

AMENDED IN SENATE APRIL 4, 2022

AMENDED IN SENATE MARCH 21, 2022

SENATE BILL

No. 1479

Introduced by Senator Pan

(Coauthors: Senators Newman and Wiener)

(Coauthors: Assembly Members Aguiar-Curry, Low, Akilah Weber,
and Wicks)

February 18, 2022

An act to add Article 9 (commencing with Section 32096) to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as amended, Pan. COVID-19 testing in schools: COVID-19 testing plans.

Existing law appropriates funds to the State Department of Public Health for various programs related to the safe reopening of schools during the COVID-19 pandemic, including funds to support COVID-19 testing in schools allocated from the federal American Rescue Plan Act of 2021 and funds from the General Fund for the Safe Schools For All Team to coordinate technical assistance, community engagement, increased transparency, and enforcement by the appropriate entity for public school health and safety during the COVID-19 pandemic. Existing law authorizes certain school apportionments to 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, as provided. Existing law prescribes public health reporting requirements related to COVID-19 for local educational

agencies, including the development of a COVID-19 safety plan, as provided.

This bill would require the department to ~~continue administering~~ *coordinate* specified school district, county office of education, and charter school COVID-19 testing programs that are currently federally ~~funded, and funded or organized under the California COVID-19 Testing Task Force.~~ *The bill would require the department to administer provide supportive services, including technical assistance, vendor support, guidance, monitoring, and testing education, related to testing programs for teachers, staff, and pupils to help schools reopen and keep schools operating safely for in-person learning. The bill would also require the department to expand its contagious, infectious, or communicable disease testing and other public health mitigation efforts to include prekindergarten, onsite after school programs, and childcare centers.*

This bill would require each school district, county office of education, and charter school to create a COVID-19 testing plan that is consistent with guidance from the department and to designate one staff member to report information on its COVID-19 testing program to the department. The bill would require each school within a school district to designate one staff member to report information on its COVID-19 testing program to the school district, and would authorize each school within a school district to name a staff member to lead its COVID-19 testing program. The bill would require that all COVID-19 testing data be in a format that facilitates a simple process by which parents and local educational agencies may report data to the department. By imposing new obligations on local educational agencies, the bill would impose a state-mandated local program. The bill would require the department to determine which COVID-19 tests are appropriate for the testing program.

The bill would make the implementation of all of its provisions contingent upon an appropriation by the Legislature.

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.

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

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

1 SECTION 1. Article 9 (commencing with Section 32096) is
2 added to Chapter 1 of Part 19 of Division 1 of Title 1 of the
3 Education Code, to read:

4
5 Article 9. COVID-19 Testing in Schools
6

7 32096. (a) For purposes of this section, “local educational
8 agency” means a school district, county office of education, or
9 charter school. ~~school serving pupils in kindergarten or any of~~
10 ~~grades 1 to 12, inclusive.~~

11 (b) The State Department of Public Health shall ~~continue~~
12 ~~administering those coordinate~~ COVID-19 testing programs in
13 local educational agencies ~~serving pupils in kindergarten and grades~~
14 ~~1 to 12, inclusive, that are currently~~ funded by federal resources
15 ~~and or~~ organized under the California COVID-19 Testing Task
16 Force. ~~The~~ *In coordinating these COVID-19 testing programs, the*
17 *State Department of Public Health shall administer provide*
18 *supportive services related to the local educational agency testing*
19 *plans described in subdivision (e) and testing programs for*
20 *teachers, staff, and pupils pupils, and surrounding communities*
21 *that help local educational agencies reopen and keep local*
22 *educational agencies operating safely for in-person learning. These*
23 *supportive services shall include, but not be limited to, all of the*
24 *following:*

25 (1) *Technical assistance.*

26 (2) *Vendor support.*

27 (3) *Guidance.*

28 (4) *Monitoring.*

29 (5) *Testing education.*

30 (c) The State Department of Public Health shall expand its
31 contagious, infectious, or communicable disease testing and other
32 public health mitigation efforts to include prekindergarten, onsite
33 after school programs, and childcare centers.

34 (d) If the state secures additional federal funds through the
35 United States Centers for Disease Control and Prevention
36 Epidemiology and Laboratory Capacity for Prevention and Control
37 of Emerging Infectious Diseases Program for the purposes of
38 COVID-19 testing in local educational agencies, any federal funds

1 shall be expended before allocating state funds for the purposes
2 described in subdivisions (b) and (c).

3 (e) (1) Each local educational agency shall create a COVID-19
4 testing plan that is consistent with guidance from the State
5 Department of Public Health.

6 (2) (A) Each local educational agency shall designate one staff
7 member to report information on its COVID-19 testing program
8 to the State Department of Public Health.

9 (B) Each school within a school district shall designate one staff
10 member to report information on its COVID-19 testing program
11 to the school district.

12 (C) Each school within a school district may name a staff
13 member to lead its COVID-19 testing program.

14 (3) All COVID-19 testing data shall be in a format that facilitates
15 a simple process by which parents and local educational agencies
16 may report data to the State Department of Public Health.

17 (f) The State Department of Public Health shall determine which
18 COVID-19 tests are appropriate for use for the testing programs
19 described in this section.

20 (g) Implementation of the provisions of this section are
21 contingent upon an appropriation in the annual Budget Act or
22 another statute for this purpose.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.