# Attachment 3: California *Education Code* Sections 53070–53076.4

## California *Education Code* - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

*(Title 2 enacted by Stats. 1976, Ch. 1010.)*

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001]

*(Division 4 enacted by Stats. 1976, Ch. 1010.)*

PART 28. GENERAL INSTRUCTIONAL PROGRAMS [51000 - 53315]

*(Part 28 enacted by Stats. 1976, Ch. 1010.)*

CHAPTER 16.5. California Career Technical Education Incentive Grant Program [53070 - 53076.4]

*(Chapter 16.5 added by Stats. 2015, Ch. 13, Sec. 36.)*

## 53070.

(a) The California Career Technical Education Incentive Grant Program is hereby established as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten and grades 1 to 12, inclusive, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of the competitive program is to encourage, maintain, and strengthen the delivery of high-quality career technical education programs.

(b) The following amounts are hereby appropriated to the department from the General Fund for the program established pursuant to this chapter:

(1) For the 2015–16 fiscal year, four hundred million dollars ($400,000,000).

(2) For the 2016–17 fiscal year, three hundred million dollars ($300,000,000).

(3) For the 2017–18 fiscal year, two hundred million dollars ($200,000,000).

(c) For the 2018–19 fiscal year to the 2020–21 fiscal year, inclusive, one hundred fifty million dollars ($150,000,000) shall be made available to the department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(d) For the 2021–22 fiscal year and each fiscal year thereafter, three hundred million dollars ($300,000,000) shall be made available to the department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(e) Of the amounts appropriated pursuant to subdivisions (b), (c), and (d), 4 percent is designated for applicants with average daily attendance of less than or equal to 140, 8 percent is designated for applicants with average daily attendance of more than 140 and less than or equal to 550, and 88 percent is designated for applicants with average daily attendance of more than 550, unless otherwise determined by the Superintendent in collaboration with the executive director of the state board. For purposes of this section, average daily attendance shall be those figures that are reported at the time of the second principal apportionment for the previous fiscal year for pupils in grades 7 to 12, inclusive. For any applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program (ROCP) operated by a joint powers authority or county office of education, or of any combination of those entities, the sum of the average daily attendance for each of the constituent entities shall be used for purposes of this subdivision.

(Amended by Stats. 2021, Ch. 44, Sec. 78. (AB 130) Effective

July 9, 2021.)

## 53070.1.

(a) Commencing July 1, 2018, before awarding any grants under the program, the department shall report to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor on how it will determine that an applicant has met the minimum eligibility standards of the program. This report shall include, but not necessarily be limited to, all of the following:

(1) The components that need to be contained in the written commitment required to meet the requirements of subdivision (b) of Section 53071 and the process that will be used to determine if a grant recipient has upheld the agreement.

(2) The process that will be used to determine that an applicant, or an applicant’s career technical education program, meets all of the minimum eligibility standards specified in subdivision (c) of Section 53071, including, but not necessarily limited to, all of the following:

(A) The components that need to be contained in the written agreements required to meet the requirements of paragraphs (4) and (5) of subdivision (c) of Section 53071 and the process that will be used to verify that the partnerships are ongoing and structural.

(B) The process for determining that programs reflect regional or local labor market demands and focus on current or emerging high-skill, high-wage, or high-demand occupations.

(C) The process for determining that programs are informed by the regional plan developed by their Strong Workforce Program consortium and in effect during the period for which the grant is awarded.

(D) The mechanisms that will be used by the department to collect and report data submitted pursuant to paragraph (11) of subdivision (c) of Section 53071.

(E) The process that will be used by the department to verify that an applicant receiving a renewal grant includes career technical education programs in its local control and accountability plan and annual update.

(b) Before awarding grants under the program for the 2021–22 fiscal year, the department shall submit an updated report, as outlined in subdivision (a), detailing the process they will use to determine and verify that an applicant meets the minimum eligibility standards of the program. Annually thereafter, the department shall notify the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor of any changes to the updated information reported pursuant to this subdivision.

(c) Before awarding grants for the 2018–19 fiscal year only, the Superintendent shall provide the Department of Finance and the appropriate policy and fiscal committees of the Legislature with the outcome measures from the California Career Pathways Trust Program that were required to be reported by December 1, 2016, pursuant to Section 86 of Chapter 48 of the Statutes of 2013, but that were excluded from the report submitted in November 2017, including all of the following:

(1) The number and rate of school or program graduates.

(2) The number of persons attaining certificates, transfer readiness, and enrollment in postsecondary educational institutions.

(3) The number of persons transitioning to appropriate employment, apprenticeships, or job training.

(Amended by Stats. 2021, Ch. 44, Sec. 79. (AB 130) Effective July 9, 2021.)

## 53071.

The department shall administer this program as a competitive grant program. An applicant shall demonstrate all of the following to be considered for a grant award:

(a) (1) A proportional dollar-for-dollar match as follows for any funding that an applicant is determined to be eligible to receive under the allocation formula established pursuant to Section 53076:

(A) For the fiscal year beginning July 1, 2015, one dollar ($1) for every one dollar ($1) received from this program.

(B) For the fiscal year beginning July 1, 2016, one dollar and fifty cents ($1.50) for every one dollar ($1) received from this program.

(C) For the fiscal year beginning July 1, 2017, two dollars ($2) for every one dollar ($1) received from this program.

(D) (i) For the fiscal year beginning July 1, 2018, and each fiscal year thereafter, two dollars ($2) for every one dollar ($1) received from this program.

(ii) Beginning July 1, 2021, the proportional dollar-for-dollar match shall be encumbered in the fiscal year for which an applicant is applying to receive a grant under the program.

(2) In the event an applicant is unable to fully match the amount of funding that the allocation formula determines that they are eligible to receive, the applicant’s award shall be reduced to the amount necessary for the applicant to meet the requirements of this subdivision. Under no circumstances shall an applicant be awarded an amount higher than the amount that the allocation formula determines them to be eligible to receive under the program.

(3) That local match may include funding from school district and charter school local control funding formula apportionments pursuant to Section 42238.02, the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), the California Partnership Academies, the Agricultural Career Technical Education Incentive Grant, or any other allowable source except as provided in paragraph (4).

(4) That local match shall not include funding from the K–12 component of the Strong Workforce Program established pursuant to Section 88827, or the Career Technical Education Facilities Program established pursuant to Section 17078.72.

(5) An applicant’s matching funds shall be used to support the program or programs for which the applicant was awarded a grant.

(b) A three-year plan for continued financial and administrative support of career technical education programs that demonstrates a financial commitment of no less than the amount expended on those programs in the previous fiscal year. The plan, at a minimum, shall include the identification of available funding within an applicant’s current or projected budget to continue to support career technical education programs and a written commitment to do so. If an applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program operated by a joint powers authority or county office of education, or any combination of these entities, is applying for grant funding from this program, identification of available funding and a written commitment shall be demonstrated by each participating constituent entity.

(c) The applicant, or the applicant’s career technical education program, as applicable, meets all of the following minimum eligibility standards:

(1) Offers high quality curriculum and instruction aligned with the California Career Technical Education Model Curriculum Standards, including, but not limited to, providing a coherent sequence of career technical education courses that enable pupils to transition to postsecondary education programs that lead to a career pathway or attain employment or industry certification upon graduation from high school, including programs that integrate academic and career technical education and that offer the opportunity for participants to prepare for postsecondary enrollment and to earn postsecondary credits through Advanced Placement courses, International Baccalaureate courses, or by formal agreement with a postsecondary partner to provide dual enrollment opportunities.

(2) Provides pupils with quality career exploration, guidance, and a continuum of work-based learning opportunities aligned with academic coursework, which may include paid internships.

(3) Provides pupil support services, including counseling and leadership development, to address pupils’ social, emotional, career, and academic needs.

(4) Provides for system alignment, coherence, and articulation, including ongoing and structural regional or local partnerships with postsecondary educational institutions, documented through formal written agreements allowing for dual enrollment opportunities.

(5) Forms ongoing and meaningful industry and labor partnerships, evidenced by written agreements and through participation on advisory committees and collaboration with business and labor organizations to provide opportunities for pupils to gain access to preapprenticeships, internships, industry certifications, and work-based learning opportunities as well as opportunities for industry to provide input to the career technical education programs and curriculum.

(6) Provides opportunities for pupils to participate in after school, extended day, and out-of-school internships, competitions, leadership development opportunities, career and technical education student organizations, and other work-based learning opportunities.

(7) Reflects regional or local labor market demands, and focuses on current or emerging high-skill, high-wage, or high-demand occupations, and is informed by the regional plan of the local Strong Workforce Program consortium.

(8) Leads to an industry-recognized credential or certificate, or appropriate postsecondary education or training, employment, or a postsecondary degree.

(9) Is staffed by skilled teachers or faculty, and provides professional development opportunities for any teachers or faculty members supporting pupils in those programs.

(10) Provides opportunities for pupils who are individuals with exceptional needs to participate in all programs.

(11) (A) Reports data to the Superintendent, no later than November 1 of each fiscal year, as a program participation requirement, to allow for an evaluation of the program.

(B) Data reported pursuant to this paragraph shall include, but not be limited to, the quality indicators described in the California State Plan for Career Technical Education required by the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and each of the following metrics:

(i) The high school graduation rate.

(ii) The number of pupils completing career technical education coursework.

(iii) The number of pupils meeting academic and career-readiness standards as defined in the College/Career Indicator associated with the California School Dashboard.

(iv) The number of pupils obtaining an industry-recognized credential, certificate, license, or other measure of technical skill attainment.

(v) The number of former pupils employed and the types of businesses in which they are employed.

(vi) The number of former pupils enrolled in each of the following:

(I) A postsecondary educational institution.

(II) A state apprenticeship program.

(III) A form of job training other than a state apprenticeship program.

(C) No later than November 30 of each fiscal year, the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053, shall review the data metrics specified in subparagraph (B) and make recommendations to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature as to both of the following topics:

(i) Whether these data metrics remain the most appropriate metrics to measure and evaluate program outcomes for both new and renewal applicants.

(ii) Whether other metrics should be included.

(D) The department shall make the data reported pursuant to subparagraph (B) available to the office of the Chancellor of the California Community Colleges, in the manner and form requested by the office of the Chancellor of the California Community Colleges, on or before December 30 of each fiscal year to ensure that data is included in the California Community Colleges LaunchBoard data platform.

(Amended by Stats. 2021, Ch. 44, Sec. 80. (AB 130) Effective July 9, 2021.)

## 53071.1.

(a) Commencing July 1, 2019, as part of the application process, the department shall ask applicants to indicate whether they have received a grant under the K–12 component of the Strong Workforce Program.

(b) On or before June 30 of each fiscal year, the department shall work with the office of the Chancellor of the California Community Colleges to produce a list of grant recipients that receive funding under this program as well as through the K–12 component of the Strong Workforce Program in the fiscal year, including the grant amounts awarded through each program and the purpose for which each grant was awarded, and share the list with the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053.

(Amended by Stats. 2021, Ch. 44, Sec. 81. (AB 130) Effective July 9, 2021.)

## 53072.

A grant recipient under this chapter may consist of one or more, or any combination, of the following:

(a) School districts.

(b) County offices of education.

(c) Charter schools.

(d) Regional occupational centers or programs operated by joint powers authorities or county offices of education, provided that the application has the written consent of each participating local educational agency.

(Amended by Stats. 2019, Ch. 51, Sec. 43. (SB 75) Effective July 1, 2019.)

## 53073.

(a) An applicant receiving a grant from this program in a prior fiscal year shall be eligible to apply to receive a renewal grant if the applicant’s career technical education program meets the requirements specified in Section 53071, and, to the extent practicable, has been evaluated and deemed successful by the Superintendent, in collaboration with the executive director of the state board, based on the metrics specified in paragraph (1) of subdivision (b).

(b) (1) The department, in collaboration with the executive director of the state board, shall determine reporting requirements and renewal grant eligibility using metrics identified pursuant to paragraph (11) of subdivision (c) of Section 53071.

(2) If an applicant for a renewal grant is subject to the requirements of Sections 52060 and 52061, Sections 52066 and 52067, or Section 47606.5, the inclusion of career technical education programs in the applicant’s local control and accountability plan and annual update shall be required to be eligible for a renewal grant.

(Amended by Stats. 2021, Ch. 44, Sec. 82. (AB 130) Effective July 9, 2021.)

**53074.**

The department shall consult with the executive director of the state board and entities having career technical education expertise, including, but not necessarily limited to, the Chancellor of the California Community Colleges, state workforce investment organizations, and organizations representing business in the development of the request for grant applications and in the consideration of grant applications under this chapter. The department shall annually submit its list of recommended new and renewal grant recipients to the state board for review and approval before making annual grant awards. At least 30 days before submitting the list of recommended new and renewal grant recipients to the state board for review and approval, the department shall make the information specified in subdivision (a) of Section 53076 public.

(Amended by Stats. 2021, Ch. 44, Sec. 83. (AB 130) Effective July 9, 2021.)

## 53075.

(a) When determining proposed grant recipients, the department, in consultation with the executive director of the state board, shall do both of the following:

(1) Give positive consideration to each of the following characteristics in an applicant:

(A) Serving unduplicated pupils, as defined in Section 42238.02.

(B) Serving pupil subgroups that have higher than average dropout rates as identified by the Superintendent.

(C) Located in an area of the state with a high unemployment rate.

(D) Offer an existing high-quality regional-based career technical education program as a joint powers agency or county office of education.

(2) Give positive consideration to programs to the extent they do any of the following:

(A) Successfully leverage one or both of the following:

(i) Existing structures, requirements, and resources of the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), California Partnership Academies, or Agricultural Career Technical Education Incentive Grants.

(ii) Contributions from industry, labor, and philanthropic sources.

(B) Engage in regional collaboration with postsecondary educational institutions, including the Strong Workforce Program consortium operating in their respective geographic areas, or other local educational agencies to align career pathway instruction with postsecondary program requirements. This shall include, but not be limited to, pathway programs provided under an adopted California and Career Access Pathways partnership agreement pursuant to Section 76004.

(C) Make significant investment in career technical education infrastructure, equipment, and facilities.

(D) Operate within rural school districts.

(b) When determining grant recipients, the department, in consultation with the executive director of the state board, shall give greatest weight to the applicant characteristics included in paragraph (1) of subdivision (a).

(c) Grant recipients are encouraged to use funds provided for in subdivision (d) of Section 53070 to create high school programs that provide career-themed coursework with articulated pathways to postsecondary education, including programs established through a College and Career Access Pathways partnership agreement pursuant to Section 76004, and to develop pathway programs that lead into careers that are in high demand in the state.

(Amended by Stats. 2021, Ch. 44, Sec. 84. (AB 130) Effective July 9, 2021.)

## 53076.

For purposes of administering the program established by this chapter, the Superintendent shall do all of the following:

(a) Determine, in collaboration with the executive director of the state board, and make public on a preliminary basis at least 30 days before a regularly scheduled meeting of the state board, the allocation formula, specific funding amounts, the purposes for which grant funds may be used, allowable and nonallowable expenditures, and the number of grants to be awarded. The information specified in this subdivision shall also be provided in writing to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor within 30 days following final approval of the state board.

(b) Distribute funding on a multiyear schedule, establish a process for monitoring the use of the funding, and, if necessary, cease distribution of funding and recover previously distributed funding in the case of a recipient’s failure to report the specified data to the Superintendent or comply with a grant prerequisite or minimum standard.

(c) Annually review grant recipients’ expenditures on career technical education programs for purposes of determining if the grant recipients have met the dollar-for-dollar match requirement specified in subdivision (a) of Section 53071. If, pursuant to Section 53076.1, an auditor determines that a grant recipient failed to meet the matching funds requirement, the Superintendent shall reduce the following year’s grant allocation in an amount equal to the unmet portion of the match requirement, if applicable. The reduction shall not reduce the grant recipient’s match requirement for the year in which the Superintendent reduces the allocation. If a grant recipient with an audit finding pursuant to Section 53076.1 does not have an allocation in the subsequent year to reduce, the department shall require the recipient to return the unmatched funds identified in the audit finding.

(d) Require grant recipients to submit program reports pursuant to paragraph (11) of subdivision (c) of Section 53071.

(e) Manage the grant process, collect pertinent data, and undertake statewide program improvement activities.

(f) Promote the success of K–12 career technical education programs through statewide activities to improve and administer the program, including by facilitating system, program, and data alignment at the state and regional levels, facilitating the development and delivery of professional development training modules, and supporting school districts in meeting their college indicator and career indicator targets.

(g) Ensure that the department fulfills the reporting requirements in Section 53076.5.

(Amended by Stats. 2021, Ch. 44, Sec. 85. (AB 130) Effective July 9, 2021.)

## 53076.1.

The Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining that a grant recipient has met the dollar-for-dollar match requirements specified in subdivision (a) of Section 53071. The processes identified in subdivision (d) of Section 41344 or subdivision (d) of Section 41344.1 shall not apply to this audit procedure.

(Added by Stats. 2021, Ch. 44, Sec. 86. (AB 130) Effective July 9, 2021.)

## 53076.2.

On or before January 31, 2024, and on or before January 31 every five years thereafter, the department shall submit to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature a report evaluating the progress that local educational agencies have made, pursuant to Section 88828 and this chapter, with respect to all of the following:

(a) Expanding the availability, and supporting the ongoing provision, of high-quality, industry-valued career technical education and workforce development opportunities.

(b) Improving coordination and alignment with postsecondary educational institutions and workforce agencies and programs.

(c) Closing equity gaps in program access and completion, to the extent possible.

(Amended by Stats. 2021, Ch. 44, Sec. 87. (AB 130) Effective July 9, 2021.)

## 53076.4.

For purposes of the program established by this chapter, the K–12 Workforce Pathway Coordinators and the K–14 Technical Assistance Providers established pursuant to Section 88833 shall provide technical assistance and support to recipients of grants pursuant to this chapter in implementing career technical education courses, programs, and pathways consistent with the duties outlined in Section 88833.

(Added by Stats. 2018, Ch. 32, Sec. 86. (AB 1808) Effective June 27, 2018.)