

AMENDED IN ASSEMBLY APRIL 15, 2024

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CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2845

Introduced by Assembly Member Robert Rivas

February 15, 2024

An act to amend Section 69617 of, and to add Section 54446 to, and to add Article 3.3 (commencing with Section 54447) to Chapter 4 of Part 29 of Division 4 of Title 2 of, the Education Code, relating to migrant education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2845, as amended, Robert Rivas. Migrant education: California Mini-Corps program and currently migratory children.

~~(1) Existing~~

Existing law establishes the State Department of Education under the administration of the Superintendent of Public Instruction. Existing law assigns numerous duties and responsibilities to the department, including, among others, the management of the federally funded Migrant Education Program (MEP), which includes the California Mini-Corps (CMC) program, a statewide program designed to provide direct instructional services for currently migratory children in kindergarten and grades 1 to 12, inclusive, through a cadre of trained college tutors with the goals of increasing currently migratory children's academic achievement and developing future bilingual-bicultural, credentialed teachers. The Budget Act of 2023, among other things, appropriates \$287,157,000 to the department from the Federal Trust Fund for migrant education. Of that amount, existing law requires the

department to use no less than \$6,500,000 and up to \$8,000,000 for the CMC program.

This bill would codify the CMC program and would require the department to, through a competitive grant process, annually select one county office of education to administer the CMC program for the next fiscal year and would require the chosen county office of education to operate not less than 20 program sites at institutions of higher education, as provided. The bill would require the Commission on Teacher Credentialing to, on or before July 31 of each year, report to the chosen county office of education the number of tutors from the prior fiscal year's cohort who subsequently enrolled in an educator preparation program or who subsequently earned a preliminary teaching credential. The bill would require the department to, on or before December 1 of each year, provide an annual report to the Legislature and the Department of Finance that includes the number of currently migratory children served by the program statewide and includes the data reported by the commission, as provided. The bill would require the department to annually report on its internet website the total number of currently migratory children enrolled in schools statewide, as provided.

~~(2) Existing law establishes the Golden State Teacher Grant Program under the administration of the Student Aid Commission to award grants to students enrolled in professional preparation programs leading to a preliminary teaching credential or a pupil personnel services credential who commit to work for 4 years at a priority school or a California preschool program, as provided. Existing law defines a "priority school" as a school with 55% or more of its pupils being unduplicated pupils, as defined, and requires the commission, in coordination with the State Department of Education, to publish a list of priority schools by April 15 of each year.~~

~~This bill would expand the definition of a "priority school" to also include a school in a school district with a high number of pupils who are currently migratory children, as specified.~~

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. The Legislature hereby finds and declares all of
2 the following:

1 (a) The California Mini-Corps (CMC) program was established
2 in 1967, and was modeled after the Peace Corps, a United States
3 federal governmental agency, to engage and support bilingual
4 college students with rural migrant backgrounds to serve as teacher
5 assistants in migrant-impacted schools.

6 (b) The CMC program annually provides educational support
7 to over 5,000 currently migratory children and introduces over
8 400 college tutors from across the state to careers in education.

9 (c) California has long experienced a teacher shortage and is
10 currently experiencing a severe teacher shortage, including a
11 particularly acute shortage of teachers with bilingual authorizations.

12 (d) Currently migratory children bring many linguistic and
13 cultural assets to schools but often struggle academically because
14 of high mobility and therefore require targeted instructional support
15 to meet their needs.

16 SEC. 2. Section 54446 is added to the Education Code,
17 immediately following Section 54445, to read:

18 54446. Using data collected pursuant to applicable federal law,
19 the department shall annually report on its internet website the
20 total number of currently migratory children enrolled in schools
21 statewide and disaggregated by school district, county offices of
22 education, and charter schools.

23 SEC. 3. Article 3.3 (commencing with Section 54447) is added
24 to Chapter 4 of Part 29 of Division 4 of Title 2 of the Education
25 Code, to read:

26
27 Article 3.3. The California Mini-Corps Program
28

29 54447. (a) The California Mini-Corps program is hereby
30 established to do both of the following:

31 (1) Provide a statewide supplemental instructional program to
32 serve the academic needs of currently migratory children in
33 kindergarten and grades 1 to 12, inclusive.

34 (2) Support the state's educator workforce needs by providing
35 teaching experience to bilingual and former migratory college
36 students interested in pursuing a teaching credential.

37 (b) The department shall do all of the following:

38 (1) Through a competitive grant process, annually select one
39 county office of education to administer the program for the next
40 fiscal year.

(2) Ensure that the sites selected pursuant to paragraph (1) of subdivision (c) are located in geographical regions that serve high concentrations of currently migratory children.

(3) Adopt criteria for the selection of program sites, including, but not limited to, all of the following:

(A) A demonstrated capacity and commitment to support the academic success of currently migratory children by training tutors in instructional practices and cultural competencies to meet the needs of currently migratory children and supporting tutors during their participation in the program.

(B) A demonstrated commitment to bilingual and multilingual education and bilingual teacher development by doing both of the following:

(i) Establishing partnerships with teacher preparation programs, including integrated programs of preparation, if available, that provide a pathway for all interested tutors to work toward obtaining a teaching credential.

(ii) Informing tutors of financial aid programs to support them in obtaining a teaching credential and bilingual authorization, including the Golden State Teacher Grant Program established pursuant to Article 5.1 (commencing with Section 69617) of Chapter 2 of Part 42 of Division 5 of Title 3 and the Bilingual Teacher Professional Development Program established pursuant to Article 5 (commencing with Section 52200) of Chapter 7 of Part 28.

(C) A demonstrated capacity to provide data and other information regarding the implementation of the program, as required by the department.

(4) (A) Notwithstanding Section 10231.5 of the Government Code and on or before December 1 of each year, provide an annual report to the Legislature and the Department of Finance that includes both of the following:

(i) The number of currently migratory children served by the program statewide and disaggregated by site for the prior fiscal year.

(ii) The number of tutors from the prior fiscal year's cohort who subsequently enrolled in an educator preparation program or subsequently earned a preliminary teaching credential.

1 (B) A report to be submitted pursuant to subparagraph (A) shall
2 be submitted in compliance with Section 9795 of the Government
3 Code.

4 (c) A county office of education that is selected pursuant to
5 paragraph (1) of subdivision (b) shall do both of the following:

6 (1) Operate not less than 20 program sites at institutions of
7 higher education for the purposes of providing tutoring programs
8 to currently migratory children during the school year.

9 (2) Offer a summer outdoor education program and a summer
10 indoor institute.

11 (d) The Commission on Teacher Credentialing shall, on or
12 before July 31 of each year, report to the county office of education
13 selected pursuant to paragraph (1) of subdivision (b) the number
14 of tutors from the prior fiscal year's cohort who subsequently
15 enrolled in an educator preparation program or subsequently earned
16 a preliminary teaching credential.

17 (e) This section shall be implemented in a manner that is
18 consistent with applicable federal law and regulations governing
19 the Migrant Education Program, authorized pursuant to Part C of
20 Title I of the Elementary and Secondary Education Act of 1965,
21 as amended.

22 (f) Funds allocated for purposes of this section shall supplement,
23 and shall not supplant, any federal funds or resources provided for
24 this program.

25 (g) For purposes of this section, "currently migratory child" has
26 the same meaning as in Section 54441.

27 (h) It is the intent of the Legislature that, commencing with the
28 2024–25 fiscal year, the annual Budget Act provide sufficient
29 funding to support the restoration of programs that have been
30 closed in the last five years due to a lack of funding and to support
31 a cost-of-living adjustment for tutor stipends.

32 ~~SEC. 4. Section 69617 of the Education Code is amended to~~
33 ~~read:~~

34 ~~69617. (a) (1) Subject to moneys appropriated by the~~
35 ~~Legislature for purposes of this section, the commission shall~~
36 ~~administer the Golden State Teacher Grant Program. Under the~~
37 ~~program, the commission shall provide one-time grant funds of~~
38 ~~up to twenty thousand dollars (\$20,000) to each student enrolled,~~
39 ~~or who has applied for enrollment, on or after January 1, 2020, in~~
40 ~~a professional preparation program leading to a preliminary~~

~~1 teaching credential or a pupil personnel services credential, at
2 either a qualifying institution, as defined in subdivision (l) of
3 Section 69432.7, or a professional preparation program approved
4 by the Commission on Teaching Credentialing that has a main
5 campus location or administrative entity that resides in California,
6 including professional preparation programs operated by local
7 educational agencies in California, if the student commits to
8 working at a priority school or a California preschool program for
9 four years within the eight years following the date the student
10 completes the professional preparation program.~~

~~11 (2) Under the program, the commission shall provide one-time
12 grant funds of up to ten thousand dollars (\$10,000) to each
13 California resident student enrolled, or who has applied for
14 enrollment, on or after January 1, 2020, in a professional
15 preparation program leading to a preliminary teaching credential
16 or pupil personnel services credential at a qualified institution, as
17 determined by the commission pursuant to Section 69617.5, if the
18 student commits to working at a priority school or a California
19 preschool program for four years within the eight years following
20 the date the student completes the professional preparation
21 program. Of the funds appropriated in support of the program, no
22 more than 8 percent of the total funding may be allocated for the
23 purpose of awards provided pursuant to this paragraph.~~

~~24 (3) Funds appropriated for the Golden State Teacher Grant
25 Program in the Budget Act of 2020 and the Budget Act of 2021
26 shall be available for encumbrance or expenditure by the
27 commission until June 30, 2026.~~

~~28 (4) Grant funds shall be used to supplement and not supplant
29 other sources of grant financial aid, and may be disbursed in more
30 than one academic year, provided that the total amount of funds
31 granted to an applicant does not exceed twenty thousand dollars
32 (\$20,000).~~

~~33 (b) The one-time grant funds issued pursuant to this section
34 shall not exceed the amount appropriated for the Golden State
35 Teacher Grant Program in the Budget Act of 2020 and the Budget
36 Act of 2021.~~

~~37 (c) (1) A grant recipient shall agree to serve at a priority school
38 or a California preschool program for four years and shall have
39 eight years, upon completion of the recipient's professional
40 preparation program, to meet that obligation. Except as provided~~

1 in paragraph (4), a grant recipient shall agree to repay the state 25
2 percent of the total received grant funds annually, up to full
3 repayment of the received grant funds, for each year the recipient
4 fails to do one or more of the following:

5 (A) Be enrolled in or have successfully completed a professional
6 preparation program approved by the Commission on Teacher
7 Credentialing.

8 (B) While enrolled in the professional preparation program,
9 maintain good academic standing.

10 (C) Before or upon completion of the professional preparation
11 program, satisfy the state basic skills requirement pursuant to
12 Sections 44252 and 44252.5.

13 (D) Complete the required teaching service or clinical practice
14 following completion of the recipient's professional preparation
15 program.

16 (E) Complete their teacher preparation program and earn a
17 preliminary credential within six years after the first distribution
18 of grant funds.

19 (2) Nonperformance of the commitment to serve at a priority
20 school or a California preschool program for four years shall be
21 certified by the commission.

22 (3) Nonperformance of the commitment to earn a preliminary
23 teaching credential or pupil personnel services credential shall be
24 certified by the Commission on Teacher Credentialing to the
25 Student Aid Commission.

26 (4) Any exceptions to the requirement for repayment shall be
27 defined by the commission, and may include, but shall not
28 necessarily be limited to, counting a school year towards the
29 required four-year service requirement at a priority school or a
30 California preschool program if a grant recipient is unable to
31 complete the school year when any of the following occur:

32 (A) The grant recipient has completed at least one-half of the
33 school year or preschool program year, as applicable.

34 (B) The employer deems the grant recipient to have fulfilled
35 the grant recipient's contractual requirements for the school year
36 or preschool program year, as applicable, for purposes of salary
37 increases, probationary or permanent status, and retirement.

38 (C) The grant recipient was not able to serve due to the financial
39 circumstances of the school district, including a decision to not
40 reelect the employee for the next succeeding school year.

1 ~~(D) The grant recipient has a condition covered under the federal~~
2 ~~Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et~~
3 ~~seq.) or similar state law.~~

4 ~~(E) The grant recipient was called or ordered to active duty~~
5 ~~status for more than 30 days as a member of a reserve component~~
6 ~~of the Armed Forces of the United States.~~

7 ~~(d) The commission may use up to 1.5 percent of funding~~
8 ~~appropriated for purposes of this section for outreach and~~
9 ~~administration.~~

10 ~~(e) The commission shall develop a process by which students~~
11 ~~interested in a professional preparation program leading to a~~
12 ~~preliminary teaching credential or a pupil personnel services~~
13 ~~credential may submit a request for a preenrollment conditional~~
14 ~~award notice from the commission. The notice shall provide~~
15 ~~information regarding the Golden State Teacher Grant Program~~
16 ~~award amount the student may be eligible to receive upon~~
17 ~~enrollment in the professional preparation program and formal~~
18 ~~application to the commission to participate in the Golden State~~
19 ~~Teacher Grant Program.~~

20 ~~(f) (1) A “priority school” means a school with 55 percent or~~
21 ~~more of its pupils being unduplicated pupils, as defined in~~
22 ~~subdivision (b) of Section 42238.02 or a school in a school district~~
23 ~~with a high number of pupils who are currently migratory children,~~
24 ~~as defined in subdivision (a) of Section 54441.~~

25 ~~(2) The commission, in coordination with the State Department~~
26 ~~of Education, shall publish a list of priority schools by April 15 of~~
27 ~~each year.~~

28 ~~(3) For purposes of satisfying the service requirement, a grant~~
29 ~~recipient may use service at a school listed on the most recent list~~
30 ~~of priority schools published by the commission that is available~~
31 ~~when the grant recipient seeks employment at a priority school.~~
32 ~~Further service at that school shall continue to satisfy the four-year~~
33 ~~service requirement, even if the school is no longer included on~~
34 ~~future priority school lists.~~

35 ~~(g) (1) The commission may adopt regulations, including any~~
36 ~~amendments to regulations, necessary for the implementation of~~
37 ~~the Golden State Teacher Grant Program. The commission may~~
38 ~~adopt emergency regulations it deems necessary for the~~
39 ~~implementation of this program, in accordance with the rulemaking~~
40 ~~provisions of the Administrative Procedure Act (Chapter 3.5~~

1 (~~commencing with Section 11340~~) of Part 1 of Division 3 of Title
2 2 of the Government Code). For purposes of the Administrative
3 Procedure Act, including Section 11349.6 of the Government
4 Code, the adoption of those regulations or amendments to those
5 regulations shall be deemed to be an emergency and necessary for
6 the immediate preservation of the public peace, health and safety,
7 or general welfare, notwithstanding subdivision (c) of Section
8 11346.1 of the Government Code.

9 (2) ~~Notwithstanding any other law and without further~~
10 ~~compliance with the Administrative Procedure Act (Chapter 3.5~~
11 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
12 ~~2 of the Government Code), any emergency regulations and~~
13 ~~amendments to the emergency regulations adopted pursuant to~~
14 ~~paragraph (1) shall remain in force and effect until June 30, 2025.~~

15 (3) ~~No rule, policy, or standard of general application issued by~~
16 ~~the commission in implementing this section shall be subject to~~
17 ~~the requirements of the Administrative Procedure Act (Chapter~~
18 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~
19 ~~Title 2 of the Government Code).~~

20 (h) ~~The commission shall conduct, in partnership with the~~
21 ~~Commission on Teacher Credentialing, an evaluation of the Golden~~
22 ~~State Teacher Grant Program to determine the effectiveness of the~~
23 ~~program in recruiting credential candidates and employing~~
24 ~~credentialholders at priority schools and California preschool~~
25 ~~programs. The commission is encouraged to use qualitative and~~
26 ~~quantitative measures to quantify the number of credential~~
27 ~~candidates the program recruited into professional preparation~~
28 ~~programs, disaggregated by program and institution type, and the~~
29 ~~number of credentialholders employed at priority schools and~~
30 ~~California preschool programs, disaggregated by subject matter~~
31 ~~placement, and to describe the effects of the program on the~~
32 ~~decisions of credential candidates to enter and remain in the~~
33 ~~education field. The commission shall provide, with respect to the~~
34 ~~evaluation, a report to the Department of Finance and the~~
35 ~~appropriate fiscal and policy committees of the Legislature on or~~
36 ~~before December 31, 2025, and every two years thereafter.~~

37 (i) ~~The commission shall accept applications for the Golden~~
38 ~~State Teacher Grant Program beginning on September 1 for the~~
39 ~~following academic year and shall establish a process and timeline~~
40 ~~that allows institutions of higher education to provide applicants~~

1 with grant eligibility determinations before the deadline for
2 enrolling in their professional preparation program.

3 (j) The commission shall permit grant recipients to receive funds
4 in more than one academic year, provided the total amount of funds
5 granted to any applicant does not exceed twenty thousand dollars
6 (\$20,000).

7 (k) As used in this section, “California preschool program”
8 means a state-funded or federally funded preschool program in
9 the state, including California state preschool programs, tribal
10 preschool programs, and Head Start programs.