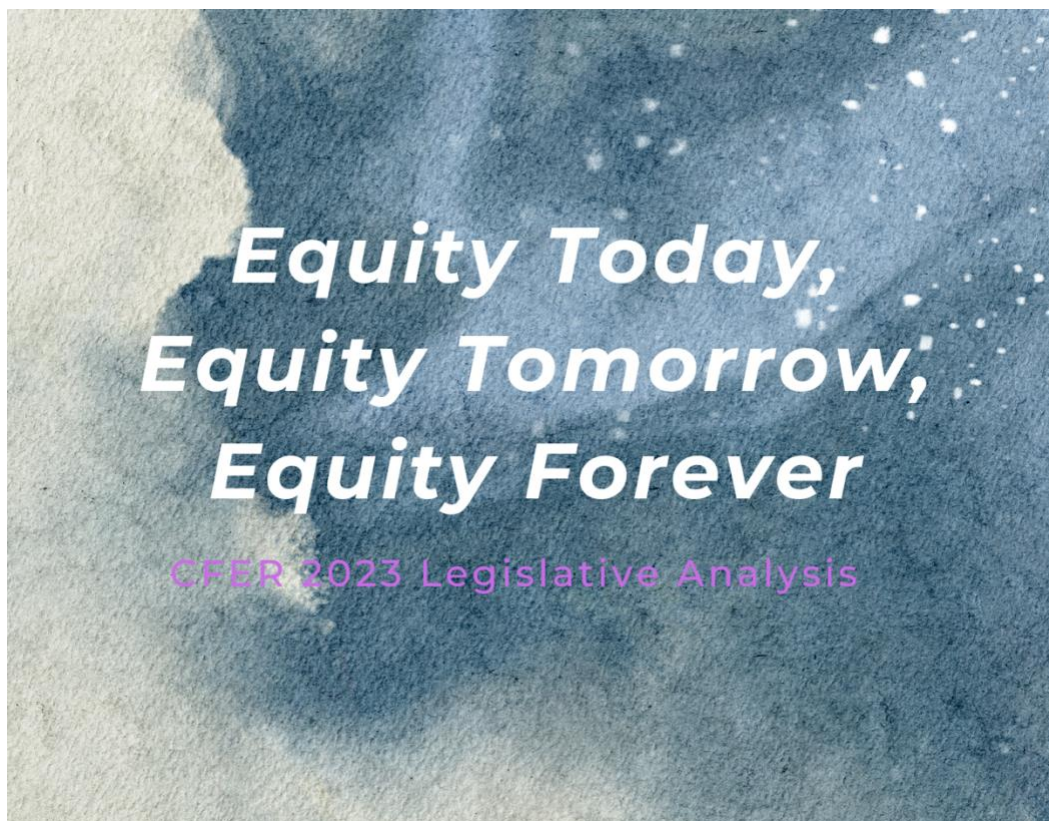


Equity Today, Equity Tomorrow, Equity Forever:
CFER 2023 Legislative Analysis



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. We have selected 45 new California bills in this timely analysis to help inform our friends, allies and the public about upcoming changes in state laws in areas including education, labor, government, health and safety.

In defiance of Prop. 209

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. Eight bills that contravene Prop. 209, namely AB 359, AB 447, AB 583, AB 735, AB 1198, AB 1232, AB 1701 and SB 444, were introduced this year.

AB-359: Dual enrollment through College and Career Access Pathways partnerships

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

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

[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

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

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

[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.

SB-444: Mathematics, Engineering, Science, Achievement (MESA) programs in Community Colleges

Senator Josh Newman authored [SB 444](#) to encourage community colleges to develop and implement Mathematics, Engineering, Science, Achievement (MESA) programs directed at identifying students affected by social, economic, and educational disadvantages. These programs would be rolled out in partnerships with other programs including California Alliance for Minority Participation programs.

California's Diversity Reflected

Directing a particular public program to consider the racial, ethnic, gender, and geographic diversity of California has become a trendy pursuit among California progressive legislators. For the 2023-24 legislative session, a number of proposals to peg public agencies and processes to group identities and general population demographics are being considered in the state legislature. Essentially, proposals along this line of reasoning advocate for race proportionality, racial balancing and even quotas.

AB-11: Affordable California Commission

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-222: Californians with disabilities workgroup in Civil Rights Department

[AB 222](#), introduced by Assemblyman Joaquin Arambula, seeks to establish a workgroup named "Californians with disabilities workgroup" within the State Civil Rights Department to develop accessibility and antidiscrimination laws for people with disabilities. The group would "reflect the diversity of the state" and work to address "ableism and systemic inequality in areas of modern life."

AB-252: The College Athlete Protection Act

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."

SB-314: County of Sacramento Redistricting Commission

Targeting local election procedures, [SB 314](#) intends to create the Citizens Redistricting Commission in the County of Sacramento. The commission would consist of 14 members to "ensure that the commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity." The bill was authored by Senator Angelique Ashby.

AB-731: Home book delivery grant program

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-1248: Independent redistricting commissions

Assemblymember Issac Bryan and Senator Ben Allen coauthored [AB 1248](#) to require a county, general law city, charter city, school district, or community college district that contains over 300,000 residents to establish an independent redistricting commission to adopt district boundaries after each federal decennial census. The selected commissioners shall then appoint additional commissioners as necessary to create a 14-member commission and ensure that the commission “reflects the county’s diversity, including racial, ethnic, geographic, and gender diversity.”

AB-1331: California Health and Human Services Data Exchange Framework

[AB 1331](#) intends to create the Data Exchange Framework governing board within the California Health and Human Services Agency. Appointing authorities should consider “cultural, ethnic, and geographical diversity of the state so that the governing board’s composition reflects the communities of California.” The bill was introduced by Assemblyman Jim Wood.

AB-1421: The San Diego Regional Film Financial Incentive Pilot Program

The bill would appropriate \$25,000,000 to the County of San Diego over a 3-year period and direct the San Diego Regional Film Financial Incentive Pilot Program Office to create and administer the Film Financial Incentive Pilot Program to award grants to incentivize and attract small-budget independent film and television production. In the grantmaking process, the office would consider “the diversity of the workforce employed by the applicant, including, but not limited to, the ethnic and racial makeup of the individuals employed by the applicant.” [AB 1421](#) was introduced by Assemblyman David Alvarez.

Watering Down Standards in the Name of Equity

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.

AB-672: Teaching performance assessments and teacher credentialing

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

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.”

The Enveloping Equity Scheme

Many 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.

Equity in Education: AB 51, SB 59, AB 230, AB 1078, SB 631, ACR 15, AB 1354, ACR 18, SCR 30, ACR 4

At least 10 equity-themed proposals were submitted to both chambers of the state legislature in the area of public education. [AB 51](#), authored by Assemblymember Mia Bonta, would create a universal early care and education system which could promote equity and access for all families. To accommodate “gender equity,” [SB 59](#) (Menstrual Product Accessibility Act, by Senator Nancy Skinner) and [AB 230](#) (Girl Scout Period Equity Act, by Assembly Member Eloise Gómez Reyes) would mandate state-owned buildings and public schools from grades 3 to 12 to supply free menstrual products in “all women’s restrooms and all-gender restrooms, and in at least one men’s restroom, at all times.”

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.”

Entitled “Educational equity,” [SB 631](#) by Senator Dave Cortese would authorize the Division of Workers’ Compensation, in collaboration with the University of California at Berkeley to prepare a comparative analysis to examine differences in workers’ compensation benefits provided to employees of different genders.”

For the purpose of promoting Asian American studies, [AB 1354](#) (Assembly Members Vincent Fong and Phil Ting) would require the Instructional Quality Commission to incorporate the historical, social, economic, and political contributions of Asian Americans and Pacific Islanders in the new history-social science curriculum, while [ACR 18](#) (authored by the same legislators) declares the importance of such inclusion. Both proposals highlight the “racism, discrimination, and violence perpetuated against” AAPIs, including “xenophobia in response to the COVID-19 pandemic,” as a motivation. Along the same line of victimhood and identity politics, [ACR 15](#) (Assembly Member Lori Wilson) and [SCR 30](#) (Senator Lola Smallwood-Cuevas) declare February 2023 as Black History Month and “encourage the people of California to recognize the many talents of African Americans and the achievements and contributions they make to their

communities to create equity and equality for education, economics, and social justice.” In addition, the declarations recognize the 1619 Project and the Black Lives Matter movement.

Governance Equity: AB 414, AB 437, AB 768, AB 1077, AB 1084, AB 1274

Digital equity would be codified through [AB 414](#), authored by Assemblywoman Eloise Gómez Reyes, while [AB 768](#) by Assemblywoman Tasha Boerner Horvath would enhance it by creating the stateside Office of Digital Equity.

[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.”

To ensure equity in access to specified public social services, Assemblywoman Stephanie Nguyen’s [AB 1084](#) would require the State Department of Social Services to establish and administer the Bilingual-Oriented Social Equity Services Grant Program to distribute funding to nonprofit, community-based organizations.

[AB 1274](#), introduced by Assemblyman Damon Connolly, is also called “Young Californians’ Inclusion Act. It would require the Governor to assemble a Blue Ribbon Commission on Young Californians’ Inclusion to work with local partners and assess best practices to advance “Racial, economic, and gender equity.”

Equity for Cannabis Growers and Climate Equity: AB 1565, SB 51, SB 39

Equity is also being infused into the state’s growing cannabis industry. Assembly Member Reggie Jones-Sawyer introduced [AB 1565](#) to require the State Controller to disburse up to \$15 million a year in the California Cannabis Tax Fund to “to assist local equity applicants and licensees gaining entry into, and to successfully operate in, the state’s regulated cannabis marketplace.” Senator Steven Bradford’s [SB 51](#) reinforces this theme by authorizing the Department of Cannabis Control to issue a provisional license for a local equity applicant for retailer activities. Cannabis equity is important so as to include and support “individuals and communities in California’s cannabis industry who are linked to populations or neighborhoods that were negatively or disproportionately impacted by cannabis criminalization.”

Last but not least, SB 39 by Senator Angelique Ashby, would require the Sierra Nevada Conservancy in the Natural Resources Agency to "support efforts that advance climate resilience and equity."

Woke Ideology Over Public Safety

Like other American urban centers, many cities in California are faced with a new crime wave in which growing criminal violence threatens the safety and viability of all Californians, especially those living in inner city communities. However, instead of legislating policies to improve safety safeguards and penalize violent crimes, California state lawmakers are busy attacking hate crimes and hate incidents as the No. 1 enemy to public safety. The hyperfocus on “hate,” a rather

subjective measure, stokes fear and disregards the fact that officially documented hate crime incidents are only a tiny fraction of all crimes (1.05% to 1.58% of the total amount of violent crime incidents).

Defining Fighting Hate Crimes: AB 32, AB 1064

Assemblywoman Stephanie Nguyen introduced [AB 32](#) to define felony hate crimes as a violent felony and impose a state-mandated local program to increase punishment for such a crime. Assemblymember Evan Low's [AB 1064](#) proposes a new definition of hate crimes "as a criminal act that is motivated in whole or in part by a bias against one or more of the protected characteristics." Furthermore, the bill includes "using a slur based on the actual or perceived characteristic and postings on social media or other media blaming persons with an actual or perceived characteristic for a societal problem, including, but not limited to, causing illness, crime, or economic harm" as evidence of bias.

This definition is different from the Department of Justice version which defines a hate crime as a crime "committed on the basis of the victim's perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability." By comparison, California progressive legislators endorse a much more expansive conceptualization: not only do hate crimes involving physical assaults are counted, hate incidents such as verbal harassment, avoidance or shunning, denial of service, and online trolling are also computed. Therefore, the claim of unprecedented hate crimes can be inflated by events without traceable criminal element. Such conceptual and methodological pitfalls are consequential, which can divert public policy focuses and public funds away from community building to ideological exercises that ultimately do not improve public safety. More importantly, drummed up charges of hate incidents can have a fear-mongering psychological effect.

Fighting Hate Crimes: AB 449, AB 1079, SB 64, SCR 15

Assemblyman Phil Ting's [AB 449](#) would mandate local law enforcement agencies to adopt a hate crimes policy and the State of California Commission on Peace Officer Standards and Training (CA POST) to consult with specified subject matter experts to help formulate hate crimes policies. [AB 1079](#), introduced by Assemblyman Corey Jackson, would direct the State Department of Public Health to establish a Hate Crimes Intervention Unit to implement research-based community interventions.

Senator Tom Umberg introduced [SB 64](#) to authorize law enforcement agencies to issue a search warrant on the grounds that the property or things to be seized consists of evidence that tends to show evidence of certain misdemeanor hate crimes. Senator Josh Newman's [SCR 15](#) that declares January 28 as the Stand Against Hate Action Day to take a stance against hate crimes and hate incidents has endangered the public safety, undermined the welfare of our state's historically marginalized communities and communities of color. Once again, pegging the issue to racism on conceptual and methodological grounds is less rigorous than framing hate as a natural outgrowth of rising threats to public safety based on government crime statistics.

Tracking Hate Crimes: AB 644, AB 1185, AB 1327

Other sectors are also mobilized to support the fight against hate by tracking and identifying these incidents in real time. [AB 644](#), authored by Assemblyman Reggie Jones-Sawyer, would require

all state public colleges and universities to develop survey questions on campus climate related to hate crimes to be submitted to the United States Secretary of Education. [AB 1185](#), proposed by Assemblyman Jesse Gabriel, would expand eligibility for the California State Nonprofit Security Grant Program to nonprofits that provide vulnerability assessments to other nonprofits that are at high risk of violent attacks or hate crimes due to ideology, beliefs, or mission. [AB 1327](#), by Assemblywoman Akilah Weber, recommends that the California Interscholastic Federation develop a standardized incident form to track hate violence that occurs at high school sporting games or sporting events.

The FBI reported 7,264 hate crime incidents in 2021, of which 4,470 or 64.8% were motivated race, ethnicity or ancestry. There was a 12% decrease compared with the total number of hate crimes in 2020 and a 14.5% drop compared with the number of hate crimes motivated by race, ethnicity or ancestry. While there were incremental shifts, the amount of hate crimes recognized by the FBI pales in scale to all violent crime incidents reported in the FBI Crime Data Explorer. This reinforces the importance of framing the discussion in broader crime statistics.