

AMENDED IN ASSEMBLY FEBRUARY 18, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 86

Introduced by ~~Senator Skinner~~ *Committee on Budget and Fiscal Review*

December 16, 2020

~~An act relating to the Budget Act of 2021.~~ *An act to amend Section 69432.9 of, to add and repeal Article 8 (commencing with Section 32090) of Chapter 1 of Part 19 of Division 1 of Title 1 of, and to add and repeal Part 24.6 (commencing with Section 43520) of Division 3 of Title 2 of, the Education Code, and to amend Section 110 of Chapter 24 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 86, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2021.~~ *COVID-19 reporting and public health requirements, instruction support grants, the Cal Grant Program, and learning loss mitigation.*

(1) Existing law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. Existing law establishes procedures for the apportionment of state funds to these local educational agencies. Existing law, for purposes of calculating apportionments for the 2020–21 fiscal year, requires a local educational agency to offer in-person instruction and authorizes these agencies to offer distance learning, as specified.

This bill would require the school administrator or other person in charge of a public or private school campus maintaining kindergarten or any of grades 1 to 12, inclusive, upon learning that a school employee or pupil who has been present onsite at the public or private school campus has tested positive for COVID-19, to immediately, and in no case later than 24 hours after learning of the positive COVID-19 case, notify the local health officer by telephone about the positive case, as specified. The bill would prohibit this information from being disclosed by the local health officer, except as provided. The bill would require every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, to notify the State Department of Public Health of certain information relating to in-person activities of the educational entity on or before the 2nd and 4th Monday of each month, as specified. The bill would require an educational entity to post a completed COVID-19 school safety plan containing certain information on its internet website home page by April 1, 2021. By requiring additional actions by local educational agencies, the bill would impose a state-mandated local program. The bill would make these provisions inoperative on June 30, 2021, and would repeal them as of January 1, 2022.

(2) For the 2020–21 fiscal year, this bill would appropriate \$6,557,443,000 from the General Fund to the Superintendent of Public Instruction, of which \$4,557,443,000 would be apportioned to school districts, county offices of education, charter schools, and state special schools, as prescribed, and available for expenditure until September 30, 2022, for certain activities, including activities that support academic achievement by offering supplemental instruction and support. As a condition of receiving these funds, the bill would require a local educational agency to, among other things, adopt at a public meeting and post on its internet website a plan

describing how these funds will be used consistent with eligible purposes. The bill would require the Superintendent to develop and post on the department's internet website a template for the plan to be used by local educational agencies, as prescribed. The bill would require the remaining \$2,000,000,000 to be apportioned to school districts, county offices of education, and certain charter schools, and available for expenditure until July 30, 2021, if those local educational agencies, among other things, submit a COVID-19 school safety plan and provide optional in-person instruction to certain pupil groups within prescribed timelines. The bill would require certain reporting requirements regarding the use of apportioned funds, would impose certain penalties for noncompliance with prescribed requirements, and would require the Superintendent to initiate collection proceedings for unexpended funds. The bill would require 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. By imposing additional requirements on counties, the bill would impose a state-mandated local program. The bill would make these provisions inoperative on June 30, 2023, and would repeal them as of January 1, 2024.

(3) The Cal Grant Program establishes the Cal Grant A and B Entitlement Awards, the California Community College Transfer Cal Grant Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

A provision of the program specifies that the commission shall require that a grade point average be submitted, as specified, to the commission for Cal Grant A and B applicants, except for those applicants permitted to provide test scores in lieu of a grade point average. Existing law requires the commission to adopt regulations that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

For the 2021–22 award year, this bill would authorize commission staff to waive the requirement to submit a test score in lieu of a qualifying grade point average for a student who does not have a grade point average and is unable to submit a test score due to unavailability of designated testing due to the COVID-19 pandemic. The bill would require the commission to require a student seeking a waiver under these provisions to submit a signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average due to the COVID-19 pandemic.

(4) Existing law appropriates \$355,227,000 from the Federal Trust Fund, \$4,439,844,000 from the Coronavirus Relief Fund, and \$539,926,000 from the General Fund to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies to support pupil academic achievement and mitigate learning loss related to COVID-19 school closures. Existing law requires the funds appropriated from the Federal Trust Fund to be used from March 13, 2020, to September 30, 2022, inclusive, the funds appropriated from the General Fund to be used from March 1, 2020, to June 30, 2021, inclusive, and the funds appropriated from the Coronavirus Relief Fund to be used from March 1, 2020, to December 30, 2020, inclusive, unless otherwise provided in federal law.

This bill would instead require the funds appropriated from the Coronavirus Relief Fund to be used from March 1, 2020, to May 31, 2021, inclusive. By extending the date to encumber or otherwise use funds appropriated from the Coronavirus Relief Fund, the bill would make an appropriation. The bill would require an eligible local educational agency that retains unspent funds received pursuant to these provisions after December 30, 2020, to recertify, on or before March 1, 2021, that the remaining funds will be used in full compliance with federal law by May 31, 2021, and if an eligible local educational agency does not certify or recertify as required by these provisions, the bill would authorize funds to be reallocated upon order of the Director of Finance. The bill would (A) require funds not expended by May 31, 2021, to be reported by the eligible local educational agency to the Superintendent, (B) require the Superintendent to recover those unexpended funds and deposit them into the Coronavirus Relief Fund, and (C) authorize those deposited funds to be reallocated, upon order of the Department of Finance. By authorizing those moneys to be reallocated, the bill would make an appropriation.

(5) *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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(6) *Certain funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.*

(7) *This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2021.~~

Digest Key

Vote: majority Appropriation: ~~no~~yes Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Article 8 (commencing with Section 32090) is added to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, to read:*

Article 8. COVID-19 Reporting and Public Health Requirements

32090. (a) The Legislature finds and declares all of the following:

(1) The COVID-19 pandemic poses a threat to the health and safety of all Californians.

(2) Even with protocols in place to mitigate the transmission of COVID-19, the presence of an individual who has tested positive for COVID-19 on a K–12 public or private school campus is an emergency that poses a risk to the health or safety of pupils and employees present on the campus.

(3) Reporting to the local health officer the presence of a positive case of COVID-19 in an individual who is or has been present on a K–12 public or private school campus is necessary to protect the health and safety of pupils and employees present on the campus.

(4) To support the safe operations of schools and facilitate in-person instruction while preventing the spread of COVID-19, the State Department of Public Health and local health officers should also be aware of whether a school is offering in-person instruction and services to pupils and the degree to which the instruction and services are occurring. This information is essential to ensure awareness of possible locations where COVID-19 transmission may occur and to help focus testing resources and technical assistance to ensure safe reopening and school operations.

(b) (1) Upon learning that a school employee or pupil who has been present onsite at a public or private school campus maintaining kindergarten or any of grades 1 to 12, inclusive, in the state has tested positive for COVID-19, the school administrator or other person in charge of the public or private school shall immediately, and in no case later than 24 hours after learning of the positive case, notify the local health officer by telephone about the positive case.

(2) For purposes of this subdivision, the required notification to the local health officer shall include all of the following information, if known:

(A) Identifying information of the individual who tested positive, including full name, address, telephone number, and date of birth.

(B) The date of the positive test, the school or schools at which the individual was present onsite, and the date the individual was last onsite at the applicable school or schools.

(C) The name, address, and telephone number of the person making the report.

(3) The school administrator or other person in charge of the school shall notify the local health officer, as required by this subdivision, even if the individual who tested positive has not provided prior consent to the disclosure of personally identifiable information. For any school subject to the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), the school administrator or other person in charge of the school shall notify the local health officer, even without prior written consent, as a disclosure that is necessary to protect the health or safety of the student or other individuals pursuant to Section 99.36 of Title 34 of the Code of Federal Regulations.

(4) (A) Information reported pursuant to this subdivision shall not be disclosed by the local health officer except in any of the following circumstances:

(i) To the State Department of Public Health to the extent deemed necessary by the local health officer for an investigation to determine the source of infection and to prevent the spread of COVID-19.

(ii) If required by state or federal law.

(iii) With the written consent of the individual to whom the information pertains or the legal representative of the individual.

(iv) If the source of infection or exposure of other persons is believed to be outside the local jurisdiction, in which case the local health officer shall notify and share necessary information with local or government public health officials for the relevant jurisdictions to monitor, investigate, prevent, and control the spread of COVID-19.

(B) Upon receiving a report made pursuant to this article, the local health officer shall take the steps necessary to investigate, prevent, and control the spread of COVID-19.

(C) Information reported under this subdivision is not subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) pursuant to subdivision (c) of Section 6254 of the Government Code.

(5) The requirements of this subdivision shall be in addition to any other legal requirements related to the reporting of a communicable disease.

(c) (1) Every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, shall notify the State Department of Public Health of the following information in a form and adhering to the procedures to be determined by State Department of Public Health on or before the second and fourth Monday of each month:

- (A) The number of pupils enrolled by schoolsite and, if applicable, school district.*
- (B) For nonclassroom-based charter schools, the total number of pupils enrolled and the number of pupils attending each resource center, if any.*
- (C) The number of pupils participating in full-time in-person instruction by schoolsite and, if applicable, school district.*
- (D) The number of pupils participating in a mix of in-person and distance learning, known as hybrid learning, by schoolsite and, if applicable, school district.*
- (E) The number of pupils participating in distance learning by schoolsite and, if applicable, school district.*
- (F) The number of school employees who work onsite at a school by schoolsite and, if applicable, school district.*
- (G) The number of pupils being served in cohorts while the school is closed for in-person instruction and the support and services they are receiving.*
- (H) Any additional information requested by the State Department of Public Health.*

(2) The State Department of Public Health shall do all of the following:

(A) Develop the form and identify the procedures to be used for reporting information pursuant to this subdivision.

(B) Provide the form and procedures to local health officers, local educational agencies, and private schools, in partnership with the State Department of Education.

(C) Post the form and procedures described in subparagraphs (A) and (B) on its internet website.

(D) Maintain a data report on its internet website, updated every two weeks with new educational entity-level and statewide aggregate data received by the State Department of Public Health pursuant to this section.

(E) Report all data related to this section on a monthly basis to the appropriate fiscal and policy committees of the Legislature.

(d) (1) Every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to 12, inclusive, shall post a completed COVID-19 school safety plan on its internet website home page by April 1, 2021.

(2) For purposes of this subdivision, the COVID-19 school safety plan shall consist of both of the following:

(A) The written COVID-19 prevention program required by subdivision (c) of Section 3205 of Title 8 of the California Code of Regulations, adopted by the Occupational Safety and Health Standards Board as part of COVID-19 Emergency Standards.

(B) The supplemental COVID-19 School Guidance Checklist approved by the State Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs.

32091. This article shall become inoperative on June 30, 2021, and, as of January 1, 2022, is repealed.

SEC. 2. *Part 24.6 (commencing with Section 43520) is added to Division 3 of Title 2 of the Education Code, to read:*

PART 24.6. Instruction Support Grants

CHAPTER 1. In-Person Instruction and Learning Recovery Grants

43520. (a) *It is the intent of the Legislature that local educational agencies offer in-person instruction to the greatest extent possible during the 2020–21 school year, consistent with subdivision (b) of Section 43504, and, starting in the 2020–21 school year and continuing throughout the 2022–23 school year, expand in-person instructional time and provide academic interventions and pupil supports to address barriers to learning and accelerate progress to close learning gaps. The Legislature strongly encourages local educational agencies to prioritize pupils who would benefit the most from in-person instruction and who have been identified as needing integrated supports or academic interventions, including, but not limited to, pupils with disabilities, youth in foster care, homeless youth, English language learners, pupils from low-income families, pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, disengaged pupils, credit-deficient high school pupils, pupils at risk of dropping out, pupils with failing grades, and pupils identified as needing social and mental health supports.*

(b) *It is the intent of the Legislature to review expenditure requirements for funds apportioned pursuant to subdivision (b) of Section 43521 before the end of the 2020–21 fiscal year and make any changes necessary to respond to conditions of the COVID-19 pandemic and COVID-19 adjusted case rates, both statewide and in any specific regions or hotspots.*

43520.5. *For purposes of this chapter, the following definitions apply:*

(a) *“Disengaged pupil” means a pupil identified for tiered reengagement strategies pursuant to paragraph (2) of subdivision (f) of Section 43504.*

(b) *“Eligible for free or reduced-price meals” has the same meaning as in Section 42238.01.*

(c) *“English learner” has the same meaning as in Section 42238.01.*

(d) *“Foster youth” has the same meaning as in Section 42238.01.*

(e) *“Homeless pupil” means a pupil who meets the definition of “homeless children and youths” in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).*

(f) *“In-person instruction” means as follows:*

(1) *For elementary schools, for kindergarten and grades 1 to 6, inclusive, as applicable, instruction under the immediate physical supervision and control of a certificated employee of the local educational agency while engaged in educational activities required of the pupil.*

(2) *For middle schools and high schools, for grades 6 to 12, inclusive, as applicable, instruction under the immediate physical supervision and control of a certificated employee of the local educational agency while engaged in educational activities required of the pupil or instruction provided by a certificated employee of the local educational agency to a pupil in a classroom or other appropriate local educational agency facility under the general supervision of that certificated employee and the immediate physical supervision and control of another certificated or classified employee of the local educational agency.*

(3) *In-person instruction may include hybrid models offering fewer than five days per week of in-person instruction, as described in paragraphs (1) and (2), only if the local educational agency offers in-person instruction to the greatest extent possible pursuant to subdivision (b) of Section 43504.*

(g) *“Individual with exceptional needs” has the same meaning as in Section 56026.*

(h) *“Local educational agency” means a school district, county office of education, or charter school.*

(i) “Pupils at risk of abuse, neglect, or exploitation” means pupils who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.

(j) “Supplemental instruction” means the instructional programs provided in addition to and complementary to the regular instructional programs offered or provided by a local educational agency.

(k) “Support” means the interventions designed to meet the behavioral, social, emotional, and basic needs of pupils that are necessary for pupils to engage in and benefit from the supplemental instruction provided pursuant to this chapter.

43521. (a) The sum of six billion five hundred fifty-seven million four hundred forty-three thousand dollars (\$6,557,443,000) is hereby appropriated from the General Fund to the Superintendent for apportionment in the 2020–21 fiscal year pursuant to this chapter.

(b) Of the amount appropriated pursuant to subdivision (a), four billion five hundred fifty-seven million four hundred forty-three thousand dollars (\$4,557,443,000) shall be apportioned to local educational agencies and state special schools in the following manner:

(1) A local educational agency shall receive one thousand dollars (\$1,000) per homeless pupil enrolled in the 2020–21 fiscal year.

(2) A state special school shall receive seven hundred twenty-five dollars (\$725) for each unit of average daily attendance as of the 2020–21 first principal apportionment certification.

(3) (A) The funds remaining after the apportionments in paragraphs (1) and (2) shall be apportioned proportionally on the basis of a local educational agency’s local control funding formula entitlement determined as of the 2020–21 first principal apportionment certification, pursuant to Sections 42238.02 and 42238.025, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575, as applicable. For purposes of this paragraph, entitlements shall include apportionments allocated pursuant to Section 41544 and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27.

(B) Consistent with Section 2576, a county office of education’s local control funding formula entitlement for purposes of subparagraph (A) shall include funding that the Superintendent transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 for each unit of average daily attendance credited to the school district of residence as of the 2020–21 first principal apportionment certification.

(c) (1) Of the amount appropriated pursuant to subdivision (a), two billion dollars (\$2,000,000,000) shall be apportioned to eligible local educational agencies meeting the requirements in Sections 43523 and 43524, as applicable, based on the apportionment methodology described in subparagraphs (A) and (B) of paragraph (3) of subdivision (b).

(2) A local educational agency may notify the State Department of Education, through a process designated by the department, of its intent to opt out of receiving an apportionment under paragraph (1), and the department shall reduce the local educational agency’s total apportionment pursuant to this section accordingly.

(d) Apportionments computed pursuant to subdivision (c) shall be adjusted to reflect the exclusion of average daily attendance generated by pupils in full-time traditional independent study programs pursuant to Section 51747 or course-based independent study average daily attendance pursuant to Section 51749.5 reported to the department as of the 2019–20 second principal apportionment.

(e) (1) Funds apportioned to a local educational agency or state special school under subdivision (b) shall be provided to the local educational agency or state special school in equal portions in April 2021 and July 2021, and shall be available for expenditure through September 30, 2022.

(2) Funds apportioned to a local educational agency or state special school under subdivision (c) shall be provided to the local educational agency in April 2021 and shall be available for expenditure through July 30, 2021.

(f) On or before April 1, 2021, the department shall notify each local educational agency and state special school of its estimated apportionments under subdivisions (b) and (c), as applicable.

(g) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a) one billion three hundred sixty-four million nine hundred thirty-one thousand dollars (\$1,364,931,000) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2019–20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a) five billion one hundred ninety-two million five hundred twelve thousand dollars (\$5,192,512,000) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

43522. (a) Commencing no later than the regular summer break in 2021 and continuing until September 30, 2022, funds apportioned to a local educational agency or state special school under subdivision (b) of Section 43521 shall be used for activities that support academic achievement by offering supplemental instruction and support to, at a minimum, pupils who are eligible for free or reduced-price meals, English learners, foster youth, homeless pupils, pupils who are individuals with exceptional needs, pupils at risk of abuse, neglect, or exploitation, disengaged pupils, and pupils who are below grade level, including, but not limited to, those who did not enroll in kindergarten in the 2020–21 school year, those in danger of not meeting graduation requirements, and other pupils identified by certificated staff. These services shall be planned in a tiered framework that bases universal, targeted, and intensive supports on pupils' academic, social-emotional, and basic needs and provides the services in an engaging and positive climate.

(b) As a condition of receiving funding under subdivision (b) of Section 43521, a local educational agency shall provide, at a minimum, supplemental instruction to pupils, support for pupils' social and emotional well-being, and, to the maximum extent permissible under the guidelines of the United States Department of Agriculture, meals and snacks to participating pupils. Specifically, funds received under subdivision (b) of Section 43521 shall be expended for any of the following purposes:

(1) Extending instructional learning time in addition to what is required pursuant to Chapter 2 (commencing with Section 46100) of Part 26 of Division 4 by increasing the number of instructional days or minutes provided during the school year, providing summer school or intersessional instructional programs, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(2) Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports including, but not limited to, any of the following:

(A) Tutoring or other one-on-one or small group instruction provided by certificated or classified staff.

(B) Learning recovery programs and materials designed to accelerate pupil academic or English language proficiency, or both.

(C) Educator training in accelerated learning strategies and effectively addressing learning gaps.

(3) Integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and social-emotional learning, or referrals for support for family or pupil needs.

(4) Community learning hubs that provide pupils with access to technology, high-speed internet, and other academic supports.

(5) Supports for credit deficient pupils to complete graduation or grade promotion requirements and to increase or improve pupils' college eligibility.

(6) Additional academic services for pupils, such as diagnostic assessments of pupil learning needs.

(7) Training for school staff on strategies, including trauma-informed practices, to engage pupils and families in addressing pupils' social-emotional health needs and academic needs.

(c) Local educational agencies are encouraged to engage, plan, and collaborate on program operation with community partners and expanded learning programs, and leverage existing behavioral health partnerships and Medi-Cal billing options, in the design and implementation of services provided under this section.

(d) A local educational agency that has declined funding pursuant to paragraph (2) of subdivision (c) of Section 43521 may expend up to 10 percent of funding received under subdivision (b) of Section 43521 in the 2020–21 school year to support school reopening for instructional services related to learning loss.

(e) (1) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency shall use at least 10 percent of its apportionment to hire full-time paraprofessionals to provide individualized instruction through the duration of this program. Individualized instruction shall be prioritized for English learners and pupils who are individuals with exceptional needs. It is the intent of the Legislature that a local educational agency prioritize retaining or rehiring paraprofessionals subject to layoff or release after the expiration of the protections included for classified employees in Section 94 of Chapter 24 of the Statutes of 2020, and further increasing the number of paraprofessional staff to meet the requirements of this subdivision.

(2) For purposes of this subdivision, “paraprofessional” has the same meaning as in subdivision (a) of Section 45330.

(f) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency shall use at least 85 percent of its apportionment for expenditures related to providing allowable services in-person.

(g) A local educational agency shall not expend funds received under subdivision (b) of Section 43521 until it is providing in-person instruction to pupils pursuant to this section.

(h) In all circumstances, a local educational agency and state special school apportioned funds under Section 43521 shall deliver services in accordance with an applicable individualized education program.

(i) (1) As a condition of receiving funding under subdivision (b) of Section 43521, on or before June 1, 2021, the governing board or body of a local educational agency shall adopt at a public meeting, and post on its internet website, a plan describing how the apportioned funds will be used in accordance with this section, and shall submit the plan to its county office of education. A county office of education shall send received plans to the Superintendent upon request. Local educational agencies shall provide an opportunity for parents and teachers to be involved in the development of the plan.

(2) (A) On or before March 15, 2021, the Superintendent, with the concurrence of the executive director of the state board, shall develop and post on the department's internet website a template for the plan required pursuant to paragraph (1). The template shall include both of the following:

(i) A description of the local educational agency's plan for assessing the needs of its pupils, providing supplemental instruction and support based on the framework described in subdivision (a), informing the

parents and guardians of all of its pupils requiring learning recovery supports of the availability of these opportunities, including in parents' and guardians' primary languages pursuant to Section 48985, and how parents and teachers were involved in the development of the plan.

(ii) The local educational agency's expenditure plan for funds received under subdivision (b) of Section 43521 and how they will be coordinated with funds received from the federal Elementary and Secondary School Emergency Relief Fund. The expenditure plan shall include an indication of how much of the apportioned funds the local educational agency will allocate and expend for each allowable purpose pursuant to this section, and shall reflect both estimated and actual expenditures. Actual expenditures shall be reported when they are available.

(B) The development of the template for the plan pursuant to subparagraph (A) shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) This subdivision does not preclude a local educational agency from receiving or expending funds apportioned under subdivision (b) of Section 43521 before the adoption of its plan pursuant to paragraph (1).

(j) On or before May 1, 2021, the department's Statewide System of Support for Expanded Learning, in collaboration with the California Collaborative for Educational Excellence and consistent with the statewide system of support established in Section 52059.5, shall develop a best practice guide to assist local educational agencies with the implementation of this section. The department, in collaboration with the California Collaborative for Educational Excellence, shall make this guidance available to all local educational agencies. The guidance shall include all of the following:

(1) Guidance and professional development resources on evidence-based models for providing supplemental instruction and support in an engaging manner in a positive climate.

(2) Guidance on the effective practices for the assessment of pupils' academic and social-emotional needs, the use of effective curricular resources and instructional practices, and the leveraging of community partnerships, in order to accelerate learning and meet pupils' social-emotional and basic needs.

(3) Best practices for contacting and reengaging disengaged pupils.

43523. (a) A local educational agency, excluding a charter school classified as a nonclassroom-based charter school as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, shall be eligible for an apportionment under subdivision (c) of Section 43521, if it meets all of the following requirements:

(1) (A) On or before April 1, 2021, the local educational agency submits a completed COVID-19 school safety plan to its county office of education that provides for in-person instruction as required by paragraphs (5) to (7), inclusive, and describes how the local educational agency shall conduct ongoing asymptomatic testing of staff and pupils consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs issued by the State Department of Public Health. County offices of education and school districts in a single-district county shall submit their COVID-19 school safety plan to the State Department of Education. For purposes of this chapter, the COVID-19 school safety plan shall consist of both of the following consistent with January 2021 guidance issued by the State Department of Public Health:

(i) The written COVID-19 prevention program required by subdivision (c) of Section 3205 of Title 8 of the California Code of Regulations, adopted by the Occupational Safety and Health Standards Board as part of COVID-19 Emergency Standards.

(ii) The supplemental COVID-19 School Guidance Checklist approved by the State Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs.

(B) Notwithstanding subparagraph (A), a local educational agency providing or with an adopted plan to provide in-person instruction for any pupils on or before March 15, 2021, pursuant to guidance issued by the State Department of Public Health as published at the date of the local educational agency's plan adoption, with a completed COVID-19 school safety plan publicly posted on its internet website, and ratified certificated and classified employee collective bargaining agreements or applicable memoranda of understanding that support implementation of its COVID-19 school safety plan in place, is not required to conduct ongoing asymptomatic testing of staff and pupils consistent with the state-supported cadences set forth in the K-12 School Public Health Guidance issued by the State Department of Public Health in order to be eligible for an apportionment under subdivision (c) of Section 43521.

(2) For a local educational agency whose employees collectively bargain, on or before April 1, 2021, the local educational agency submits to its county office of education, or for single-district counties, the State Department of Education, a copy of its ratified certificated and classified employee collective bargaining agreements or applicable memoranda of understanding that support implementation of its COVID-19 school safety plan. A local educational agency that already has ratified certificated and classified employee collective bargaining agreements or applicable memoranda of understanding that support implementation of its COVID-19 school safety plan in place before the effective date of this section does not need to renegotiate those agreements in order to be eligible for an apportionment under subdivision (c) of Section 43521. County offices of education and school districts in single district counties shall submit these documents to the State Department of Education.

(3) On or before April 1, 2021, the local educational agency posts the COVID-19 school safety plan on its internet website home page.

(4) On or before April 1, 2021, the local educational agency certifies to its county office of education, or for single-district counties, the State Department of Education, that it has verified that each of its pupils participating in distance learning either has access to a computing device, software, and high-speed internet necessary to participate in online instruction, or has been given the option of in-person instruction pursuant to paragraph (5).

(5) (A) On or before April 15, 2021, the local educational agency offers optional in-person instruction, 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:

(i) Individuals with exceptional needs.

(ii) Foster youth.

(iii) Homeless pupils.

(iv) English learners.

(v) 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.

(vi) Disengaged pupils.

(vii) Pupils at risk of abuse, neglect, or exploitation.

(B) A local educational agency 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 pupil group described in subparagraph (A).

(6) On or before April 15, 2021, or, for a local educational agency in a county with a COVID-19 adjusted case rate of greater than 7 per 100,000, on or before 15 calendar days after the COVID-19 adjusted case rate drops to 7 per 100,000 or lower, the local educational agency offers optional in-person instruction, consistent with its

COVID-19 school safety plan, to each pupil group described in paragraph (5) and to pupils enrolled in transitional kindergarten through the highest elementary grade offered by the local educational agency up to and including grade 6, inclusive, as applicable.

(7) The local educational agency offers continuous in-person instruction for pupils pursuant to paragraphs (5) and (6) through the end of the scheduled 2020–21 school year, unless otherwise ordered by a state or local health officer. The scheduled school year is the adopted school calendar for the 2020–21 school year in effect on April 1, 2021.

(b) A local educational agency may offer instruction to pupils in any grades or pupil groups before April 15, 2021, consistent with the Guidance Related to Cohorts issued by the State Department of Public Health, or for pupils in transitional kindergarten through the highest elementary grade offered by the local educational agency up to and including grade 6, inclusive, consistent with its COVID-19 school safety plan.

(c) County offices of education shall submit the information received from local educational agencies pursuant to subdivision (a) to the State Department of Education on or before April 5, 2021, using the form provided by the State Department of Education.

43524. (a) In addition to the requirements in Section 43523, and in order to be eligible for an apportionment under subdivision (c) of Section 43521, a local educational agency in a local health jurisdiction or county in the purple tier under the State Department of Public Health's Blueprint for a Safer Economy shall submit its COVID-19 school safety plan to the local health department and the State Safe Schools for All Team pursuant to guidance issued by the State Department of Public Health in the COVID-19 and Reopening In-Person Instruction Framework & Public Health Guidance for K-12 Schools in California, 2020–2021 School Year. If the local health department or the State Safe Schools for All Team identifies a deficiency in the local educational agency's COVID-19 school safety plan within seven business days, the local educational agency and its county office of education shall be notified of the deficiency by the local health department or the State Safe Schools for All Team. If the deficiency is not resolved through subsequent revisions pursuant to the process in the applicable guidance issued by the State Department of Public Health in time to allow the local educational agency to serve pupils as required in Section 43523, the local educational agency shall no longer be eligible to receive an apportionment under subdivision (c) of Section 43521. The county office of education with jurisdiction over the local educational agency shall notify the State Department of Education of this ineligibility within five business days of being notified that the local educational agency is unable to serve pupils as required in Section 43523.

(b) Subdivision (a) does not apply to a local educational agency already open for in-person instruction on or before March 15, 2021, pursuant to the definition included in guidance issued by the State Department of Public Health, if its reopening was permitted by state and local public health directives in effect at the time of reopening.

43525. (a) For 2021–22 fiscal year audits, the Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining all of the following for local educational agencies that receive apportionments under subdivision (c) of Section 43521.

(1) Compliance with paragraph (3) of subdivision (a) of Section 43523.

(2) Compliance with paragraphs (5), (6), and (7) of subdivision (a) of Section 43523.

(3) Verification that all pupils opting to participate in distance learning pursuant to paragraph (4) of subdivision (a) of Section 43523, who are not served in cohorts in-person pursuant to paragraph (5) of subdivision (a) of Section 43523, have access to a computing device, software, and high-speed internet necessary to participate in online instruction.

(4) Compliance with submitting to the department the expenditure report required pursuant to subdivision (c).

(b) For a local educational agency with audit findings of noncompliance pursuant to paragraph (2) of subdivision (a), the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the percentage of days out of compliance multiplied by the per-average daily attendance amount calculated pursuant to subdivision (c) of Section 43521. For purposes of this subdivision, the percentage of days out of compliance equals the number of days out of compliance divided by the total number of instructional days offered after the due date for the local educational agency to submit eligibility materials to its county office of education or, in the case of a county office of education or a school district in a single-district county, to the department.

(c) Funds apportioned to a local educational agency under subdivision (c) of Section 43521 may be used for any purpose consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, personal protective equipment, ventilation and other site upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, and social and mental health support services provided in conjunction with in-person instruction. Local educational agencies shall report final expenditures of these funds to the department by January 31, 2022, and the Superintendent shall initiate collection proceedings for unexpended funds.

43526. County public health departments shall make COVID-19 vaccines available to schoolsite personnel who are working at a schoolsite where pupils are attending in person.

43527. This part shall become inoperative on June 30, 2023, and, as of January 1, 2024, is repealed.

SEC. 3. Section 69432.9 of the Education Code is amended to read:

69432.9. (a) A Cal Grant applicant shall submit a complete official financial aid application pursuant to Section 69433 and applicable regulations adopted by the commission. Each pupil enrolled in grade 12 in a California public school, including a charter school, other than pupils who opt out as provided in subdivision (d), shall be deemed to be a Cal Grant applicant.

(b) Financial need shall be determined to establish an applicant's initial eligibility for a Cal Grant award and a renewing recipient's continued eligibility using the federal financial need methodology pursuant to subdivision (a) of Section 69506 and applicable regulations adopted by the commission, and as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(1) "Expected family contribution," with respect to an applicant or renewing recipient, shall be determined using the federal methodology pursuant to subdivision (a) of Section 69506 (as established by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.)) and applicable rules and regulations adopted by the commission.

(2) "Financial need" means the difference between the student's cost of attendance as determined by the commission and the expected family contribution. The calculation of financial need shall be consistent with Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. Secs. 1070 et seq.).

(3) (A) The minimum financial need required for receipt of an initial and renewal Cal Grant A or C award shall be no less than the maximum annual award value for the applicable institution, plus an additional one thousand five hundred dollars (\$1,500) of financial need.

(B) The minimum financial need required for receipt of an initial and renewal Cal Grant B award shall be no less than seven hundred dollars (\$700).

(c) (1) The commission shall require that a grade point average be submitted to it for all Cal Grant A and B applicants, except for those permitted to provide test scores in lieu of a grade point ~~average~~. *average or as provided in subparagraph (B) of paragraph (4).*

(2) The commission shall require that a grade point average be submitted to it electronically on a standardized form for all grade 12 pupils at public schools, including charter schools, no later than October 1 of each academic year, except for pupils who have opted out as provided in subdivision (d). Social security numbers shall not be included in the information submitted to the commission. However, if the commission determines that a social security number is required to complete the application for financial aid, the school, school district, or charter school may obtain permission from the parent or guardian of the pupil, or the pupil, if ~~he or she~~ *the pupil* is 18 years of age, to submit the pupil's social security number to the commission.

(3) The commission shall require that each report of a grade point average include a certification, executed under penalty of perjury, by a school official, that the grade point average reported is accurately reported. The certification shall include a statement that it is subject to review by the commission or its designee.

(4) (A) The commission shall adopt regulations that establish a grace period for receipt of the grade point average and any appropriate corrections, and that set forth the circumstances under which a student may submit a specified test score designated by the commission, by regulation, in lieu of submitting a qualifying grade point average.

(B) Notwithstanding subparagraph (A), for the 2021–22 award year, commission staff may waive the requirement to submit a test score in lieu of a qualifying grade point average for a student who does not have a grade point average and is unable to submit a test score due to unavailability of designated testing due to the COVID-19 pandemic. The commission shall require a student seeking a waiver under this subparagraph to submit a signed certification verifying they were prevented from taking and submitting a test score in lieu of a qualifying grade point average due to the COVID-19 pandemic.

(5) It is the intent of the Legislature that high schools and institutions of higher education certify the grade point averages of their students in time to meet the application deadlines imposed by this chapter.

(6) It is the intent of the Legislature that the commission make available to each high school and school district a report identifying all grade 12 pupils within the high school or school district, respectively, who have and have not completed the Free Application for Federal Student Aid or the California Dream Act Application.

(d) (1) The school district or charter school shall, no later than January 1 of a pupil's grade 11 academic year, notify, in writing, each grade 11 pupil and, for a pupil under 18 years of age, ~~his or her~~ *the pupil's* parent or guardian that, pursuant to subdivision (a), the pupil will be deemed a Cal Grant applicant unless the pupil opts out within a period of time specified in the notice, which shall not be less than 30 days. The required notice shall indicate when the school will first send grade point averages to the commission and the submission deadline of October 1. The school district or charter school shall provide an opportunity for the pupil to opt out of being automatically deemed a Cal Grant applicant.

(2) Until a pupil turns 18 years of age, only a parent or guardian may opt the pupil out. Once a pupil turns 18 years of age, only the pupil may opt ~~himself or herself~~ *the pupil* out and, if ~~prior to~~ *before* the conclusion of the notice period, the pupil may opt in over the prior decision of a parent or guardian to opt out.

SEC. 4. Section 110 of Chapter 24 of the Statutes of 2020, as amended by Section 59 of Chapter 110 of the Statutes of 2020, is amended to read:

Sec. 110. (a) The sum of three hundred fifty-five million two hundred twenty-seven thousand dollars (\$355,227,000) from the Federal Trust Fund and the sum of one billion one hundred forty-four million seven hundred seventy-three thousand dollars (\$1,144,773,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent of Public Instruction for allocation in the 2020–21 fiscal year to eligible local educational agencies in an equal amount per pupil using the following methodology:

(1) For each eligible local educational agency, determine the total number of pupils 3 to 22 years of age, inclusive, with exceptional needs enrolled in that local educational agency using Fall 1 Census special education data for the 2019–20 fiscal year.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount specified in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each eligible local educational agency by multiplying the per pupil amount calculated in paragraph (3) by the total amount of pupils with exceptional needs for the eligible local educational agency determined in paragraph (1).

(5) The Superintendent shall allocate the applicable amount of funds calculated in paragraph (4) to eligible local educational agencies.

(b) (1) In addition to the amounts specified in subdivisions (a) and (c), the sum of two billion eight hundred fifty-five million two hundred twenty-seven *thousand* dollars (\$2,855,227,000) from the Coronavirus Relief Fund is hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency’s supplemental and concentration grant funding determined as of the 2019–20 second principal apportionment certification, pursuant to subdivisions (e) and (f) of, and paragraph (1) of subdivision (i) of, Section 42238.02 of the Education ~~Code~~ *Code*, or paragraphs (2), (3), and (4) of subdivision (c) of Section 2574 of the Education Code, as applicable.

(2) Consistent with Section 2576 of the Education Code, a county office of education’s supplemental and concentration grant funding for purposes of paragraph (1) shall include funding that the Superintendent transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to subdivisions (e) and (f) of Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(c) (1) In addition to the amounts specified in subdivisions (a) and (b), the sum of five hundred thirty-nine million nine hundred twenty-six thousand dollars (\$539,926,000) from the General Fund and the sum of four hundred thirty-nine million eight hundred forty-four thousand dollars (\$439,844,000) from the Coronavirus Relief Fund are hereby appropriated to the Superintendent for allocation in the 2020–21 fiscal year to eligible local educational agencies. For purposes of making this allocation, funds shall be apportioned proportionally on the basis of the eligible local educational agency’s local control funding formula entitlement determined as of the 2019–20 second principal apportionment certification, pursuant to Sections 42238.02 and 42238.025 of the Education Code, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575 of the Education Code, as applicable. For purposes of this section, entitlements shall include apportionments allocated pursuant to Section 41544 of the Education Code and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code.

(2) Consistent with Section 2576 of the Education Code, a county office of education’s local control funding formula entitlement for purposes of paragraph (1) shall include funding that the Superintendent of Public Instruction transferred to the county, wherein a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 of the Education Code for each unit of average daily attendance credited to the school district of residence as of the 2019–20 second principal apportionment certification.

(d) Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to subdivision (a) shall be used from March 13, 2020, to September 30, 2022, inclusive, funds apportioned from the General Fund pursuant to subdivision (c) shall be used from March 1, 2020, to June 30, 2021, inclusive, and funds apportioned from the Coronavirus Relief Fund ~~apportioned~~ pursuant to this section shall be used from March 1, 2020, to ~~December 30, 2020; May 31, 2021~~, inclusive, ~~unless otherwise provided in federal law~~, for activities that directly support academic achievement and mitigate learning loss related to COVID-19 school closures. Funds may be used to support individuals served by local educational agencies, including, but not limited to,

those enrolled in a childcare program, California state preschool program, kindergarten, any of grades 1 to 12, inclusive, and adult education programs, and shall be expended for any of the following purposes:

- (1) Addressing learning loss or accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports that begin before the start of the school year and the continuation of intensive instruction and supports into the school year.
- (2) Extending the instructional school year by making adjustments to the academic calendar, increasing the number of instructional minutes provided during each week or schoolday, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.
- (3) Providing additional academic services for pupils, such as diagnostic assessments of pupil learning needs, intensive instruction for addressing gaps in core academic skills, additional instructional materials or supports, or devices or connectivity for the provision of in-classroom and distance learning.
- (4) Providing integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, professional development opportunities to help teachers and parents support pupils in distance-learning contexts, access to school breakfast and lunch programs, or programs to address pupil trauma and social-emotional learning.
- (5) Addressing health and safety concerns, including, but not limited to, purchasing public health testing, personal protective equipment, supplies to sanitize and clean the facilities and school buses of a local educational agency, and for other related needs.

(e) (1) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall certify that funding received pursuant to this section will be used in full compliance with federal law, and shall adopt, on or before September 30, 2020, at a public meeting of the governing board or body of the local educational agency, a learning continuity and attendance plan pursuant to Section 43509 of the Education Code.

(2) An eligible local educational agency that retains unspent funds after December 30, 2020, shall recertify that funding received pursuant to this section will be used in full compliance with federal law by May 31, 2021. The recertification shall be made by the local educational agency on or before March 1, 2021. If an eligible local educational agency does not certify or recertify as required in this section, funds may be reallocated upon order of the Director of Finance pursuant to Section 11.90 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020).

(f) This section does not preclude an eligible local educational agency from receiving or expending funds pursuant to subdivisions (a), (b), and (c) before the adoption of its learning continuity and attendance plan for the 2020–21 school year.

(g) As a condition of receipt of the funds pursuant to this section, each eligible local educational agency shall maintain a file of all receipts and records of expenditures made pursuant to this section for a period of no less than five years, or, where an audit has been requested, until the audit is resolved, whichever is longer. Receipts and records that are required to be retained by each eligible local educational agency shall be made available to the Superintendent, upon request. The Superintendent shall take action to recoup any federal disallowances of funds allocated to eligible local educational agencies, as applicable.

(h) (1) (A) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before October 15, 2020, the balance of any unexpended funds received from the Coronavirus Relief Fund to the Superintendent. Funds that are not expended by ~~December 30, 2020~~, *May 31, 2021*, shall be reported to the Superintendent ~~within 30 days, as part of the quarterly reporting period ending June 30, 2021,~~ and the Superintendent shall ~~initiate collection proceedings.~~ *recover funds from the eligible local educational agency.*

(B) Funds recovered by the Superintendent pursuant to subparagraph (A) shall be deposited into the Coronavirus Relief Fund for reallocation as described in subparagraph (C).

(C) Unspent funds that were apportioned to eligible local educational agencies from the Coronavirus Relief Fund pursuant to subdivisions (a), (b), and (e) and deposited into the Coronavirus Relief Fund pursuant to subparagraph (B) may be reallocated, upon order of the Department of Finance.

(2) As a condition of receipt of the funds pursuant to this section, an eligible local educational agency shall report, on or before August 31, 2022, the balance of any unexpended funds received from the Federal Trust Fund to the Superintendent. Funds that are not expended by September 30, 2022, shall be reported to the Superintendent within 30 days, and the Superintendent shall initiate collection proceedings.

(i) (1) For purposes of subdivisions (a) and (b), “eligible local educational agency” means a school district, county office of education, or a classroom-based direct-funded charter school as determined pursuant to Sections 47612.5 and 47634.2 of the Education Code as of the 2019–20 second principal apportionment certification.

(2) For purposes of subdivision (c), “eligible local educational agency” means a school district, county office of education, or a charter school.

(j) (1) For purposes of the calculations pursuant to subdivisions (a) and (b), data for a classroom-based locally funded charter school shall be included in the determination of the chartering authority’s funding.

(2) For purposes of the calculations pursuant to subdivision (c), data for a locally funded charter school shall be included in the determination of the chartering authority’s funding.

(k) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (c) two hundred seventy million six hundred thirty-four thousand dollars (\$270,634,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (c) two hundred sixty-nine million two hundred ninety-two thousand dollars (\$269,292,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 5. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

SEC. 6. *This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.*

~~**SECTION 1.** It is the intent of the Legislature to enact statutory changes relating to the Budget Act of 2021.~~