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Agenda

March 2, 2021

9:30 a.m. - State Capitol – Senate Chamber

BILL

AUTHOR

SUBJECT

- | | | |
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| 1. AB 86 | Committee on Budget | COVID-19 relief and school reopening, reporting, and Public health requirements. |
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SENATE COMMITTEE ON BUDGET AND FISCAL REVIEW

Senator Nancy Skinner, Chair

2021 - 2022 Regular

Bill No: AB 86 **Hearing Date:** March 2, 2021
Author: Committee on Budget
Version: March 1, 2021 As amended
Urgency: Yes **Fiscal:** Yes
Consultant: Elisa Wynne

Subject: COVID-19 relief and school reopening, reporting, and public health requirements

Summary: This trailer bill makes necessary changes related to funding for local educational agency operations during the COVID-19 pandemic, and other technical changes.

Proposed Law:

- 1) This bill requires the school administrator or other person in charge of a public or private school campus maintaining kindergarten or any of grades one to twelve, inclusive, to report cases of staff or pupils who has been present onsite and have tested positive for COVID-19, to the local health officer.
- 2) The bill requires every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades one to twelve, inclusive, to notify the State Department of Public Health of information relating to in-person instruction and activities twice per month.
- 3) The bill requires every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, to post a completed COVID-19 school safety plan on its internet website home page by April 1, 2021.
- 4) The bill appropriates a total of \$6.6 billion in one-time Proposition 98 funds for In-Person Instruction Recovery and Learning Grants.
 - Of the total, \$2 billion is provided to LEAs proportionate to each LEA's share of the Local Control Funding Formula allocation, conditional on meeting the following:
 - On or before April 15, 2021 an LEA must offer in-person instruction for vulnerable student groups consistent with its COVID-19 school safety plan and in compliance with Guidance Related to Cohorts issued by the State Department of Public Health, to at least all pupils in the following pupil groups:
 - Individuals with exceptional needs.
 - Foster youth.
 - Homeless pupils.

- English learners.
- Pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, as determined by the local educational agency.
- Disengaged pupils.
- Pupils at risk of abuse, neglect, or exploitation.

An LEA may determine the priority order in which to bring pupils back within each group consistent with instructional needs, local capacity, and facility availability to serve small cohorts, but shall offer in-person instruction to each identified pupil group.

- By April 15, 2021 or within 15 days of the county entering the red tier (4-7 new daily cases of COVID-19 per 100,000), an LEA must reopen for in-person instruction for transitional kindergarten through grade six students.

These requirements do not prevent LEAs from opening earlier than April 15, 2021 with a COVID safety plan and LEAs that have already opened by March 15, 2021 may continue to operate under their locally negotiated agreement, and are not required to meet COVID-19 testing cadences recommended the California Department of Public Health. The \$2 billion in funding would be provided to LEAs in April 2021, and LEAs would have until July 30, 2021 to expend the funds. Funds received under this section would be subject to audit.

- Of the total, \$4.6 billion is provided to LEAs proportionate to each LEA's share of the Local Control Funding Formula allocation. State Special Schools would receive \$725 per average daily attendance and LEAs would receive \$1,000 per homeless pupil in addition to their LCFF-based allocation. These funds are for LEAs to provide supplemental instruction and support to students. Specified allowable uses include extended instructional learning time, accelerated learning strategies, tutoring or one-on-one support, professional development, and social-emotional wellbeing supports, among others.

LEAs may expend up to ten percent of funding to support school reopening for instructional services related to learning loss if the LEA did not receive a share of the \$2 billion provided to re-open schools. In addition, an LEA must use ten percent of their allocation under this portion of the grant to re-hire, or expand the numbers of paraprofessionals. Finally, an LEA must use at least 85 percent of its apportionment for expenditures related to providing allowable services in-person and may not expend funds until it is providing in-person instruction to pupils.

The \$4.6 billion in funding would be provided to LEAs or state special schools in equal portions in April 2021 and July 2021, and LEAs would have until September 30, 2022 to expend the funds. On or before June 1, 2021, the governing board or body of an LEA shall adopt at a public meeting, and post

on its internet website, a plan describing how the apportioned funds will be used in compliance with the requirements of the funding.

- 5) The bill requires county public health departments to make COVID-19 vaccines available to schoolsite personnel who are working at a schoolsite where pupils are attending in person.
- 6) For the 2021-22 award year, the bill allows the California Student Aid Commission to waive the requirement to submit a test score in lieu of a qualifying grade point average (GPA) for students who do not have a GPA and are unable to submit a test score due to unavailability of designated testing due to the COVID-19 pandemic.
- 7) The bill extends the date by which funds received by LEAs from the Coronavirus Relief Fund must be expended from December 30, 2020 to May 31, 2021. The bill would also require LEAs to recertify by March 1, 2021 that funds shall be used pursuant to federal law by May 31, 2021. If an LEA does not recertify the ability to comply with the deadlines, funds may be reallocated upon order of the Director Finance pursuant to Section 11.90 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020).

Fiscal Effect: The bill appropriates \$6.6 billion in one-time Proposition 98 General Fund for local educational agencies.

Support: None on file

Opposed: None on File

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