

Date of Hearing: April 28, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 486 (Committee on Education) – As Amended April 19, 2021

SUBJECT: Elementary and secondary education: omnibus bill

SUMMARY: Makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code. Specifically, **this bill:**

California State Library

- 1) Establishes that there is in the state government an agency known as the California State Library. Deletes a reference to the California State Library as a division of the California Department of Education (CDE).
- 2) Requires that the California State Library be under the control of an executive who must be a technically trained librarian and be known as the “State Librarian.” Repeals a reference to the CDE division being in charge.
- 3) Requires the State Librarian to nominate a Deputy State Librarian to be appointed by, and hold office at the pleasure of, the Governor.
- 4) Updates and clarifies the authorizations of the State Librarian to:
 - a) Appoint or employ civil service personnel as necessary to carry out the purposes of the California State Library;
 - b) Purchase and maintain materials and equipment as necessary to carry out California State Library programs and services consistent with well-established library standards;
 - c) Accept materials from cultural heritage institutions for deposit, under agreements entered into by the State Librarian and the libraries or institutions concerned. Authorizes cultural heritage institutions to include archives, galleries, historical societies, libraries, museums, and tribal nations;
 - d) Collect, preserve, and disseminate information regarding the history of the state, including materials that represent the stories of Californians in an equal, diverse, and inclusive manner;
 - e) Serve as regional library for the print disabled, in addition to the blind, in cooperation with the Library of Congress;
 - f) Maintain and make accessible, through digital or physical means, the publications created by state government; and
 - g) Digitally preserve books and other physical materials and provide a digital platform to expand access to the California State Library’s collection.

- 5) Authorizes the State Librarian to contract directly with counties, cities, or districts within the state, agencies of the state, and agencies of the United States government for the purpose of providing library services.
- 6) Requires the State Librarian to make available in the state on a loan basis to print disabled, in addition to blind, persons, or to persons with a disability that prevents them from reading conventional printed materials, audio recordings of books and other related materials. Requires the materials made into audio recordings to be selected by the California State Library on the same basis as the California State Library's collection development plan that is posted on the California State Library's website.
- 7) Authorizes the State Librarian to consider for rendering into embossed braille any print books and other materials, excluding textbooks, requested by an eligible patron with print disabilities. Requires the consideration of the patron's request to be dependent upon available staffing, resources, and technical proficiency at the time of the request. Books and other materials rendered into embossed braille may be placed in the California State Library's circulating collection for use by all patrons with print disabilities.
- 8) Repeals references to physically handicapped and replaces the references with "print disabled".

Annual School District Organizational Meeting

- 9) Requires, in a year in which a regular election for the governing board members is conducted, the annual organizational meeting of the governing board be held on a day within a 15-day period that commences with the second Friday in December following the regular election. Repeals the meeting date requirement for the annual organizational meeting on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office.
- 10) Requires, in years in which a regular election for governing members is conducted, the annual organizational meeting of the governing board be held on any date in December, but no later than December 20. Repeals the meeting date requirement for the annual organizational meeting to be held during the same 15-day period on the calendar.

Adult Education Program

- 11) Requires the hours of attendance for adults to be reported by the governing board of each school district and county superintendent of schools to the SPI for the computation of average daily attendance (ADA). Repeals a requirement that the days of attendance in classes for adults and regional occupational centers programs be reported in the same manner as all other attendance. Repeals a requirement that the ADA in those schools and classes be determined by dividing the total number of days of attendance in all full school months in the first period by a divisor of 85, in the second period by 135, and at the annual time by 175.
- 12) Authorizes and revises the list of specified classes and courses that may be offered by school districts and county superintendents of schools for the Adult Education Program apportionment purposes from the adult education fund.

- 13) Repeals an authorization for a school district to offer adult education courses and classes if the school district received funding in the 1991-92 fiscal year to conduct programs through independent study for persons 21 years of age or older and persons 19 years of age or older who have not been continuously enrolled in kindergarten, or any grades 1-12, inclusive, since their 18th birthday.
- 14) Repeals a requirement that each school district or county superintendent of schools providing services in summer school programs for adults with disabilities in the 1977-78 school year to continue in the 1980-81 fiscal year and each fiscal year thereafter to offer these programs. Repeals a requirement for school districts or county superintendents of schools receiving apportionments from Section A of the State School Fund to offer summer programs for graduating high school seniors in need of courses for graduation.
- 15) Repeals the requirement that no student enrolled in classes for adults be credited with more than 15 clock hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held unless he or she is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education for grades 7 to 12, inclusive.
- 16) Repeals the requirement that each clock hour of teaching time devoted to the individual instruction of adults with physical disabilities who are patients in a tuberculosis ward or hospital maintained by one or more counties count as one day of attendance but no such adult is authorized to be credited with more than one day of attendance in any calendar day.
- 17) Repeals the requirement that if a pupil 21 years of age or older, or a pupil 19 years of age or older, has not been continuously enrolled in kindergarten or any of grades 1 to 12, since his or her 18th birthday, any attendance credit for coursework he or she is pursuing through independent study be eligible for apportionment only if it is one or more of the types of courses as specified, or any course required by the governing board as a prerequisite to receiving a diploma of high school graduation.
- 18) Repeals the requirement that whenever two or more school districts have entered into an interdistrict attendance agreement whereby one of the districts provide for the adult education classes for all districts included in the agreement, the ADA of adults attending such classes be reported by and credited to the district in which such adult resides.
- 19) Requires adult schools to consist of programs, courses, and classes for adults. Authorizes minors to be admitted to these programs, courses, and classes pursuant to governing board policy and current law, as specified. Requires that money for the Adult Education Program not be used to support the costs of adult education programs, courses, and classes for minors. Requires a school district to clearly demonstrate that the costs of instruction for persons under 18 years of age enrolled in an adult education program, course, or class are from another allowable fund source or sources.
- 20) Authorizes the governing board of a high school district or unified school district to establish classes for adults. Requires, that if these classes result in enrollment in any school year of 500 or more students, each district to establish an adult school for the administration of the program, if one is not established. Eliminates a requirement that if these classes result in

enrollment in any school year of 100 or more students, each district establish an adult school for the administration of the program, if one is not established. Authorizes the governing board of a high school district or unified school district to establish an adult school at an enrollment threshold in classes for adults lower than 500 students for any school year.

- 21) Authorizes the governing board of any high school district or unified district to provide for the maintenance of adult classes at such period and such length of time during the school district as determined by the governing authority.
- 22) Repeals a requirement that the governing board of each school district maintaining an adult school and offering an elementary program prescribe requirements for eighth grade graduation from the adult school.
- 23) Repeals an authorization that whenever the governing board of a school district offering automobile driver training in an adult school or classes for adults determines that such training cannot be conducted effectively wholly within the district's boundaries, it may cause the training to be conducted outside the boundaries of the district.
- 24) Repeals an authorization that classes for adults be maintained in conjunction with day or evening high schools, day or evening adult schools, or day or evening regional occupational centers.
- 25) Repeals an authorization that the governing board of any high school district or unified school district provide for the maintenance on Saturday and Sunday of classes for adults.
- 26) Repeals a requirement that the governing board of any school district maintaining an adult school have authority with the approval of the CDE to establish a prescribed course in elementary subjects appropriate to needs of adults.
- 27) Repeals a prohibition that no class for adults in dancing or recreational physical education be maintained by any district for which the district receives money from the State School Fund.
- 28) Repeals a requirement that the governing board of any high school district or unified school district, prior to establishing a vocational or occupational training program, conduct a job market study of the labor market area in which it proposes to establish the program in order to determine whether or not the study justifies the proposed vocational education program.
- 29) Repeals a requirement that every vocational or occupational training program for adults offered by any high school district or unified school district be reviewed every two years by the governing board to assure that each program does all of the following: meets a documented labor market demand, does not represent unnecessary duplication of other manpower training programs in the area, and is of demonstrated effectiveness as measured by the employment and completion success of its students.
- 30) Repeals an authorization for the SPI to approve school district plans for adult education innovation and alternative instructional delivery. Repeals the authority for school districts approved to implement demonstration programs to claim and expend up to 5% of their adult block entitlement for implementation of approved programs; and repeals the authority of a

school district to claim and expend more than 5%, but no more than 15%, of its adult block entitlement if the program is approved by the SPI.

- 31) Requires, on or before October 1, 2022, and annually thereafter, the CDE to report to the Governor and the fiscal committees and the education policy committees of both houses of the Legislature on the implementation of the adult education program and the fiscal aspects of the adult education program. Requires the report to identify, by school district, any abuses of the letter of intent of the statutes pertaining to adult education, and requires the report contain recommendations that has taken into account stakeholder input for the modification, if necessary, for program improvements to adult education.
- 32) Prohibits the use of funding from the Adult Education Program to support the costs of an adult education program, course, and class for physical education, driver's training and education, visual and performing arts, band, preparation of a school yearbook or school newspaper, and training for, or participation in, athletic camps, cheerleading or spirit organizations, student government, or extracurricular student clubs.
- 33) Repeals an authorization for the governing board of any district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, to maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.
- 34) Authorizes that classes in English for students 18 years of age residing in a high school district who cannot speak, read, or write in the English language to a degree of proficiency equal to that required for the completion of grade 8 of the elementary schools be offered directly by the high school district or in partnership with another public adult education provider.
- 35) Repeals the following provisions related to adult English classes:
 - a) Requires the application for classes to be made in time to permit the board to arrange to meet the expenses of the classes;
 - b) Authorizes the board to establish the classes without demand and with a lesser number of students;
 - c) Requires the classes to be held at least twice a week for a two-hour period; and
 - d) Authorizes, if the enrollment in any class falls to 10 or less for a one-month period, the governing board to discontinue the class for that year.
- 36) Authorizes that training in citizenship for persons residing in a high school district be offered directly by the high school district or in partnership with another public adult education provider.
- 37) Repeals the following provisions related to classes in citizenship:
 - a) Requires the application for classes be made in time to permit the governing board to arrange to meet the expenses of the classes;

- b) Authorizes, upon satisfactory evidence that any school district required to do so has failed to establish and maintain classes in training for citizenship, the SPI and county superintendent of schools to withhold 5% of state and county apportionments until the district has complied with specified provisions; and
 - c) Requires the classes to be held at least twice a week for three months. Authorizes, at the close of this period, if the enrollment in any class has fallen to 10 or less for the month, the governing board of the district to discontinue the class for that year.
- 38) Requires that special classes for adults designed to serve the educational needs of adults with disabilities established by a school district maintaining secondary schools or a county superintendent of schools to be directed to providing civic education, career technical education, work readiness, independent living skills, community access and integration, communication and social skills, literacy, and academics.
- 39) Repeals the authorization for special classes for adults with disabilities to be conducted under the direction of the governing board of the school district in workshop and training facilities provided by nonprofit organizations, or in public school facilities. Authorizes these facilities to include those where part-time paid work education and training is conducted and where less than the state minimum wage is paid.
- 40) Repeals a requirement for the ADA in special classes for adults with disabilities and be reported by which the student resides.
- 41) Repeals a requirement that the governing board of a school district designate an employee or employees of the district to have custody of the incidental expense account, or accounts, who are responsible for the payment into the account, or accounts, of all moneys required to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board prescribes.
- 42) Repeals an authorization for a school district governing board to provide for the sale of materials purchased from the incidental expense account to pupils in classes for adults, for use in connection with such classes. Repeals the requirement for the proceeds of all such sales to be deposited in that account and to be available for the purposes of that account.
- 43) Repeals a requirement for the SPI to determine an adult block entitlement, to be paid from appropriations to Section A of the State School Fund as part of the principal apportionment to school districts, for those school districts that maintain education programs for adults by multiplying the adult education revenue limit per unit of ADA and the adult education ADA.
- 44) Repeals a requirement, for purposes of calculating the adult block entitlement for any school district that maintains education programs for adults, for the SPI to include the ADA for any parenting programs offered by the district for parents of high-risk pupils, between the ages of 5 and 18 years, inclusive.
- 45) Repeals a definition of “indirect costs” for the Adult Education Fund.

- 46) Repeals an authorization for school district charging auditable documentation and indirect costs to the adult education program to transfer less than 8% of the annual revenue deposited in the district's Adult Education Fund to the school district's general fund for expenditures the district incurs in operating its adult education program.
- 47) Repeals an authorization for the Merced Union High School District to use money in its Adult Education Fund to purchase up to 20 existing district-owned classrooms for the exclusive use of its adult education program.
- 48) Repeals a requirement, for the 1993-94, 1994-95, and 1995-96 fiscal years, for the determination of each school district's adult education revenue limit per unit ADA.
- 49) Repeals a requirement for the SPI to determine an authorized limit of adult education ADA for all high school districts and unified school districts that operated and claimed adult education state apportionment for the 1992-93 fiscal year.
- 50) Requires of a school district that applies to the CDE for initial program approval and funding to begin any adult education programs provided the school district has participated in the appropriate local adult education consortium, and the applicable adult education plan approved for adult education activities and services.
- 51) Repeals a list of available funding sources for purposes of adult education.
- 52) Repeals a requirement, for purposes of calculating a school district's authorized adult education ADA, that ADA for concurrently enrolled high school pupils in adult education programs for districts that currently are party to an adult education joint powers agreement established prior to January 1, 1963, be based upon the aggregate ADA of all participating districts' pupils in grades 9 to 12.
- 53) Repeals an authorization for a county office of education (COE) to administer an adult education program and each eligible school district within its jurisdiction may participate in the program. Repeals an authorization for a COE administering that adult education program to report the ADA of each school district participating in the adult education program for the purpose of receiving apportionments. Repeals a requirement for the SPI to make apportionments to a COE administering that adult education program provided the specified conditions are met.
- 54) Repeals a requirement, in the event that a school district is found, pursuant to an audit, to have incorrectly reported adult education or concurrently enrolled ADA to the CDE, the SPI to recalculate the ADA for purposes of determining the adult block entitlement.
- 55) Repeals a requirement that the SPI, commencing in the 2006-07 fiscal year, and in each fiscal year thereafter, after making adjustments and based on data reported to the CDE by LEAs on or before July 15 of each fiscal year, adjust the allocation of apportionments for adult education ADA, as specified.
- 56) Requires, before establishing a career technical education training program, each member of a local adult education consortium to conduct a job market study of the labor market area in which it proposes to establish the career technical education training program. Requires the

study to use local labor market information and consider a supply analysis of existing career technical education training programs for adults maintained by high schools, community colleges, and other postsecondary educational institutions in the geographic area to ensure that the anticipated employment demand for adults enrolled in the proposed training program justifies the establishment of the proposed courses of instruction. Requires, after completing the job market study and before establishing the career technical education training program, the local adult education consortium to determine if the job market study justifies the proposed career technical education program.

Peace Officers and Public Safety Dispatchers Employed by a School District

- 57) Requires a full-time peace officer of public safety dispatcher employed by a school district to be designated as a permanent employee of the school district, and serve a probationary period of at least one year of paid services from their date of appointment to that full-time position.
- 58) Requires, in order to receive permanent classified service status, each full-time peace officer and public safety dispatcher employed by a school district to serve in a probationary status for at least one year from their date of appointment to that full-time position.

Child Nutrition Programs

- 59) Authorizes the CDE to formulate the basic elements of nutrition education programs for child nutrition entities participating in child nutrition programs. Authorizes such programs to coordinate classroom instruction with the food service program and be of sufficient variety and flexibility to meet the needs of pupils in the total spectrum of education, including early childhood, elementary and secondary schools, special education classes and programs, and child development programs. Authorizes nutrition education programs be maintained on a project approval basis. Authorizes the State Board of Education (SBE) to establish rules and regulations for nutrition education projects. For all of the preceding provisions, changes each from a requirement to an authorization. Repeals a requirement that such projects be approved by the SBE upon recommendation of the CDE.
- 60) Authorizes the SPI to convene an interagency working group on instructional school gardens that may include, but not be limited to, the representatives of the CDE, the Department of Food and Agriculture, the State Department of Public Health, and the California Integrated Waste Management Board (CIWMB). Authorizes, during its annual discretionary grant funding process, the CIWMB to give preferential consideration to providing an appropriate level of funding to the instructional school garden program. Repeals these provisions as requirements.
- 61) Repeals a requirement for the SPI to certify any noncompliance of school nutrition programs to the Attorney General, for the Attorney General to investigate the noncompliance, and for the Attorney General to seek injunctive relief to secure compliance. Requires the SPI to certify the noncompliance, investigate the noncompliance, and seek injunctive relief to secure compliance.
- 62) Repeals the California Fresh Start Pilot Program.

Lease-leaseback sunset extension

- 63) Extends the operative date of the authorization for the competitive selections process for awarding lease-leaseback contracts for school construction projects to July 1, 2027, and, as of January 1, 2028 repeals the sunset.

Language and speech disorders

- 64) Updates terminology related to language and speech disorders related to the requirement for a pupil to be assessed as having a language or speech disorder that makes the pupil eligible for special education and related services when the pupil demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects the pupil's educational performance and cannot be corrected without special education and related services.

Technical Changes

- 65) Repeals gender specific references to the Superintendent of Public Instruction (SPI), county superintendent of schools, local superintendents, county auditors, and pupils.
- 66) Repeals references to revenue limits and instead references the Local Control Funding Formula (LCFF).
- 67) Requires, upon the receipt of a report of a violation of any statutory provision or rule or regulation relating to the employment of minors, the Director of Industrial Relations to make an inspection or investigation of the violation. Deletes the requirement that the Labor Commissioner make the inspection or investigation of the violation.
- 68) Updates cross-references.
- 69) Other technical changes.

EXISTING LAW:

- 1) Establishes, in the CDE, a division known as the California State Library. Requires the division to be in charge of a chief who is a technically trained librarian and known as the "State Librarian." (Education Code (EC) 19300-19307)
- 2) Authorizes unified or high school districts to establish separate adult schools. Courses under the following program areas can be funded by state apportionment:
 - a) Adult Literacy/High School Diploma;
 - b) English as a Second Language/Citizenship;
 - c) Adults with Disabilities;
 - d) Career Technical Education/Apprenticeships;
 - e) Parenting, Family, and Consumer Awareness; and
 - f) Older Adults. (EC 52501-52503)

- 3) Establishes the California Adult Education Program (CAEP) and authorizes the Chancellor of the Community Colleges and the SPI to administer the program. (EC Section 84900)
- 4) Establishes the California Fresh Start Pilot Program administered by the CDE in consultation with the California Department of Food and Agriculture and the California Department of Health Services. Authorizes public schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide fruits and vegetables that have not been deep fried to pupils in order to supplement other fruits and vegetables that have not been deep fried and that are available to those pupils, and in order to promote the consumption of fresh fruits and vegetables by schoolage children. (EC 49565-49565.8)
- 5) Requires a person who has served an initial probationary period in a class less than six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the Personnel Commission; be deemed to be in the permanent classified service. Authorizes the Personnel Commission to establish a probationary period in a class no longer than one year for classes designated by the Personnel Commission as executive, administrative, or police classes. Prohibits employees from attaining permanent status in the classified service until he has completed a probationary period in a class. Authorizes the exclusion of time while employees are on a leave of absence in any case the rules of the Personnel Commission provides. Requires the rights of appeal from disciplinary action prior to attainment of permanent status in the classified service, as specified. (EC 45301)
- 6) Requires school districts that award lease-leaseback contracts for school construction to participate in a competitive selections process until July 1, 2022. Under lease-leaseback, a school district rents district-owned property to any person, firm or business for as low as \$1. The person, firm or business constructs a school facility using its own funds and leases the building back to the school district. At the end of the lease, the school district resumes title to the building and site. (EC 17406)

FISCAL EFFECT: Unknown

COMMENTS:

Education omnibus bill. Each year, there is a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff in the CDE, the Assembly and Senate Education committees, the Department of Finance, the Legislative Analyst's office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections. For example, these corrections may include deleting an obsolete reporting requirement, removing a reference to a defunct program, updating a cross-reference to another statute in existing law, and modernizing outdated terminology.

Custom and practice provide that if the CDE, the California Department of Finance, the Legislative Analyst's Office, or any of the legislative offices in either the majority or minority party object to a proposed provision in the omnibus bill, that particular provision is prohibited from inclusion. Due to the COVID-19 pandemic, there was no K-12 education clean-up bill in 2020.

Related legislation. AB 1595 (Committee on Education), Chapter 543, Statutes of 2019. Made technical and other non-controversial revisions to numerous provisions of the Education Code.

SB 816 (Committee on Education), Chapter 507, Statutes of 2018. Made technical and other non-controversial revisions to numerous provisions of the Education Code.

REGISTERED SUPPORT / OPPOSITION:

Support

Peace Officers Research Association of California (PORAC)

Opposition

None on file

Analysis Prepared by: Marguerite Ries / ED. / (916) 319-2087