

The FISCAL REPORT 32 informational update

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Top Legislative Issues for 2019—February 22, 2019

Friday, February 22, 2019, is the deadline for legislators to introduce any measures to be considered for the first year of the 2019-20 legislative session. The Capitol community is already sifting through the more than 2,000 bills introduced for consideration in 2019. Of those measures, a few hundred directly amend the K-12 Education Code, but scores more affect Labor or Government Code sections that also apply to school districts. Additionally, dozens of bills stating the Legislature's intent to change various aspects of the Education Code have been introduced. (In order to meet the bill introduction deadline, oftentimes bills are introduced with a kernel of an idea, with the details to be amended into the bill at a later date.)

Over the course of the legislative year, culminating with Governor Gavin Newsom's action deadline of October 13, 2019, we will be highlighting the legislative issues that will be the most important for districts to follow. This year, in addition to the perennial bills pertaining to school personnel, charter schools, and accountability, legislators are tackling other significant education issues such as additional investments for the Local Control Funding Formula (LCFF), Special Education, and early childhood education.

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Accountability and Assessments

Assembly Bill (AB) 751 (O'Donnell, D-Long Beach)—Pupil Assessments: Pathways to College Act. The Pathways to College Act would require the State Superintendent of Public Instruction (SPI) to approve a nationally recognized high school assessment that local educational agencies (LEAs) and charter schools can administer, commencing with the 2021-22 school year, in lieu of the consortium summative assessment in English language arts and mathematics for grade 11.

SSC Comment: This bill is a reintroduction of last year's AB 1951, which passed out of the Legislature without a single no vote, but was vetoed by Governor Jerry Brown.

Charter Schools

Senate Bill (SB) 126 (Leyva, D-Chino)—Charter Schools. This bill requires charter school governing boards to comply with a variety of the same open meeting, conflict-of-interest, and disclosure laws as traditional school district governing boards. After years of legislation that attempted to apply certain transparency provisions to charter schools, Governor Newsom expressed early on a desire to improve charter school transparency. SB 126 is the result of negotiations with various stakeholders that have worked on previous efforts to apply the same transparency provisions that apply to school districts to charter schools.

Employees

AB 500 (Gonzalez, D-San Diego)—School and Community College Employees: Paid Maternity Leave. Requires at least six weeks of paid maternity leave for certificated and classified employees of school districts and charter schools.

Governance and District Operations

AB 197 (Weber, D-San Diego)—Full-Day Kindergarten. This bill would require school districts that offer kindergarten to implement a full-day kindergarten program, commencing with the 2021-22 school year. The bill makes no appropriation to cover these additional costs, which would presumably be funded through the LCFF. The bill would further provide that a minimum school day for full-day kindergarten is the same number of minutes per school day that is offered to pupils in 1st grade.

SB 328 (Portantino, D-La Cañada Flintridge)—Pupil Attendance: School Start Time. This bill would prohibit school districts, including charter schools, from beginning the school day for middle and high schools earlier than 8:30 a.m. by July 1, 2022, or the date in which a district's collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later. The measure further specifies that the "school day" does not include a "zero period," or an extra period offered before the start of the regular school day. Rural school districts, which are not defined in the bill, would be able to request a waiver from the State Board of Education (SBE) to delay implementation for two years, which can also be extended for an additional two years upon approval from SBE.

SSC Comment: This bill is a reintroduction of last year's SB 328, which was vetoed by Governor Brown who stated that these types of decisions should be decided at the local level.

Instruction

AB 331 (Medina, D-Riverside)—Pupil Instruction: High School Graduation Requirements: Ethnic Studies. This bill would add the completion of a one-semester course in ethnic studies, in either the subject of social studies or English to the high school graduation requirements commencing with the 2023-24 school year. The added course would be based on the model curriculum in ethnic studies developed by the Instructional Quality Commission. The bill would further authorize LEAs to require a full-year course in ethnic studies at their discretion, as specified.

Miscellaneous

SB 2 (Glazer, D-Orinda)—Statewide Longitudinal Student Database. This bill would express the intent of the Legislature to establish the Statewide Longitudinal Student Database to collect and store data

regarding individual students as they matriculate from preschool through college (P-20), and into the workforce. The bill would require the California Postsecondary Education Commission (Commission) to convene a review committee for purposes of advising the Commission on the establishment, implementation, funding, and ongoing administration of the database. Subject to an appropriation in the annual Budget Act or another statute and the completion of specified requirements, the bill would require the Commission to develop and implement the database.

SSC Comment: Governor Newsom has included \$10 million in his 2019-20 State Budget proposal to plan for and develop a longitudinal intersegmental student data system.

Special Education

AB 428 (Medina)—Special Education Funding. This bill would implement several recommendations from the California Special Education Task Force and provide support to California’s students with special needs by:

- Establishing a funding mechanism to support Special Education preschool programs by adding preschoolers to the AB 602 funding formula
- Addressing long-standing inequities by equalizing Special Education funding rates to the 95th percentile over a five-year period
- Providing a supplemental grant to support students with greater needs, including students on the autism spectrum, and students who are blind, visually impaired, and intellectually disabled
- Amending the current AB 602 calculation to allow the greater of the current or prior school year average daily attendance (ADA) for each district in a multiple district Special Education Local Plan Area (SELPA) to be used in determining total SELPA ADA

SSC Comment: This bill is a reintroduction of last year’s AB 3136 (O’Donnell), which received widespread bipartisan support but was held in the Senate Appropriations Committee due to its \$1.3 billion price tag.

The 2019-20 State Budget dedicates \$577 million for Special Education services, \$390 million of which would be ongoing.

SB 217 (Portantino)—Special Education: Individuals With Exceptional Needs: Early Education Programs. This bill would establish the Special Education Early Intervention Grant Program, and would require the SPI to allocate to school districts \$4,000 per child within the school district of residence who is three or four years of age, is an individual with exceptional needs, and is enrolled in transitional kindergarten, a California state preschool program, a federal Head Start program, or any other early education preschool program.

This bill would also require a school district or charter school to admit a child to a transitional kindergarten program who will have his or her 5th birthday after December 2 but during that same school year if the child is an individual with exceptional needs. In addition to the ADA that this child would generate, he or she would also generate the per child grant allocation of \$4,000.

SSC Comment: The 2019-20 State Budget dedicates \$577 million for Special Education services, \$390 million of which would be ongoing. While the Governor’s proposal is not specific to preschool services, the language suggests a use of the funds for “preschool and supportive services for young children who are not meeting age-appropriate developmental milestones.”

State Budget, Education Finance, LCFF

AB 39 (Muratsuchi, D-Torrance)—Education Finance: Local Control Funding Formula: Funding. This bill would specify new, higher base grant amounts for the 2019-20 fiscal year, which would also increase the supplemental and concentration grant amounts and result in various other changes to funding calculations for purposes of the LCFF.

SSC Comment: AB 39 is a reintroduction of last year's AB 2808, which was sent to the Assembly inactive file by Assembly Member Muratsuchi late last legislative session after it was heavily amended in the Senate Appropriations Committee.

AB 575 (Weber)—Education Finance: Local Control Funding Formula: Supplemental Grants: Lowest Performing Pupil Subgroup or Subgroups. This bill would, commencing with the 2019-20 fiscal year, adjust the definition of "unduplicated pupils" to include pupils who are included in the lowest performing subgroup(s) based on the most recently available mathematics or language arts results on the California Assessment of Student Performance and Progress. The bill would require the SPI to annually identify the lowest performing pupil subgroup(s). The bill would also require that implementation of these provisions be contingent upon the appropriation of funds for these purposes in the annual Budget Act or other statute.

SSC Comment: This bill is a reintroduction of last year's AB 2635, which was pulled by Assembly Member Weber after the 2018-19 enacted Budget included \$300 million in one-time funds for the Low-Performing Students Block Grant.

Transitional Kindergarten and Early Childhood Education

Early childhood issues are at the forefront of state policy discussions as important to both members of the Legislature and Governor Newsom, the latter of whom includes more than \$2 billion in proposed early childhood initiatives in his January Budget but most of which are one-time investments. Members of the Legislature, however, are interested in longer-term, ongoing improvements in child care and early education.

AB 123 (McCarty, D-Sacramento)—State Preschool and Transitional Kindergarten. As introduced, AB 123 expresses the intent of the Legislature to increase access to and the quality of prekindergarten programs, including the State Preschool Program and transitional kindergarten (TK). The bill intends to expand access to state subsidized preschool for all four-year-olds who live within the boundaries of a school that enrolls at least 70% of students that are eligible for free or reduced price meals, and provides slots to all three-year-olds living in poverty. The bill also intends to improve the student-teacher ratio in TK by offering a \$3,000 grade span adjustment incentive to achieve a 12:1 student-teacher ratio and offer full-day TK. Finally, the bill expresses the intent of the Legislature to require that all lead teachers in State Preschool Programs have at least a bachelor's degree and any other requirement deemed necessary by the Commission on Teacher Credentialing.

AB 125 (McCarty) and SB 174 (Leyva)—Child Care and Preschool Reimbursement Rates. AB 125 (McCarty) and SB 174 (Leyva) are two nearly identical bills that are intended to reform the state child care and preschool reimbursement rate system into a single regionalized rate system that adequately compensates the workforce for the cost of providing care and education and improves the system quality by providing improvement incentives to fund continuing education and professional development for teachers along with efforts to improve program standards.

2019 Legislative Calendar—Upcoming Holidays and Deadlines

February 22—Last day for bills to be introduced

March 29—Cesar Chavez Day observed.

—The SSC Governmental Relations Team

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