

Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 2768 (Berman) – As Amended April 1, 2024

[Note: This bill was doubled referred to the Assembly Higher Education Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Golden State Teacher Grant Program: nonpublic, nonsectarian schools

SUMMARY: Defines a “priority school,” for purposes of the Golden State Teacher Grant (GSTG) program, to include a nonpublic nonsectarian school (NPS) with 55% or more of its pupils being unduplicated pupils.

EXISTING LAW:

- 1) Establishes the GSTG program and authorizes the California Student Aid Commission (CSAC) to provide one-time grant funds of up to \$20,000 to each student enrolled, or who has applied for enrollment, on or after January 1, 2020, in a professional preparation program leading to a preliminary teaching credential or a pupil personnel services credential, at either a qualifying institution, as defined, or a professional preparation program approved by the Commission on Teacher Credentialing (CTC) that has a main campus location or administrative entity that resides in California, including professional preparation programs operated by local educational agencies (LEAs) in California, if the student commits to working at a priority school or a California preschool program for four years within the eight years following the date the student completes the professional preparation program. (Education Code (EC) 69617)
- 2) Requires a grant recipient to agree to repay the state 25% of the total received grant funds annually, up to full repayment of the received grant funds, for each year the recipient fails to do one or more of the following:
 - a) Be enrolled in or have successfully completed a professional preparation program approved by the CTC;
 - b) While enrolled in the professional preparation program, maintain good academic standing;
 - c) Before or upon completion of the professional preparation program, satisfy the state basic skills requirement, as specified;
 - d) Complete the required teaching service or clinical practice following completion of the recipient’s professional preparation program; and,
 - e) Complete their teacher preparation program and earn a preliminary credential within six years after the first distribution of grant funds. (EC 69617)

- 3) Authorizes a grant recipient, for purposes of satisfying the service requirement, to use service at a school listed on the most recent list of priority schools that is available when the grant recipient seeks employment at a priority school. States that service at that school shall continue to satisfy the four-year service requirement, even if the school is no longer included on future priority school lists. (EC 69617)
- 4) Requires the CSAC to accept applications for the GSTG program beginning on September 1 for the following academic year and to establish a process and timeline that allows institutions of higher education to provide applicants with grant eligibility determinations before the deadline for enrolling in their professional preparation program and authorizes grant recipients to receive funds in more than one academic year, provided the total amount of funds granted to any applicant does not exceed \$20,000. (EC 69617)
- 5) Requires the CSAC to conduct, in partnership with the CTC, an evaluation of the GSTG program to determine the effectiveness of the program in recruiting credential candidates and employing credential holders at priority schools and California preschool programs. Requires the CSAC to provide a report to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before December 31, 2025, and every two years thereafter. (EC 69617)
- 6) Requires a NPS or a nonpublic agency (NPA) that seeks certification to file an application with the Superintendent of Public Instruction (SPI) on forms provided by the California Department of Education (CDE) with specified information. Requires applicant NPS/As to notify the Special Education Local Plan Area (SELPA) in which it is located.
- 7) Requires the SPI to conduct an onsite review of the facility and program for which the applicant seeks certification within three years of the effective date of the certification.
- 8) Requires the SPI to annually review the certification of each NPS/A.
- 9) Requires the SPI to conduct an investigation of a NPS/A onsite at any time without prior notice if there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child.
- 10) Requires the SPI to monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials authorizing service, the standards-based core curriculum being employed, and the standards-focused instructional materials used, of an existing certified NPS/A on a three-year cycle. (EC 56366.1)
- 11) Authorizes the SPI to suspend or revoke the certification of a NPS/A for specified reasons, including:
 - a) Violation of an applicable state or federal rule or regulation, or aiding, abetting, or permitting the violation of an applicable state or federal rule or regulation;
 - b) Falsification or intentional misrepresentation of an element of the application, student records, or program presented for certification purposes;

- c) Conduct in the operation or maintenance of the NPS/A that is harmful to the health, welfare, or safety of an individual with exceptional needs;
- d) Failure to comply with a provision in the master contract with the LEA;
- e) Failure to notify the CDE in writing of any of the following within 45 days of the occurrence of:
 - i. Changes in credentialed, licensed, or registered staff who render special education and related services, ownership, management, or control of the NPS/A;
 - ii. Major modification or relocation of facilities; or
 - iii. Significant modification of the NPS/A program.
- f) Failure to implement recommendations and compliance requirements following an onsite review of the NPS/A;
- g) Failure to provide appropriate services, supplies, equipment, or facilities for a student as required in the student's individualized education program (IEP);
- h) Failure to notify the SPI in writing within 10 days of the revocation or suspension of a license or permit, including, but not limited to, a residential care license, business license, or other required license or permit; and
- i) Failure to implement a student's IEP. (EC 56366.4)

FISCAL EFFECT: Unknown

COMMENTS:

What does this bill do? This bill defines a “priority school,” for purposes of the GSTG program, to include a NPS with 55% or more of its pupils being unduplicated pupils. This means that a multiple subject, single subject, education specialist, or pupil personnel services credential holder could fulfill their 4 year service requirement at a NPS.

Need for the bill. According to the author, “California is currently experiencing a growing shortage of special education teachers. This shortage has impacted both traditional school settings as well as our state’s nonpublic, nonsectarian schools. Often deemed the best option for a student when their needs cannot be met in a public school classroom, nonpublic, nonsectarian schools serve many of the state’s most vulnerable students with exceptional needs. The Golden State Teacher Grant Program awards grants of up to \$20,000 to individuals currently enrolled in a professional preparation program and working towards earning their credential. In order to be eligible for a grant, a recipient must commit to work at a “priority school” for four years. To help address the special education teacher shortage, AB 2768 would specify that a “priority school” could also include a nonpublic, nonsectarian school with 55 percent or more of its students being unduplicated, maintaining the focus on our most vulnerable students. This bill would

provide a critical incentive to work at nonpublic, nonsectarian schools by allowing Golden State Teacher Grant Program recipients' time working at these schools to count towards meeting the service requirement.”

Golden State Teacher Grant Program. Since 2016-17, the state has spent \$1.4 billion in one-time funds to address teacher shortages. The 2019-20 Budget Act established the GSTG program, which awards up to \$20,000 to students who meet eligibility requirements and commit to a four-year service agreement. The program was first available to students who were enrolled during the 2020-21 academic year (AY) in a CTC-approved teacher preparation program to earn their Education Specialist (Special Education) preliminary teaching credential.

The 2021-22 Budget Act then authorized the expansion of the GSTG program to students enrolled during the 2021-22 AY who committed to working in an eligible high-need field. Subsequently, the 2022-23 Budget Act authorized an additional expansion of the program to include those working towards their multiple subject or single subject credential and those working towards their pupil personnel services (PPS) credential. Additionally, all GSTG recipients (including past grantees) were required to complete their program and obtain their credential within three years from the date their first GSTG payment was mailed to their institution and to complete their four-year service at a California priority school within eight years from the date they completed their program.

Further, commencing with the 2022-23 AY, students may receive up to the maximum \$20,000 GSTG award paid out across multiple academic years as long as they continue to meet eligibility requirements each year. The 2023-24 Budget Act expanded the program once again by awarding up to \$10,000 (also payable over multiple academic years) to California residents enrolled in an online credential program at an approved institution that meets specified requirements. The timeframe for students to complete their program and obtain their credential was also lengthened from three to six years. Lastly, the service obligation was expanded to be fulfilled at a California preschool program in addition to eligible priority schools.

State funding for GSTG. According to the CSAC, it is anticipated that CSAC will exhaust the \$500 million fund allocated for the GSTG program sooner than anticipated. The CSAC expenditure and projection rates suggest that CSAC will deplete GSTG funds sometime during the 2024-25 budget and/or academic year, which is well ahead of the June 30, 2026, end of the GSTG program five-year period.

According to the Assembly Budget Subcommittee on Education Finance:

Is the program sufficiently funded for current law? Major changes in the 2022-23 Budget Act to broaden program eligibility appears to have outstripped available funds. CSAC anticipates that the entire \$500 million appropriation could be awarded in or before the 2024-25 academic year, should current application/award rates continue with the current program requirements. Any further expansions of eligibility would likely result in expenditure of those funds even more quickly prior to the original end date of the program (June 30, 2026).

Is the program too broad? Rather than further expand program eligibility, and lower service standards, the Assembly could consider returning a focus on the program's role in staffing shortage areas, including Early Childhood Education.

Nonpublic nonsectarian schools (NPSs). NPSs are schools that provide educational services to public school students with exceptional needs pursuant to an IEP and are contracted placements by a school district, county office of education, charter school or a SELPA. NPSs are certified by the CDE, which ensures that NPSs meet standards as prescribed by the SPI and the State Board of Education (SBE). As of April 2024, there are 284 nonpublic schools certified by the CDE.

Historically, NPSs have been an excellent training ground for special education teachers, and NPS teachers are often recruited to work for school districts. Since NPSs are providing services to public school students who have the most significant support needs, they are an appropriate placement for a GSTG recipient to fulfill their four-year service commitment.

What is the definition of unduplicated pupils? According to the CDE, the unduplicated count of pupils includes those pupils who meet the following criteria:

- 1) Are English learners;
- 2) Meet income or categorical eligibility requirements for free or reduced-price meals under the National School Lunch Program; or
- 3) Are foster youth.

The term “unduplicated count” means that each pupil is counted only once, even if the pupil meets more than one of these criteria. Under the definition of “priority school” in the GSTG program, grant recipients must commit to working in a school with more than 55% unduplicated pupils for four-years.

Because NPSs are private schools, they are not required to report data regarding unduplicated pupils to the state. The ***Committee may wish to consider*** whether NPSs have access to data regarding the status of their pupils as unduplicated pupils or whether creating access to this data will be overly burdensome. The ***Committee may wish to consider*** amending the bill to eliminate the requirement for NPS placements to have 55% unduplicated pupils.

Special Education Teacher Shortage. School districts across the State of California are experiencing a serious shortage of qualified teachers. There are chronic shortages in the areas of special education, math, and science.

According to the Learning Policy Institute’s (LPI’s) 2020 report on California’s Special Education Teacher Shortage, “about two thirds (65 percent) of newly hired California special education teachers are on substandard credentials and permits, the greatest proportion of any major subject area. Of these substandard credentials and permits, about half (2,355) were emergency-style PIPs, STSPs, and waivers granted to individuals without teacher preparation or subject-matter competence. Out-of-state teachers provide an additional portion of teacher supply; however, the 500 to 700 new out-of-state special education credentials issued yearly are not enough to meet growing demand.”

In an earlier report, LPI also noted that “shortages in special education are most likely to disproportionately affect English Learners, who are overrepresented in special education by nearly 30%, and Black students, who are overrepresented in special education by nearly 50%.”

Recommended Committee Amendments. *Staff recommends the bill be amended* to remove the requirement for NPSs to serve 55% unduplicated pupils.

Related legislation. AB 1927 (Alanis) of the 2023-24 Session would authorize credential candidates to apply for the GSTG if they are enrolled in a program leading to a clear designated subjects career technical education credential.

SB 114 (Senate Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2023, modifies the GSTG program allowing participants to serve at preschools, and expands the GSTG program eligibility to institutions that offer services online to students, are accredited by the Western Association of Schools and Colleges, and offer a professional preparation program approved by the CTC as of January 1, 2023.

AB 377 (Muratsuchi and McCarty) of the 2023-24 Legislative Session would have increased funding for the Career Technical Education Incentive Grant Program. This bill was held in the Senate Appropriations Committee.

AB 638 (McCarty) of the 2023-24 Session, would have required, commencing on or after January 1, 2024, student candidates of the GSTG program to commit to working for four years in a shortage area, as designated by the CTC, at any California public or nonpublic school, as defined. This bill was held in the Assembly Committee on Appropriations.

AB 114 (Assembly Committee on Budget), Chapter 413, Statutes of 2019 establishes the GSTG program.

AB 1623 (Robert Rivas and O'Donnell) of the 2019-20 Session, would have established, subject to appropriation, the GSTG program under the administration of the CSAC. The program would have provided one-time grant funds of \$20,000 to each student enrolled on or after January 1, 2020, in a professional preparation program leading to a preliminary teaching credential, if the student committed to working in a high-need subject area field for four years after they received a teaching credential. Would have required the CTC to certify if the recipient had not earned a credential and required the CDE to certify if the recipient had not taught for four years in a high-need subject area field. This bill was held in the Senate Education Committee.

AB 169 (O'Donnell) of the 2017-18 Session, would have established, subject to appropriation, the GSTG program under the administration of the CSAC. The program would have provided one-time grant funds of \$20,000 to each student enrolled on or after January 1, 2020, in a professional preparation program leading to a preliminary teaching credential if the student committed to working in a high-need subject area field for four years after they received a teaching credential. This bill was held in the Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Achieve Kids
Alameda County Office of Education
Aspiranet
California Alliance of Child and Family Services

California Association of Private Special Education Schools (CAPSES)

Children's Health Council (CHC)

Fullbloom

Individuals

Kadiant LLC - Land Park Campus

Sierra School of San Joaquin

Wellspring Educational Services INC

Opposition

None on file

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