

AMENDED IN ASSEMBLY AUGUST 9, 2016

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 854**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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An act to amend ~~Section 44393~~ *Sections 44393, 52071, and 52071.5* of the Education Code, to amend Section 65057 of the Government Code, to amend Sections 10507.8 and 20651.7 of the Public Contract Code, and to amend Section 34 of Chapter 24 of, ~~and to amend Section 39 of Chapter 29 of, and to amend Section 46 of Chapter 29 of,~~ the Statutes of 2016, relating to education, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 854, as amended, Committee on Budget and Fiscal Review. Education.

(1) Existing law establishes the California Classified School Employee Teacher Credentialing Program for the purpose of recruiting classified school employees to participate in a program designed to encourage them to enroll in teacher training programs and to provide instructional service as teachers in the public schools. Subject to an appropriation for these purposes, existing law requires the Commission on Teacher Credentialing, among other things, to adopt criteria for the selection of school districts, charter schools, or county offices of education to participate in the program. Existing law requires that criteria to include the extent to which the applicant's plan for recruitment attempts to meet the demand for teachers in shortage areas, as specified.

This bill would add to that criteria the extent to which the applicant's plan for recruitment attempts to meet the demand for bilingual cross-cultural teachers.

*(2) Existing law, if a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a governing board of a school district, or if the governing board of a school district requests technical assistance, requires the county superintendent of schools to provide technical assistance, including, among other things, requesting that the Superintendent of Public Instruction assign the California Collaborative for Educational Excellence to provide advice and assistance to the school district. Existing law, if the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, or if the county board of education requests technical assistance, requires the Superintendent to provide technical assistance, including, among other things, the assignment of the collaborative to assist the county board of education in identifying and implementing effective programs that are designed to improve the outcomes for specified pupil subgroups.*

*This bill would instead authorize the county superintendent of schools to directly request the collaborative to provide advice and assistance to the school district and would instead authorize the Superintendent to request the collaborative to provide assistance to the county board of education.*

~~(2)~~

(3) Existing law establishes, until January 1, 2020, the California Initiative to Advance Precision Medicine under the administration of the Office of Planning and Research in the Governor's Office for the purpose of developing, implementing, awarding funding to, and evaluating demonstration projects on precision medicine in collaboration with public, nonprofit, and private entities, as specified.

This bill would exempt the office's implementation and interpretation of the California Initiative to Advance Precision Medicine from the Administrative Procedure Act.

~~(3)~~

(4) Existing law requires the Regents of the University of California, except as provided, to let all contracts involving an expenditure of more than \$100,000 annually for goods and materials or services to the lowest responsible bidder meeting certain specifications, or to reject all bids.

Existing law requires the governing board of any community college district to let specified contracts involving an expenditure of more than \$50,000 to the lowest responsible bidder meeting certain specifications, or else to reject all bids. Existing law provides that, before the repeal date of January 1, 2018, the bid evaluation and selection for these contracts may be determined by the best value for the University of California or community college district, as specified. Existing law requires the Legislative Analyst to report, on or before February 1, 2017, to the Legislature regarding the use of best value procurement by the University of California and community college districts.

This *bill* would make that repeal date January 1, 2019, and would make the deadline for the reports regarding the University of California and a community college district's use of best value procurement on or before February 1, 2018.

(4)

(5) The California Library Services Act establishes the California Library Services Board and provides that its duties include, among other things, adopting rules, regulations, and general policies relating to the implementation of the act. Existing law appropriates \$3,000,000 from the General Fund to the California State Library for allocation, as specified. Existing law requires the California State Library, on or before September 1, 2017, to submit a specified report on the use of those funds to the Director of Finance and the Legislature.

This bill would remove a redundant provision from that reporting law.

(5)

(6) Existing law appropriates \$18,000,000 from the General Fund to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction. Existing law requires the Superintendent to allocate the funds to local educational agencies as grants for dropout and truancy prevention programs pursuant to legislation enacted in the 2015–16 Regular Session.

This bill would authorize the department to use up to \$300,000, of the \$18,000,000 appropriated, to contract with a local educational agency for the purpose of conducting regional meetings, training, and other *technical assistance activities* as needed to support the grantees receiving grant moneys for dropout and truancy prevention programs pursuant to legislation enacted in the 2015–16 Regular Session and pursuant to the development and submission of an expenditure plan, as specified.

By expanding the purposes of an existing appropriation, the bill would make an appropriation.

*(7) Existing law establishes the California Collaborative for Educational Excellence for purposes of advising and assisting school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan. Existing law requires the collaborative, commencing with the 2016–17 fiscal year, to establish, using a specified amount of appropriated moneys, a statewide process to provide specified professional development training to school districts, county offices of education, and charter schools for the purpose of successfully utilizing the evaluation rubrics adopted by the State Board of Education. Existing law requires the governing board of the collaborative to submit an implementation plan to the relevant policy and fiscal committees of the Legislature, the Director of Finance, and the Legislative Analyst’s Office within 30 days of the state board’s adoption of the evaluation rubrics, as specified.*

*This bill would require that implementation plan to additionally include information detailing the implementation timeline and budget for the program, as specified, would prohibit funds from being expended pursuant to the plan before the implementation plan is approved by the Department of Finance, and would require that any subsequent plan updates are subject to the approval of the Department of Finance.*

*(8) Existing law requires the California Collaborative for Educational Excellence, during the 2016–17 and 2017–18 fiscal years, to implement a pilot program that will inform its long-term efforts to advise and assist school districts, county superintendents of schools, and charter schools in improving pupil outcomes. Existing law requires the governing board of the collaborative to submit to the relevant policy and fiscal committees of the Legislature, the Director of Finance, and the Legislative Analyst’s Office an implementation plan for the pilot program on or before August 15, 2016, as specified.*

*This bill would extend that deadline for the implementation plan to be submitted until the earlier of October 15, 2016, or the 10th day after the next scheduled meeting of the governing board of the collaborative following the effective date of this act. The bill would require that implementation plan to additionally include information detailing the implementation timeline and budget for the program, as specified, would prohibit funds from being expended pursuant to the plan before the implementation plan is approved by the Department of Finance, and*

would require that any subsequent plan updates are subject to the approval of the Department of Finance.

(6)

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 44393 of the Education Code is amended  
2 to read:

3 44393. (a) The California Classified School Employee Teacher  
4 Credentialing Program is hereby established for the purpose of  
5 recruiting classified school employees to participate in a program  
6 designed to encourage them to enroll in teacher training programs  
7 and to provide instructional service as teachers in the public  
8 schools.

9 (b) Subject to an appropriation for these purposes in the annual  
10 Budget Act or another statute, the commission shall issue a request  
11 for proposals to all school districts, charter schools, and county  
12 offices of education in the state in order to solicit applications for  
13 funding. The criteria adopted by the commission for the selection  
14 of school districts, charter schools, or county offices of education  
15 to participate in the program shall include all of the following:

16 (1) The extent to which the applicant demonstrates the capacity  
17 and willingness to accommodate the participation of classified  
18 school employees in teacher training programs conducted at  
19 institutions of higher education or a local educational agency.

20 (2) The extent to which the applicant's plan for the  
21 implementation of its recruitment program involves the active  
22 participation of one or more local campuses of the participating  
23 institutions of higher education in the development of coursework  
24 and teaching programs for participating classified school  
25 employees. Each selected applicant shall be required to enter into  
26 a written articulation agreement with the participating campuses  
27 of the institutions of higher education.

28 (3) The extent to which the applicant's plan for recruitment  
29 attempts to meet the demand for bilingual cross-cultural teachers

1 and teachers in shortage areas in transitional kindergarten,  
2 kindergarten, and grades 1 to 12, inclusive.

3 (4) The extent to which a developmentally sequenced series of  
4 job descriptions leads from an entry-level classified school  
5 employee position to an entry-level teaching position in that school  
6 district, charter school, or county office of education.

7 (5) The extent to which the applicant's plan for recruitment  
8 attempts to meet its own specific teacher needs.

9 (c) An applicant that is selected to participate pursuant to  
10 subdivision (b) shall provide information about the program to all  
11 eligible classified school employees in the school district, charter  
12 school, or county office of education and assistance to each  
13 classified school employee it recruits under the program regarding  
14 admission to a teacher training program.

15 (d) (1) An applicant shall require participants to satisfy both  
16 of the following requirements before participating in the program:

17 (A) Pass a criminal background check.

18 (B) Provide verification of one of the following:

19 (i) Has earned an associate or higher level degree.

20 (ii) Has successfully completed at least two years of study at a  
21 postsecondary educational institution.

22 (2) An applicant shall certify that it has received a commitment  
23 from each participant that he or she will accomplish all of the  
24 following:

25 (A) Graduate from an institution of higher education under the  
26 program with a bachelor's degree.

27 (B) Complete all of the requirements for, and obtain, a multiple  
28 subject, single subject, or education specialist teaching credential.

29 (C) Complete one school year of classroom instruction in the  
30 school district, charter school, or county office of education for  
31 each year that he or she receives assistance for books, fees, and  
32 tuition while attending an institution of higher education under the  
33 program.

34 (e) The commission shall contract with an independent evaluator  
35 with a proven record of experience in assessing teacher training  
36 programs to conduct an evaluation to determine the success of the  
37 program. The evaluation shall be completed on or before July 1,  
38 2021. The commission shall submit the completed evaluation to  
39 the Governor and the education policy and fiscal committees of  
40 the Assembly and Senate.

(f) On or before January 1 of each year, the commission shall report to the Legislature regarding the status of the program, including, but not limited to, the number of classified school employees recruited, the academic progress of the classified school employees recruited, the number of classified school employees recruited who are subsequently employed as teachers in the public schools, the degree to which the applicant meets the teacher shortage needs of the school district, charter school, or county office of education, and the ethnic and racial composition of the participants in the program. The report shall be made in conformance with Section 9795 of the Government Code.

*SEC. 2. Section 52071 of the Education Code is amended to read:*

52071. (a) If a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a governing board of a school district, or if the governing board of a school district requests technical assistance, the county superintendent of schools shall provide technical assistance, including, among other things, any of the following:

(1) Identification of the school district's strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52060, communicated in writing to the school district. This identification shall include a review of effective, evidence-based programs that apply to the school district's goals.

(2) Assignment of an academic expert or team of academic experts to assist the school district in identifying and implementing effective programs that are designed to improve the outcomes for all pupil subgroups identified pursuant to Section 52052. The county superintendent of schools may also solicit another school district within the county to act as a partner to the school district in need of technical assistance.

(3) Request that the ~~Superintendent assign the~~ California Collaborative for Educational Excellence to provide advice and assistance to the school district.

(b) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the county superintendent of schools shall provide the technical assistance described in subdivision (a) to any school district that fails to improve pupil achievement across more than one state priority described in subdivision (d) of Section

1 52060 for one or more pupil~~-subgroup~~ *subgroups* identified  
2 pursuant to Section 52052.

3 (c) Technical assistance provided pursuant to this section at the  
4 request of a school district shall be paid for by the school district  
5 requesting the assistance.

6 *SEC. 3. Section 52071.5 of the Education Code is amended to*  
7 *read:*

8 52071.5. (a) If the Superintendent does not approve a local  
9 control and accountability plan or annual update to the local control  
10 and accountability plan approved by a county board of education,  
11 or if the county board of education requests technical assistance,  
12 the Superintendent shall provide technical assistance, including,  
13 among other things, any of the following:

14 (1) Identification of the county board of education's strengths  
15 and weaknesses in regard to the state priorities described in  
16 subdivision (d) of Section 52066, communicated in writing to the  
17 county board of education. This identification shall include a  
18 review of effective, evidence-based programs that apply to the  
19 board's goals.

20 (2) Assignment of an academic expert or team of academic  
21 experts, or *request* the California Collaborative for Educational  
22 Excellence established pursuant to Section 52074, to assist the  
23 county board of education in identifying and implementing  
24 effective programs that are designed to improve the outcomes for  
25 all pupil subgroups identified pursuant to Section 52052. The  
26 Superintendent may also solicit another county office of education  
27 to act as a partner to the county office of education in need of  
28 technical assistance.

29 (b) Using an evaluation rubric adopted by the state board  
30 pursuant to Section 52064.5, the Superintendent shall provide the  
31 technical assistance described in subdivision (a) to any county  
32 office of education that fails to improve pupil achievement in  
33 regard to more than one state priority described in subdivision (d)  
34 of Section 52066 for one or more pupil subgroups identified  
35 pursuant to Section 52052.

36 (c) Technical assistance provided pursuant to this section at the  
37 request of a county board of education shall be paid for by the  
38 county board of education receiving assistance.



~~SEC. 2.~~

*SEC. 4.* Section 65057 of the Government Code is amended to read:

65057. (a) The California Initiative to Advance Precision Medicine is hereby established in the office. In establishing the initiative, the office shall incorporate agreements and partnerships regarding precision medicine entered into by the office prior to January 1, 2016.

(b) (1) The office shall develop, implement, and evaluate demonstration projects on precision medicine in collaboration with public, nonprofit, and private entities. A demonstration project may focus on one or more disease areas, and an award of funds under any appropriation of funds to the office for precision medicine shall be based on criteria that include, but are not limited to, the following:

(A) The potential for tangible benefit to patients within two to five years, including the likelihood that the study will have an immediate impact on patients.

(B) The depth and breadth of data available in the disease focus areas across institutions.

(C) The prospects for efficient and effective data integration and analysis.

(D) The expertise of potential team members.

(E) The resources available for the project outside of the initiative, including the potential for leveraging nonstate funding.

(F) The clinical and commercial potential of the project.

(G) The potential to reduce health disparities.

(H) The potential to scale and leverage multiple electronic health records systems.

(I) The potential to develop the use of tools, measurements, and data, including publicly generated and available data.

(2) A demonstration project that is selected by the office shall advance greater understanding in at least one of the following areas, or in another area that is determined by the office to be necessary to advance precision medicine:

(A) The application of precision medicine to specific disease areas.

(B) The challenges of system interoperability.

(C) Economic analysis.

(D) Standards for sharing data or protocols across institutions.

- 1 (E) The federal and state regulatory environment.
- 2 (F) The clinical environment.
- 3 (G) Challenges relating to data, tools, and infrastructure.
- 4 (H) The protection of privacy and personal health information.
- 5 (I) The potential for reducing health disparities.
- 6 (J) Methods and protocols for patient engagement.

7 (3) The office shall develop concrete metrics and goals for  
8 demonstration projects, monitor their progress, and  
9 comprehensively evaluate projects upon completion.

10 (4) (A) On or before January 1, 2017, and annually thereafter,  
11 the office shall submit a report to the Legislature that provides an  
12 update of the demonstration projects selected. Upon completion  
13 of a demonstration project, the office shall submit an evaluation  
14 of the demonstration project to the Legislature. A demonstration  
15 project is deemed complete when it has completed the agreed upon  
16 tasks and deliverables, and the project funding has been completed.

17 (B) A written report made pursuant to subparagraph (A) shall  
18 be made in compliance with Section 9795.

19 (c) The office shall develop an inventory of precision medicine  
20 assets, including projects, data sets, and experts. In developing the  
21 inventory, the office shall assemble knowledge across broad disease  
22 areas. The office shall use the inventory to inform strategic areas  
23 for the future development of precision medicine-related projects.

24 (d) The office may enter into agreements with public entities,  
25 or with nonprofit or not-for-profit organizations for the purpose  
26 of jointly administering the programs established under the  
27 initiative or to administer any provision of this section.

28 (e) The office shall create and post on a publicly available  
29 Internet Web site guidelines for an award of funds made under  
30 any appropriation of funds to the office for precision medicine.  
31 The guidelines shall include, but are not limited to, the following:

32 (A) Eligibility requirements.

33 (B) A competitive, merit-based application process that allows  
34 public and private academic and nonprofit institutions to submit  
35 proposals as principal investigators.

36 (C) A comprehensive peer-reviewed selection process.

37 (D) Requirements regarding the use of awarded funds.

38 (E) Requirements regarding the use and sharing of research data  
39 and findings.

1 (F) Requirements for the protection of privacy and personal  
2 health information.

3 (f) The office shall solicit public, nonprofit, and private sector  
4 input for any additional guidelines for an award of funds made  
5 pursuant to this section.

6 (g) The office shall establish standards that require a grant to  
7 be subject to an intellectual property agreement that balances the  
8 opportunity of the state to benefit from the patents, royalties, and  
9 licenses that result from basic research, therapy development, and  
10 clinical trials against the need to ensure that the agreement does  
11 not unreasonably hinder essential medical research.

12 (h) The office may receive nonstate funds in furtherance of the  
13 initiative. “In furtherance of the initiative” means that funds may  
14 be used to award additional demonstration projects under the same  
15 terms and conditions as state funds in the initiative, held in reserve  
16 for follow-on funding of any awardees, or used to fund other  
17 nondemonstration project activities in a proportion no greater than  
18 20 percent of the total of nonstate funds received over the term of  
19 the commitment. The office shall return unexpended nonstate funds  
20 to the source before January 1, 2020.

21 (i) Up to 30 percent of any amount appropriated to the office  
22 for precision medicine may be held by the office until an equivalent  
23 amount of nonstate matching funds is identified and received.  
24 Amounts subject to nonstate match may be released in increments  
25 as determined by the office.

26 (j) Up to 10 percent of any amount appropriated to the office  
27 for precision medicine may be used by the office for administrative  
28 costs.

29 (k) The office shall recruit a precision medicine expert selection  
30 committee to represent various precision medicine-related skills,  
31 such as bioinformatics, statistics, health economics, patient  
32 engagement, and genomics. The Legislature may make nominations  
33 for the selection committee to the office for consideration.

34 (l) Members of the selection committee shall be deemed to not  
35 be interested in any contract, including any award of funds by the  
36 committee, pursuant to this section.

37 (m) Prior to the selection committee’s deliberative process, the  
38 office shall notify the Legislature of the selection of the committee  
39 members.

(n) The selection committee established in subdivision (k) shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2), except during the deliberative process as it relates to reviewing and ranking proposals and making final selections.

(o) The selection committee shall report on the justification for selecting the demonstration projects that are awarded funding and provide a list of the demonstration projects that were not selected. This report shall be posted on the Internet Web site created in subdivision (e).

(p) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the office may implement or interpret this article without taking any regulatory action.

~~SEC. 3.~~

*SEC. 5.* Section 10507.8 of the Public Contract Code is amended to read:

10507.8. (a) As provided for in this article, when the University of California determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the lowest responsible bidder may be selected on the basis of the best value to the university. In order to implement this method of selection, the Regents of the University of California shall adopt and publish policies and guidelines for evaluating bidders that ensure that best value selections by the university are conducted in a fair and impartial manner. These policies and guidelines shall conform to the requirements of subdivisions (c) and (d) and shall be applicable to the university when using best value as the bid evaluation methodology.

(b) For the purposes of this section, the following definitions apply:

(1) “Best value” means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the university, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

1 (2) “Best value agreement” means an agreement entered into  
2 pursuant to the provisions of this section.

3 (3) “Best value awardee” means the lowest responsible bidder  
4 or bidders that are awarded an agreement for goods, materials, or  
5 services that was awarded through the use of best value for the bid  
6 evaluation methodology.

7 (4) “Best value criteria” means those criteria set forth in  
8 subdivision (d).

9 (5) “University” means all current campuses and locations of  
10 the University of California, including the medical centers, the  
11 national laboratories, and any future University of California  
12 campuses and locations.

13 (c) (1) The university shall consider all of the following when  
14 adopting policies and guidelines pursuant to subdivision (a):

15 (A) Price and service proposals that reduce the university’s  
16 overall operating costs.

17 (B) Supply and material standards that support the university’s  
18 strategic sourcing initiatives.

19 (C) A procedure for bid protest and resolution.

20 (2) The university shall award a best value agreement as follows:

21 (A) The university shall evaluate bidders based solely upon the  
22 best value criteria set forth in the solicitation documents.  
23 Solicitation for bids shall describe the best value criteria that the  
24 university will consider in evaluating the bidders by overall  
25 category and by specific attributes.

26 (B) The university shall award the agreement to the lowest  
27 responsible bidder or bidders whose bid or bids are determined by  
28 the university to be the best value in terms of price, quality, service,  
29 and performance, and that meet the university’s requirements.

30 (C) Bid participants that are not awarded a best value agreement  
31 shall be notified in writing at the end of the agreement award  
32 process.

33 (d) For the purposes of this section, the university may take into  
34 consideration any of the following best value criteria when  
35 awarding a best value agreement for goods, materials, and services:

36 (1) The total cost to the university of its use or consumption of  
37 goods, materials, and services.

38 (2) The operational cost or benefit incurred by the university as  
39 a result of a contract award.

1 (3) The added value to the university, as defined in the request  
2 for proposal, of vendor-added services.

3 (4) The quality and effectiveness of goods, materials, and  
4 services.

5 (5) The use of more sustainable goods and materials in the  
6 manufacturing of the goods and materials and the packaging of  
7 these products.

8 (6) The reliability and timeliness of delivery and installation.

9 (7) The terms and conditions of product warranties, maintenance,  
10 and vendor guarantees.

11 (8) The vendor's quality assurance, continuous improvement,  
12 and business resumption programs and their benefit to the  
13 university.

14 (9) The vendor's experience with the timely provision of goods,  
15 materials, and services.

16 (10) The consistency of quality and availability of the vendor's  
17 proposed supplies, materials, and services with the university's  
18 overall procurement program.

19 (11) The economic benefits to the local community, including,  
20 but not limited to, job creation or retention and the support of small  
21 and local businesses.

22 (e) The university shall ensure that all businesses have a fair  
23 and equitable opportunity to compete for, and participate in, the  
24 university best value bids and shall also ensure that discrimination  
25 in the award and performance of the agreement does not occur on  
26 the basis of gender, marital status, ancestry, medical condition, or  
27 any characteristic listed or defined in Section 11135 of the  
28 Government Code, or retaliation for having filed a discrimination  
29 complaint or protest in the performance of university contractual  
30 obligations.

31 (f) (1) On or before July 1, 2016, the University of California  
32 shall provide the Legislative Analyst's Office with a list of the  
33 policies and procedures adopted pursuant to subdivision (a). In  
34 addition, the university shall also collect and provide the following  
35 information to the Legislative Analyst's Office for each contract  
36 involving an expenditure of more than one hundred thousand  
37 dollars (\$100,000) for goods, materials, or services that was entered  
38 into on or after the effective date of this section:

39 (A) Whether the contract was awarded to the lowest responsible  
40 bidder or using best value.

1 (B) A description of the products, commodities, or services as  
2 defined in the bid solicitation.

3 (C) The names of the awardee or awardees of the agreement or  
4 agreements.

5 (D) The actual volume resulting from the agreements, or  
6 estimated volume if the agreements are less than one year old, of  
7 all purchases.

8 (E) A description of any written bid protest or protests  
9 concerning an aspect of the solicitation, bid, or award of the  
10 agreement, including the resolution of the protest.

11 (F) For each contract awarded using best value, the criteria used  
12 to evaluate the bids, as well as a summary of the rationale for  
13 awarding the contract.

14 (G) For each contract awarded using best value, a summary of  
15 any additional economic benefit other than the price of the contract,  
16 including an explanation of whether those benefits were realized  
17 as expected.

18 (H) For each contract awarded using best value, the university  
19 shall identify one or more comparable contracts awarded using  
20 the traditional lowest responsible bidder method, including, but  
21 not limited to, contracts awarded prior to the adoption of the best  
22 value acquisition policies.

23 (2) On or before February 1, 2018, the Legislative Analyst shall  
24 report to the Legislature on the use of best value procurement by  
25 the University of California. The Legislative Analyst shall use the  
26 information provided by the university to report all of the  
27 following:

28 (A) An assessment of any benefits or disadvantages of best  
29 value acquisition as compared to bids awarded to the lowest  
30 responsible bidder.

31 (B) An assessment of whether the use of best value procurement  
32 has led to a difference in the number of disputes as compared to  
33 contracts awarded using the traditional lowest responsible bidder  
34 method.

35 (C) An assessment of the policies adopted by the university  
36 pursuant to subdivision (a), as well as an assessment of the  
37 performance criteria used by the university to evaluate the bids  
38 and the effectiveness of the methodology.

1 (D) A comparison of the overall cost of contracts let under best  
2 value acquisition pursuant to this section to similar contracts let  
3 under traditional low bid procurement practices.

4 (E) Recommendations as to whether the best value at lowest  
5 cost acquisition procurement authority should be continued.

6 (g) This section applies solely to the procurement of goods,  
7 materials, or services and shall not apply to construction contracts.

8 (h) This section shall remain in effect only until January 1, 2019,  
9 and as of that date is repealed.

10 (i) Except as otherwise provided in this article, this article is  
11 not intended to change in any manner any guideline, criteria,  
12 procedure, or requirement of the Regents of the University of  
13 California to let any contract for goods, materials, or services to  
14 the lowest responsible bidder meeting certain specifications or to  
15 reject all bids.

16 ~~SEC. 4.~~

17 *SEC. 6.* Section 20651.7 of the Public Contract Code is  
18 amended to read:

19 20651.7. (a) For the purposes of bid evaluation and selection  
20 pursuant to subdivision (a) of Section 20651, when a community  
21 college district determines that it can expect long-term savings  
22 through the use of life-cycle cost methodology, the use of more  
23 sustainable goods and materials, and reduced administrative costs,  
24 the community college district may provide for the selection of  
25 the lowest responsible bidder on the basis of best value pursuant  
26 to policies and procedures adopted by the governing board in  
27 accordance with this section.

28 (b) For purposes of this section, “best value” means the most  
29 advantageous balance of price, quality, service, performance, and  
30 other elements, as defined by the governing board, achieved  
31 through methods in accordance with this section and determined  
32 by objective performance criteria that may include price, features,  
33 long-term functionality, life-cycle costs, overall sustainability, and  
34 required services.

35 (c) A community college district shall consider all of the  
36 following when adopting best value policies pursuant to subdivision  
37 (a):

38 (1) Price and service level proposals that reduce the district’s  
39 overall operating costs, including end-of-life expenditures and  
40 impact.



1 (2) Equipment, services, supplies, and materials standards that  
2 support the community college district's strategic acquisition and  
3 management program direction.

4 (3) A procedure for protest and resolution.

5 (d) A community college district may consider any of the  
6 following factors if adopting policies and procedures pursuant to  
7 subdivision (c):

8 (1) The total cost to the community college district of its  
9 purchase, use, and consumption of equipment, supplies, and  
10 materials.

11 (2) The operational cost or benefit incurred by the community  
12 college district as a result of a contract award.

13 (3) The added value to the community college district, as defined  
14 in the request for proposal, of vendor-added services.

15 (4) The quality and effectiveness of equipment, supplies,  
16 materials, and services.

17 (5) The reliability of delivery and installation schedules.

18 (6) The terms and conditions of product warranties and vendor  
19 guarantees.

20 (7) The financial stability of the vendor.

21 (8) The vendor's quality assurance program.

22 (9) The vendor's experience with the provisions of equipment,  
23 supplies, materials, and services within the institutional  
24 marketplace.

25 (10) The consistency of the vendor's proposed equipment,  
26 supplies, materials, and services with the district's overall supplies  
27 and materials procurement program.

28 (11) The economic benefits to the local community, including,  
29 but not limited to, job creation and retention.

30 (12) The environmental benefits to the local community.

31 (e) A community college district awarding a contract under this  
32 section shall award a contract to the lowest responsible bidder  
33 whose proposal is determined, in writing by the community college  
34 district, to be the best value to the community college district based  
35 solely on the criteria set forth in the request for proposal.

36 (f) The governing board of a community college district shall  
37 issue a written notice of intent to award supporting its contract  
38 award and stating in detail the basis of the award. The notice of  
39 the intent to award and the contract file must be sufficient to satisfy  
40 an external audit.

(g) The governing board of a community college district shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.

(h) The community college district shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination, as described in subdivision (e) of Section 12751.3 of the Public Utilities Code, in the award and performance of contracts does not occur.

(i) (1) If a community college district elects to purchase equipment, materials, supplies, and services by contract, let in accordance with this section, the community college district shall submit the following information to the Chancellor of the California Community Colleges on or before January 1, 2016:

(A) The community college district's policies adopted pursuant to subdivision (a).

(B) An annual list of district procurements for contracts with a brief description of the contract, the winning bid, the cost, and if the contract was done under best value acquisition policies.

(C) For a contract awarded under the best value acquisition policies, the bid announcement announcing the bidder to which the award was made, including that bidder's scoring rating compared to other bidders, the winning contractor's price proposal, the overall combined rating on the request for proposal evaluation factors, a description of the products, commodities, or services sought, and a summary of the rationale for the contract award.

(D) For each contract awarded using the best value acquisition policies at least one bid award announcement for a comparably priced contract using the traditional lowest responsible bidder process that specifies the bidder to which the contract was awarded, the amount of the award, and the request for bid for that contract that includes a description of the products, commodities, or services sought for at least one comparably sized contract, to the best value contract being let, awarded pursuant to the traditional lowest responsible bidder process including contracts awarded by the

1 district in the three years prior to the adoption of best value  
2 acquisition policies by the district.

3 (E) For contracts awarded using best value, a summary of any  
4 additional economic benefit other than the price of the contract  
5 obtained, including an explanation of whether these benefits were  
6 realized as expected.

7 (F) The total number of bid protests or protests concerning an  
8 aspect of the solicitation, bid, or award of the agreement since the  
9 district adopted policies pursuant to subdivision (a) and the number  
10 of those protests that occurred under best value.

11 (G) A description of any written bid protest or protests  
12 concerning an aspect of the solicitation, bid, or award of the  
13 agreement including the resolution of the protest for any contract  
14 submitted pursuant to this section.

15 (2) The Legislative Analyst shall request the chancellor to  
16 provide the information specified in paragraph (1) to the Legislative  
17 Analyst on or before July 1, 2016. On or before February 1, 2018,  
18 the Legislative Analyst shall report to the Legislature on the use  
19 of competitive means for obtaining best value procurement by  
20 community college districts. The Legislative Analyst shall use the  
21 information provided by the chancellor to report all of the  
22 following:

23 (A) A summary of the overall benefits of best value acquisition.

24 (B) A comparison of the overall cost of contracts let under best  
25 value acquisition pursuant to this section to similar contracts let  
26 under traditional low bid procurement practices.

27 (C) An assessment of any benefits or disadvantages of best value  
28 procurement practices as compared to bids awarded to the lowest  
29 responsible bidder.

30 (D) An assessment of whether the use of best value procurement  
31 has led to a difference in the number of disputes as compared to  
32 contracts awarded using the traditional lowest responsible bidder  
33 method.

34 (E) An assessment of the policies adopted by the community  
35 college districts pursuant to subdivision (a) as well as an assessment  
36 of the overall performance criteria used to evaluate the bids and  
37 the effectiveness of the methodology.

38 (F) Recommendations as to whether the best value at lowest  
39 cost acquisition procurement authority should be continued.

(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed.

~~SEC. 5.~~

SEC. 7. Section 34 of Chapter 24 of the Statutes of 2016 is amended to read:

Sec. 34. (a) The sum of three million dollars (\$3,000,000) is hereby appropriated from the General Fund to the California State Library for allocation pursuant to this act.

(b) (1) On or before September 1, 2017, the California State Library shall submit a report to the Director of Finance and the Legislature about the use of the moneys described in subdivision (a). The report shall include all of the following:

(A) A summary of the grants awarded, including grant amounts.

(B) A description of the projects.

(C) A description of any additional funding benefiting the projects.

(D) Information about the progress of grantees toward establishing regional or statewide E-resource platforms.

(E) Information, where applicable, about the utilization of shared E-resources resulting from the grants.

(2) The report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

~~SEC. 6.~~

SEC. 8. Section 39 of Chapter 29 of the Statutes of 2016 is amended to read:

Sec. 39. (a) (1) For the 2016–17 fiscal year, the sum of eighteen million dollars (\$18,000,000) is hereby appropriated from the General Fund to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall allocate these funds to provide grants to local educational agencies for dropout and truancy prevention programs pursuant to legislation enacted in the 2015–16 Regular Session. These funds are available for encumbrance through the 2018–19 fiscal year.

(2) Of the total amount appropriated pursuant to paragraph (1), ~~the department~~ *State Department of Education* may use up to three hundred thousand dollars (\$300,000) to contract with a local educational agency for the purpose of conducting regional

1 meetings, training, and other technical assistance activities as  
2 needed to support the grantees receiving moneys for dropout and  
3 truancy prevention programs pursuant to legislation enacted in the  
4 2015–16 Regular Session and pursuant to the development of an  
5 expenditure plan. These funds shall be available for expenditure  
6 no sooner than 30 days after the expenditure plan is provided to  
7 the Joint Legislative Budget Committee.

8 (b) For purposes of making the computations required by Section  
9 8 of Article XVI of the California Constitution, the appropriations  
10 made by subdivision (a) shall be deemed to be “General Fund  
11 revenues appropriated for school districts,” as defined in  
12 subdivision (c) of Section 41202 of the Education Code, for the  
13 2015–16 fiscal year, and included within the “total allocations to  
14 school districts and community college districts from General Fund  
15 proceeds of taxes appropriated pursuant to Article XIII B,” as  
16 defined in subdivision (e) of Section 41202 of the Education Code,  
17 for the 2015–16 fiscal year.

18 *SEC. 9. Section 46 of Chapter 29 of the Statutes of 2016 is*  
19 *amended to read:*

20 Sec. 46. (a) (1) Commencing with the 2016–17 fiscal year,  
21 the California Collaborative for Educational Excellence shall use  
22 no less than twenty million dollars (\$20,000,000) of the total  
23 allocated in this section to establish a statewide process to provide  
24 professional development training to school districts, county offices  
25 of education, and charter schools for the purpose of successfully  
26 utilizing the evaluation rubrics adopted by the state board pursuant  
27 to Section 52064.5 of the Education Code and the Local Control  
28 and Accountability Plan and Annual Update templates adopted by  
29 the State Board of Education pursuant to Section 52064 of the  
30 Education Code for use by a school district, county superintendent  
31 of schools, or charter school.

32 (2) School districts, county offices of education, and charter  
33 schools that participate in professional development training are  
34 encouraged to include in the training all stakeholders that are  
35 involved in the development of a local control and accountability  
36 plan, including, but not limited to, teachers, principals,  
37 administrators, other school personnel, local bargaining units of  
38 the school district or county office of education, parents, pupils,  
39 and members of the community, as required pursuant to subdivision  
40 (e) of Section 47606.5 of, subdivision (g) of Section 52060 of,

1 Section 52062 of, subdivision (g) of Section 52066 of, and Section  
2 52068 of, the Education Code.

3 (b) The professional development training shall include, but  
4 shall not be limited to, all of the following:

5 (1) Information on how the evaluation rubrics are used for the  
6 development and implementation of the local control and  
7 accountability plans required pursuant to Sections 52060 and 52066  
8 of, and the requirements of subparagraph (A) of paragraph (5) of  
9 subdivision (b) of Section 47605 and subparagraph (A) of  
10 paragraph (5) of subdivision (b) of Section 47605.6 of, the  
11 Education Code.

12 (2) Information on how the evaluation rubrics will be used to  
13 improve pupil outcomes, with emphasis on closing the achievement  
14 gap for unduplicated pupils, as defined in Section 42238.02 of,  
15 and the pupil subgroups identified in Section 52052 of, the  
16 Education Code.

17 (3) The role of statewide and local data in using the evaluation  
18 rubrics to inform the development of local control and  
19 accountability plans and to communicate with stakeholders.

20 (4) Information on how the evaluation rubrics will be used, in  
21 conjunction with local control and accountability plans, to establish  
22 a system of continuous improvement, as identified in subdivision  
23 (c) of Section 52064.5 of the Education Code.

24 (c) The California Collaborative for Educational Excellence  
25 shall ensure that the professional development training is provided  
26 in each region of the state and is available to all school districts,  
27 county offices of education, and charter schools. The California  
28 Collaborative for Educational Excellence may contract with one  
29 or more entities to provide the professional development training.

30 (d) (1) The governing board of the California Collaborative for  
31 Educational Excellence shall submit an implementation plan to  
32 the relevant policy and fiscal committees of the Legislature, the  
33 Director of Finance, and the Legislative Analyst's Office within  
34 30 days of the State Board of Education's adoption of the  
35 evaluation rubrics. The plan shall include relevant expenditure and  
36 provider information, and a timeline to commence training by no  
37 later than October 15, 2016. *The plan shall detail the*  
38 *implementation timeline and budget for the program, including*  
39 *operating expenses for California Collaborative for Educational*  
40 *Excellence staff related to this work and include funding*

1 *appropriated in this section and in provision 9 of Item 6100-488*  
2 *of Sec. 2.00 of the Budget Act of 2016 (Ch. 23, Stats. 2016), as*  
3 *appropriate. Funds shall not be expended pursuant to the plan*  
4 *before the implementation plan is approved by the Department of*  
5 *Finance. Any subsequent plan updates shall be subject to the*  
6 *approval of the Department of Finance.*

7 (2) The implementation plan shall also include information on  
8 how the California Collaborative for Educational Excellence will  
9 determine the appropriate sequence of which local educational  
10 agencies will receive the professional development training.

11 (e) (1) During the 2017–18 fiscal year, the California  
12 Collaborative for Educational Excellence shall conduct a survey  
13 of school districts, county offices of education, and charter schools  
14 on how they used the evaluation rubrics to develop and implement  
15 their most recent local control and accountability plan, or met the  
16 requirements of subparagraph (A) of paragraph (5) of subdivision  
17 (b) of Section 47605 of, or subparagraph (A) of paragraph (5) of  
18 subdivision (b) of Section 47605.6 of, the Education Code, as  
19 applicable.

20 (2) The California Collaborative for Educational Excellence  
21 may contract with one or more entities to develop, administer,  
22 monitor, and analyze the survey.

23 (f) (1) During the 2016–17 and 2017–18 fiscal years, the  
24 California Collaborative for Educational Excellence shall  
25 implement a pilot program that will inform its long-term efforts  
26 to advise and assist school districts, county superintendents of  
27 schools, and charter schools in improving pupil outcomes pursuant  
28 to Section 52074 of the Education Code.

29 (2) It is the intent of the Legislature that this pilot program be  
30 used to advise the governing board of the California Collaborative  
31 for Educational Excellence in its efforts to provide research-based,  
32 quality advice and assistance to local educational agencies. Nothing  
33 in this section prohibits the California Collaborative for Educational  
34 Excellence from continuing to meet the requirements of Section  
35 52074 of the Education Code in the 2016–17 fiscal year or in future  
36 fiscal years.

37 (g) On or before ~~August~~ *the earlier of October 15, 2016, or the*  
38 *10th day after the next scheduled meeting of the governing board*  
39 *of the California Collaborative for Educational Excellence*  
40 *following the effective date of Senate Bill 854 of the 2015–16*

1 *Regular Session*, the governing board of the California  
2 Collaborative for Educational Excellence shall submit a plan for  
3 implementing the pilot program to the relevant policy and fiscal  
4 committees of the Legislature, the Director of Finance, and the  
5 Legislative Analyst's Office. *The plan shall detail the*  
6 *implementation timeline and budget for the program, including*  
7 *operating expenses for California Collaborative for Educational*  
8 *Excellence staff related to this work and include funding*  
9 *appropriated in this section and in provision 9 of Item 6100-488*  
10 *of Sec. 2.00 of the Budget Act of 2016 (Ch. 23, Stats. 2016), as*  
11 *appropriate. Funds shall not be expended pursuant to the plan*  
12 *before the implementation plan is approved by the Department of*  
13 *Finance. Any subsequent plan updates shall be subject to the*  
14 *approval of the Department of Finance.* At a minimum, the plan  
15 shall describe all of the following:

16 (1) The goals of the pilot program, including, but not limited  
17 to, improving pupil outcomes related to the state priorities  
18 identified in Sections 52060 and 52066 of the Education Code.

19 (2) The major implementation activities of the pilot program  
20 and the means for assessing whether the goals are met.

21 (3) An implementation timeline and a program budget, with  
22 anticipated expenditures and funding sources.

23 (h) (1) The California Collaborative for Educational Excellence,  
24 after consulting with the Superintendent of Public Instruction, shall  
25 assist school districts, county offices of education, and charter  
26 schools in the pilot program.

27 (2) To the extent possible, the pilot program shall include school  
28 districts, county offices of education, and charter schools from  
29 urban, suburban, and rural areas representing all regions of the  
30 state, as well as those with enrollment of unduplicated pupils, as  
31 defined in Section 42238.02 of the Education Code, and the pupil  
32 subgroups identified in Section 52052 of the Education Code.

33 (3) Participation by a local educational agency in the pilot  
34 program is voluntary and, notwithstanding Sections 52071 and  
35 52071.5 of the Education Code, participating local educational  
36 agencies shall not pay for any assistance provided pursuant to the  
37 pilot program.

38 (i) On or before November 1, 2018, the governing board of the  
39 California Collaborative for Educational Excellence shall report  
40 to the relevant policy and fiscal committees of the Legislature, the



1 Director of Finance, and the Legislative Analyst’s Office about  
2 lessons learned from the pilot program and its implications for the  
3 ongoing work of the California Collaborative for Educational  
4 Excellence.

5 (j) The sum of twenty-four million dollars (\$24,000,000) is  
6 hereby appropriated from the General Fund to the State Department  
7 of Education for transfer by the Controller to Section A of the State  
8 School Fund for allocation by the Superintendent of Public  
9 Instruction to the Riverside County Office of Education to support  
10 the California Collaborative for Educational Excellence for  
11 purposes of this section. These funds are available for encumbrance  
12 through the 2018–19 fiscal year.

13 (k) For purposes of making the computations required by Section  
14 8 of Article XVI of the California Constitution, the appropriation  
15 made by this section shall be deemed to be “General Fund revenues  
16 appropriated for school districts,” as defined in subdivision (c) of  
17 Section 41202 of the Education Code, for the 2015–16 fiscal year,  
18 and included within the “total allocations to school districts and  
19 community college districts from General Fund proceeds of taxes  
20 appropriated pursuant to Article XIII B,” as defined in subdivision  
21 (e) of Section 41202 of the Education Code, for the 2015–16 fiscal  
22 year.

23 ~~SEC. 7.~~

24 *SEC. 10.* This act is a bill providing for appropriations related  
25 to the Budget Bill within the meaning of subdivision (e) of Section  
26 12 of Article IV of the California Constitution, has been identified  
27 as related to the budget in the Budget Bill, and shall take effect  
28 immediately.