (commencing with Section 8250) of, Chapter 2
34 of Part 6 of Division 1 of Title 1 of the Education Code, the
35 proposed stipend methodology shall be based on the number of
36 children served and the proportion to the provider's reimbursement
37 from the state and the applicable regional market rate.

38 (ii) For voucher-based subsidized childcare programs pursuant
39 to Article 3 (commencing with Section 8220), Article 6
40 (commencing with Section 8230), and Article 15.5 (commencing

1 with Section 8350) of, Chapter 2 of Part 6 of Division 1 of Title
2 1 of the Education Code, the proposed methodology shall be based
3 on the number of children served and the regional average cost of
4 care. The methodology developed pursuant to this clause shall be
5 developed in consultation and collaboration with the State
6 Department of Social Services.

7 (C) The Superintendent of Public Instruction shall present the
8 methodology developed pursuant to subparagraph (B) and the
9 proposed schedule of augmentations to the Department of Finance
10 and the Joint Legislative Budget Committee for review and
11 approval before any augmentations are made.

12 (D) Once the Department of Finance and the Joint Legislative
13 Budget Committee have approved the methodology and the
14 proposed schedule of augmentations, a budget revision shall be
15 submitted by the State Department of Education to the Controller
16 to move the appropriate funding amounts for augmentation to
17 CalWORKs Stage 1, pursuant to Section 8351 of the Education
18 Code, to the State Department of Social Services.

19 (c) Notwithstanding Section 26.00 of the Budget Act of 2020,
20 the State Department of Education may transfer program
21 expenditure authority provided in paragraph ~~(4)~~ (6) of subdivision
22 (b) between schedules to accurately reflect expenditures in the
23 program schedules, upon the approval of the Department of
24 Finance. The Department of Finance may, at its discretion, approve
25 such a transfer of program expenditure authority to the extent total
26 allocations do not exceed the total amount specified in paragraph
27 ~~(4)~~ (6) of subdivision (b). Upon approval from the Department of
28 Finance, the Superintendent of Public Instruction shall notify the
29 chairs of the relevant policy committees and budget subcommittees
30 of the Legislature of its intent to transfer program expenditure
31 authority between programs.

32 (d) For purposes of this section, “essential worker” has the same
33 meaning as “essential critical infrastructure worker” pursuant to
34 Executive Order No. N-45-20.

35 *SEC. 61. Section 116 of Chapter 24 of the Statutes of 2020 is*
36 *amended to read:*

37 Sec. 116. (a) For the 2020–21 fiscal year, the sum of four
38 hundred fifty thousand dollars (\$450,000) is hereby appropriated
39 from the General Fund to the State Department of Education to
40 support the alignment and integration of the online platforms

1 supporting the California School Dashboard, the Local Control
2 and Accountability Plan Electronic Template System, and the
3 School Accountability Report Card. In performing this work, every
4 effort shall be made to maximize the consistency of school-level
5 data reported through the School Accountability Report Card with
6 the state priorities described in subdivision (d) of Section 52060
7 of the Education Code and included in California’s accountability
8 system and reported through the California School Dashboard.

9 (b) It is the intent of the Legislature that the work conducted
10 pursuant to this section on the Local Control and Accountability
11 Plan Electronic Template System include the development of a
12 database connected to a data entry tool that will allow
13 comprehensive analysis by policymakers of actions and
14 expenditures and progress on metrics included within Local Control
15 and Accountability Plans adopted by local educational agencies.

16 (c) It is the intent of the Legislature that the work conducted
17 pursuant to this section on the School Accountability Report Card
18 platform focus on ensuring that users of the California School
19 Dashboard can readily access the information contained in locally
20 adopted School Accountability Report Cards.

21 (d) (1) For purposes specified in subdivision (a), the State
22 Department of Education, in collaboration with, and subject to the
23 approval of, the executive director of the State Board of Education,
24 shall enter into contracts with the San Joaquin County Office of
25 Education. Of the funds appropriated in subdivision (a), and
26 consistent with subdivision (c), no less than fifty thousand dollars
27 (\$50,000) shall be used to hire an outside consultant pursuant to
28 paragraph (2) with expertise in user design.

29 (2) Of the funds appropriated in subdivision (a), fifty thousand
30 dollars (\$50,000) is available to facilitate stakeholder sessions to
31 gather input on the design of the Local Control and Accountability
32 Plan Electronic Template System and a potential database
33 connected to that system, including opportunities to display or
34 create reports based on information contained in such a database.

35 (3) When performing these activities, the San Joaquin County
36 Office of Education may enter into appropriate contracts to provide
37 support and services, as necessary.

38 (e) For purposes of making the computations required by Section
39 8 of Article XVI of the California Constitution, the appropriation
40 made by subdivision (a) shall be deemed to be “General Fund

1 revenues appropriated for school districts,” as defined in
2 subdivision (c) of Section 41202 of the Education Code, for the
3 ~~2020–21~~ 2018–19 fiscal year, and included within the “total
4 allocations to school districts and community college districts from
5 General Fund proceeds of taxes appropriated pursuant to Article
6 XIII B,” as defined in subdivision (e) of Section 41202 of the
7 Education Code, for the ~~2020–21~~ 2018–19 fiscal year.

8 *SEC. 62. Section 117 of Chapter 24 of the Statutes of 2020 is*
9 *amended to read:*

10 Sec. 117. (a) The Legislature finds and declares all of the
11 following:

12 (1) The COVID-19 emergency has exacerbated conditions
13 associated with poverty, including food insecurity, housing and
14 employment instability, and inadequate health care, which has led
15 to additional barriers to learning.

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

20 (3) Community schools that provide integrated pupil supports,
21 community partnerships, and expanded learning opportunities will
22 help address the trauma and loss of learning that have resulted
23 from the COVID-19 crisis.

24 (b) The sum of forty-five million dollars (\$45,000,000) is hereby
25 appropriated from the Federal Trust Fund (Elementary and
26 Secondary School Emergency Relief Fund (ESSER)) in the
27 2020–21 fiscal year to the Superintendent of Public Instruction to
28 establish and administer the California Community Schools
29 Partnership Program in the manner and for the purposes set forth
30 in this section. Funds shall be made available for encumbrance or
31 expenditure until ~~June 30, 2025~~. *September 30, 2022.*

32 (c) On or before November 1, 2020, the ~~Superintendent,~~
33 *Superintendent of Public Instruction*, with the approval of the
34 executive director of the State Board of Education, shall develop
35 an application process and administration plan for the selection of
36 grant recipients. Administration of the California Community
37 Schools Partnership Program shall include offering technical
38 assistance to potential applicants before awarding a grant under
39 the program and providing program oversight and technical
40 assistance to grantees selected pursuant to this section. The

1 Superintendent of *Public Instruction* may retain up to 1 percent of
2 the appropriation pursuant to this section for technical assistance
3 purposes.

4 (d) The Superintendent of *Public Instruction* shall award, subject
5 to the approval of the executive director of the ~~state board~~, *State*
6 *Board of Education*, grants on a competitive basis to local
7 educational agencies, including county offices of education, to
8 support and expand existing community schools and shall give
9 priority to grant funding based on the following:

10 (1) Applicants serving pupils in high-poverty schools in which
11 at least 80 percent of the pupil population are eligible for free and
12 reduced-price meals.

13 (2) Applicants with a demonstrated need for expanded access
14 to integrated services.

15 (3) Applicants who commit to partner in a consortium with other
16 schools or county agencies.

17 (4) Applicants with committed matching funds for pupil
18 services.

19 (5) Applicants with a plan for sustaining community school
20 services after grant expiration.

21 (6) Applications with cosignatories from partner government
22 agencies, including, but not limited to, county public health, county
23 health, and county mental health agencies.

24 (e) Grant funding may be used for any of the following purposes:

25 (1) Expanding and sustaining existing community schools,
26 which may include direct grants to local educational agencies.

27 (2) Coordinating and providing health, mental health, and pupil
28 support services to pupils and families at community schools.

29 (3) Providing training and support to local educational agency
30 personnel to help develop best practices for integrating pupil
31 supports.

32 (f) For purposes of this section, both of the following definitions
33 apply:

34 (1) “Community school” means a public school serving
35 preschool, kindergarten, or any of grades 1 to 12, inclusive, and
36 includes the following:

37 (A) Integrated supports services, including the coordination of
38 health, mental health, and social services that ensure coordination
39 and support with county and local educational agency resources,
40 and early screening and intervention for learning and other needs.

1 (B) Family and community engagement, which may include
2 home visits, home-school collaboration, community partnerships,
3 and school climate surveys.

4 (C) Collaborative leadership and practices for educators and
5 administrators, including professional development to support
6 mental and behavioral health, trauma-informed care,
7 social-emotional learning, restorative justice, and other key areas.

8 (D) Extended learning time and opportunities, including before
9 and after school care.

10 (2) “Local educational agency” means a school district, county
11 office of education, or charter school, excluding
12 nonclassroom-based charter schools operating pursuant to Section
13 47612.5 of the Education Code.

14 (g) Grant recipients shall commit to providing program data to
15 the State Department of Education, as specified by the
16 ~~Superintendent~~, *Superintendent of Public Instruction*, and
17 participate in overall program evaluation.

18 (h) The *Superintendent of Public Instruction* shall provide a
19 comprehensive report, on December 31, 2025, to the Governor
20 and the appropriate policy and fiscal committees of the Legislature
21 on the impact of the grant program in achieving the goals described
22 in this section, including an evaluation of the effectiveness of the
23 opportunities provided.

24 *SEC. 63. Section 118 of Chapter 24 of the Statutes of 2020 is*
25 *amended to read:*

26 Sec. 118. (a) (1) The sum of one hundred twelve million two
27 hundred thirty-one thousand dollars (\$112,231,000) is hereby
28 appropriated from the Federal Trust Fund in accordance with the
29 federal Coronavirus Aid, Relief, and Economic Security (CARES)
30 Act (Public Law 116–136) for allocation by the State Department
31 of Education for purposes of subdivision (b).

32 (2) *The sum of eighty million dollars (\$80,000,000) is hereby*
33 *appropriated from the General Fund for allocation by the State*
34 *Department of Education for purposes of subdivision (b).*

35 (b) (1) A program operator participating in the National School
36 Lunch Program, School Breakfast Program, Seamless Summer
37 Option, or Summer Food Service Program that has served meals
38 any time during the months of March 2020 to August 2020,
39 inclusive, consistent with the United States Department of
40 Agriculture regulations and waivers for the applicable program,

1 during school closures caused by the COVID-19 pandemic is
2 eligible for increased state meal reimbursement pursuant to this
3 section.

4 (2) Funds appropriated in subdivision (a) are available to
5 reimburse eligible program operators based on meals served for
6 breakfast and lunch at a rate not to exceed an additional \$0.75 per
7 meal. ~~Additional reimbursements may be made if funding remains~~
8 ~~available after all claims for the months of March 2020 to August~~
9 ~~2020, inclusive, are reimbursed.~~

10 (c) If other federal funding for child nutrition programs is made
11 available to the State Department of Education for increased
12 reimbursement for the Seamless Summer Option or Summer Food
13 Service Program pursuant to this section, the State Department of
14 Education shall allocate the one hundred twelve million two
15 hundred thirty-one thousand dollars (\$112,231,000) appropriated
16 in subdivision (a) to local educational agencies pursuant to Section
17 110 of ~~this act~~. *Chapter 24 of the Statutes of 2020.*

18 (d) For the months of March 2020 to August 2020, inclusive, a
19 program operator participating in the National School Lunch
20 Program, School Breakfast Program, Seamless Summer Option,
21 or Summer Food Service Program may apply for reimbursement
22 from the State Department of Education for eligible costs pursuant
23 to this subdivision. The State Department of Education shall
24 reimburse nutrition program operators for eligible costs by using
25 savings identified in Item 6100-203-0001 of the Budget Act of
26 2019. Requests for reimbursement shall be subject to review and
27 approval by the State Department of Education. Program operators
28 are eligible for reimbursement in the following order of priority:

29 (1) (A) A program operator with some or all sites that
30 temporarily closed as a result of a state or federally declared
31 pandemic emergency, and that has made an effort to serve eligible
32 meals to eligible pupils during the closure, is eligible to receive
33 reimbursement equal to the average daily participation of closed
34 sites multiplied by the average combined state and federal
35 reimbursement rate received by the program operator in the month
36 before the closure, multiplied by the number of days the program
37 operator closed, to pay for salaries and other fixed expenses of the
38 National School Lunch Program, School Breakfast Program,
39 Seamless Summer Option, or Summer Food Service Program.

1 (B) (i) For purposes of subparagraph (A), the State Department
2 of Education may determine if the program operator has made an
3 effort to serve eligible meals to eligible pupils during the closure.

4 (ii) To the extent funds are not available to fully fund claims
5 made pursuant to subparagraph (A), the State Department of
6 Education shall prorate reimbursement funds.

7 (2) (A) To the extent funds are available, if eligible meals
8 served to eligible pupils by the program operator have been reduced
9 as a result of a state or federally declared pandemic emergency,
10 the program operator is eligible to receive reimbursement equal
11 to the difference between clause (i) and clause (ii), as follows:

12 (i) The average daily participation multiplied by the ~~average~~
13 combined state and federal meal reimbursement rate received by
14 the program operator in the month before the reduction occurred,
15 multiplied by the number of days the program operator experienced
16 a reduction in meals served.

17 (ii) The number of meals served to eligible pupils during the
18 state or federally declared pandemic emergency multiplied by the
19 ~~average~~ combined state and federal meal reimbursement rate,
20 multiplied by the number of days the program operator experienced
21 a reduction in meals served.

22 (B) To the extent funds are not available to fully fund claims
23 made pursuant to subparagraph (A), the State Department of
24 Education shall prorate reimbursement funds.

25 (e) If federal funding for meal reimbursement or other state or
26 federal funding for emergency response is made available to the
27 program operator, the program operator is eligible to claim only
28 those meals not reimbursed by other federal or state funding.

29 (f) All program operators participating in the National School
30 Lunch Program, School Breakfast Program, Seamless Summer
31 Option, or Summer Food Service Program that apply for
32 reimbursement pursuant to subdivision (d) shall demonstrate
33 conformity with the applicable procedures required in the Robert
34 T. Stafford Disaster Relief and Emergency Assistance Act (42
35 U.S.C. 5121 et seq.). The State Department of Education shall
36 ensure that applicants for reimbursement under subdivision (d)
37 have followed those procedures.

38 (g) The funds appropriated pursuant to Item ~~6110-203-0001~~
39 *6100-203-0001* of the Budget Act of 2019 shall be available for

1 encumbrance until December 31, 2020, for the purposes specified
2 in subdivision (d).

3 (h) For purposes of this section, “program operator” means a
4 school district, county office of education, charter school,
5 residential childcare institution, or private school that participates
6 in the National School Lunch Program, School Breakfast Program,
7 Seamless Summer Option, or Summer Food Service Program.

8 (i) *For purposes of making the computations required by Section*
9 *8 of Article XVI of the California Constitution, the appropriation*
10 *made by paragraph (2) of subdivision (a) shall be deemed to be*
11 *“General Fund revenues appropriated for school districts,” as*
12 *defined in subdivision (c) of Section 41202 of the Education Code,*
13 *for the 2019–20 fiscal year, and included within the “total*
14 *allocations to school districts and community college districts*
15 *from General Fund proceeds of taxes appropriated pursuant to*
16 *Article XIII B,” as defined in subdivision (e) of Section 41202 of*
17 *the Education Code, for the 2019–20 fiscal year.*

18 SEC. 64. *Section 119 of Chapter 24 of the Statutes of 2020 is*
19 *amended to read:*

20 Sec. 119. (a) The Legislature finds and declares all of the
21 following:

22 (1) (A) Pupils with dyslexia and other forms of specific learning
23 disabilities often go undiagnosed until the pupil is failing in school,
24 while many pupils are never diagnosed and never receive services.
25 Early identification and intervention with pupils showing signs of
26 dyslexia are critical for improving pupil outcomes.

27 (B) The most effective treatment for pupils who struggle with
28 reading and related language problems is early diagnosis and
29 skilled teaching. For that reason, it is critical that educators receive
30 evidence-based practices and strategies informed by research to
31 reduce the impact on long-term educational outcomes.

32 (C) The California Dyslexia Guidelines, developed by the State
33 Department of Education pursuant to Section 56335 of the
34 Education Code, as added by Chapter 647 of the Statutes of 2015
35 (Assembly Bill 1369 of the 2015–16 Regular Session), provides
36 guidelines for educators, parents, and other stakeholders in
37 identifying, assessing, and supporting pupils with dyslexia. While
38 these guidelines created a road map for supporting pupils with
39 dyslexia, the guidelines were developed before the establishment

1 of the statewide system of support and are not integrated into those
2 supports.

3 (D) To ensure existing research and available resources lead to
4 improved outcomes for these pupils, the state must invest in a
5 statewide effort to build upon the California Dyslexia Guidelines
6 and to disseminate the knowledge and information of best practices
7 throughout the statewide system of support.

8 (2) The statewide system of support established pursuant to
9 Section 52059.5 of the Education Code should include expertise
10 and resources to help school districts, county offices of education,
11 and charter schools improve their ability to identify signs of
12 dyslexia and other specific learning disabilities as early as possible
13 and to provide evidence-based supports and services to pupils once
14 identified.

15 (b) The California Dyslexia Initiative is hereby established for
16 all of the following purposes:

17 (1) To build capacity in the statewide system of support for
18 school districts, county offices of education, and charter schools
19 to provide early intervention services and supports for pupils with
20 specific learning disabilities, such as dyslexia, with a focus on
21 improving outcomes for pupils in all education settings.

22 (2) To identify effective models for diagnosis and treatment of
23 specific learning disabilities.

24 (3) To develop effective professional development for educators
25 on evidence-based instruction and strategies informed by research
26 to reduce the impact on long-term educational outcomes.

27 (4) To develop effective partnerships between school districts,
28 county offices of education, and charter schools in using the
29 statewide system of support structure administered by the
30 California Collaborative for Educational Excellence and the
31 resources of the State Department of Education to disseminate
32 lessons learned from the capacity built pursuant to paragraph (1)
33 and the models identified in paragraph (2).

34 (5) To disseminate the resources, information, and models
35 identified in paragraphs (1) to (4), inclusive.

36 (c) By ~~September 1, November 15, 2020~~, the State Department
37 of Education and the California Collaborative for Educational
38 Excellence, with approval from the executive director of the State
39 Board of Education, shall designate an applicant county office of
40 education to administer the California Dyslexia Initiative in direct

1 consultation with the State Department of Education, the California
2 Collaborative for Educational Excellence, and the postsecondary
3 educational institution selected pursuant to subdivision (d). For
4 this work, the designated county office of education shall
5 demonstrate a willingness and capacity to do all of the following:

6 (1) Work collaboratively with the State Department of
7 Education, the California Collaborative for Educational Excellence,
8 and the postsecondary educational institution selected pursuant to
9 subdivision (d) to further the purposes of the California Dyslexia
10 Initiative described in subdivision (b).

11 (2) Communicate regularly with the State Department of
12 Education and the California Collaborative for Educational
13 Excellence.

14 (3) In partnership with the California Collaborative for
15 Educational Excellence, document the outcomes of the activities
16 described in this section throughout the duration of the California
17 Dyslexia Initiative to ensure the resources, research, and
18 professional development models that are developed are available
19 throughout the statewide system of support and align with other
20 statewide initiatives.

21 (4) Play a leadership role in the California Dyslexia Initiative.

22 (d) The designated county office of education shall contract
23 with a California postsecondary educational institution, selected
24 in consultation with the executive director of the State Board of
25 Education, to expand the state's dyslexia and specific learning
26 disabilities early identification and evidence-based best practices
27 for supports and services in furtherance of the California Dyslexia
28 Initiative. The postsecondary educational institution shall be
29 selected no later than December 1, 2020.

30 (e) The designated county office of education and the selected
31 postsecondary educational institution shall identify existing
32 evidence-based resources, professional development activities,
33 and other efforts currently available at the state, federal, and local
34 levels, and develop new evidence-based resources and activities
35 designed to help local educational agencies across the state identify
36 and provide services and supports to pupils with specific learning
37 disabilities, as defined in Section 56337 of the Education Code,
38 such as dyslexia. The identified and developed resources and
39 activities shall be able to accomplish, at a minimum, all of the
40 following:

1 (1) Develop professional development through train-the-trainer
2 models or online training modules.

3 (2) Provide technical assistance to local educational agencies.

4 (3) Develop a network of educators who can provide coaching
5 and training to other local educational agencies.

6 (4) Develop evaluation tools to measure the effectiveness of
7 identified evidence-based strategies.

8 (f) (1) The sum of ~~four~~ two million dollars ~~(\$4,000,000)~~
9 ~~(\$2,000,000)~~ is hereby appropriated from the General Fund to the
10 Superintendent of Public Instruction to allocate to the designated
11 county office of education for the California Dyslexia Initiative.

12 (2) *The sum of two million dollars (\$2,000,000) is hereby*
13 *appropriated from the Federal Trust Fund to the Superintendent*
14 *of Public Instruction to allocate to the designated county office of*
15 *education for the California Dyslexia Initiative.*

16 ~~(2)~~

17 (3) ~~Of that appropriation,~~ *the total amount appropriated*
18 *pursuant to paragraphs (1) and (2),* the designated county office
19 of education may use up to five hundred thousand dollars
20 (\$500,000) to administer the program.

21 ~~(3)~~

22 (4) The designated county office of education shall submit an
23 expenditure plan for the funds allocated pursuant to this subdivision
24 to the Department of Finance for approval by January 20, 2021,
25 that includes the estimated allocation to the postsecondary
26 educational institution. The approved expenditure plan shall
27 become operative no sooner than 30 days after notification is
28 provided in writing to the Joint Legislative Budget Committee.
29 The designated county office of education shall encumber or
30 expend the funds appropriated pursuant to this subdivision by June
31 30, 2023.

32 (g) For purposes of making the computations required by Section
33 8 of Article XVI of the California Constitution, the appropriation
34 made by *paragraph (1) of* subdivision (f) shall be deemed to be
35 “General Fund revenues appropriated for school districts,” as
36 defined in subdivision (c) of Section 41202 of the Education Code,
37 for the 2020–21 fiscal year, and included within the “total
38 allocations to school districts and community college districts from
39 General Fund proceeds of taxes appropriated pursuant to Article

1 XIII B,” as defined in subdivision (e) of Section 41202 of the
2 Education Code, for the 2020–21 fiscal year.

3 *SEC. 65. Executive Order No. N-26-20 shall become*
4 *inoperative on July 1, 2020.*

5 *SEC. 66. (a) (1) The requirements pursuant to subdivision*
6 *(a) of Section 44225 of, paragraph (3) of subdivision (b) of Section*
7 *44259 of, and Section 44320.2 of, the Education Code, and any*
8 *accompanying regulations, for preliminary multiple subject*
9 *credential candidates and preliminary single subject credential*
10 *candidates to complete a teaching performance assessment are*
11 *suspended for candidates whose program of professional*
12 *preparation verifies that, during the 2020–21 school year, all of*
13 *the following requirements are met:*

14 *(A) The candidate was placed or employed in a local educational*
15 *agency impacted by schoolsite closures related to COVID-19.*

16 *(B) The candidate was in the process of completing the teaching*
17 *performance assessment.*

18 *(C) The candidate was unable to complete the teaching*
19 *performance assessment due solely to school closures.*

20 *(D) The candidate successfully completed all other preliminary*
21 *teaching credential requirements.*

22 *(2) A candidate for whom the teaching performance assessment*
23 *requirement is suspended pursuant to paragraph (1) shall complete*
24 *and pass a teaching performance assessment approved by the*
25 *Commission on Teacher Credentialing before being recommended*
26 *for a clear teaching credential.*

27 *(b) (1) The requirement pursuant to subparagraphs (A) and*
28 *(B) of paragraph (2) of subdivision (a) of Section 80054 of the*
29 *California Code of Regulations for preliminary administrative*
30 *services credential candidates to complete an administrator*
31 *performance assessment is suspended for candidates whose*
32 *administrator preparation program verifies that, during the*
33 *2020–21 school year, all of the following requirements are met:*

34 *(A) The candidate was placed or employed in a local educational*
35 *agency impacted by COVID-19 related schoolsite closures.*

36 *(B) The candidate was in the process of completing an*
37 *administrator performance assessment.*

38 *(C) The candidate was unable to complete the administrator*
39 *performance assessment due solely to school closures.*

1 (D) *The candidate successfully completed all other preliminary*
2 *administrative services credential requirements.*

3 (2) *A candidate for whom the administrator performance*
4 *assessment requirement is suspended pursuant to paragraph (1)*
5 *shall complete and pass an administrator performance assessment*
6 *approved by the Commission on Teacher Credentialing before*
7 *being recommended for a clear administrative services credential.*

8 (c) (1) *The requirements in Sections 44283 and 44283.2 of the*
9 *Education Code and paragraph (5) of subdivision (a) of Section*
10 *80048.3 of, paragraph (5) of subdivision (a) of Section 80048.8*
11 *of, Section 80071.5 of, and paragraph (4) of subdivision (a) of*
12 *Section 80413 of, the California Code of Regulations for*
13 *preliminary multiple subject credential candidates and Level 1 or*
14 *preliminary education specialist credential candidates to complete*
15 *a reading instruction competence assessment are suspended for*
16 *candidates who, between March 19, 2020, and August 31, 2021,*
17 *are unable to complete a reading instruction competence*
18 *assessment due to testing center closures related to COVID-19.*

19 (2) *A candidate for whom the reading instruction competence*
20 *assessment requirement is suspended pursuant to paragraph (1)*
21 *shall complete and pass a reading instruction competence*
22 *assessment approved by the Commission on Teacher Credentialing*
23 *before being recommended for a clear credential.*

24 (d) (1) *The requirement in paragraph (1) of subdivision (f) of*
25 *Section 44252 of the Education Code and any accompanying*
26 *regulations for credential program applicants to complete the*
27 *basic skills proficiency test before admission to a credential*
28 *program approved by the Commission on Teacher Credentialing*
29 *is suspended for applicants who, between March 19, 2020, and*
30 *August 31, 2021, are unable to complete the basic skills proficiency*
31 *test due to testing center closures related to COVID-19.*

32 (2) *An applicant for whom the basic skills proficiency test*
33 *requirement is suspended pursuant to paragraph (1) shall complete*
34 *the basic skills proficiency test during the credential program*
35 *before recommendation for a preliminary credential. Any use of*
36 *an applicant's basic skills proficiency test scores by a credential*
37 *program shall be consistent with subdivision (f) of Section 44252*
38 *of the Education Code.*

39 (e) (1) *The requirement in subdivision (a) of Section 44453 of*
40 *the Education Code and any accompanying regulations for*

1 *applicants for a university intern credential program to complete*
2 *a subject matter examination before admission to a university*
3 *intern credential program, and the requirement in paragraph (3)*
4 *of subdivision (c) of Section 44325 of the Education Code and any*
5 *accompanying regulations for applicants for a university or district*
6 *intern credential to complete a subject matter examination, are*
7 *suspended for applicants who, between March 19, 2020, and*
8 *August 31, 2021, are unable to complete a subject matter*
9 *examination due to testing center closures related to COVID-19.*

10 (2) *An applicant for whom the subject matter examination*
11 *requirement is suspended pursuant to paragraph (1) shall complete*
12 *a subject matter examination before being recommended for a*
13 *preliminary credential. Notwithstanding the requirement in Section*
14 *44326 of the Education Code that a district intern teach only in*
15 *the subject area for which the intern has met the subject matter*
16 *requirement, a district intern for whom the subject matter*
17 *examination requirement is suspended pursuant to paragraph (1)*
18 *may teach in the subject area for which the intern has enrolled.*

19 SEC. 67. (a) *Notwithstanding Section 60800 of the Education*
20 *Code, as a result of the COVID-19 pandemic and the need to*
21 *comply with state and local health guidelines, the administration*
22 *of the physical performance test shall be suspended for the 2020–21*
23 *school year.*

24 (b) *The State Department of Education shall consult with experts*
25 *and other stakeholders, including, but not limited to, individuals*
26 *with expertise in fitness, adaptive physical education, gender*
27 *identity, body image, and pupils with disabilities, in order to*
28 *provide recommendations regarding the purpose and*
29 *administration of the physical performance test. The State*
30 *Department of Education may contract with a research entity to*
31 *conduct a study regarding the physical performance testing of*
32 *pupils.*

33 (c) *On or before November 1, 2022, the Superintendent of Public*
34 *Instruction shall submit a report with recommendations pursuant*
35 *to subdivision (b) to the appropriate fiscal and policy committees*
36 *of the Legislature, the Department of Finance, and the State Board*
37 *of Education.*

38 SEC. 68. (a) *For the 2020–21 school year, the time period*
39 *required to initially assess pupils for English language proficiency*
40 *pursuant to Section 313 of the Education Code and Sections 11518*

1 *and 11518.5 of Title 5 of the California Code of Regulations is*
2 *extended by 45 calendar days, unless otherwise determined by the*
3 *Superintendent of Public Instruction.*

4 *(b) A local educational agency shall screen new pupils at the*
5 *time of enrollment to informally determine English learner status*
6 *to ensure pupils receive language development support, including*
7 *providing pupils with designated and integrated language*
8 *development instruction, as described in paragraph (5) of*
9 *subdivision (b) of Section 43503 of the Education Code, pending*
10 *formal identification pursuant to subdivision (a).*

11 *SEC. 69. For monthly attendance records or invoices from*
12 *July 2020 to June 2021, inclusive, notwithstanding subdivision (b)*
13 *of Section 8221.5 of the Education Code, if the childcare provider*
14 *attempts to collect a signature on the monthly attendance record*
15 *or invoice and the parent or guardian is unable to sign due to the*
16 *COVID-19 pandemic, the childcare provider may submit an*
17 *attendance record or invoice without the parent or guardian*
18 *signature so long as there is documentation of the childcare*
19 *provider's attempts to collect a signature from the parent or*
20 *guardian and all other requirements of Section 8221.5 of the*
21 *Education Code have been met.*

22 *SEC. 70. (a) A migrant childcare and development program*
23 *pursuant to Article 6 (commencing with Section 8230) of, a*
24 *California state preschool program pursuant to Article 7*
25 *(commencing with Section 8235) of, a general childcare and*
26 *development program pursuant to Article 8 (commencing with*
27 *Section 8240) of, a family childcare home education network*
28 *pursuant to Article 8.5 (commencing with Section 8245) of, or*
29 *childcare and development services for children with special needs*
30 *pursuant to Article 9 (commencing with Section 8250) of, Chapter*
31 *2 of Part 6 of Division 1 of Title 1 of the Education Code, whose*
32 *ability to serve currently enrolled children is limited due to state*
33 *or local public health guidance or order related to COVID-19 that*
34 *impacts group size or ratios shall prioritize families for in-person*
35 *early learning and care services pursuant to guidance issued by*
36 *the Superintendent of Public Instruction.*

37 *(b) The guidance issued by the Superintendent of Public*
38 *Instruction pursuant to subdivision (a) shall incorporate the*
39 *priorities listed in subdivision (b) of Section 8263.3 of the*

1 *Education Code and the extent to which the services are required*
2 *because the parents work outside the home.*

3 *(c) Any children not able to receive in-person early learning*
4 *and care services due to the limitations described in subdivision*
5 *(a) shall be provided with distance learning pursuant to guidance*
6 *issued by the Superintendent of Public Instruction.*

7 *SEC. 71. Expenditures of moneys appropriated pursuant to*
8 *Sections 110 and 118 of Chapter 24 of the Statutes of 2020 and*
9 *Section 18003(c) of the federal Coronavirus Aid, Relief, and*
10 *Economic Security (CARES) Act (Public Law 116-136) shall not*
11 *be considered school district or county office of education general*
12 *fund expenditures for purposes of Section 17070.75 of the*
13 *Education Code.*

14 *SEC. 72. Notwithstanding subdivision (b) of Section 65000 of*
15 *the Education Code, for the 2020–21 school year, single school*
16 *districts and charter schools shall use the stakeholder engagement*
17 *process for the learning continuity and attendance plan pursuant*
18 *to subdivision (b) of Section 43509 of the Education Code to meet*
19 *the stakeholder engagement requirements for the adoption of their*
20 *School Plan for Student Achievement.*

21 *SEC. 73. (a) The Young People’s Task Force, established*
22 *pursuant to Section 123 of Chapter 24 of the Statutes of 2020,*
23 *shall, consistent with subdivision (e) of Section 38000 of the*
24 *Education Code, conduct a balanced evaluation of the presence*
25 *of peace officers and other law enforcement personnel on school*
26 *campuses and identify and consider possible alternative options*
27 *to ensure pupil safety on a school campus, pupil safety coming*
28 *and going to and from school, and pupils’ academic and*
29 *social-emotional success based on the needs of the local school*
30 *community. The task force shall also develop recommended*
31 *guidance to ensure pupil health and safety during interactions*
32 *between law enforcement and young people on school campuses.*

33 *(b) (1) The Superintendent of Public Instruction and the*
34 *president of the State Board of Education, or the president’s*
35 *designee, shall jointly convene the Young People’s Task Force in*
36 *partnership with a youth facilitator, to be designated by the*
37 *Governor.*

38 *(2) The youth facilitator shall be a person who has graduated*
39 *from a California public high school within the previous seven*

1 years and who has experience working in youth leadership
2 development.

3 (c) (1) *The Young People’s Task Force shall consist of no more*
4 *than 15 members. All appointments to the task force shall be*
5 *California public high school pupils currently enrolled in a regular,*
6 *charter, or alternative high school.*

7 (2) *California youth leadership development organizations with*
8 *demonstrated expertise in developing youth leadership on matters*
9 *related to school policing, pupil safety, and school climate shall*
10 *be invited to nominate up to three of the organization’s high school*
11 *pupil members to be considered for appointment to the task force.*
12 *Nominees shall have prior experience interacting with law*
13 *enforcement or school resource officers and may have experience*
14 *with probation or the juvenile justice system.*

15 (3) *The Governor shall appoint up to 15 pupils to serve on the*
16 *task force, with at least 2 of the appointees being pupils that are*
17 *currently attending, or have attended, an alternative high school.*

18 (d) *Members of the task force and the youth facilitator shall be*
19 *compensated with a per diem of one hundred dollars (\$100) per*
20 *day for participation in task force meetings. Members of the task*
21 *force and the youth facilitator shall receive reimbursement for*
22 *required traveling expenses.*

23 (e) *Members of the task force may invite stakeholder groups,*
24 *researchers, and policymakers to provide informational*
25 *presentations in implementing subdivision (a).*

26 (f) *The task force shall hold at least two public meetings in a*
27 *manner consistent with the Bagley-Keene Open Meeting Act*
28 *(Article 9 (commencing with Section 11120) of Chapter 1 of Part*
29 *1 of Division 3 of Title 2 of the Government Code). All other*
30 *meetings of the task force shall be exempt from the Bagley-Keene*
31 *Open Meeting Act.*

32 (g) *No later than October 1, 2021, the task force shall prepare*
33 *a written report on its findings and recommendations for state and*
34 *local policy changes and guidance on the topics described in*
35 *subdivision (a). The report shall be submitted to the Superintendent*
36 *of Public Instruction, the executive director of the State Board of*
37 *Education or their designee, the relevant policy and budget*
38 *committees of the Legislature, the Director of Finance, and the*
39 *Governor or their designee.*

1 *SEC. 74. A charter school with a nonclassroom-based funding*
2 *determination pursuant to Section 47612.5 of the Education Code*
3 *that expires on June 30, 2021, or June 30, 2022, shall receive its*
4 *current funding level for two years upon submission of a complete*
5 *funding determination request to the State Department of Education*
6 *pursuant to Section 11963.3 of Title 5 of the California Code of*
7 *Regulations. A charter school’s funding determination request*
8 *shall be received by the State Department of Education no later*
9 *than June 30, 2021 or June 30, 2022, as applicable. A charter*
10 *school that submits a funding determination request after the*
11 *applicable deadline shall receive 85 percent funding for two fiscal*
12 *years for nonclassroom-based instruction attendance. Either the*
13 *charter school or the State Department of Education may request*
14 *that the Advisory Commission on Charter Schools or the State*
15 *Board of Education consider a higher or lower funding level*
16 *pursuant to Section 11963.6 or 11963.7 of Title 5 of the California*
17 *Code of Regulations. The requirements of this section shall not be*
18 *waived by the State Board of Education pursuant to Section 33050*
19 *of the Education Code or any other law.*

20 *SEC. 75. The Legislature finds and declares that Section 73*
21 *of this act imposes a limitation on the public’s right of access to*
22 *the meetings of public bodies or the writings of public officials*
23 *and agencies within the meaning of Section 3 of Article I of the*
24 *California Constitution. Pursuant to that constitutional provision,*
25 *the Legislature makes the following findings to demonstrate the*
26 *interest protected by this limitation and the need for protecting*
27 *that interest:*

28 *In order to protect the privacy of minors and young adults and*
29 *to allow discussion of information contained in confidential pupil*
30 *records, it is necessary that this act limit the public’s right of*
31 *access to that information.*

32 *SEC. 76. No reimbursement is required by this act pursuant*
33 *to Section 6 of Article XIII B of the California Constitution for*
34 *certain costs that may be incurred by a local agency or school*
35 *district because, in that regard, this act creates a new crime or*
36 *infraction, eliminates a crime or infraction, or changes the penalty*
37 *for a crime or infraction, within the meaning of Section 17556 of*
38 *the Government Code, or changes the definition of a crime within*
39 *the meaning of Section 6 of Article XIII B of the California*
40 *Constitution.*

1 *However, if the Commission on State Mandates determines that*
2 *this act contains other costs mandated by the state, reimbursement*
3 *to local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 *SEC. 77. This act is a bill providing for appropriations related*
7 *to the Budget Bill within the meaning of subdivision (e) of Section*
8 *12 of Article IV of the California Constitution, has been identified*
9 *as related to the budget in the Budget Bill, and shall take effect*
10 *immediately.*

11 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
12 ~~changes relating to the Budget Act of 2020.~~