



## CFER 2023 Legislative Digest

At the beginning of its 2023-2024 legislative session, the California Legislature, emboldened by a partisan supermajority and unconcerned with procedural checks and balances, welcomed a flurry of new bills, constitutional amendments, and resolutions. Many of these new legislative measures, especially those with prospects of ending up at the Governor's desk, add to the continuum of an ideologically informed model of state governance with the pursuit of equity, diversity, justice, representation and other lofty ideals taking the center stage.

Among them, 13 new bills warrant special attention. Some (AB 359, AB 447, AB 735, AB 1198, AB 1232, AB 1701) are clearly in defiance of Prop. 209, California's constitutional principle of equal protection. Three of them (AB 11, AB 252, AB 731) follow the ideological, racial-balancing trend of directing a particular public program to consider the racial, ethnic, gender, and geographic diversity of California. Two other bills (AB 672 and AB 789) intend to further dumb down academic standards in the name of equity. Also, in the name of equity, one bill (AB 1078) proposes replacing local control with state oversight when it comes to introducing controversial curriculums and another bill (AB 437) would establish a statewide definition of equity.

**AB-359: Dual enrollment through College and Career Access Pathways partnerships (In Defiance of Prop. 209)**

Introduced by Assembly Member Chris Holder, [AB 359](#) would appropriate from the General Fund to the California Department of Education and California Community Colleges to create dual enrollment programs to reduce equity gaps among racial and ethnic subgroups. Specifically, these equity-focused dual enrollment programs would allow "high school pupils who are not historically represented in institutions of higher education the opportunity to take college courses." This "equity-based approach" intends to expend unknown sums of taxpayer funds on giving preferences to particular groups of high school students, identified by race and ethnicity, in public higher education programs.

**AB-447: Students with disabilities: inclusive college pilot programs (In Defiance of Prop. 209)**

Even in legislating policies to give reasonable accommodation to disabled students, equity-minded legislators are cognizant of race. [AB 447](#), co-authored by Assemblyman Joaquin Arambula and Senator Dave Cortese, would establish inclusive college pilot programs for students with intellectual and developmental disabilities. A typical inclusive pilot program would entail a host of components, such as scholarships, a person-centered planning process, technical supports, career development options, and support services in extracurriculars, housing and other



aspects of campus life. Notably, these programs must also “establish strategies to recruit and support students from historically underserved communities.”

AB-735: Workforce development in utility careers (In Defiance of Prop. 209)

[This bill](#) would establish the High Road Utility Careers (HRUC) program to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. Bill author Assemblyman Marc Berman seeks to develop the HRUC programs through partnerships with statewide water, wastewater, and energy utility associations, with a focus on helping individuals with employment barriers. Among the many employment barriers listed in the bill are race and gender classifications such as “Indians, Alaska Natives, and Native Hawaiians,” and “Transgender and gender nonconforming individuals.”

AB-1198: Equity in energy task force (In Defiance of Prop. 209)

Assemblyman Tim Grayson introduced [AB 1198](#) to establish the Equity in Energy Task Force within the Governor’s Office of Business and Economic Development, known as “GO-Biz.” The taskforce will develop a comprehensive strategy “aimed at addressing equity in the energy industry and increasing the participation rate of women, minorities, disabled individuals, and veteran-owned businesses, as well as individuals from disadvantaged communities.”

AB-1232: Resilient and higher-welfare grant program in Department of Food and Agriculture (In Defiance of Prop. 209)

To support the implementation of higher standards of care and more climate-smart farming practices, [AB 1232](#) was proposed as a welfare grant program by Assembly Members Damon Connolly and Robert Rivas. Priority would be given to limited resource and socially disadvantaged farmers or ranchers by the Department of Food and Agriculture in coordination with a "BIPOC advisory committee."

AB-1701: Black infant health and California Perinatal Equity Initiative (In Defiance of Prop. 209)

[AB 1701](#), introduced by Assemblywoman Akilah Weber, would expand the Black Infant Health Program under the California Perinatal Equity Initiative. The expanded program would then increase advocacy and empowerment for Black women and to ensure linkages to prenatal care, monitoring, life planning, birth spacing, infant development, and well-being. The program would appropriate from the annual state budget.



**AB-11: Affordable California Commission (California's Diversity Reflected)**

Proposed by Assembly Member Corey Jackson, [AB 11](#) would create the Affordable California Commission studying the causes and effects of the rising cost of living in California and developing solutions toward making California a more affordable place to live. The 11-member commission would include 9 non-legislative members appointed by the Governor to "reflect the geographic and demographic diversity of the state."

**AB-252: The College Athlete Protection Act (California's Diversity Reflected)**

Assemblyman Chris Holden authored [AB 252](#), establishing the College Athlete Protection (CAP) Program within the Office of Planning and Research. The bill would also establish a 21-member CAP Panel comprised of appointed individuals to serve on 4 CAP Subpanels. Furthermore, "The racial, ethnic, gender, and geographic diversity of California shall be considered by the appointing authority when appointing CAP Panel members."

**AB-731: Home book delivery grant program (California's Diversity Reflected)**

Proposed for the purpose of improving student literacy by Assemblywoman Blanca Pancheco, [AB 731](#) would establish the Home Book Delivery and School Connection Grant Program. The grant program would then focus on "increasing access to books that are culturally relevant and reflect the diversity of the state, and build connections between school and home to support pupils in achieving grade-level reading by 3rd grade." Notably, "culturally relevant" has become a codename for politically biased, race-centric teaching practices.

**AB-672: Teaching performance assessments and teacher credentialing (Watering Down Standards)**

Assembly Member Corey Jackson introduced [AB 672](#) to require the Commission on Teacher Credentialing to examine the current teacher credentialing process and the impact that high-stakes teacher credentialing assessments, and their associated costs, have on the current teacher shortage and the lack of diversity in the teaching workforce. The bill would eliminate the teaching performance assessment as a requirement for candidates to receive a single subject, multiple subject, or education specialist credential.

**AB-789: Satisfactory academic progress for Cal Grants (Watering Down Standards)**

Currently, the Cal Grant Program requires a student recipient to make satisfactory academic progress at a qualifying institution. But [AB 789](#) would change that by overriding the authority of the Student Aid Commission to adopt regulations defining "satisfactory academic progress." Bill



author Assemblyman Marc Berman argues that eliminating this process is due to the fact that 24 percent of first-year, California Community College students receiving a federal Pell Grant did not meet SAP standards during their first two consecutive academic terms. Additionally, he reasons that “Black and Native American students were twice as likely as white and Asian students to not meet those standards.”

AB-1078: Removing instructional materials and curriculum: diversity (The Enveloping Equity Scheme)

Assemblyman Corey Jackson’s [AB 1078](#) targets instructional materials and local control by requiring the State Department of Education to develop a statewide policy for local educational agencies to follow before removing any curriculums or instructional materials. Specifically, the bill intends to “revise the list of culturally and racially diverse groups to instead include materials that accurately portray the contributions of people of all gender expressions and the role and contributions of LGBTQ+ Americans.”

AB-437 State government: equity (The Enveloping Equity Scheme)

[AB 437](#) by Assemblyman Corey Jackson seeks to “establish a statewide definition of equity to ensure that legislation, policies, allocation of resources, and systemic practices empower and meet the unique needs of diverse and underserved populations.” Assemblyman Jackson also authored AB 1077 to require the State Controller to perform a comprehensive antiracism audit of each state agency and county every 5 years from 2025. The antiracism audit would help “identify, interrupt, and dismantle racist practices, policies, and attitudes.”

While 57.2% of California voters rejected a proposal to repeal the state’s constitutional guarantee of equal protection (Prop. 209) in November 2020, progressive state legislators have sought innovative ways to weaken, challenge, and circumvent the ban on racial preferences in the last three years. At the same time, mandating a particular public program to consider the racial, ethnic, gender, and geographic diversity of California has become a trendy pursuit among California progressive legislators. Essentially, proposals along this line of reasoning advocate for race proportionality, racial balancing and even quotas.

Furthermore, the cultural and ideological warfare, launched by the far left, is enhanced by a parallel endeavor to lower and even cancel merit, standards, and other measurable yardsticks of performance. Some new bills are also considered for the innocuous purpose of advancing equity, a new ideological construct that connotes treating individuals differently based on their group identities including race in order to socially engineer equal outcomes. Here, equity is treated as a foregone conclusion, rather than a falsifiable proposition that can be tested against empirical evidence.



CFER is closely monitoring the progress of all the 13 bills. We are also in the process of submitting official position letters regarding these proposals. You can check out our more comprehensive analysis of 45 new California bills in areas including education, labor, government, health and safety. CFER's longer analysis encompasses the 11 bills summarized here and helps inform our friends, allies and the public about upcoming changes in state laws.