

CONCURRENCE IN SENATE AMENDMENTS

AB 185 (Committee on Budget)

As Amended August 26, 2022

Majority vote. Budget Bill Appropriations Taked Effect Immediately

SUMMARY

This bill is a public education and early education omnibus trailer bill for furthering the intent of the 2022-23 Budget Act.

Senate Amendments

- 1) Increases the base increase for the Local Control Funding Formula above COLA from 6.2% to 6.7%.
- 2) Clarifies that new cost of living (COLA) add-ons to the county Local Control Funding Formula (LCFF) Floor and Minimum State Aid Guarantee are cumulative from one fiscal year to the next.
- 3) Requires the Department of Education (CDE) to convene and provide recommendations from a statewide workgroup of preschool stakeholders, as specified, regarding preschool quality standards across the mixed child care delivery system, aligned to the State Master Plan for Early Childhood Education.
- 4) Clarifies intent on special education set-aside, dual-language learner identification, and 3 year old child eligibility in the part-day and full-day California State Preschool Program.
- 5) Conforms adult/child ratios for child care programs to the child care facility licensing regulations.
- 6) Clarifies language for how to distribute COLA for the California State Preschool Program.
- 7) Clarifies that California Transitional Kindergarten (TK) Planning Grant Program funds must be expended by June 30, 2026, specifies how funds should be awarded and spent, and requires local educational agencies (LEAs) to provide program data to the CDE.
- 8) Clarifies California Universal Preschool Planning Grant funding and application process.
- 9) Clarifies individuals subject to background checks under the Cradle-to-Career project, to conform to Federal Bureau of Investigation guidance.
- 10) Establishes an alternative design-build process for school district facilities.
- 11) Clarifies reporting requirements for the Learning Recovery Emergency Block Grant.
- 12) Specifies Pupil Transportation Services funding calculations for common administration districts, district reorganizations, and allows for transportation to be provided by joint powers agreements; clarifies that prior year Local Control Funding Formula transportation costs to calculate funding.
- 13) Repeals requirement to adopt regulations for Pupil Transportation Services funding.

- 14) Clarifies that TK class size requirements are not subject to collectively bargained kindergarten class size alternative for purposes of TK average class size requirements.
- 15) Clarifies requirements for local educational agencies to be eligible for the 2021-22 average daily attendance boost based on following independent study requirements in the 2021-22 school year.
- 16) Updates language for school district reorganizations or territory transfers to specify that adjustments will be made to any applicable prior fiscal year, as a result of the new three prior year average calculation.
- 17) Increases the necessary small school funding bands to correspond to the increases for school districts.
- 18) Clarifies the recoupment of employee payment procedures in the event of LEA wage overpayment.
- 19) Adds transitional kindergarten as an eligible requirement for the mentor teacher experience as part of the Teacher Residency Grant Program.
- 20) Specifies that \$10 million be set-aside for capacity grants to create school counselor residency programs.
- 21) Corrects the year of appropriation for the Teacher Residency Grant program funding in the 2022-23 Budget Act.
- 22) Allows a classified employee to be represented by an attorney or labor representative during layoff proceedings.
- 23) Defines "month" for purposes of the Classified Employees Summer Assistance program.
- 24) Makes technical changes to the Expanded Learning Opportunities Program, including defines "non-school day" and restores the three-year funding guarantee language.
- 25) Clarifies how class size and adult-to-pupil ratio should be defined for purposes of calculating the Local Control Funding Formula for Transitional Kindergarten, and clarifies CDE authority on expanded learning wrap for TK, using State Preschool contracts.
- 26) Clarifies how fiscal penalties for failing to meet Transitional Kindergarten requirements should be calculated.
- 27) Extends the sunset for the district of choice program through July 1, 2028.
- 28) Extends the sunset for graduation requirements related to career technical education through July 1, 2027.
- 29) Adds exceptions for students participating for fewer than 15 schooldays and make conforming changes to Course-based Independent Study statute.
- 30) Restores provision that allowed LEAs to obtain a signed master agreement within 30 days of the first day of independent study instruction.

- 31) Clarifies that the cost-of-living-adjustment should not be counted twice in the base rate for special education.
- 32) Clarifies the State Allocation Board process for LEA authorization to assess Level III developer fees when the School Facility Program is funded with non-bond funds.
- 33) Clarifies that a provision of current law allowing local governments to condition the approval of new residential development on the basis of the adequacy of school facilities in the event that a future statewide school facilities bond fails passage does not apply if non-bond state resources are provided for the school facilities program.
- 34) Redefines TK children as school-age for purposes of school age community care licensing, and provides Department of Social Services (DSS) authority for rule-making.
- 35) Provides parity for DSS direct-contract child care programs to the State Preschool mental health adjustment factor of 1.1.
- 36) Shifts the LEA reporting deadline from June 30, 2023, to June 30, 2024, for the 2021 Kitchen Infrastructure and Training Funds.
- 37) Changes appropriations to ensure direct contractors receive a rate supplement in 2021-22 and 2022-23 equivalent to the difference between their current contract rate and the 85th percentile of the 2018 RMR.

COMMENTS

This bill is necessary to implement Legislative intent for various education provisions of the 2022-23 Budget Act, and extend imminent sunset dates for the Districts of Choice program and Career Technical Education high school graduation requirements.

According to the Author

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill appropriates \$4 million for the Department of Education to administer preschool grant and workgroup activities, and adjusts appropriations for child care, preschool, and the Teacher Residency Program in conformity with legislative intent from the Budget Acts of 2021-22 and 2022-23. This bill also makes major changes to the Local Control Funding formula's allocation, increasing the base rate from 6.2% above COLA to 6.7%.

VOTES:**ASSEMBLY FLOOR: 56-18-5**

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Cooley, Cooper, Daly, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Wicks, Wood, Rendon

NO: Bigelow, Chen, Choi, Cunningham, Megan Dahle, Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Patterson, Seyarto, Smith, Voepel, Waldron

ABS, ABST OR NV: Frazier, Kamlager, Mayes, Quirk, Valladares

UPDATED

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