



STATE CAPITOL
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CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

Assembly
California Legislature
Committee on Rules

KEN COOLEY
CHAIR

VICE CHAIR
CUNNINGHAM, JORDAN

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LEVINE, MARC
MAIENSCHN, BRIAN
MATHIS, DEVON J.
RAMOS, JAMES C.
RUBIO, BLANCA E.
VILLAPUDUA, CARLOS

VALLADARES, SUZETTE
MARTINEZ (R-ALT)

Thursday, March 25, 2021
8:45 a.m.
State Capitol, Room 4202

CONSENT AGENDA

BILL REFERRALS

1. Bill Referrals

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RESOLUTIONS

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| 2. | ACR-35 (Chau) | World Autism Awareness Day. | Page 7 |
| 3. | ACR-39 (Holden) | Roxie's Wish: Drowning Prevention Week for Children. | Page 11 |
| 4. | ACR-56 (Gabriel) | California Holocaust Memorial Day. (refer/hear) | Page 18 |
| 5. | HR-31 (Low) | National Library Week. (refer/hear) | Page 22 |

REQUESTS TO ADD URGENCY CLAUSE

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| 6. | AB 73 (Robert Rivas) | Employment safety: agricultural workers: wildfire smoke | Page 26 |
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CARLOS VILLAPUDUA

SUZETTE VALLADARES (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 3/24/2021
Re: Consent Bill Referrals

Since you received your preliminary list of bill referrals, HR 31 has been added to the list of referrals. The referral recommendation for the following bills has changed: AB 113, AB 257, AB 1118, AB 1241, AB 1371 and AB 1405.

REFERRAL OF BILLS TO COMMITTEE

03/25/2021

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>AB 9</u>	NAT. RES.
<u>AB 9</u>	L. GOV.
<u>AB 77</u>	HEALTH
<u>AB 92</u>	HUM. S.
<u>AB 92</u>	ED.
<u>AB 93</u>	HEALTH
<u>AB 113</u>	H. & C.D.
<u>AB 113</u>	REV. & TAX.
<u>AB 255</u>	JUD.
<u>AB 257</u>	L. & E.
<u>AB 257</u>	JUD.
<u>AB 310</u>	REV. & TAX.
<u>AB 387</u>	H. & C.D.
<u>AB 448</u>	NAT. RES.
<u>AB 448</u>	U. & E.
<u>AB 460</u>	L. GOV.
<u>AB 479</u>	HUM. S.
<u>AB 520</u>	ED.
<u>AB 528</u>	REV. & TAX.
<u>AB 557</u>	PUB. S.
<u>AB 579</u>	NAT. RES.
<u>AB 586</u>	ED.
<u>AB 586</u>	HEALTH
<u>AB 587</u>	P. & C.P.
<u>AB 587</u>	JUD.
<u>AB 588</u>	E.S. & T.M.
<u>AB 610</u>	ED.
<u>AB 621</u>	NAT. RES.
<u>AB 621</u>	JUD.
<u>AB 625</u>	PUB. S.
<u>AB 641</u>	U. & E.
<u>AB 650</u>	L. & E.
<u>AB 662</u>	HEALTH
<u>AB 662</u>	JUD.
<u>AB 668</u>	REV. & TAX.
<u>AB 678</u>	L. GOV.
<u>AB 678</u>	H. & C.D.
<u>AB 709</u>	REV. & TAX.
<u>AB 724</u>	H. & C.D.
<u>AB 734</u>	NAT. RES.
<u>AB 738</u>	HEALTH
<u>AB 750</u>	PUB. S.
<u>AB 756</u>	HIGHER ED.
<u>AB 756</u>	B. & F.

<u>AB 772</u>	INS.
<u>AB 794</u>	L. & E.
<u>AB 794</u>	TRANS.
<u>AB 801</u>	ELECTIONS
<u>AB 808</u>	HUM. S.
<u>AB 808</u>	HEALTH
<u>AB 830</u>	B. & P.
<u>AB 836</u>	E.S. & T.M.
<u>AB 853</u>	NAT. RES.
<u>AB 853</u>	U. & E.
<u>AB 889</u>	HUM. S.
<u>AB 924</u>	L. GOV.
<u>AB 945</u>	ED.
<u>AB 945</u>	JUD.
<u>AB 954</u>	L. GOV.
<u>AB 958</u>	PUB. S.
<u>AB 987</u>	U. & E.
<u>AB 989</u>	H. & C.D.
<u>AB 989</u>	L. GOV.
<u>AB 997</u>	PUB. S.
<u>AB 1038</u>	HEALTH
<u>AB 1042</u>	HEALTH
<u>AB 1072</u>	J., E.D., & E.
<u>AB 1099</u>	NAT. RES.
<u>AB 1118</u>	HIGHER ED.
<u>AB 1128</u>	C. & C.
<u>AB 1135</u>	H. & C.D.
<u>AB 1137</u>	ELECTIONS
<u>AB 1146</u>	J., E.D., & E.
<u>AB 1146</u>	REV. & TAX.
<u>AB 1177</u>	B. & F.
<u>AB 1184</u>	HEALTH
<u>AB 1184</u>	P. & C.P.
<u>AB 1214</u>	HEALTH
<u>AB 1222</u>	B. & P.
<u>AB 1225</u>	PUB. S.
<u>AB 1233</u>	PUB. S.
<u>AB 1238</u>	TRANS.
<u>AB 1241</u>	H. & C.D.
<u>AB 1241</u>	JUD.
<u>AB 1253</u>	REV. & TAX.
<u>AB 1265</u>	ED.
<u>AB 1279</u>	W., P., & W.
<u>AB 1287</u>	B. & P.
<u>AB 1287</u>	JUD.
<u>AB 1306</u>	HEALTH
<u>AB 1319</u>	L. & E.
<u>AB 1319</u>	B. & F.

<u>AB 1324</u>	H. & C.D.
<u>AB 1324</u>	L. GOV.
<u>AB 1340</u>	HEALTH
<u>AB 1340</u>	JUD.
<u>AB 1345</u>	E.M.
<u>AB 1345</u>	HUM. S.
<u>AB 1346</u>	NAT. RES.
<u>AB 1356</u>	PUB. S.
<u>AB 1356</u>	P. & C.P.
<u>AB 1358</u>	A. & A.R.
<u>AB 1360</u>	H. & C.D.
<u>AB 1365</u>	A. & A.R.
<u>AB 1365</u>	NAT. RES.
<u>AB 1369</u>	A. & A.R.
<u>AB 1369</u>	NAT. RES.
<u>AB 1371</u>	NAT. RES.
<u>AB 1371</u>	JUD.
<u>AB 1389</u>	TRANS.
<u>AB 1393</u>	INS.
<u>AB 1398</u>	H. & C.D.
<u>AB 1398</u>	L. GOV.
<u>AB 1405</u>	B. & F.
<u>AB 1405</u>	JUD.
<u>AB 1427</u>	G.O.
<u>AB 1441</u>	E.M.
<u>AB 1457</u>	HIGHER ED.
<u>AB 1467</u>	HIGHER ED.
<u>AB 1467</u>	JUD.
<u>AB 1477</u>	HEALTH
<u>AB 1491</u>	HIGHER ED.
<u>AB 1491</u>	ED.
<u>AB 1501</u>	H. & C.D.
<u>AB 1501</u>	L. GOV.
<u>AB 1512</u>	W., P., & W.
<u>AB 1515</u>	REV. & TAX.
<u>AB 1524</u>	ELECTIONS
<u>AB 1529</u>	HEALTH
<u>AB 1543</u>	H. & C.D.
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<u>AB 1547</u>	L. GOV.
<u>AB 1553</u>	TRANS.
<u>AB 1586</u>	G.O.
<u>AB 1587</u>	G.O.
<u>AB 1588</u>	G.O.
<u>AB 1589</u>	G.O.
<u>AB 1590</u>	ELECTIONS
<u>AB 1591</u>	ELECTIONS

ACR 50

ACR 51

ACR 52

ACR 53

ACR 54

ACR 55

ACR 56

HR 31

RLS.

TRANS.

TRANS.

ED.

RLS.

RLS.

RLS.

RLS.

Assembly Concurrent Resolution

No. 35

Introduced by Assembly Member Chau

March 1, 2021

Assembly Concurrent Resolution No. 35—Relative to World Autism Awareness Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 35, as introduced, Chau. World Autism Awareness Day.

This measure would designate April 2, 2021, as World Autism Awareness Day and encourage residents of the state to show support for autism awareness.

Fiscal committee: no.

1 WHEREAS, The federal Centers for Disease Control and
2 Prevention’s Autism and Developmental Disabilities Monitoring
3 Network declares that approximately 1 in 54 children have been
4 identified with autism spectrum disorder (ASD); and

5 WHEREAS, ASD is a lifelong developmental disability that
6 results from a neurological disorder that affects the functioning of
7 the brain, and affects children in many countries irrespective of
8 gender, race, or socioeconomic status; and

9 WHEREAS, ASD is typically characterized by impairments in
10 social interaction, problems with verbal and nonverbal
11 communication, and restricted and repetitive behavior, interests,
12 and activities; and

13 WHEREAS, ASD is a lifelong disability that manifests itself
14 during the first three or four years of life; and

1 WHEREAS, On December 18, 2007, the United Nations General
2 Assembly adopted Resolution 62/139 declaring April 2 as the
3 annual World Autism Awareness Day; and

4 WHEREAS, The United Nations General Assembly invites all
5 member states, relevant organizations of the United Nations system
6 and other international organizations, as well as civil society,
7 including nongovernmental organizations and the private sectors,
8 to observe World Autism Awareness Day in an appropriate manner,
9 in order to raise public awareness of autism; and

10 WHEREAS, The United Nations General Assembly encourages
11 member states to take measures to raise awareness throughout
12 society regarding children with autism and requests the
13 Secretary-General to bring the present resolution to the attention
14 of all member states and United Nations organizations; and

15 WHEREAS, United Nations General Assembly Resolution
16 62/139 also recalls the United Nations Convention on the Rights
17 of the Child and the Convention on the Rights of Persons with
18 Disabilities to affirm that children with disabilities should enjoy
19 a full and decent life in conditions that ensure dignity, promote
20 self-reliance, and ensure the full enjoyment of all human rights
21 and fundamental freedoms on an equal basis with other children
22 without disabilities; and

23 WHEREAS, April 2, 2021, is the 14th anniversary of the first
24 day proclaimed as World Autism Awareness Day; now, therefore,
25 be it

26 *Resolved by the Assembly of the State of California, the Senate*
27 *thereof concurring*, That the Legislature designates April 2, 2021,
28 as World Autism Awareness Day and encourages residents of the
29 state to show support for autism awareness; and be it further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies
31 of this resolution to the author for appropriate distribution.

O

Date of Hearing: March 25, 2021

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 35 (Chau) – As Introduced March 1, 2021

SUBJECT: World Autism Awareness Day.

SUMMARY: Designates April 2, 2021, as World Autism Awareness Day and encourages residents of the state to show support for autism awareness. Specifically, **this resolution** makes the following legislative findings:

- 1) The federal Centers for Disease Control and Prevention’s Autism and Developmental Disabilities Monitoring Network declares that approximately 1 in 54 children have been identified with autism spectrum disorder (ASD).
- 2) ASD is a lifelong developmental disability that results from a neurological disorder that affects the functioning of the brain, and affects children in many countries irrespective of gender, race, or socioeconomic status.
- 3) ASD manifests itself during the first three or four years of life, and is typically characterized by impairments in social interaction, problems with verbal and nonverbal communication, and restricted and repetitive behavior, interests, and activities.
- 4) On December 18, 2007, the United Nations General Assembly adopted Resolution 62/139 declaring April 2 as the annual World Autism Awareness Day.
- 5) The United Nations General Assembly encourages member states to take measures to raise awareness throughout society regarding children with autism and requests the Secretary-General to bring the present resolution to the attention of all member states and United Nations organizations.
- 6) United Nations General Assembly Resolution 62/139 also recalls the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities to affirm that children with disabilities should enjoy a full and decent life in conditions that ensure dignity, promote self-reliance, and ensure the full enjoyment of all human rights and fundamental freedoms on an equal basis with other children without disabilities.
- 7) April 2, 2021, is the 14th anniversary of the first day proclaimed as World Autism Awareness Day

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

Assembly Concurrent Resolution

No. 39

Introduced by Assembly Member Holden

March 2, 2021

Assembly Concurrent Resolution No. 39—Relative to drowning prevention.

LEGISLATIVE COUNSEL’S DIGEST

ACR 39, as amended, Holden. ~~Roxie Forbes Drowning Prevention Month.~~ *Roxie’s Wish: Drowning Prevention Week for Children.*

This measure would proclaim every 3rd week of May as “~~Roxie Forbes Drowning Prevention Month~~” “*Roxie’s Wish: Drowning Prevention Week for Children*” in order to encourage counties, cities, and school districts to support national goals relating to drowning prevention. The measure would also, among other things, support the goals and ideals of National Water Safety Month, ~~acknowledge the grief of families who have faced the loss of a loved one,~~ *support publicly acknowledging, with permission, the names of drowning victims and their families,* and encourage counties, cities, and school districts to adopt codes and standards to prevent drowning and engage in and encourage public awareness campaigns.

Fiscal committee: no.

- 1 WHEREAS, According to the 2020 report of the United States
- 2 Consumer Product Safety Commission, there were estimated
- 3 averages of:
- 4 (1) Three hundred seventy-nine pool- or spa-related nonfatal or
- 5 fatal drowning injuries involving children younger than 15 years

1 of age during each of the 2015 through 2019 calendar years, with
2 75 percent of those injuries involving children younger than 5
3 years of age; and

4 (2) Six thousand seven hundred pool- or spa-related nonfatal
5 drowning injuries treated at a hospital emergency department
6 during each of the 2017 through 2019 calendar years.

7 WHEREAS, According to the Centers for Disease Control and
8 Prevention, drowning is:

9 (1) The leading cause of unintentional death in the United States
10 among children one through four years of ~~age~~ age;

11 (2) The second leading cause of unintentional death in the United
12 States among children 5 through 14 years of age;

13 (3) The cause of death for a child in California every four days;

14 (4) The cause of emergency medical treatment for 1,500 children
15 in California each year due to nonfatal submersions; and

16 WHEREAS, Black and Latino children drown at a rate of more
17 than five times the rate of drowning of ~~white~~ White children; and

18 WHEREAS, Drowning ranks fifth among the leading causes of
19 unintentional injury or death in the United States, and every day,
20 approximately 10 individuals die from unintentional drowning, 2
21 of whom are children 14 years of age or younger; and

22 WHEREAS, According to the State Department of
23 Developmental Services, more than 700 children require
24 state-funded medical care due to drowning; and

25 WHEREAS, The goal of national drowning prevention coalition
26 efforts, including those of the American Academy of Pediatrics,
27 the United States Consumer Product Safety Commission, and Safe
28 Kids Worldwide, is to eliminate preventable drowning-related
29 injuries and deaths in pools and open water venues; and

30 WHEREAS, The recreational water industry, as represented by
31 the organizations involved in the National Water Safety Month
32 Coalition, has contributed to that goal by:

33 (1) Developing, through codes and standards, safe public
34 swimming facilities and residential pools and spas.

35 (2) Providing aquatic programs and public awareness relating
36 to unintentional accidents in pools and open water venues; and

37 WHEREAS, Unintentional drowning deaths that occur each
38 year, especially of children under five years of age, can be
39 prevented by teaching children to swim, by using barriers and other
40 devices that aid in preventing access to areas where drowning

1 could occur, and especially by providing constant adult supervision
2 without distraction; and

3 WHEREAS, Each public pool and spa in California should be
4 in compliance with the Swimming Pool Safety Act (Article 2.5
5 (commencing with Section 115920) of Chapter 5 of Part 10 of
6 Division 104 of the Health and Safety Code) that was signed into
7 law in 1996; and

8 WHEREAS, Each residential pool and spa in the United States
9 should be built and maintained in accordance with the guidelines
10 described in the Swimming Pool Safety Act or the International
11 Swimming Pool and Spa Code, which a state or locality may adopt
12 through building codes and standards; and

13 WHEREAS, Two-thirds of drowning deaths occur during May
14 through August; now, therefore, be it

15 *Resolved by the Assembly of the State of California, the Senate*
16 *thereof concurring*, That the Legislature does all of the following:

17 (1) Supports the goals and ideals of National Water Safety
18 Month.

19 ~~(2) Acknowledges the grief of families who have faced the loss~~
20 ~~of a loved one, and commends the families who, in their grief,~~
21 ~~choose to promote and educate the public on water safety.~~

22 (2) *Supports publicly acknowledging, with permission, the names*
23 *of drowning victims and their families, and recognizes the families*
24 *who, in their grief, choose to promote and educate the public on*
25 *water safety.*

26 (3) Proclaims every *third week of May* as ~~“Roxie Forbes~~
27 ~~Drowning Prevention Month”~~ *“Roxie’s Wish: Drowning*
28 *Prevention Week for Children”* in order to encourage counties,
29 cities, and school districts to support national goals.

30 (4) Encourages counties, cities, and school districts to do both
31 of the following:

32 (A) Adopt codes and standards to prevent drowning.

33 (B) Engage in and encourage public awareness campaigns,
34 including campaigns that educate individuals on all of the
35 following:

36 (i) How to swim.

37 (ii) Layers of protection.

38 (iii) Adult supervision.

39 (iv) Rescue and first aid, including cardiopulmonary
40 resuscitation (CPR).

- 1 (5) Recognizes the vital role that swimming and aquatic-related
2 activities play in maintaining physical and mental health and
3 enhancing quality of life.
- 4 (6) Understands the vital importance of communicating
5 drowning prevention rules and programs to families and individuals
6 of all ages, including owners of private pools, users of public
7 swimming facilities and open water, and visitors to waterparks;
8 and be it further
- 9 *Resolved*, That the Chief Clerk of the Assembly transmit copies
10 of this resolution to the author for appropriate distribution.

O

Date of Hearing: March 25, 2021

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 39 (Holden) – As Amended March 18, 2021

SUBJECT: Roxie’s Wish: Drowning Prevention Week for Children.

SUMMARY: Proclaims every 3rd week of May as “Roxie’s Wish: Drowning Prevention Week for Children” in order to encourage counties, cities, and school districts to support national goals relating to drowning prevention. Specifically, **this resolution** makes the following legislative findings:

- 1) According to the Centers for Disease Control and Prevention, drowning is the leading cause of unintentional death in the United States among children one through four years of age and the second leading cause of unintentional death in the United States among children 5 through 14 years of age.
- 2) Drowning ranks fifth among the leading causes of unintentional injury or death in the United States, and every day, approximately 10 individuals die from unintentional drowning, 2 of whom are children 14 years of age or younger.
- 3) According to the State Department of Developmental Services, more than 700 children require state-funded medical care due to drowning.
- 4) Black and Latino children drown at a rate of more than five times the rate of drowning of White children
- 5) Unintentional drowning deaths that occur each year, especially of children under five years of age, can be prevented by teaching children to swim, by using barriers and other devices that aid in preventing access to areas where drowning could occur, and especially by providing constant adult supervision without distraction.
- 6) Each public pool and spa in California should be in compliance with the Swimming Pool Safety Act (Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code) that was signed into law in 1996.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

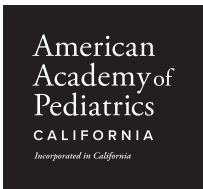
Support

American Academy of Pediatrics, California (AAP-CA)
California Coalition for Children’s Safety and Health

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800



American Academy of Pediatrics, California
5000 Campus Drive Newport Beach, CA 92660
Phone (626) 796-1632 **Fax**(626) 628-3382
Email: support@aap-ca.org | **www.AAP-CA.org**

March 22, 2021

The Honorable Chris Holden
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0041

RE: ACR (Holden) Roxie's Wish: Drowning Prevention Week for Children.
AAP-CA Position: SUPPORT

Dear Assemblymember Holden,

The American Academy of Pediatrics, California (AAP-CA) representing over 3,000 pediatrician members strongly supports ACR 39 as amended on March 18, 2021, which would proclaim every third week of May as "Roxie's Wish: Drowning Prevention Week for Children" in order to encourage counties, cities, and school districts to support national goals relating to drowning prevention.

"Drowning is the single-leading cause of death among children aged 1-4, and a top cause of death among teens. We can lower these rates if pediatricians, parents and policy-makers work together to implement the types of solutions we know will keep children safe." (American Academy of Pediatrics Drowning Prevention Toolkit.)¹ Awareness of the problem and the measures to take to prevent drowning is the first step in keeping California's children safe around water.

ACR 39 would contribute to educating Californians about the evidence-based strategies to reduce child drowning. AAP-CA strongly supports ACR 39. Thank you for your public service and leadership on behalf of the health and wellbeing of children, youth, and families in California.

Sincerely,

A handwritten signature in black ink that reads "Phyllis Agran". The signature is written in a cursive, flowing style.

Phyllis Agran, MD FAAP
Chair, AAP-CA OC Committee On Injury American Academy of Pediatrics, California & Violence Prevention
Member, AAP National Executive Committee Council on Injury & Violence Prevention

cc: AAP Leadership

¹ <https://services.aap.org/en/news-room/campaigns-and-toolkits/drowning-prevention/>



Assembly Member Chris Holden
State Capitol
Sacramento, CA 95814

Re: ACR 39 CCCSH Support

Dear Assembly Member Holden:

Due to the amendments you have made to your ACR 39, and instead of renaming the Drowning Prevention Foundation's Drowning Prevention Month, to now honoring a drowned child by highlighting a specific week as Roxie's Wish: Children's Drowning Prevention Week, we are in support of ACR 39. We appreciate the effort you and your staff put in to listen to the broad array of drowning prevention advocates across our state. We appreciate your concern to help memorialize the life of a child from your district who tragically lost their life in a drowning incident. Several drowning prevention leaders have also agreed to move from oppose to support for ACR 39 and are already planning on focusing special drowning prevention activities for this new drowning prevention week.

We appreciate your interest in addressing drowning prevention. And we look forward to working with you going forward to help California end unintentional injuries, like drowning, as the leading cause of death and hospitalization of California's children and youth through age 19 years old. If you have questions about our position or want to discuss other unintentional injury issues and policy needs in California, you can reach me at scbarrow@gmail.com.

Sincerely,

Steve B

Steve Barrow, State Program Director
California Coalition for Children's Safety and Health
Co-Chair California Unintentional Injury Prevention Strategic Plan Project

Assembly Concurrent Resolution

No. 56

Introduced by Assembly Members Gabriel, Bauer-Kahan, Berman, Bloom, Friedman, Levine, Medina, Nazarian, Blanca Rubio, and Ward

(Principal coauthors: Senators Allen, Becker, Glazer, Hertzberg, Newman, Rubio, Stern, and Wiener)

March 23, 2021

Assembly Concurrent Resolution No. 56—Relative to California Holocaust Memorial Day.

LEGISLATIVE COUNSEL’S DIGEST

ACR 56, as introduced, Gabriel. California Holocaust Memorial Day. This measure would proclaim April 8, 2021, as California Holocaust Memorial Day, and would urge all Californians to observe this day of remembrance for the victims of the Holocaust in an appropriate manner. Fiscal committee: no.

1 WHEREAS, The Holocaust was a tragedy of proportions the
2 world had never before witnessed; and
3 WHEREAS, More than 70 years have passed since the tragic
4 events that we now refer to as the Holocaust transpired, in which
5 the dictatorship of Nazi Germany murdered six million Jews as
6 part of a systematic program of genocide known as “The Final
7 Solution to the Jewish Question”; and
8 WHEREAS, Jews were the primary victims of the Holocaust,
9 but they were not alone. Five million other people were murdered
10 in Nazi concentration camps as part of a carefully orchestrated,

1 state-sponsored program of cultural, social, and political
2 annihilation under the Nazi regime; and

3 WHEREAS, We must recognize the heroism of those who
4 resisted the Nazis and provided assistance to the victims of the
5 Nazi regime, including the many American soldiers who liberated
6 concentration camps and provided comfort to those suffering; and

7 WHEREAS, We must teach our children, and future generations,
8 that the individual and communal acts of heroism during the
9 Holocaust serve as a powerful example of how our nation and its
10 citizens can, and must, respond to acts of hatred and inhumanity;
11 and

12 WHEREAS, We must always remind ourselves of the horrible
13 events of the Holocaust and remain vigilant against antisemitism,
14 racism, hatred, persecution, and tyranny of all forms lest these
15 atrocities be repeated; and

16 WHEREAS, In recent years, public displays of antisemitism
17 and antisemitic incidents have increase dramatically in California
18 and around the world; and

19 WHEREAS, We, the people of California, should actively
20 rededicate ourselves to the principles of equality, human rights,
21 individual freedom, and equal protection under the laws of a just
22 and democratic society; and

23 WHEREAS, Each person in California should set aside moments
24 of their time every year to give remembrance to those who lost
25 their lives in the Holocaust; and

26 WHEREAS, The United States Holocaust Memorial Council
27 recognizes the Days of Remembrance of the Victims of the
28 Holocaust, including Holocaust Remembrance Day, known as
29 Yom Hashoah; and

30 WHEREAS, According to Elie Wiesel, a Holocaust survivor
31 and nationally recognized scholar, “a memorial unresponsive to
32 the future would violate the memory of the past”; now, therefore,
33 be it

34 *Resolved by the Assembly of the State of California, the Senate*
35 *thereof concurring*, That the Legislature proclaims April 8, 2021,
36 as “California Holocaust Memorial Day,” and that Californians
37 are urged to observe this day of remembrance for victims of the
38 Holocaust in an appropriate manner; and be it further

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit
- 2 sufficient copies of this resolution to the author for appropriate
- 3 distribution.

O

Date of Hearing: March 25, 2021

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
ACR 56 (Gabriel) – As Introduced March 23, 2021

SUBJECT: California Holocaust Memorial Day.

SUMMARY: Proclaims April 8, 2021, as California Holocaust Memorial Day and urges all Californians to observe this day of remembrance for the victims of the Holocaust in an appropriate manner. Specifically, **this resolution** makes the following legislative findings:

- 1) More than 70 years have passed since the tragic events we now refer to as the Holocaust transpired, in which six million Jews and five million other people were murdered as part of a carefully orchestrated, state-sponsored program of cultural, social, and political annihilation under the Nazi regime.
- 2) We must recognize the heroism of those who resisted the Nazis and provided assistance to the victims of the Nazi regime, including the many American soldiers who liberated concentration camps and provided comfort to those suffering.
- 3) We must teach our children, and future generations, that the individual and communal acts of heroism during the Holocaust serve as a powerful example of how our nation and its citizens can, and must, respond to acts of hatred and inhumanity.
- 4) The people of California should actively rededicate ourselves to the principles of equality, human rights, individual freedom, and equal protection under the laws of a just and democratic society. Each person in California should set aside moments of their time every year to give remembrance to those who lost their lives in the Holocaust.
- 5) The United States Holocaust Memorial Council recognizes the Days of Remembrance of the Victims of the Holocaust, including Holocaust Remembrance Day, known as Yom Hashoah.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

House Resolution

No. 31

Introduced by Assembly Member Low

March 24, 2021

House Resolution No. 31—Relative to National Library Week.

1 WHEREAS, Libraries work to meet the information and
2 recreational needs of all members of their communities, striving
3 to provide programming, materials, and services in an equitable
4 manner; and

5 WHEREAS, Charging late fines discourages or prohibits
6 Californians most in need of library services from access to those
7 services; and

8 WHEREAS, Overdue fines go against libraries' missions to
9 provide equitable services because fines disproportionately affect
10 low-income residents, who are more likely to experience financial
11 burdens, restrictive schedules, and lack of transportation that make
12 it difficult to visit the library; and

13 WHEREAS, Late fees create a barrier to accessing reading
14 materials, especially for children, as parents can be reluctant to
15 check out materials for their children for fear of incurring fines
16 and fees; and

17 WHEREAS, Research shows that charging late fines does not
18 bring back borrowed materials faster, as there is no significant
19 difference between the late return rates in libraries that charge late
20 fines and those that don't; and

21 WHEREAS, Revenue generated by fines is less than 1 percent
22 of the library budget for the majority of libraries. When libraries
23 factor in the cost of charging and collecting late fines, they often

1 find that they are spending as much as, if not more than, they are
2 collecting; and

3 WHEREAS, Patrons with overdue fines often have their library
4 accounts blocked because they cannot afford to pay their fines,
5 which is particularly challenging during the pandemic when they
6 need to access online services such as ebooks and database
7 research; and

8 WHEREAS, During the pandemic, paying late fines puts an
9 extra burden on already financially strapped people, and collecting
10 late fines is particularly onerous for libraries with buildings closed
11 and staff working remotely; and

12 WHEREAS, Libraries all over the country have been addressing
13 this inequity by dropping late fines, and have not seen an increase
14 in the amount of materials returned late, nor a decrease in revenues
15 collected; and

16 WHEREAS, Libraries that change their policy and stop charging
17 late fines have welcomed back patrons who were barred from
18 borrowing because of blocked accounts, issued cards to new
19 borrowers, and tracked an increase in circulation in many instances;
20 now, therefore, be it

21 *Resolved by the Assembly of the State of California, That the*
22 *Assembly celebrates California public libraries, such as the Santa*
23 *Clara County Library District and the Tehama County Library,*
24 *for their recent decisions to stop charging late fines; and be it*
25 *further*

26 *Resolved, That the Assembly expresses appreciation to the*
27 *California public libraries that have stopped collecting late fines,*
28 *including those in the County of Santa Clara and the County of*
29 *Contra Costa, the San Diego Public Library, the San Francisco*
30 *Public Library, the Tulare County Library, the Victorville City*
31 *Library, and many others; and be it further*

32 *Resolved, That the Assembly urges cities, counties, and special*
33 *districts throughout the state to consider abolishing late fines as a*
34 *way to increase access for the people in their communities who*
35 *need the library the most; and be it further*

36 *Resolved, That the Assembly declares April 4, 2021, to April*
37 *10, 2021, inclusive, National Library Week and celebrates the*
38 *importance of our public libraries to communities across California;*
39 *and be it further*

1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
2 of this resolution to the board of supervisors and county executive
3 of each county and city and county in the state, and to the author
4 for appropriate distribution.

O

Date of Hearing: March 25, 2021

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 31 (Low) – As Introduced March 24, 2021

SUBJECT: National Library Week.

SUMMARY: Declares April 4, 2021, to April 10, 2021, inclusive, National Library Week and celebrates the importance of public libraries to communities across California. Specifically, **this resolution** makes the following legislative findings:

- 1) Libraries work to meet the information and recreational needs of all members of their communities, striving to provide programming, materials, and services in an equitable manner.
- 2) Charging late fines discourages or prohibits Californians most in need of library services from access to those services. Late fees create a barrier to accessing reading materials, especially for children, as parents can be reluctant to check out materials for their children for fear of incurring fines and fees.
- 3) During the pandemic, paying late fines puts an extra burden on already financially strapped people, and collecting late fines is particularly onerous for libraries with buildings closed and staff working remotely.
- 4) Patrons with overdue fines often have their library accounts blocked because they cannot afford to pay their fines, which is particularly challenging during the pandemic when they need to access online services such as ebooks and database research.
- 5) Libraries all over the country have been addressing this inequity by dropping late fines, and have not seen an increase in the amount of materials returned late, nor a decrease in revenues collected.
- 6) Libraries that change their policy and stop charging late fines have welcomed back patrons who were barred from borrowing because of blocked accounts, issued cards to new borrowers, and tracked an increase in circulation in many instances.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

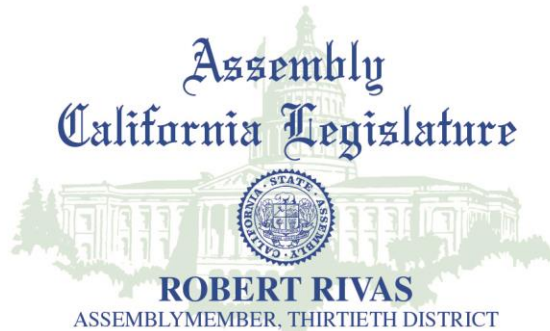
Opposition

None on file

Analysis Prepared by: Michael Erke / RLS. / (916) 319-2800

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March 9, 2021

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

RE: AB 73 - Request for Urgency Clause

Dear Chair Cooley:

I respectfully request that an urgency clause be added to my bill, AB 73 the Farmworker Wildfire Smoke Protection Act. This bill will protect agricultural workers during unhealthy air quality conditions and because this year's wildfire season will hit by June of this year, it is critical that we act fast to protect our essential farmworkers.

Specifically, AB 73 will direct the formation of new wildfire response strike teams at Cal/OSHA to ensure workplaces are in compliance with wildfire smoke regulations. It will also direct the creation of a statewide stockpile of N-95 masks to assist agricultural employers in obtaining personal protective equipment for their workers during wildfire season. Finally, this legislation will also require Cal/OSHA to provide culturally competent educational materials and training for employees related to wildfire smoke safety. These components will ensure that our agricultural workers are provided with the necessary tools to prepare for the upcoming wildfire season this summer.

Thank you in advance for your consideration of this request. If you have any questions or concerns, please don't hesitate to contact me directly. Alejandra Garcia in my office can also be reached at Alejandra.Garcia@asm.ca.gov or at (408)430-6435.

Respectfully,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line and another 'R'.

Robert Rivas
Assemblymember, 30th District

AMENDED IN ASSEMBLY FEBRUARY 2, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 73

**Introduced by Assembly Members Robert Rivas, Eduardo Garcia,
Lorena Gonzalez, and Kalra
(Coauthors: Assembly Members Aguiar-Curry, Bloom,
Cristina Garcia, Luz Rivas, Santiago, Stone, and Wood)**

December 7, 2020

An act to add Part 12 (commencing with Section 9110) to Division 5 of the Labor Code, relating to employment safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as amended, Robert Rivas. Employment safety: agricultural workers: wildfire smoke.

Existing law establishes the Division of Occupational Safety and Health within the Department of Industrial Relations and requires the division to, among other things, monitor, analyze, and propose health and safety standards for workers. Existing law authorizes the ~~Division of Occupational Safety and Health~~ *division* to adopt regulations to implement health and safety standards. Under existing law, certain violations of a standard, order, or special order pursuant to these provisions are crimes.

Existing regulations require, under certain circumstances, an employer to provide respirators to employees for voluntary use when the air quality index for small particulate matter exceeds certain thresholds, and to encourage employees to use the respirators.

This bill would, among other things, require the division to designate a wildfire smoke strike team within each regional office for purposes of enforcing regulations regarding air quality safety for agricultural

workers, as defined. The bill would require the ~~department~~, *division*, by January 1, 2023, ~~in coordination with other state agencies~~ to establish a stockpile of N95 filtering facepiece respirators, as defined, of sufficient size to adequately equip all agricultural workers during wildfire smoke emergencies. The bill would require the department to establish guidelines for procurement, management, and distribution of the N95 respirators.

The bill would require agricultural employers to furnish regional offices of the division with employee totals, by month, to ensure that adequate amounts of N95 respirators are stockpiled. The bill would grant these agricultural employers access to the regional stockpiles during wildfire smoke emergencies, unless the agricultural employer failed to register their employee totals.

The bill would require the division, by January 1, 2023, to develop and distribute related training and information, and would require employers to periodically conduct the training. The bill would, in addition, commencing January 1, 2023, require refresher training during wildfire smoke emergencies and prior to distribution of the respirators.

Because a violation of certain safety and health standards or orders ~~constitute~~ *constitutes* a crime, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Part 12 (commencing with Section 9110) is added
2 to Division 5 of the Labor Code, to read:

3
4 PART 12. AGRICULTURAL WORKERS

5
6 9110. (a) The Legislature finds and declares that having access
7 to a statewide stockpile of N95 filtering facepiece respirators in
8 the event of a wildfire smoke emergency is vital to the health and
9 safety of its essential agricultural workers.

(b) For purposes of this section, the following terms have the following meanings:

(1) “AQI” means air quality index and refers to the method used by the United States Environmental Protection Agency to report air quality on a real-time basis, utilizing the chart in subdivision (b) of Section 5141.1 of Title 8 of the California Code of Regulations.

(2) “Agricultural employee” means a person employed in any of the following:

(A) An agricultural occupation, as defined in Wage Order No. 14 of the Industrial Welfare Commission.

(B) An industry preparing agricultural products for the market, on the farm, as defined in Wage Order No. 13 of the Industrial Welfare Commission.

(C) An industry handling products after harvest, as defined in Wage Order No. 8 of the Industrial Welfare Commission.

(3) “N95 filtering facepiece respirator” or “N95 respirator” means an N95 particulate filtering facepiece respirator approved by the National Institute for Occupational Safety and Health of the United States Centers for Disease Control and Prevention.

(4) “PM 2.5” means particulate matter that is 2.5 microns or smaller.

(5) “Stockpile” means the N95 filtering facepiece respirator stockpile established pursuant to subdivision (d).

(6) “Wildfire” means an unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires when the objective is to extinguish the fire.

(c) The division shall designate a “wildfire smoke strike team” within each of its regional offices. These teams shall be deployed to inspect agricultural workplaces for compliance with Section 5141.1 of Title 8 of the California Code of Regulations when both of the following conditions apply:

(1) The current AQI for PM 2.5 is 151 or greater, regardless of the AQI for other pollutants.

(2) The wildfire conditions in the region are such that it would be reasonable to anticipate that agricultural employees within the region may be exposed to wildfire smoke.

(d) (1) By January 1, 2023, the ~~Department of Industrial Relations~~, in coordination with other state agencies, ~~division~~ shall

1 establish a stockpile of N95 filtering facepiece respirators, upon
2 appropriation, of sufficient size to adequately equip all agricultural
3 workers during wildfire smoke emergencies. Thereafter, the
4 stockpile shall be adjusted as necessary to account for the growth
5 in the number of agricultural workers within the state.

6 (2) The department shall establish stockpile guidelines for
7 procurement, management, and distribution of N95 respirators.
8 The department shall coordinate with the Department of General
9 Services to distribute masks for local storage ~~in~~ *within the* division
10 regional offices.

11 (3) Agricultural employers shall furnish these regional offices
12 with employee totals, by month, to ensure that adequate amounts
13 of N95 respirators are stockpiled. During wildfire smoke
14 emergencies, agricultural employers shall have access to the
15 regional stockpiles to equip their employees, in order to comply
16 with ~~Section 5141~~ 5141.1 of Title 8 of the California Code of
17 Regulations. If an agricultural employer fails to register with the
18 regional office, they will not have access to the stockpile and shall
19 purchase N95 respirators from other sources for use by their
20 employees in order to comply with these requirements.

21 (e) (1) By January 1, 2023, the division shall develop, and shall
22 thereafter distribute, specific air quality training and information
23 in both English and Spanish on all of the following issues:

24 (A) What resources employers use to determine unhealthy air
25 quality.

26 (B) What type of personal protective equipment agricultural
27 employees are entitled to when working in hazardous air quality
28 conditions.

29 (C) How to use N95 respirators safely.

30 (D) Signs and symptoms of illness related to unhealthy air
31 exposure and respirator failure or issues.

32 (E) The right of an employee to request and obtain medical
33 treatment without fear of reprisal.

34 (2) The information shall be designed to be easily understood
35 by agricultural employees from a variety of ethnic and cultural
36 backgrounds, and various education levels, including the use of
37 pictograms, as necessary. The information shall be made widely
38 and easily accessible throughout the year, including in physical
39 formats at the worksite and via the division's internet website.

1 (3) The training shall be provided by the employers for all
2 management staff and agricultural employees periodically. The
3 frequency shall be established by the division and shall be based
4 upon the regional wildfire risk.

5 (f) Commencing January 1, 2023, in addition to the periodic
6 training required in subdivision (e), during a wildfire smoke
7 emergency and prior to distribution of the N95 respirators, an
8 agricultural employer shall conduct refresher training, as developed
9 by the division, for all managers and agricultural employees
10 specifically focused on the safe and effective use of the N95
11 respirators.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

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COMMITTEES
CHAIR: INSURANCE
TRANSPORTATION
GOVERNMENTAL ORGANIZATION
VETERANS AFFAIRS

March 24, 2021

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chair Cooley:

I respectfully request permission to add an urgency clause to Assembly Bill 224, pursuant to Joint Rule 58. This bill aligns state law with federal law by providing an important distinction between the self-moving service industry and traditional full-service movers.

The current conflict between state and federal law on the definition of household goods carriers creates liability concerns that are posing an immediate threat on self-moving services and forcing some companies to cease operations in California.

The self-moving industry allows for moves that involve little to no face-to-face interaction, allowing for social distancing and reducing the likelihood of transmittal from an asymptomatic carrier. Further, the self-moving industry represents a significant amount of jobs in California. Many California workers have lost their jobs as a result of the pandemic. Imposing unnecessary and unrelated regulations on the self-moving industry in California only aggravates this issue. Absent immediate action, many of these companies will be forced to enter into costly and time-consuming litigation or cease operations.

In order to protect more Californians from losing their jobs during a pandemic and preserve an industry that promotes social distancing options for California consumers, it is necessary that this measure take effect immediately.

Thank you for taking the time to consider this important request. Please do not hesitate to contact my staff, John Hanna, or I with any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Tom Daly". The signature is written in a cursive, slightly stylized font.

Serving the People of Santa Ana, Anaheim, Garden Grove and Orange

[Back to Agenda](#)

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Daly

January 11, 2021

An act to amend Section 19225.5 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL’S DIGEST

AB 224, as introduced, Daly. Department of Consumer Affairs: Bureau of Household Goods and Services: household movers.

Existing law establishes the Bureau of Household Goods and Services within the Department of Consumer Affairs. Existing law establishes the Division of Household Movers within the bureau and makes it responsible for the licensure and regulation of household movers. Existing law, the Household Movers Act, defines terms for its purposes, including “household mover,” which includes every corporation or person, as specified, engaged in the permitted or unpermitted transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state.

This bill would exclude from the definition of “household mover” a motor carrier, as defined, that provides transportation of household goods in containers or trailers where the household goods are entirely loaded and unloaded by an individual other than an employee or agent of the motor carrier and a broker that utilizes the services of that motor carrier and does not otherwise advertise, solicit, offer, or arrange for the full service moving of used household goods by motor carrier for compensation.

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

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

1 SECTION 1. Section 19225.5 of the Business and Professions
2 Code is amended to read:
3 19225.5. For purposes of this chapter, unless the context
4 otherwise requires, the following provisions shall apply:
5 (a) “Broker” means a person engaged by others in the act of
6 arranging, for compensation, the intrastate transportation of used
7 household goods by a motor vehicle over the highways of this state
8 for, or on behalf of, a shipper, a consignor, or a consignee.
9 (b) “Bureau” refers to the Bureau of Household Goods and
10 Services, as established in Section 9810.
11 (c) “Chief” refers to the chief of the bureau.
12 (d) “Corporation” includes a corporation, a company, an
13 association, and a joint stock association.
14 (e) “Department” refers to the Department of Consumer Affairs.
15 (f) “Director” refers to the Director of Consumer Affairs.
16 (g) “Fund” means the Household Movers Fund established
17 pursuant to Section 19229.
18 (h) (1) “Household mover” includes every corporation or
19 person, their lessees, trustee, receivers, or trustees appointed by
20 any court whatsoever, engaged in the permitted or unpermitted
21 transportation for compensation or hire as a business by means of
22 a motor vehicle or motor vehicles being used in the transportation
23 of used household goods and personal effects over any public
24 highway in this state. A broker, as defined in subdivision (a), shall
25 be considered a household mover. The Legislature intends
26 “household mover” to have the same meaning as “household goods
27 carrier” in former Section 5109 of the Public Utilities Code, as
28 that section read on June 30, 2018.
29 (2) “Household mover” does not include either of the following:
30 (A) A motor carrier, as that term is defined in Section 13102 of
31 Title 49 of the United States Code, that provides transportation of
32 household goods in containers or trailers where the household
33 goods are entirely loaded and unloaded by an individual other
34 than an employee or agent of the motor carrier.

1 (B) A broker that utilizes the services of a motor carrier
2 described in subparagraph (A) and does not otherwise advertise,
3 solicit, offer, or arrange for the full service moving of used
4 household goods by motor carrier for compensation.

5 (i) “Inspector” refers to an inspector either employed by, or
6 under contract to, the bureau.

7 (j) “Motor vehicle” means every motor truck, tractor, or other
8 self-propelled vehicle used for transportation of property over the
9 public highways, other than upon fixed rails or tracks, and any
10 trailer, semitrailer, dolly, or other vehicle drawn thereby.

11 (k) “Owner,” with respect to a motor vehicle used in the
12 transportation of property for compensation by a household mover,
13 means the corporation or person who is registered with the
14 Department of Motor Vehicles as the owner of the vehicle, or who
15 has a legal right to possession of the vehicle pursuant to a lease or
16 rental agreement.

17 (l) “Person” includes an individual, a firm, or a copartnership.

18 (m) “Public highway” includes every public street, road, or
19 highway in this state.

O

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VICE CHAIR: ASIAN PACIFIC ISLANDER
LEGISLATIVE CAUCUS

March 24, 2021

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chair Cooley:

I respectfully request approval to add an urgency clause to AB 562 (Low), which is pending in the Assembly Committee on Business and Professions. The bill would requires the Department of Consumer Affairs (DCA) to contract with a third party vendor to provide mental health services, through the relevant licensing boards, to DCA licensees who are frontline COVID-19 providers.

The purpose of the urgency is to address the immediate risk to our current and future health care workforce resulting from the ongoing stress and trauma of the COVID-19 pandemic. The contracting process will take time, so an urgency will ensure that the services will be available now that frontline COVID-19 health care providers are beginning to process their trauma.

Thank you for your consideration. Please contact my staff, Vince Chee at (650) 303-3872 or Cassie Mancini at (408) 694-7421 should any questions arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan Low", with a long, sweeping horizontal line extending to the right.

EVAN LOW
28th Assembly District

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 562

Introduced by Assembly Member Low

February 11, 2021

An act to add Chapter 1.7 (commencing with Section 950) to Division 2 of, and to repeal Section 953 of, the Business and Professions Code, and to amend Section 6276.30 of the Government Code, relating to mental health services.

LEGISLATIVE COUNSEL’S DIGEST

AB 562, as amended, Low. Mental health services for health care ~~providers.~~ *providers: Frontline COVID-19 Provider Mental Health Resiliency Act of 2021.*

Existing law ~~provides~~ *establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs. Existing law establishes various boards within the department for the licensure and regulation of various health care providers, including physicians and surgeons and nurses. Existing law generally provides for mental health services, including the Bronzan-McCorquodale Act, which contains provisions governing the organization and financing of community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs, and the Mental Health Services Act, an initiative statute enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election that establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs.*

~~This bill would state the intent of the Legislature to enact legislation require the director to establish a mental health support system for resiliency program, as specified, to provide mental health services to licensed health care providers who provide or have provided direct care healthcare services to COVID-19 patients. The bill would require the relevant healing arts boards to notify licensees and solicit applications for access to the mental health resiliency program immediately upon the availability of services. The bill would require an applicant to make an attestation that states, among other things, that the applicant is an eligible licensee, as defined. The bill would make an applicant who willfully makes a false statement in their attestation guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program. The bill would repeal these provisions on January 1, 2025.~~

~~The bill would exempt the records associated with the mental health resiliency program from disclosure pursuant to the California Public Records Act.~~

~~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.~~

~~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 no reimbursement is required by this act for a specified reason.~~

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

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

- 1 SECTION 1. Chapter 1.7 (commencing with Section 950) is
- 2 added to Division 2 of the Business and Professions Code, to read:

1
2 *CHAPTER 1.7. FRONTLINE COVID-19 PROVIDER MENTAL*
3 *HEALTH RESILIENCY ACT OF 2021*
4

5 950. *This chapter shall be known, and may be cited, as the*
6 *Frontline COVID-19 Provider Mental Health Resiliency Act of*
7 *2021.*

8 951. *(a) The Legislature finds and declares the following:*

9 *(1) Since the start of the pandemic, California's frontline health*
10 *care workers have been caring for COVID-19 patients through*
11 *multiple surges, which included a record-shattering death toll in*
12 *December 2020.*

13 *(2) Nurses, physicians and surgeons, and other frontline health*
14 *care providers are suffering from burnout and have been*
15 *experiencing, or are at high risk of, a variety of mental health*
16 *conditions, including depression, anxiety, post-traumatic stress*
17 *disorder, and suicidal thoughts.*

18 *(3) As the result of prolonged stress and repeated trauma,*
19 *frontline health care providers may continue to endure the negative*
20 *effects of the pandemic long after it ends.*

21 *(4) To bolster the resiliency of the health care workforce through*
22 *the COVID-19 pandemic and beyond, it is imperative that*
23 *additional mental health services are made immediately available.*

24 *(b) It is the intent of the Legislature that the Department of*
25 *Consumer Affairs, through the relevant healing arts boards,*
26 *immediately establish a mental health resiliency program for*
27 *frontline health care providers who have provided direct and*
28 *in-person care to COVID-19 patients during the pandemic.*

29 952. *For the purposes of this chapter, the following definitions*
30 *apply:*

31 *(a) "Eligible licensee" means a person licensed pursuant to*
32 *this division who is or was also a frontline health care COVID-19*
33 *provider.*

34 *(b) "Frontline COVID-19 health care provider" means a person*
35 *who provides or has provided consistent in-person health care*
36 *services to patients with COVID-19.*

37 *(c) "Mental health services" means targeted in-person, online,*
38 *and telehealth psychological distress and behavioral health service*
39 *assessments and interventions (professional or self-administered)*
40 *to support mental and behavioral health needs resulting from the*

1 COVID-19 pandemic. Interventions include counseling, wellness
2 coaching, and any other mental health treatment to improve the
3 psychological and behavioral health of the eligible licensee.

4 (d) “Vendor of mental health services” means a third-party
5 vendor that provides mental health services, assessments, or
6 interventions.

7 953. (a) (1) Within three months of the effective date of this
8 section, the director shall, in consultation with the relevant healing
9 arts boards, establish a mental health resiliency program to
10 provide mental health services to frontline COVID-19 providers.

11 (2) The director shall contract with one or more vendors of
12 mental health services for the duration of the program.

13 (3) The director, or the director’s designee, shall supervise all
14 vendors, shall monitor vendor utilization rates, and may terminate
15 any contract. If the vendor’s contract is terminated, the director
16 shall contract with a replacement vendor as soon as practicable.

17 (4) The contract shall specify that all personal or identifiable
18 program participant data shall be kept confidential, and that the
19 confidentiality obligations shall survive the termination of the
20 contract.

21 (5) The development of the mental health resiliency program
22 under this section shall be exempt from the requirements of the
23 Administrative Procedure Act (Chapter 3.5 (commencing with
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
25 Code).

26 (b) (1) The relevant healing arts boards shall notify licensees
27 and solicit applications for access to the mental health resiliency
28 program immediately upon the availability of any services
29 contracted for.

30 (2) An applicant to the program shall make an attestation that
31 states all of the following:

32 (A) The applicant is an eligible licensee, as defined under
33 subdivision (a) of Section 952.

34 (B) The name, location, and type of the facility or facilities the
35 applicant worked as a frontline COVID-19 provider.

36 (C) The applicant’s assigned unit or units at the facility or
37 facilities.

38 (3) An applicant shall be deemed an eligible licensee if the
39 attestation is complete and any facility and unit listed would
40 provide care to COVID-19 patients.

1 (4) *An applicant who willfully makes a false statement in their*
2 *attestation is guilty of a misdemeanor.*

3 (5) *The relevant healing arts boards shall grant all eligible*
4 *licensees access to the program.*

5 (6) *Application to or participation in the mental health resiliency*
6 *program shall not be used for purposes of disciplinary action and,*
7 *except as specified under Section 954, shall be kept confidential.*

8 (c) *This section shall remain in effect only until January 1, 2025,*
9 *and as of that date is repealed.*

10 954. *No later than June 30, 2025, the department and relevant*
11 *healing arts boards shall report to the relevant policy committees*
12 *of the Legislature the following information regarding the mental*
13 *health resiliency program:*

14 (a) *A description of the contracted vendors, services provided,*
15 *and contract dates.*

16 (b) *The depersonalized aggregate number of applicants and*
17 *eligible licensees and a monthly breakdown.*

18 (c) *Any available utilization rates from the vendors.*

19 (d) *The costs associated with the program.*

20 955. *Except as specified under Section 954, records associated*
21 *with the mental health resiliency program are exempt from*
22 *disclosure pursuant to the California Public Records Act (Chapter*
23 *3.5 (commencing with Section 6250) of Division 7 of Title 1 of the*
24 *Government Code).*

25 SEC. 2. *Section 6276.30 of the Government Code is amended*
26 *to read:*

27 6276.30. *Managed care health plans, confidentiality of*
28 *proprietary information, Section 14091.3 of the Welfare and*
29 *Institutions Code.*

30 *Managed Risk Medical Insurance Board, negotiations with*
31 *entities contracting or seeking to contract with the board,*
32 *subdivisions (v) and (y) of Section 6254.*

33 *Mandated blood testing and confidentiality to protect public*
34 *health, prohibition against compelling identification of test subjects,*
35 *Section 120975 of the Health and Safety Code.*

36 *Mandated blood testing and confidentiality to protect public*
37 *health, unauthorized disclosures of identification of test subjects,*
38 *Sections 1603.1, 1603.3, and 121022 of the Health and Safety*
39 *Code.*

1 Mandated blood testing and confidentiality to protect public
2 health, disclosure to patient's spouse, sexual partner, needle sharer,
3 or county health officer, Section 121015 of the Health and Safety
4 Code.

5 Manufactured home, mobilehome, floating home, confidentiality
6 of home address of registered owner, Section 18081 of the Health
7 and Safety Code.

8 Marital confidential communications, Sections 980, 981, 982,
9 983, 984, 985, 986, and 987 of the Evidence Code.

10 Market reports, confidential, subdivision (e) of Section 6254.

11 Marketing of commodities, confidentiality of financial
12 information, Section 58781 of the Food and Agricultural Code.

13 Marketing orders, confidentiality of processors' or distributors'
14 information, Section 59202 of the Food and Agricultural Code.

15 Marriage, confidential, certificate, Section 511 of the Family
16 Code.

17 Medi-Cal Benefits Program, confidentiality of information,
18 Section 14100.2 of the Welfare and Institutions Code.

19 Medi-Cal Benefits Program, Request of Department for Records
20 of Information, Section 14124.89 of the Welfare and Institutions
21 Code.

22 Medi-Cal Fraud Bureau, confidentiality of complaints, Section
23 12528.

24 Medi-Cal managed care program, exemption from disclosure
25 for financial and utilization data submitted by Medi-Cal managed
26 care health plans to establish rates, Section 14301.1 of the Welfare
27 and Institutions Code.

28 Medi-Cal program, exemption from disclosure for best price
29 contracts between the State Department of Health Care Services
30 and drug manufacturers, Section 14105.33 of the Welfare and
31 Institutions Code.

32 Medical information, disclosure by provider unless prohibited
33 by patient in writing, Section 56.16 of the Civil Code.

34 Medical information, types of information not subject to patient
35 prohibition of disclosure, Section 56.30 of the Civil Code.

36 Medical and other hospital committees and peer review bodies,
37 confidentiality of records, Section 1157 of the Evidence Code.

38 Medical or dental licensee, action for revocation or suspension
39 due to illness, report, confidentiality of, Section 828 of the Business
40 and Professions Code.

1 Medical or dental licensee, disciplinary action, denial or
2 termination of staff privileges, report, confidentiality of, Sections
3 805, 805.1, and 805.5 of the Business and Professions Code.

4 Meetings of state agencies, disclosure of agenda, Section
5 11125.1.

6 *Mental health resiliency program, records, Section 955 of the*
7 *Business and Professions Code.*

8 Mentally abnormal sex offender committed to state hospital,
9 confidentiality of records, Section 4135 of the Welfare and
10 Institutions Code.

11 Mentally disordered and developmentally disabled offenders,
12 access to criminal histories of, Section 1620 of the Penal Code.

13 Mentally disordered persons, court-ordered evaluation,
14 confidentiality of reports, Section 5202 of the Welfare and
15 Institutions Code.

16 Mentally disordered or mentally ill person, confidentiality of
17 written consent to detainment, Section 5326.4 of the Welfare and
18 Institutions Code.

19 Mentally disordered or mentally ill person, voluntarily or
20 involuntarily detained and receiving services, confidentiality of
21 records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
22 5328.8, and 5328.9 of the Welfare and Institutions Code.

23 Mentally disordered or mentally ill person, weapons restrictions,
24 confidentiality of information about, Section 8103 of the Welfare
25 and Institutions Code.

26 Milk marketing, confidentiality of records, Section 61443 of the
27 Food and Agricultural Code.

28 Milk product certification, confidentiality of, Section 62121 of
29 the Food and Agricultural Code.

30 Milk, market milk, confidential records and reports, Section
31 62243 of the Food and Agricultural Code.

32 Milk product registration, confidentiality of information, Section
33 38946 of the Food and Agricultural Code.

34 Milk equalization pool plan, confidentiality of producers' voting,
35 Section 62716 of the Food and Agricultural Code.

36 Mining report, confidentiality of report containing information
37 relating to mineral production, reserves, or rate of depletion of
38 mining operation, Section 2207 of the Public Resources Code.

39 Minor, criminal proceeding testimony closed to public, Section
40 859.1 of the Penal Code.

1 Minors, material depicting sexual conduct, records of suppliers
2 to be kept and made available to law enforcement, Section 1309.5
3 of the Labor Code.

4 Misdemeanor and felony reports by police chiefs and sheriffs
5 to Department of Justice, confidentiality of, Sections 11107 and
6 11107.5 of the Penal Code.

7 Monetary instrument transaction records, confidentiality of,
8 Section 14167 of the Penal Code.

9 Missing persons' information, disclosure of, Sections 14204 and
10 14205 of the Penal Code.

11 Morbidity and mortality studies, confidentiality of records,
12 Section 100330 of the Health and Safety Code.

13 Motor vehicle accident reports, disclosure, Sections 16005,
14 20012, and 20014 of the Vehicle Code.

15 Motor vehicles, department of, public records, exceptions,
16 Sections 1808 to 1808.7, inclusive, of the Vehicle Code.

17 Motor vehicle insurance fraud reporting, confidentiality of
18 information acquired, Section 1874.3 of the Insurance Code.

19 Motor vehicle liability insurer, data reported to Department of
20 Insurance, confidentiality of, Section 11628 of the Insurance Code.

21 Multijurisdictional drug law enforcement agency, closed sessions
22 to discuss criminal investigation, Section 54957.8.

23 *SEC. 3. The Legislature finds and declares that Section 1 of*
24 *this act, which adds Section 955 to the Business and Professions*
25 *Code, imposes a limitation on the public's right of access to the*
26 *meetings of public bodies or the writings of public officials and*
27 *agencies within the meaning of Section 3 of Article I of the*
28 *California Constitution. Pursuant to that constitutional provision,*
29 *the Legislature makes the following findings to demonstrate the*
30 *interest protected by this limitation and the need for protecting*
31 *that interest:*

32 *In order to protect the privacy of frontline providers of health*
33 *care services to COVID-19 patients, it is necessary to prevent*
34 *disclosure of records associated with the mental health resiliency*
35 *program.*

36 *SEC. 4. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *the only costs that may be incurred by a local agency or school*
39 *district will be incurred because this act creates a new crime or*
40 *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

5 ~~SECTION 1. It is intent of the Legislature to enact legislation~~
6 ~~to establish a mental health support system for licensed health care~~
7 ~~providers who have provided direct care to COVID-19 patients.~~

O

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March 16, 2021

Assemblymember Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814

RE: Assembly Bill (AB) 691 – Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations.

Dear Assemblymember Cooley,

I request approval to add an urgency clause to AB 691, which would ensure that optometrists are authorized to administer COVID-19 tests, waived by the Clinical Laboratory Improvement Amendments of 1988, and COVID-19 vaccines in an effort to help identify and stop the spread of this virus.

The urgency clause is necessary in order to protect public health and preserve the future health care workforce by ensuring that qualified optometrists can immediately assist to prevent the spread of COVID-19 by administering vaccinations and perform testing.

Please contact my Legislative Director, Garret Bazurto, at (909) 263-8085 should you have any questions. Thank you for the consideration.

Sincerely,

ED CHAU
Assemblymember, 49th District

AMENDED IN ASSEMBLY MARCH 4, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 691

Introduced by Assembly Member Chau

February 16, 2021

An act to amend Section 3041 of, and to add Section 3041.5 to, the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL’S DIGEST

AB 691, as amended, Chau. Optometry: SARS-CoV-2 vaccinations: SARS-CoV-2 clinical laboratory tests or examinations.

The Optometry Practice Act provides for the licensure and regulation of the practice of optometry by the State Board of Optometry. The act prohibits engaging in the practice of optometry without an optometrist license from the board. The act establishes the scope of practice for licensed optometrists. *The act provides for the certification to use therapeutic pharmaceutical agents (TPA certification) and authorizes a TPA-certified optometrist to perform certain procedures and to administer prescribed immunizations, subject to certain immunization certification requirements, including having applied for an immunization certificate on a board-approved form. Existing law specifies that a violation of the act is a misdemeanor punishable by fine or imprisonment, as provided. The act also authorizes the board to take action against all persons guilty of violating the act or regulations of the board.*

~~This bill would state the intent of the Legislature to enact legislation that would authorize optometrists to administer SARS-CoV-2 vaccinations and clinical laboratory tests or examinations necessary to detect the presence of SARS-CoV-2 that are classified as waived under~~

~~the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA).~~

This bill would expand the authorization for a TPA-certified optometrist to perform procedures to include a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) necessary to detect the presence of SARS-CoV-2. The bill would establish the substance of an application form for the immunization certification and expand the certificate to cover the administration of immunization for SARS-CoV-2. Under the bill, the form would include required declarations under penalty of perjury, thereby imposing a state-mandated local program by expanding the crime of perjury. The bill would establish an application fee for the immunization certification.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. 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 3041 of the Business and Professions
2 Code is amended to read:

3 3041. (a) The practice of optometry includes the prevention
4 and diagnosis of disorders and dysfunctions of the visual system,
5 and the treatment and management of certain disorders and
6 dysfunctions of the visual system, as well as the provision of
7 habilitative or rehabilitative optometric services, and is the doing
8 of any or all of the following:

9 (1) The examination of the human eye or eyes, or its or their
10 appendages, and the analysis of the human vision system, either
11 subjectively or objectively.

12 (2) The determination of the powers or range of human vision
13 and the accommodative and refractive states of the human eye or
14 eyes, including the scope of its or their functions and general
15 condition.

1 (3) The prescribing or directing the use of, or using, any optical
2 device in connection with ocular exercises, visual training, vision
3 training, or orthoptics.

4 (4) The prescribing of contact and spectacle lenses for, or the
5 fitting or adaptation of contact and spectacle lenses to, the human
6 eye, including lenses that may be classified as drugs or devices by
7 any law of the United States or of this state.

8 (5) The use of topical pharmaceutical agents for the purpose of
9 the examination of the human eye or eyes for any disease or
10 pathological condition.

11 (b) (1) An optometrist who is certified to use therapeutic
12 pharmaceutical agents, pursuant to Section 3041.3, may also
13 diagnose and treat the human eye or eyes, or any of its or their
14 appendages, for all of the following conditions:

15 (A) Through medical treatment, infections of the anterior
16 segment and adnexa, excluding the lacrimal gland, the lacrimal
17 drainage system, and the sclera in patients under 12 years of age.

18 (B) Ocular allergies of the anterior segment and adnexa.

19 (C) Ocular inflammation, nonsurgical in cause except when
20 comanaged with the treating physician and surgeon, limited to
21 inflammation resulting from traumatic iritis, peripheral corneal
22 inflammatory keratitis, episcleritis, and unilateral nonrecurrent
23 nongranulomatous idiopathic iritis in patients over 18 years of age.

24 (D) Traumatic or recurrent conjunctival or corneal abrasions
25 and erosions.

26 (E) Nonmalignant ocular surface disease and dry eye disease.

27 (F) Ocular pain, nonsurgical in cause except when comanaged
28 with the treating physician and surgeon, associated with conditions
29 optometrists are authorized to treat.

30 (G) Hypotrichosis and blepharitis.

31 (H) Pursuant to subdivision (e), glaucoma in patients over 18
32 years of age, as described in subdivision (k).

33 (2) For purposes of this section, “treat” means the use of
34 therapeutic pharmaceutical agents, as described in subdivision (c),
35 and the procedures described in subdivision (d).

36 (c) In diagnosing and treating the conditions listed in subdivision
37 (b), an optometrist certified to use therapeutic pharmaceutical
38 agents pursuant to Section 3041.3 may use or prescribe, including
39 for rational off-label purposes, all of the following therapeutic
40 pharmaceutical agents:

1 (1) Topical pharmaceutical agents for the examination of the
2 human eye or eyes for any disease or pathological condition,
3 including, but not limited to, topical miotics.

4 (2) Topical lubricants.

5 (3) Antiallergy agents. In using topical steroid medication for
6 the treatment of ocular allergies, an optometrist shall consult with
7 an ophthalmologist if the patient's condition worsens 21 days after
8 diagnosis.

9 (4) Topical and oral anti-inflammatories.

10 (5) Topical antibiotic agents.

11 (6) Topical hyperosmotics.

12 (7) Topical and oral antiglaucoma agents pursuant to the
13 certification process defined in subdivision (e).

14 (8) Nonprescription medications used for the rational treatment
15 of an ocular disorder.

16 (9) Oral antihistamines.

17 (10) Prescription oral nonsteroidal anti-inflammatory agents.

18 (11) Oral antibiotics for medical treatment of ocular disease.

19 (12) Topical and oral antiviral medication for the medical
20 treatment of herpes simplex viral keratitis, herpes simplex viral
21 conjunctivitis, periocular herpes simplex viral dermatitis, varicella
22 zoster viral keratitis, varicella zoster viral conjunctivitis, and
23 periocular varicella zoster viral dermatitis.

24 (13) Oral analgesics that are not controlled substances.

25 (14) Codeine with compounds, hydrocodone with compounds,
26 and tramadol as listed in the California Uniform Controlled
27 Substances Act (Division 10 (commencing with Section 11000)
28 of the Health and Safety Code) and the United States Uniform
29 Controlled Substances Act (21 U.S.C. Sec. 801 et seq.). The use
30 of these agents shall be limited to three days, with a referral to an
31 ophthalmologist if the pain persists.

32 (15) Additional therapeutic pharmaceutical agents pursuant to
33 subdivision (f).

34 (d) An optometrist who is certified to use therapeutic
35 pharmaceutical agents pursuant to Section 3041.3 may also perform
36 all of the following procedures:

37 (1) Corneal scraping with cultures.

38 (2) Debridement of corneal epithelia.

39 (3) Mechanical epilation.

1 (4) Collection of blood by skin puncture or venipuncture for
2 testing patients suspected of having diabetes.

3 (5) Suture removal, with prior consultation with the treating
4 physician and surgeon.

5 (6) Treatment or removal of sebaceous cysts by expression.

6 (7) Administration of oral fluorescein to patients suspected as
7 having diabetic retinopathy.

8 (8) Use of an auto-injector to counter anaphylaxis.

9 (9) Ordering of smears, cultures, sensitivities, complete blood
10 count, mycobacterial culture, acid fast stain, urinalysis, tear fluid
11 analysis, and X-rays necessary for the diagnosis of conditions or
12 diseases of the eye or adnexa. An optometrist may order other
13 types of images subject to prior consultation with an
14 ophthalmologist or appropriate physician and surgeon.

15 (10) A clinical laboratory test or examination classified as
16 waived under the federal Clinical Laboratory Improvement
17 Amendments of 1988 (CLIA) (42 U.S.C. Sec. 263a; Public Law
18 100-578) and designated in paragraph (9) necessary for the
19 diagnosis of conditions and diseases of the eye or adnexa, or if
20 otherwise specifically authorized by this chapter.

21 (11) Punctal occlusion by plugs, excluding laser, diathermy,
22 cryotherapy, or other means constituting surgery as defined in this
23 chapter.

24 (12) The use or prescription of diagnostic or therapeutic contact
25 lenses, including lenses or devices that incorporate a medication
26 or therapy the optometrist is certified to prescribe or provide.

27 (13) Removal of foreign bodies from the cornea, eyelid, and
28 conjunctiva with any appropriate instrument other than a scalpel.
29 Corneal foreign bodies shall be nonperforating, be no deeper than
30 the midstroma, and require no surgical repair upon removal.

31 (14) For patients over 12 years of age, lacrimal irrigation and
32 dilation, excluding probing of the nasal lacrimal tract. The board
33 shall certify any optometrist who graduated from an accredited
34 school of optometry before May 1, 2000, to perform this procedure
35 after submitting proof of satisfactory completion of 10 procedures
36 under the supervision of an ophthalmologist as confirmed by the
37 ophthalmologist. Any optometrist who graduated from an
38 accredited school of optometry on or after May 1, 2000, shall be
39 exempt from the certification requirement contained in this
40 paragraph.

1 (15) Intravenous injection for the purpose of performing ocular
2 angiography at the direction of an ophthalmologist as part of an
3 active treatment plan in a setting where a physician and surgeon
4 is immediately available.

5 (16) Skin testing to diagnose ocular allergies, limited to the
6 superficial layer of the skin.

7 (17) Use of any noninvasive medical device or technology
8 authorized pursuant to subdivision (f).

9 (18) *A clinical laboratory test or examination classified as*
10 *waived under the federal Clinical Laboratory Improvement*
11 *Amendments of 1988 (CLIA) (42 U.S.C. Sec. 263a; Public Law*
12 *100-578), necessary to detect the presence of SARS-CoV-2.*

13 (e) An optometrist certified pursuant to Section 3041.3 shall be
14 certified for the treatment of glaucoma, as described in subdivision
15 (k), in patients over 18 years of age after the optometrist meets the
16 following applicable requirements:

17 (1) For licensees who graduated from an accredited school of
18 optometry on or after May 1, 2008, submission of proof of
19 graduation from that institution.

20 (2) For licensees who were certified to treat glaucoma under
21 this section prior to January 1, 2009, submission of proof of
22 completion of that certification program.

23 (3) For licensees who completed a didactic course of not less
24 than 24 hours in the diagnosis, pharmacological, and other
25 treatment and management of glaucoma, submission of proof of
26 satisfactory completion of the case management requirements for
27 certification established by the board.

28 (4) For licensees who graduated from an accredited school of
29 optometry on or before May 1, 2008, and who are not described
30 in paragraph (2) or (3), submission of proof of satisfactory
31 completion of the requirements for certification established by the
32 board under Chapter 352 of the Statutes of 2008.

33 (f) (1) Any topical or oral therapeutic pharmaceutical agent,
34 which is not a controlled substance, or noninvasive medical device
35 or technology that is not expressly authorized for use or
36 prescription by an optometrist certified to use therapeutic
37 pharmaceutical agents pursuant to Section 3041.3 shall be deemed
38 to be authorized if it has received a United States Food and Drug
39 Administration approved indication for the diagnosis or treatment
40 of a condition authorized by this chapter. A licensee shall

1 successfully complete any clinical training imposed by a related
2 manufacturer prior to using any of those therapeutic pharmaceutical
3 agents or noninvasive medical devices or technologies.

4 (2) Any other topical or oral therapeutic pharmaceutical agent,
5 which is not a controlled substance, or noninvasive medical device
6 or technology that is not expressly authorized for use or
7 prescription by an optometrist certified to use therapeutic
8 pharmaceutical agents pursuant to Section 3041.3 and does not
9 meet the requirements in paragraph (1) shall be deemed authorized
10 if approved by the board through regulation for the rational
11 treatment of a condition authorized by this chapter. Any regulation
12 under this paragraph shall require a licensee to successfully
13 complete an appropriate amount of clinical training to qualify to
14 use each topical or oral therapeutic pharmaceutical agent or
15 noninvasive medical device or technology approved by the board
16 pursuant to this paragraph.

17 (3) This subdivision shall not be construed to authorize any of
18 the following:

19 (A) Any therapeutic pharmaceutical agent, medical device, or
20 technology involving cutting, altering, or otherwise infiltrating
21 human tissue by any means.

22 (B) A clinical laboratory test or imaging study not authorized
23 by paragraphs (1) to (16), inclusive, of subdivision (d).

24 (C) Treatment of any disease or condition that could not be
25 treated by an optometrist before January 1, 2018.

26 (g) (1) An optometrist certified pursuant to Section 3041.3 shall
27 be certified for the administration of immunizations after the
28 optometrist meets all of the following requirements:

29 (A) Completes an immunization training program endorsed by
30 the federal Centers for Disease Control and Prevention (CDC) or
31 the Accreditation Council for Pharmacy Education that, at a
32 minimum, includes hands-on injection technique, clinical
33 evaluation of indications and contraindications of vaccines, and
34 the recognition and treatment of emergency reactions to vaccines,
35 and maintains that training.

36 (B) Is certified in basic life support.

37 (C) Complies with all state and federal recordkeeping and
38 reporting requirements, including providing documentation to the
39 patient's primary care provider and entering information in the

1 appropriate immunization registry designated by the immunization
2 branch of the State Department of Public Health.

3 (D) Applies for an immunization certificate ~~on a board-approved~~
4 ~~form.~~ *in accordance with Section 3041.5.*

5 (2) For the purposes of this section, “immunization” means the
6 administration of immunizations for influenza, herpes zoster virus,
7 ~~and pneumococcus pneumococcus,~~ and SARS-CoV-2 in compliance
8 with individual Advisory Committee on Immunization Practices
9 (ACIP) vaccine recommendations published by the CDC for
10 persons 18 years of age or older.

11 (h) Other than for prescription ophthalmic devices described in
12 subdivision (b) of Section 2541, any dispensing of a therapeutic
13 pharmaceutical agent by an optometrist shall be without charge.

14 (i) The practice of optometry does not include performing
15 surgery. “Surgery” means any procedure in which human tissue
16 is cut, altered, or otherwise infiltrated by mechanical or laser
17 means. “Surgery” does not include those procedures specified in
18 paragraphs (1) to (15), inclusive, of subdivision (d). This
19 subdivision does not limit an optometrist’s authority to utilize
20 diagnostic laser and ultrasound technology within ~~his or her~~ *their*
21 scope of practice.

22 (j) An optometrist licensed under this chapter is subject to the
23 provisions of Section 2290.5 for purposes of practicing telehealth.

24 (k) For purposes of this chapter, “glaucoma” means either of
25 the following:

26 (1) All primary open-angle glaucoma.

27 (2) Exfoliation and pigmentary glaucoma.

28 (3) (A) Steroid induced glaucoma.

29 (B) If an optometrist treats a patient for steroid induced
30 glaucoma the optometrist shall promptly notify the prescriber of
31 the steroid medication if the prescriber did not refer the patient to
32 the optometrist for treatment.

33 (l) For purposes of this chapter, “adnexa” means ocular adnexa.

34 (m) In an emergency, an optometrist shall stabilize, if possible,
35 and immediately refer any patient who has an acute attack of angle
36 closure to an ophthalmologist.

37 *SEC. 2. Section 3041.5 is added to the Business and Professions*
38 *Code, to read:*

39 *3041.5. (a) A person requesting to be certified to use*
40 *therapeutic pharmaceutical agents pursuant to Sections 3041 and*

1 3041.3 shall apply for a certificate from the board pursuant to an
2 application that shall be in substantially the following form:

3
4 “Application for Optometrists to Administer Immunization Shots
5 Per California Business and Professions Code §3041(g), you
6 must have a current California Optometrist License and have a
7 Therapeutic Pharmaceutical Agents (TPA) license type to be
8 eligible for a certificate to administer immunizations.

9 “Immunization” means the administration of immunizations for
10 influenza, herpes zoster virus, pneumococcus, and SARS-CoV-2
11 in compliance with individual Advisory Committee on
12 Immunization Practices (ACIP) vaccine recommendations
13 published by the Federal Centers for Disease Control Prevention
14 (CDC) for persons 18 years of age or older.

15 If eligible, you must also meet and maintain the following
16 requirements for an immunization certificate:

17 1. Complete an immunization training program endorsed by the
18 CDC or the Accreditation Council for Pharmacy Education that,
19 at a minimum, includes hands-on injection technique, clinical
20 evaluation of indications and contraindications of vaccines, and
21 the recognition and treatment of emergency reactions to vaccines,
22 and maintain that training.

23 2. Be certified in basic life support.

24 3. Comply with all state and federal recordkeeping and reporting
25 requirements, including providing documentation to the patient’s
26 primary care provider and entering information in the appropriate
27 immunization registry designated by the immunization branch of
28 the California State Department of Public Health.

29 To apply for an immunization certificate, provide documentation
30 for items #1 and #2 above with your application. All documentation
31 must be provided, or the application will be rejected.

32 First, Middle, and Last Name: _____

33 Email address: _____

34 License No.: _____

35 1. I declare under penalty of perjury under the laws of the State
36 of California that the information provided on this form and the
37 attached documents or other requested proof of completion is true
38 and accurate. I understand and agree that any misstatements of
39 material facts may be cause for denial of the Application for

1 *Optometrists to Administer Shots and disciplinary action by the*
2 *California State Board of Optometry.*

3 *AND*

4 *2. I declare under penalty of perjury under the laws of the State*
5 *of California that I will comply with all state and federal*
6 *recordkeeping and reporting requirements, including providing*
7 *documentation to the patient's primary care provider and entering*
8 *information in the appropriate immunization registry designated*
9 *by the immunization branch of the California State Department*
10 *of Public Health.*

11 *Optometrist Signature: _____*
12 *Date: _____* ”

13
14 *(b) The application for an immunization certificate set forth in*
15 *subdivision (a) shall be accompanied by an application fee of fifty*
16 *dollars (\$50), or a fee in an amount as determined by the board,*
17 *not to exceed the reasonable cost of administering this section.*

18 *(c) After the effective date of this section, the board may modify*
19 *the Application for Optometrists to Administer Immunization Shots*
20 *set forth in subdivision (a) by regulation in accordance with Section*
21 *3025.*

22 *SEC. 3. No reimbursement is required by this act pursuant to*
23 *Section 6 of Article XIII B of the California Constitution because*
24 *the only costs that may be incurred by a local agency or school*
25 *district will be incurred because this act creates a new crime or*
26 *infraction, eliminates a crime or infraction, or changes the penalty*
27 *for a crime or infraction, within the meaning of Section 17556 of*
28 *the Government Code, or changes the definition of a crime within*
29 *the meaning of Section 6 of Article XIII B of the California*
30 *Constitution.*

31 ~~SECTION 1. It is the intent of the Legislature to enact~~
32 ~~legislation that would authorize optometrists to administer~~
33 ~~SARS-CoV-2 vaccinations and clinical laboratory tests or~~
34 ~~examinations necessary to detect the presence of SARS-CoV-2~~
35 ~~that are classified as waived under the federal Clinical Laboratory~~
36 ~~Improvement Amendments of 1988 (CLIA).~~

O

STATE CAPITOL
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(213) 483-5151
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March 15, 2021

Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3106

Dear Chairman Cooley,

I am respectfully requesting approval to add an urgency clause to AB 1112, which prioritizes support for students and families that are most at need by authorizing an equity data and stakeholder driven process that stabilizes publicly funded afterschool and summer programs. Expanded learning programs are a key component of reopening schools and student recovery from COVID-19 school closures, it is necessary that the State Department of Education be able to start working immediately on the process and methodology to sustain these programs and prioritize support for vulnerable student groups.

Thank you for your consideration of this request. If you need additional information, please contact Jessica Zaragoza, Legislative Director, at (213) 663-6016.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carrillo", written in a cursive, flowing style.

Assemblymember Wendy Carrillo

ASSEMBLY BILL

No. 1112

Introduced by Assembly Member Carrillo

February 18, 2021

An act to amend Sections 8422, 8426, 8426.5, 8428, 8482.55, 8483.7, 8483.75, and 8484.8 of the Education Code, relating to before and after school programs.

LEGISLATIVE COUNSEL’S DIGEST

AB 1112, as introduced, Carrillo. Before and after school programs: maximum grant amounts.

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. The act provides that each school establishing a program pursuant to the act is eligible to receive a renewable 3-year grant for after school programs, as provided. The act prohibits an after school grant from exceeding \$112,500 for each regular school year for each elementary school or \$150,000 for each regular school year for each middle or junior high school. The act authorizes the Legislature to amend the provisions containing that prohibition only by a statute enacted by a $\frac{2}{3}$ vote of each house and signed by the Governor that furthers the purposes of the act.

The act also establishes 3-year renewable grants for schools with a before school program component, as provided. The act sets the maximum total grant amount awarded annually for those grants at

\$37,500 for each regular school year for each elementary school and \$49,000 for each regular school year for each middle or junior high school.

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 in the hours after the regular schoolday and to support college and career readiness. Existing law makes a high school that meets certain requirements eligible to receive a 5-year grant of up to \$250,000 per year per site.

Existing federal law establishes the 21st Century Community Learning Centers program to provide pupils with academic enrichment and other activities during nonschool hours or periods when school is not in session, as provided. Under the program, the State Department of Education is required to provide after school grants of \$50,000 or more to sites serving elementary and middle school pupils.

This bill would repeal the maximum grant amounts for the ASSES and High School ASSETs programs and the minimum grant amount for the 21st Century Community Learning Centers program. The bill would instead require the department to determine the grant amounts and daily rate of funding per pupil for those programs on the basis of the amount of funding available for each program. The bill would require the department to establish an annual process and methodology for determining those amounts and rates by July 1, 2023, as provided. The bill would require the department to biennially report to the Legislature on the impact of the department's new process and methodology on expanded learning programs.

The bill would express a legislative finding that the bill furthers the purposes of the After School Education and Safety Program Act of 2002.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. (a) It is the intent of the Legislature to enact
- 2 legislation that would develop a process to evaluate and adjust
- 3 specific grant amounts and daily rates for California's state and

1 federal expanded learning programs based on the annual funding
2 levels set by the Legislature and the United States Congress.

3 (b) It is the intent of the Legislature that the process described
4 in subdivision (a) do all of the following:

5 (1) Promote equity and prioritize pupils who are experiencing
6 homelessness, in foster care, eligible for free or reduced-price
7 meals, dual language learners, and other locally prioritized pupils.

8 (2) Ensure programs can meet current health, safety, and other
9 locally prioritized needs.

10 (3) Analyze the true cost to provide quality learning and care
11 that is responsive to the economic diversity of the state.

12 (4) Incentivize and compensate for quality learning and care
13 according to state standards.

14 (5) Incorporate input from legislators and stakeholders in the
15 school community.

16 SEC. 2. Section 8422 of the Education Code is amended to
17 read:

18 8422. (a) Priority for funding pursuant to this article shall be
19 given to programs that previously received funding pursuant to
20 Section 8421, for expansion of existing grants up to the per site
21 maximum established under paragraph-~~(1)~~ (2) of subdivision (a)
22 of Section 8426, or to replace expiring grants that have
23 satisfactorily met their projected attendance goals.

24 (b) A program established pursuant to this article shall be
25 planned through a collaborative process that includes parents,
26 pupils, representatives of participating schools, governmental
27 agencies, including city and county parks and recreation
28 departments, community organizations, law enforcement, and, if
29 appropriate, the private sector.

30 (c) Every pupil attending a school operating a program pursuant
31 to this article is eligible to participate in the program, subject to
32 program capacity. A program established pursuant to this article
33 may charge family fees. Programs that charge family fees shall
34 waive or reduce the cost of these fees for pupils who are eligible
35 for free or reduced-price meals.

36 (d) A program established pursuant to this article shall have the
37 option of operating under either of the following modes:

38 (1) After school only.

39 (2) After school and during any combination of before school,
40 weekends, summer, intersession, and vacation.

1 SEC. 3. Section 8426 of the Education Code is amended to
2 read:

3 8426. (a) (1) A grantee that establishes a program pursuant
4 to this ~~chapter article~~ is eligible to receive a five-year grant of up
5 to two hundred fifty thousand dollars (\$250,000) per year per site
6 in a program, subject to semiannual attendance reporting. ~~grant.~~
7 Funding for a grant shall be allocated in annual increments for a
8 period of not more than five years, contingent upon the availability
9 and appropriation of federal funds by the Legislature for those
10 grants.

11 (2) (A) *Grant amounts pursuant to this article and the daily*
12 *rate of funding per pupil shall be determined by the department*
13 *on the basis of the amount of funding available for the program.*
14 *By July 1, 2023, the department shall establish an annual process*
15 *and methodology for determining those amounts and rates that*
16 *does all of the following:*

17 (i) *Promotes equity and prioritizes pupils who are experiencing*
18 *homelessness, in foster care, eligible for free or reduced-price*
19 *meals, dual language learners, and other locally prioritized pupils.*

20 (ii) *Ensures programs can meet current health, safety, and other*
21 *locally prioritized needs.*

22 (iii) *Analyzes the true cost to provide quality learning and care*
23 *and that is responsive to the economic diversity of the state.*

24 (iv) *Incentivizes and compensates for quality learning and care*
25 *according to state standards.*

26 (v) *Incorporates input from legislators and stakeholders in the*
27 *school community.*

28 (B) *Until the process and methodology described in*
29 *subparagraph (A) is established, the department may adjust the*
30 *grant amounts and daily rates.*

31 (C) (i) *It is the intent of the Legislature to prioritize children*
32 *and youth who are experiencing homelessness, in foster care,*
33 *eligible for free and reduced-price meals, dual language learners,*
34 *and other locally prioritized pupils.*

35 (ii) *It is the intent of the Legislature that the department engage*
36 *stakeholders to assess the current needs and potential impact on*
37 *pupils and families.*

38 (iii) *It is the intent of the Legislature that the daily rate does*
39 *not fall below the daily rate for the prior fiscal year to ensure a*
40 *minimum baseline of service to pupils and their families.*

1 ~~(2)~~

2 (3) The department shall notify new grantees of their award
3 status and the dollar amount of the award, if any, in writing on or
4 before May 15 of each year in which new grants are awarded. The
5 grantee shall notify the department in writing of its acceptance of
6 the grant.

7 ~~(3)~~

8 (4) A first-year grant award shall be made no later than 60 days
9 after enactment of the annual Budget Act and any authorizing
10 legislation. A grant award for the second and subsequent fiscal
11 years shall be made no later than 30 days after enactment of the
12 annual Budget Act and any authorizing legislation.

13 ~~(4)~~

14 (5) A grantee who receives funds pursuant to this article as part
15 of a partnership or consortium may restructure the partnership or
16 consortium if all of the following conditions are met:

17 (A) All partners or consortium members agree to the restructure.

18 (B) The new consortia or partnership structure, or structures,
19 complies with the requirements of paragraph (8) of subdivision
20 (f) of Section 8421, as applicable.

21 (C) There is no change in the school, or schools, served by the
22 restructured partnership or consortium.

23 (D) The department agrees to the restructure.

24 (b) The department shall allocate 25 percent of the grant amount
25 each year no later than 30 days after the grant award acceptance
26 letter is received by the department.

27 (c) (1) Not more than 15 percent of each annual grant amount
28 may be used by a grantee for administrative costs. For purposes
29 of this article, administrative costs shall include indirect costs.
30 Indirect costs shall not exceed the lesser of the following:

31 (A) The grantee's indirect cost rate, as approved by the
32 department for the appropriate fiscal year.

33 (B) Five percent of the state program funding received pursuant
34 to this article.

35 (2) In addition to the funding allowed for administrative costs
36 pursuant to paragraph (1), up to 15 percent of the first year's annual
37 grant award for each after school grant recipient may be used for
38 startup costs.

1 (3) Funding made available pursuant to this subdivision shall
2 not result in an increase in the total funding of a grantee above the
3 approved grant amount.

4 (4) The cost of a program site supervisor may be included as
5 direct services, provided that at least 85 percent of the site
6 supervisor's time is spent at the program site.

7 (d) Grantees are subject to semiannual attendance reporting
8 during each year of the grant.

9 (1) The department shall provide technical support for
10 development of a program improvement plan for grantees under
11 either of the following conditions:

12 (A) If actual pupil attendance falls below 75 percent of the
13 proposed levels in any year of the grant.

14 (B) If the grantee fails, in any year of the grant, to demonstrate
15 measurable outcomes pursuant to Section 8427.

16 (2) If the actual pupil attendance falls below 75 percent of the
17 proposed attendance level at the end of the second year of the
18 grant, the department may reduce funding for the grantee.

19 (3) The department shall adjust the grant level of any school in
20 the program that is under its proposed attendance level by more
21 than 15 percent in each of two consecutive years.

22 (4) In any year, after the first grant-year period, that the actual
23 attendance level of a school within the program falls below 75
24 percent of the proposed attendance level, the department shall
25 perform a review of the program and may adjust the grant level
26 as the department deems appropriate.

27 (e) Notwithstanding any other provision of this section or any
28 other law, the department may at any time terminate the grant of
29 a school in a public school program that fails in three consecutive
30 years to meet either of the following requirements:

31 (1) Demonstrate program outcomes pursuant to Section 8427.

32 (2) Attain 75 percent of its proposed attendance levels after
33 having its program reviews and grant level adjusted by the
34 department.

35 (f) The department shall create a process to allow a grantee to
36 voluntarily lower its annual grant amount if one or more sites are
37 unable to meet the proposed pupil attendance levels by the end of
38 the second year of the grant.

1 (g) (1) The administrator of a program may supplement, but
2 not supplant, existing funding for after school programs with grant
3 funds awarded pursuant to this article.

4 (2) In addition to administrative costs, a program participant
5 may expend up to ~~the greater of 6 percent of its state funding or~~
6 ~~seven thousand five hundred dollars (\$7,500)~~ to collect outcome
7 data for evaluation and for reports to the department.

8 (3) All state funding awarded to a program pursuant to this
9 article that remains after subtracting the administrative costs,
10 startup costs, and outcome data costs authorized by subdivisions
11 (c) and (d) shall be allocated to the program site for direct services
12 to pupils.

13 (h) When determining grant award amounts after each grant
14 year, the department may consider whether a program is operating
15 consistent with the terms of its application, including whether the
16 number of pupils served on a regular basis is consistent with the
17 number estimated, and may consider the strength of any
18 justifications or future plans offered by the program to address
19 inconsistencies with the terms of the application. If the department
20 finds that a program is not operating consistent with the terms of
21 its application, the department may take appropriate action,
22 including denying grant awards or reducing the level of grant
23 funding.

24 (i) The department may withhold or terminate the grant
25 allocation of any site or program that does not comply with audit
26 resolutions, fiscal reporting, attendance reporting, or outcomes
27 reporting requirements required by the department.

28 (j) If a program grantee is temporarily prevented from operating
29 its entire program due to natural disaster, civil unrest, or imminent
30 danger to pupils or staff, the department may approve a request
31 by the grantee for pupil attendance credits equal to the average
32 annual attendance that the grantee would have received if it had
33 been able to operate its entire program during that time period.

34 SEC. 4. Section 8426.5 of the Education Code is amended to
35 read:

36 8426.5. (a) (1) If there is a significant barrier to pupil
37 participation in a program established pursuant to this article at
38 the school of attendance, a grantee may request approval from the
39 department to transfer program services to another schoolsite within
40 the same local educational agency. The schoolsite to which the

1 program will be transferred shall satisfy either of the following
2 requirements:

3 (A) The schoolsite shall receive pupils from, and have a grant
4 of the same type awarded pursuant to this article as, the transferring
5 school.

6 (B) The schoolsite shall not have a 10-percent lower percentage
7 of pupils eligible for free or reduced-price meals than the
8 transferring school. If the proposed schoolsite is not yet open,
9 feeder school free or reduced-price meal data, as determined by
10 the department, shall be considered in evaluating the proposed
11 transfer.

12 (2) The schoolsite shall not increase the funding at the proposed
13 schoolsite above the maximum after school grant amount
14 established under paragraph-(1) (2) of subdivision (a) of Section
15 8426. An applicant that requests approval to transfer program
16 services shall describe the manner in which the applicant intends
17 to provide safe, supervised transportation; ensure communication
18 among teachers in the regular school program, staff in the before
19 school and after school components of the program, and parents
20 of pupils; and coordinate the educational and literacy component
21 of the before and after school components of the program with the
22 regular school programs of participating pupils.

23 (b) For purposes of this article, a significant barrier to pupil
24 participation in the before or after school component of a program
25 established pursuant to this chapter means any of the following:

26 (1) Fewer than 20 pupils participating in the component of the
27 program.

28 (2) Extreme transportation constraints, including, but not limited
29 to, desegregation bussing, bussing for magnet or open enrollment
30 schools, or pupil dependence on public transportation.

31 (3) A local educational agency opens a new schoolsite and either
32 merges an existing schoolsite into the new schoolsite or splits the
33 existing schoolsite's pupils with the new schoolsite so that the
34 existing schoolsite after school program is subject to a grant
35 reduction pursuant to subdivision (d) of Section 8426.

36 SEC. 5. Section 8428 of the Education Code is amended to
37 read:

38 8428. The department shall develop, and submit in compliance
39 with Section 9795 of the Government Code, a biennial report to
40 the Legislature related to the pupils attending, and the program

1 quality of, expanded learning programs. The report shall include
2 data that is derived by matching the unique statewide pupil
3 identifiers with data in the department's data systems. The report
4 may also include, but is not necessarily limited to, aggregate
5 reporting of all of the following information:

6 (a) The number, geographical distribution, and type of sites and
7 grantees participating in expanded learning programs.

8 (b) Pupil program attendance and pupil schoolday attendance.

9 (c) Statewide test and assessment scores.

10 (d) Pupil demographics and characteristics.

11 (e) Pupil behavior changes and skill development.

12 (f) The quality of the programs, based on the department's
13 guidance on program quality standards developed pursuant to
14 paragraph (3) of subdivision (a) of Section 8427.

15 (g) *The impact of changes to the daily rates and grant amounts,*
16 *based on pupil program attendance, program quality, and financial*
17 *analysis of current expanded learning programs.*

18 SEC. 6. Section 8482.55 of the Education Code is amended to
19 read:

20 8482.55. (a) To accomplish the purposes of the After School
21 Education and Safety Program, commencing with the fiscal year
22 beginning July 1, 2004, and for each fiscal year thereafter, all
23 grants made pursuant to this article shall be awarded as set forth
24 in this section.

25 (b) (1) Grants made to public schools pursuant to this article
26 for the 2005–06 fiscal year shall continue to be funded in each
27 subsequent fiscal year at the 2005–06 fiscal year level, after the
28 adjustments provided in paragraphs (1) and (2) of subdivision (a)
29 of Section 8483.7 and paragraphs (1) and (2) of subdivision (a) of
30 Section 8483.75 have been made, before any other grants are
31 funded under this article, provided those schools continue to make
32 application for the grants and are otherwise qualified pursuant to
33 this article. Receipt of a grant at the 2005–06 fiscal year level made
34 pursuant to this subdivision shall not affect a school's eligibility
35 for additional grant funding as permitted in subdivisions (c) and
36 (d) up to the maximum grants permitted in Sections 8483.7 and
37 8483.75.

38 (2) (A) An elementary or middle school program grantee funded
39 pursuant to Section 8484.8 shall apply to receive a new grant under
40 this article in the 2006–07 fiscal year. These programs shall receive

1 priority for funding before any new grant is funded pursuant to
2 this article if the program is otherwise qualified pursuant to this
3 article. Notwithstanding the maximum grant amounts permitted
4 in Sections 8483.7 and 8483.75, the grantee shall receive the same
5 amount of grant funding that it was awarded pursuant to Section
6 8484.8 in the fiscal year before the year for which the grantee
7 requests funding pursuant to this article. The grantee shall apply
8 to the department, and elect to receive funding under this article,
9 on or before a date established by the department that is before the
10 date by which the department awards new grants pursuant to this
11 article.

12 (B) Grantees funded pursuant to Section 8484.8 in the 2005–06
13 fiscal year may elect to receive funding pursuant to this article
14 after the 2006–07 fiscal year and shall be funded under the
15 conditions outlined in subparagraph (A), if funds are available.

16 (c) Each public elementary, middle, and junior high school in
17 the state shall be eligible to receive a three-year renewable after
18 school grant for after school programs to be operated during the
19 regular school year, as provided in subparagraph (A) of paragraph
20 (1) of subdivision (a) of Section 8483.7. In the case of schools
21 serving a combination of elementary, middle, and junior high
22 school pupils, the applicant may apply for a grant with funding
23 based on the middle school grant maximum. The program shall
24 comply with the elementary program and attendance requirements
25 for pupils in the elementary grades. For purposes of this article, a
26 school serving a combination of middle and junior high school
27 and high school pupils shall be eligible to apply for a grant to serve
28 pupils through grade 9. Except as provided in this subdivision,
29 grants for after school programs made pursuant to this subdivision
30 shall be subject to all other sections of this article. ~~Grants for after~~
31 ~~school programs made pursuant to this subdivision shall not exceed~~
32 ~~one hundred twelve thousand five hundred dollars (\$112,500) for~~
33 ~~each regular school year for each elementary school or one hundred~~
34 ~~fifty thousand dollars (\$150,000) for each regular school year for~~
35 ~~each middle or junior high school.~~ Except as provided in
36 subdivision (f) of this section and subdivision (a) of Section 8482.5,
37 each public elementary, middle, and junior high school in the state
38 shall have equal priority of funding for grants for after school
39 programs made pursuant to this subdivision. Receipt of a grant for
40 an after school program made pursuant to this subdivision shall

1 not affect a school's eligibility for additional grant funding as
2 permitted in subdivision (d) up to the maximum grants permitted
3 in Sections 8483.7 and 8483.75. Grants made pursuant to this
4 subdivision shall be funded after grants made pursuant to
5 subdivision (b) and before any grants made pursuant to subdivision
6 (d). Grants made pursuant to this subdivision shall be referred to
7 as "After School Education and Safety Universal Grants."

8 (d) All funds remaining from the appropriation provided in
9 Section 8483.5 after award of grants pursuant to subdivisions (b)
10 and (c) shall be distributed pursuant to Sections 8483.7 and
11 8483.75. Grants for programs made pursuant to this subdivision
12 shall be subject to all other sections of this article. Priority for
13 grants for programs made pursuant to this subdivision shall be
14 established pursuant to subdivision (a) of Section 8482.5 and
15 Section 8483.3.

16 (e) With the exception of schools previously funded under both
17 this article and Section 8484.8, a school shall not receive grants
18 in excess of the amounts provided in Sections 8483.7 and 8483.75.

19 (f) If in any fiscal year the appropriation made pursuant to
20 Section 8483.5 is insufficient to fund all eligible schools who
21 submit an eligible application for After School Education and
22 Safety Universal Grants pursuant to subdivision (c), priority for
23 After School Education and Safety Universal Grants shall be
24 established pursuant to subdivision (a) of Sections 8482.5 and
25 8483.3.

26 SEC. 7. Section 8483.7 of the Education Code is amended to
27 read:

28 8483.7. (a) (1) (A) Each school that establishes a program
29 pursuant to this article is eligible to receive a three-year after school
30 grant, that shall be awarded in three one-year increments and is
31 subject to semiannual attendance reporting and requirements as
32 described in Section 8482.3 once every three years.

33 (B) The department shall provide technical support for
34 development of a program improvement plan for grantees under
35 the following conditions:

36 (i) If actual pupil attendance falls below 75 percent of the target
37 attendance level in any year of the grant.

38 (ii) If the grantee fails, in any year of the grant, to demonstrate
39 measurable outcomes pursuant to Section 8484.

1 (C) (i) Except as provided in clause (ii), the department shall
2 adjust the grant level of any school within the program that is under
3 its targeted attendance level by more than 15 percent in each of
4 two consecutive years.

5 (ii) For a program that operates at a schoolsite located in an area
6 that has a population density of less than 11 persons per square
7 mile, the department shall adjust the grant level of any school
8 within the program that is under its targeted attendance level by
9 more than 35 percent in each of two consecutive years.

10 (D) (i) Except as provided in clause (ii), in any year after the
11 initial grant year, if the actual attendance level of a school within
12 the program falls below 75 percent of the target attendance level,
13 the department shall perform a review of the program and adjust
14 the grant level as the department deems appropriate.

15 (ii) For a program that operates at a schoolsite located in an area
16 that has a population density of less than 11 persons per square
17 mile, the department shall perform a review of the program and
18 adjust the grant level as the department deems appropriate, if, in
19 any year after the initial grant year, the actual attendance level of
20 a school within the program falls below 55 percent of the target
21 attendance level.

22 (E) The department shall create a process to allow a grantee to
23 voluntarily lower its annual grant amount if one or more sites are
24 unable to meet the proposed pupil attendance levels by the end of
25 the second year of the grant.

26 (F) A grantee who has had its grant amount reduced may
27 subsequently request an increase in funding up to the maximum
28 grant amounts provided under this subdivision.

29 (G) The department may withhold or terminate the grant
30 allocation of any site or program that does not comply with audit
31 resolutions, fiscal reporting, attendance reporting, or outcomes
32 reporting requirements required by the department.

33 (H) Notwithstanding any other provision of this subdivision or
34 any other law, after the technical support required under
35 subparagraph (B) has been provided, the department may at any
36 time terminate the grant of a school in a program that fails for three
37 consecutive years to meet either of the following requirements:

38 (i) Demonstrate measurable program outcomes pursuant to
39 Section 8484.

1 (ii) (I) Except as provided in subclause (II), attain 75 percent
2 of its proposed attendance level after having had its program
3 reviewed and grant level adjusted by the department.

4 (II) For a program that operates at a schoolsite located in an
5 area that has a population density of less than 11 persons per square
6 mile, attain 55 percent of its proposed attendance level after having
7 had its program reviewed and grant level adjusted by the
8 department.

9 (I) After school grants may be awarded to applicants that have
10 demonstrated readiness to begin operation of a program or to
11 expand existing programs.

12 ~~(J) The maximum total after school grant amount awarded~~
13 ~~annually pursuant to this paragraph shall be one hundred twelve~~
14 ~~thousand five hundred dollars (\$112,500) for each regular school~~
15 ~~year for each elementary school and one hundred fifty thousand~~
16 ~~dollars (\$150,000) for each regular school year for each middle or~~
17 ~~junior high school. The Superintendent shall determine the total~~
18 ~~annual after school grant amount for which a site is eligible based~~
19 ~~on a formula of seven dollars and fifty cents (\$7.50) per pupil per~~
20 ~~day of pupil attendance that the program plans to serve, with a~~
21 ~~maximum total grant of thirty-seven dollars and fifty cents (\$37.50)~~
22 ~~per projected pupil per week, and a formula of seven dollars and~~
23 ~~fifty cents (\$7.50) per projected pupil per day of staff development,~~
24 ~~with a maximum of three staff development days per year. A~~
25 ~~program may provide the three days of staff development during~~
26 ~~regular program hours using funds from the total grant award.~~

27 *(J) (i) After school grant amounts and the daily rate of funding*
28 *per pupil shall be determined by the department on the basis of*
29 *the amount of funding available for the program. By July 1, 2023,*
30 *the department shall establish an annual process and methodology*
31 *for determining those amounts and rates that does all of the*
32 *following:*

33 *(I) Promotes equity and prioritizes pupils who are experiencing*
34 *homelessness, in foster care, eligible for free or reduced-price*
35 *meals, dual language learners, and other locally prioritized pupils.*

36 *(II) Ensures programs can meet current health, safety, and other*
37 *locally prioritized needs.*

38 *(III) Analyzes the true cost to provide quality learning and care*
39 *that is responsive to the economic diversity of the state.*

1 (IV) Incentivizes and compensates for quality learning and care
2 according to state standards.

3 (V) Incorporates input from legislators and stakeholders in the
4 school community.

5 (ii) Until the process and methodology described in clause (i)
6 is established, the department may adjust after school grant
7 amounts and the daily rates.

8 (iii) (I) It is the intent of the Legislature to prioritize children
9 and youth who are experiencing homelessness, in foster care,
10 eligible for free and reduced-price meals, dual language learners,
11 and other locally prioritized pupils.

12 (II) It is the intent of the Legislature that the department engage
13 stakeholders to assess the current needs and potential impact on
14 pupils and families.

15 (III) It is the intent of the Legislature that the daily rate does
16 not fall below the daily rate for the prior fiscal year to ensure a
17 minimum baseline of service to pupils and families.

18 (2) For large schools, the maximum total grant amounts
19 ~~described in~~ determined by the department pursuant to
20 subparagraph (J) of paragraph (1) may be increased based on the
21 following formulas, up to a maximum amount of twice the
22 respective limits specified in subparagraph (J) of paragraph (1):
23 formulas:

24 (A) For elementary schools, multiply ~~one hundred thirteen~~
25 ~~dollars (\$113)~~ an amount determined by the department by the
26 number of pupils enrolled at the schoolsite for the normal
27 schoolday program that exceeds 600.

28 (B) For middle schools, multiply ~~one hundred thirteen dollars~~
29 ~~(\$113)~~ an amount determined by the department by the number
30 of pupils enrolled at the schoolsite for the normal schoolday
31 program that exceeds 900.

32 ~~(3) The maximum total grant amounts set forth in subparagraph~~
33 ~~(J) of paragraph (1) may be increased from any funds made~~
34 ~~available for this purpose in the annual Budget Act for participating~~
35 ~~schools that have pupils on waiting lists for the program. Grants~~
36 ~~may be increased by the lesser of an amount that is either 25~~
37 ~~percent of the current maximum total grant amount or equal to the~~
38 ~~proportion of pupils unserved by the program as measured by~~
39 ~~documented waiting lists as of January 1 of the previous grant~~
40 ~~year, compared to the actual after school enrollment on the same~~

1 ~~date. The amount of the required cash or in-kind matching funds~~
2 ~~shall be increased accordingly. First priority for an increased~~
3 ~~maximum grant pursuant to this paragraph shall be given to schools~~
4 ~~that qualify for funding pursuant to subdivision (b) of Section~~
5 ~~8482.55. Second priority shall be given to schools that receive~~
6 ~~funding priority pursuant to subdivision (f) of Section 8482.55.~~

7 ~~(4) The minimum total after school grant amount for each~~
8 ~~schoolsite that may be awarded pursuant to this section shall be~~
9 ~~computed by multiplying the applicable rate per pupil per day of~~
10 ~~pupil attendance by 20 pupils being served for 180 regular~~
11 ~~school days.~~

12 ~~(5)~~

13 (3) Additional funding may be made available for transportation
14 in programs that meet the requirements of Section 8484.65, in an
15 amount not to exceed fifteen thousand dollars (\$15,000) per site,
16 per school year, as funds are available, in accordance with the local
17 community after school program needs as determined by the
18 department. Programs shall submit to the department for
19 consideration evidence of the need for after school transportation
20 funds specific to after school programs pursuant to this article.
21 Funding under this paragraph may be used to supplement, but not
22 supplant, local transportation services.

23 ~~(6)~~

24 (4) Each program shall provide an amount of cash or in-kind
25 local funds equal to not less than one-third of the total grant from
26 the school district, governmental agencies, community
27 organizations, or the private sector. Facilities or space usage may
28 fulfill not more than 25 percent of the required local contribution.

29 ~~(7)~~

30 (5) (A) A grantee may allocate, with departmental approval,
31 up to 125 percent of the maximum total grant amount for an
32 individual school, so long as the maximum total grant amount for
33 all school programs administered by the program grantee is not
34 exceeded.

35 (B) A program grantee that transfers funds for purposes of
36 administering a program pursuant to subparagraph (A) shall have
37 an established waiting list for enrollment, and may transfer only
38 from another school program that has met a minimum of 70 percent
39 of its attendance goal. This subparagraph does not apply to a

1 program that operates at a schoolsite located in an area that has a
2 population density of less than 11 persons per square mile.

3 (b) The administrator of a program established pursuant to this
4 article may supplement, but not supplant, existing funding for after
5 school programs with grant funds awarded pursuant to this article.
6 State categorical funds for remedial education activities shall not
7 be used to make the required contribution of local funds for those
8 after school programs.

9 (c) Up to 15 percent of the initial year's grant amount for each
10 grant recipient may be used for startup costs. Under no
11 circumstance shall funding for startup costs result in an increase
12 in the grant recipient's total funding above the approved grant
13 amount.

14 (d) For each year of the grant, the department shall award the
15 total grant amount for that year not later than 30 days after the date
16 the grantee accepts the grant.

17 (e) The department may adjust the amount of a direct grant,
18 awarded to a new applicant pursuant to this section, on the basis
19 of the program start date, as determined by the department.

20 SEC. 8. Section 8483.75 of the Education Code is amended to
21 read:

22 8483.75. (a) (1) (A) Each school that establishes a before
23 school program component pursuant to Section 8483.1 is eligible
24 to receive a three-year renewable ~~after before~~ school ~~grant, grant~~
25 that shall be awarded in three one-year increments and is subject
26 to semiannual attendance reporting and renewal as required by the
27 department. Before school programs established pursuant to this
28 section shall be subject to the same reporting and accountability
29 provisions described in subparagraph (A) of paragraph (1) of
30 subdivision (a) of Section 8483.7.

31 ~~(B) The maximum total grant amount awarded annually pursuant~~
32 ~~to this paragraph shall be thirty-seven thousand five hundred dollars~~
33 ~~(\$37,500) for each regular school year for each elementary school~~
34 ~~and forty-nine thousand dollars (\$49,000) for each regular school~~
35 ~~year for each middle or junior high school.~~

36 ~~(C) The Superintendent shall determine the total annual after~~
37 ~~school grant amount for which a site is eligible based on a formula~~
38 ~~of five dollars (\$5) per pupil per day that the program plans to~~
39 ~~serve, with a maximum total grant of twenty-five dollars (\$25) per~~
40 ~~projected pupil per week.~~

1 (B) (i) Before school grant amounts and the daily rate of
2 funding per pupil shall be determined by the department on the
3 basis of the amount of funding available for the program. By July
4 1, 2023, the department shall establish an annual process and
5 methodology for determining those amounts and rates that does
6 all of the following:

7 (I) Promotes equity and prioritizes pupils who are experiencing
8 homelessness, in foster care, eligible for free or reduced-price
9 meals, dual language learners, and other locally prioritized pupils.

10 (II) Ensures programs can meet current health, safety, and other
11 locally prioritized needs.

12 (III) Analyzes the true cost to provide quality learning and care
13 that is responsive to the economic diversity of the state.

14 (IV) Incentivizes and compensates for quality learning and care
15 according to state standards.

16 (V) Incorporates input from legislators and stakeholders in the
17 school community.

18 (ii) Until the process and methodology described in clause (i)
19 is established, the department may adjust before school grant
20 amounts and the daily rates.

21 (iii) (I) It is the intent of the Legislature to prioritize children
22 and youth who are experiencing homelessness, in foster care,
23 eligible for free and reduced-price meals, dual language learners,
24 and other locally prioritized students.

25 (II) It is the intent of the Legislature that the department engage
26 stakeholders to assess the current needs and potential impact on
27 pupils and families.

28 (III) It is the intent of the Legislature that the daily rate does
29 not fall below the daily rate for the prior fiscal year to ensure a
30 minimum baseline of service to pupils and families.

31 (2) For large schools, the maximum total grant amounts
32 ~~described in~~ determined by the department pursuant to
33 ~~subparagraph (B) of paragraph (1)~~ may be increased based on the
34 ~~following formulas, up to a maximum amount of twice the~~
35 ~~respective limits specified in paragraph (1): formulas:~~

36 (A) For elementary schools, multiply ~~seventy-five dollars (\$75)~~
37 ~~an amount determined by the department by the number of pupils~~
38 ~~enrolled at the schoolsite for the normal schoolday program that~~
39 ~~exceeds 600.~~

1 (B) For middle schools, multiply ~~seventy-five dollars (\$75)~~ *an*
2 *amount determined* by the *department by the* number of pupils
3 enrolled at the schoolsite for the normal schoolday program that
4 exceeds 900.

5 (3) A school that establishes a program pursuant to this section
6 is eligible to receive a summer/supplemental grant to operate the
7 program in excess of 180 regular schooldays during any
8 combination of summer, intersession, or vacation periods for a
9 maximum of 30 percent of the total grant amount awarded to the
10 school per school year under this subdivision.

11 (4) Each program shall provide an amount of cash or in-kind
12 local funds equal to not less than one-third of the total grant from
13 the school district, governmental agencies, community
14 organizations, or the private sector. Facilities or space usage may
15 fulfill not more than 25 percent of the required local contribution.

16 (5) (A) The department may award up to 125 percent of the
17 maximum total grant amount for an individual school, so long as
18 the maximum total grant amount for all school programs
19 administered by the program grantee is not exceeded.

20 (B) A program grantee that is awarded funds pursuant to
21 subparagraph (A) shall have an established waiting list for
22 enrollment, and may receive funds only from another school
23 program that has met a minimum of 70 percent of its attendance
24 goal.

25 (b) The administrator of a program established pursuant to this
26 article may supplement, but not supplant, existing funding for
27 before school programs with grant funds awarded pursuant to this
28 article. State categorical funds for remedial education activities
29 shall not be used to make the required contribution of local funds
30 for those before school programs.

31 (c) Up to 15 percent of the initial year's grant amount for each
32 grant recipient may be used for startup costs. Under no
33 circumstance shall funding for startup costs result in an increase
34 in the grant recipient's total funding above the approved grant
35 amount.

36 (d) For each year of the grant, the department shall award the
37 total grant amount for that year not later than 30 days after the date
38 the grantee accepts the grant.

39 SEC. 9. Section 8484.8 of the Education Code is amended to
40 read:

8484.8. In accordance with Part B of Title IV of the federal No Child Left Behind Act of 2001 (Public Law 107-110), funds appropriated in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002 are available for expenditure as follows, with any subsequent allocations for these purposes to be determined in the annual Budget Act:

(a) Beginning with the 2006–07 fiscal year, 5 percent of the federal funds appropriated through this article shall be available to the department for purposes of providing technical assistance, evaluation, and training services, and for contracting for local technical assistance, for carrying out programs related to 21st Century Community Learning Centers programs.

(1) The department shall provide directly, or contract for, technical assistance for new programs and any program that is not meeting attendance or performance goals, or both, and requests that assistance.

(2) (A) Training and support shall include, but is not limited to, the development and distribution of voluntary guidelines for physical activity programs established pursuant to subparagraph (B) of paragraph (1) of subdivision (c) of Section 8482.3, that expand the learning opportunities of the schoolday.

(B) The department shall distribute these voluntary guidelines for physical activity programs on or before July 1, 2009.

(3) In accordance with Part B of Title IV of the federal No Child Left Behind Act of 2001 (Public Law 107-110), funding for programs that promote parent involvement and family literacy are an allowable use of these funds.

(b) (1) At least 5 percent of the total amount appropriated pursuant to this article, after funds have been allocated pursuant to subdivision (a), shall be available for grants to provide equitable access and participation in community learning center programs, ~~in an amount not to exceed twenty-five thousand dollars (\$25,000) per site, per year,~~ according to needs determined by the local community.

(2) For purposes of paragraph (1), the department shall determine the requirements for eligibility for a grant, consistent with the following:

(A) Consistent with the local partnership approach inherent in Article 22.5 (commencing with Section 8482), grants awarded under this subdivision shall provide supplemental assistance to

1 programs. It is not intended that a grant fund the full anticipated
2 costs of the services provided by a community learning center
3 program.

4 (B) In determining the need for a grant pursuant to this
5 subdivision, the department shall base its determination on a needs
6 assessment and a determination that existing resources are not
7 available to meet these needs, including, but not limited to, a
8 description of how the needs, strengths, and resources of the
9 community have been assessed, currently available resources, and
10 the justification for additional resources for that purpose.

11 (C) The department shall award grants for a specific purpose,
12 as justified by the applicant.

13 (3) To be eligible to receive a grant under this subdivision, the
14 designated public agency representative for the applicant shall
15 certify that an annual fiscal audit will be conducted and that
16 adequate, accurate records will be kept. In addition, each applicant
17 shall provide the department with the assurance that funds received
18 under this subdivision are expended only for those services and
19 supports for which they are granted. The department shall require
20 grant recipients to submit annual budget reports, and the department
21 may withhold funds in subsequent years if after school grant funds
22 are expended for purposes other than as awarded.

23 (4) The department shall require grant recipients to submit
24 quarterly expenditure reports, and the department may withhold
25 funds in subsequent years if access or literacy grant funds are
26 expended for purposes other than as granted.

27 (c) At least 50 percent of the total amount appropriated pursuant
28 to this article, after funds have been allocated pursuant to
29 subdivision (a), shall be allocated on a priority basis for after school
30 grants to community learning centers serving high school pupils
31 funded pursuant to Section 8421. The department shall allocate
32 funds to each geographic region described in subdivision (a) of
33 Section 8423 by the regional percentage of statewide pupils who
34 are eligible for free or reduced-price meals reported to the
35 department for the immediately preceding fiscal year. Each region's
36 percentage shall be determined by dividing the region's number
37 of pupils eligible for free or reduced-price meals by the statewide
38 number of pupils eligible for free or reduced-price meals.

39 (d) Grant awards under this section shall be restricted to those
40 applications that propose primarily to serve pupils that attend

1 schoolwide programs, as described in Title I of the federal No
2 Child Left Behind Act of 2001 (Public Law 107-110). Competitive
3 priority shall be given to applications that propose to serve pupils
4 in schools designated as being in need of improvement under
5 subsection (b) of Section 6316 of Title 20 of the United States
6 Code, and that are jointly submitted by school districts and
7 community-based organizations.

8 (e) (1) At least 40 percent of the total amount appropriated
9 pursuant to this article, after funds have been allocated pursuant
10 to subdivision (a), shall be allocated to programs serving
11 elementary and middle school pupils. The department shall allocate
12 funds to each geographic region described in subdivision ~~(k)~~ (j)
13 by the regional percentage of statewide pupils who are eligible for
14 free or reduced-price meals reported to the department for the
15 immediately preceding fiscal year. Each region's percentage shall
16 be determined by dividing the region's number of pupils eligible
17 for free or reduced-price meals by the statewide number of pupils
18 eligible for free or reduced-price meals. The administrators of a
19 program established pursuant to this article may operate during
20 regular schooldays for a minimum of 15 hours per week and any
21 combination of summer, intersession, or vacation periods for a
22 minimum of three hours per day for the regular school year
23 pursuant to Section 8483.7. Grantees administering comprehensive
24 programs established pursuant to Section 8482.3 are also eligible
25 for funding for summer, intersession, or vacation periods pursuant
26 to this section.

27 (2) After school and summer funding grants for programs
28 serving middle and elementary school pupils shall be allocated
29 according to the same funding provisions, and subject to the same
30 reporting and accountability provisions, as described in Sections
31 8483.7 and 8483.75.

32 (3) Priority shall be given to grant applications that will provide
33 year-round expanded learning programming, including programs
34 that complement existing funded programs. Year-round expanded
35 learning programs are defined as any combination of an applicant
36 that provides year-round programming, an applicant that offers
37 summer programming to complement existing after school
38 programs, or an applicant that offers after school programs to
39 complement existing summer programs. The applicant is not
40 required to be the same entity that operates the existing program,

1 but shall identify the grantee with whom the applicant is
2 coordinating for the purpose of providing year-round programming.

3 (4) (A) Funding for a grant shall be allocated in annual
4 increments for a period not to exceed five years, subject to annual
5 reporting and recertification as required by the department. The
6 department shall establish a payment system to accommodate
7 upfront payments. The department shall notify new grantees, whose
8 grant awards are contingent upon the appropriation of funds for
9 those grants, in writing no later than May 15 of each year in which
10 new grants are awarded. A first-year grant award shall be made
11 no later than 60 days after enactment of the annual Budget Act
12 and any authorizing legislation. A grant award for the second and
13 subsequent fiscal years shall be made no later than 30 days after
14 enactment of the annual Budget Act and any authorizing legislation.
15 The grantee shall notify the department in writing of its acceptance
16 of the grant.

17 (B) For the first year of a grant, the department shall allocate
18 25 percent of the grant for that year no later than 30 days after the
19 grantee accepts the grant. For the second and subsequent years of
20 the grant, the department shall allocate 25 percent of the grant for
21 that year no later than 30 days after the annual Budget Act becomes
22 effective. The grantee shall not use more than 15 percent of an
23 annual grant award for administrative costs.

24 (C) In addition to the funding allowed for administrative costs
25 under subparagraph (B), up to 15 percent of the initial annual grant
26 award for each after school grant recipient may be used for startup
27 costs.

28 (D) Under no circumstance shall funding made available
29 pursuant to subparagraphs (B) and (C) result in an increase in the
30 total funding of a grantee above the approved grant amount.

31 (5) A grantee shall identify the federal, state, and local programs
32 that will be combined or coordinated with the proposed program
33 for the most effective use of public resources, and shall prepare a
34 plan for continuing the program beyond federal grant funding.

35 (6) A grantee shall submit semiannual attendance data and
36 results to facilitate evaluation and compliance in accordance with
37 provisions established by the department.

38 (7) A program receiving a grant under this subdivision is not
39 assured of grant renewal from future state or federal funding at
40 the conclusion of the grant period. However, priority for funding

1 pursuant to this subdivision shall be given to programs with
2 expiring grants, if those programs have satisfactorily met projected
3 pupil outcomes pursuant to subdivision (a) of Section 8484.

4 ~~(f) A total annual grant award for after school funding and~~
5 ~~grants for a site serving elementary or middle school pupils shall~~
6 ~~be fifty thousand dollars (\$50,000) per year or more, consistent~~
7 ~~with federal requirements.~~

8 ~~(g) Notwithstanding any other law, and contingent upon the~~
9 ~~availability of funding, the department may adjust the after school~~
10 ~~grant cap of any grantee based upon one or both of the following:~~

11 ~~(1) Amendments made to this section by Chapter 555 of the~~
12 ~~Statutes of 2005.~~

13 ~~(2) The demonstrated pupil attendance pattern of the grantee.~~
14 ~~The department may adjust grant awards pursuant to subparagraph~~
15 ~~(A) of paragraph (1) of subdivision (a) of Section 8483.7.~~

16 *(f) (1) Grant amounts pursuant to this article and the daily rate*
17 *of funding per pupil shall be determined by the department on the*
18 *basis of the amount of funding available for the program. By July*
19 *1, 2023, the department shall establish an annual process and*
20 *methodology for determining the amounts and rates that does all*
21 *of the following:*

22 *(A) Promotes equity and prioritizes pupils who are experiencing*
23 *homelessness, in foster care, eligible for free or reduced-price*
24 *meals, dual language learners, and other locally prioritized pupils.*

25 *(B) Ensures programs can meet current health, safety, and*
26 *locally prioritized needs.*

27 *(C) Analyzes the true cost to provide quality learning and care*
28 *that is responsive to the economic diversity of the state.*

29 *(D) Incentivizes and compensates for quality learning and care*
30 *according to state standards.*

31 *(E) Incorporates input from legislators and stakeholders in the*
32 *school community.*

33 *(2) Until the process and methodology described in paragraph*
34 *(1) is established, the department may adjust the grant amounts*
35 *and daily rates.*

36 *(3) (A) It is the intent of the Legislature to prioritize children*
37 *and youth who are experiencing homelessness, in foster care,*
38 *eligible for free and reduced-price meals, dual language learners,*
39 *and other locally prioritized pupils.*

1 (B) *It is the intent of the Legislature that the department engage*
2 *stakeholders to assess the current needs and potential impact on*
3 *pupils and families.*

4 (C) *It is the intent of the Legislature that the daily rate does not*
5 *fall below the daily rate for the prior fiscal year to ensure a*
6 *minimum baseline of service of pupils and families.*

7 ~~(h)~~

8 (g) Funds received but unexpended under this article may be
9 carried forward to subsequent years consistent with federal
10 requirements. In year one, the full grant may be retained.

11 ~~(i)~~

12 (h) If funds remain after all of the priority allocations required
13 pursuant to subdivisions (a), (b), (c), and (e) have been made, the
14 department may use that money to fund additional qualified grant
15 applications under subdivision (c), in order to ensure that all federal
16 funds received for these purposes are expended for these purposes.
17 If funds remain after additional qualified grant applications are
18 approved for funding pursuant to subdivision (c), the department
19 may award the remaining funds for additional qualified grant
20 applications pursuant to subdivisions (b) and (e).

21 ~~(j)~~

22 (i) In any fiscal year in which the total state appropriation for
23 that fiscal year exceeds the total state appropriation for the 2008–09
24 fiscal year after funds have been allocated pursuant to subdivision
25 (a), the excess amount shall be allocated on a priority basis for
26 after school grants to community learning centers funded pursuant
27 to Section 8421 as follows:

28 (1) Thirty-five percent to community learning centers serving
29 high school pupils.

30 (2) Fifty percent to community learning centers serving
31 elementary and middle school pupils.

32 (3) Fifteen percent to summer programs serving elementary and
33 middle school pupils.

34 ~~(k)~~

35 (j) (1) To the extent possible, the selection of applicants by the
36 department pursuant to this article shall result in an equitable
37 distribution of grant awards to applicants in northern, southern,
38 and central California, and in urban and rural areas of the state.

39 (2) For purposes of paragraph (1), the following terms shall
40 have the following meanings:

1 (A) “Central California” means California County
2 Superintendents Educational Services Association regions five to
3 eight, inclusive.

4 (B) “Northern California” means California County
5 Superintendents Educational Services Association regions one to
6 four, inclusive.

7 (C) “Southern California” means California County
8 Superintendents Educational Services Association regions 9 to 11,
9 inclusive.

10 (D) “Urban and rural areas” shall be as defined by the United
11 States Census Bureau.

12 ~~(E)~~

13 (k) This article shall be operative only to the extent that federal
14 funds are made available for the purposes of this article. It is the
15 intent of the Legislature that this article not be considered a
16 precedent for general fund augmentation of either the state
17 administered, federally funded program of this article, or any other
18 state funded before or after school program.

19 SEC. 10. The Legislature finds and declares that this act
20 furthers the purposes of the After School Education and Safety
21 Program Act of 2002.

O