AMENDED IN ASSEMBLY MARCH 8, 2011

AMENDED IN SENATE FEBRUARY 22, 2011

CALIFORNIA LEGISLATURE—2011–12 FIRST EXTRAORDINARY SESSION

SENATE BILL No. 1

Introduced by Senator Steinberg
(Principal coauthor: Senator Alquist)
(Coauthors: Senators Hancock, Liu, Lowenthal, and Vargas)
~~(Coauthor: Assembly Member Solorio)~~
(Coauthors: Assembly Members Butler and Solorio)

February 1, 2011

An act to add and repeal Article 5.5 (commencing with Section 54698) of Chapter 9 of Part 29 of Division 4 of Title 2 of the Education Code, relating to partnership academies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Steinberg. Partnership academies: Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Program.

(1) Existing law establishes the partnership academies program as a school-business partnership program to provide occupational training to educationally disadvantaged high school pupils. Under existing law, the Superintendent of Public Instruction is required to award grants to school districts maintaining high schools to plan, establish, and maintain these partnership academies.

Existing law establishes the Renewable Resource Trust Fund as a fund that is continuously appropriated, with certain exceptions for administrative expenses, in the State Treasury, requires that certain moneys collected to support renewable energy resources through the *public goods charge, as defined, are deposited into the fund, and authorizes the State Energy Resources Conservation and Development Commission (Energy Commission) to expend the moneys pursuant to the renewable energy resources program.*

Existing law requires the surcharge imposed on the consumption of electricity in the state to be transferred to the Energy Resources Programs Account in the General Fund, which is available, upon appropriation by the Legislature, for ongoing energy programs and projects.

This bill would require the Controller annually to allocate $8,000,000 from the ~~Energy Resources Programs Account~~ *Renewable Resource Trust Fund*, upon appropriation by the Legislature, to the Superintendent of Public Instruction for expenditure in the form of grants to school districts to be allocated pursuant to the existing provisions for creating and maintaining partnership academies. ~~The~~ *If funds from the Renewable Resource Trust Fund are unavailable, the bill would require the Controller annually to allocate $8,000,000 from the Energy Resources Programs Account for these purposes.*

The bill would require the Superintendent to award grants, as specified, to school districts that propose to implement or maintain a partnership academy that focuses on employment in clean technology businesses and renewable energy businesses and provides skilled workforces for the products and services for energy or water conservation, or both, renewable energy, pollution reduction, or other technologies.

The bill would require the ~~State Energy Resources Conservation and Development~~ *Energy* Commission, no later than 60 days after the effective date of these provisions, in consultation with the State Department of Education, to adopt guidelines~~, that would be required to comply with the Administrative Procedure Act, but~~ *which* may be adopted as emergency regulations, to ensure that programs receiving grants reflect current state energy policies and priorities as well as provide skills and education linked to the needs of relevant industries.

The bill would authorize a school district to apply for planning grants for implementing a partnership academy and would allow the Superintendent to expend up to 5% of the funds transferred to the Superintendent to pay the costs incurred in the administration of this program. The bill would require the Superintendent, in consultation with the ~~State Energy Resources Conservation and Development~~ *Energy* Commission, to provide a report to the Legislature that includes a description of the curriculum and substance of the programs funded by grants awarded pursuant to these provisions, and specified data. The bill would provide that the bill's provisions would become inoperative on June 30, 2017, and, as of January 1, 2018, would repeal these provisions.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

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

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

SECTION 1. Article 5.5 (commencing with Section 54698) is added to Chapter 9 of Part 29 of Division 4 of Title 2 of the Education Code, to read:

Article 5.5. Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Program

54698. (a) The Legislature finds and declares all of the following:

(1) California's international leadership in renewable energy, energy conservation, clean technology, and climate change policies creates significant opportunities to improve workforce development and educational opportunities for high school pupils in the fields of energy conservation, clean technology, and renewable energy.

(2) California has an opportunity to combine the education and training of both its future college-educated workforce and its highly skilled technical workforce with its effort to reduce high school dropout rates. Clean technology jobs and renewable energy jobs

(“green collar jobs”) can provide underserved communities with a pathway out of poverty, a new and inspiring focus for educational institutions, and significant statewide economic and environmental benefits.

(3) A poll of at-risk California 9th and 10th graders by Peter D. Hart Research Associates found that 6 in 10 pupils were not motivated to succeed in school. Of those pupils, more than 90 percent said they would be more engaged in their education if classes helped them acquire skills and knowledge relevant to future careers. Career technical education programs that create paths to further education, advanced training, or productive jobs in high opportunity careers can keep pupils engaged and on track toward a diploma.

(4) Investments in delivering pupils the skills and knowledge needed for further education and employment in industries that focus on renewable energy, energy conservation, clean technologies, and climate change mitigation will provide multiple benefits to California in all of the following ways:

(A) Helping to achieve the state’s climate change goals required by the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(B) Creating employment opportunities for Californians that would otherwise not be fully realized.

(C) Expanding the state’s utilization of renewable energy.

(D) Contributing to the growth of clean technology businesses in California.

(5) Absent action, California will miss an opportunity to curtail high school dropout and joblessness rates among its young people and will perpetuate the lack of an integrated education, workforce development, and business infrastructure that otherwise could take advantage of the projected growth in these industries and the corresponding increase in state and local taxes, other public revenues, and additional economic benefits associated with a likely surge in clean technology and renewable energy jobs.

(6) California must prioritize the reduction of high school dropout and joblessness rates among its young people. It must also ensure that pupils have pathways to careers that will help achieve its greenhouse gas reduction goals and contribute to the development of its renewable energy resources.

(b) It is the intent of the Legislature to stimulate the economy of the State of California by creating partnership academies that will lead to the creation of good paying jobs in industries and businesses that are in compliance with the state's environmental protection laws and regulations, providing entrepreneurs and employers the best-trained workforce in the United States, and preparing young people to work in clean, green industries and professions. These jobs would help achieve California's climate change mitigation obligations and conserve our state's vital resources of water, air quality, land, and energy.

54698.1. As used in this article, the following terms have the following meanings:

(a) "Clean technology business" means a business that focuses on one or more of the following:

(1) Energy audits for determining the energy savings that could be recovered through utility bill financing.

(2) Retrofitting and weatherization activities that increase energy efficiency and conservation.

(3) Energy- and water-efficient public buildings.

(4) Retrofitting and installing energy-efficient household appliances, windows, doors, insulation, and lighting.

(5) Retrofitting and installing water and energy conservation technologies in existing homes, multifamily housing, industrial buildings, commercial and public buildings, and farms, forestlands, and ranches, to improve efficiency, including the use of energy and water management technologies and control systems.

(6) The manufacture, sale, assembly, installation, construction, and maintenance of energy-efficient technologies and renewable energy facilities or the component parts of renewable energy technologies.

(7) Energy-efficient technologies or practices and renewable energy production or the component parts of renewable energy plants and energy distribution, including energy storage, energy infrastructure (including transmission), transportation (including logistics), clean vehicle technology, clean heat and power, and water and wastewater (including water conservation).

(8) Natural resource conservation for the purpose of adapting to climate change, including fish and wildlife habitat restoration, reforestation, native species preservation, invasive species

eradication, community tree planting, and other activities that address stressors on natural resources generated by climate change.

(b) "Renewable energy business" means a business that focuses on one or more of the following:

(1) Research and development, manufacturing, generation, development, or maintenance of appropriately sited power line transmission.

(2) Power storage.

(3) Installation, repair, maintenance, or related activities necessary to produce energy from wind, photovoltaic, solar thermal, geothermal, biomass, including cellulosic ethanol, biodiesel, and biomass power, green waste, and fuel cells.

54699. (a) *(1)* The Controller shall annually allocate the sum of eight million dollars ($8,000,000) from the ~~Energy Resources Programs Account~~ *Renewable Resource Trust Fund established pursuant to Section 25751 of the Public Resources Code,* upon appropriation by the Legislature, to the Superintendent for expenditure in the form of grants to school districts, that shall be allocated using the same criteria as provided in Article 5 (commencing with Section 54690), except as provided in subdivision (b) of Section 54691, and pursuant to the additional requirements of this article.

(2) If funds are not available from the Renewable Resource Trust Fund established pursuant to Section 25751 of the Public Resources Code, the Controller shall annually allocate the sum of eight million dollars ($8,000,000) from the Energy Resources Programs Account established pursuant to Section 40182 of the Revenue and Taxation Code, upon appropriation by the Legislature, for expenditure in the form of grants to school districts, that shall be allocated using the same criteria as provided in Article 5 (commencing with Section 54690), except as provided in subdivision (b) of Section 54691, and pursuant to the additional requirements of this article.

(b) The Superintendent shall award grants pursuant to this article to school districts that do all of the following:

(1) Meet the requirements specified in Article 5 (commencing with Section 54690).

(2) Propose to implement a partnership academy, or to maintain an existing academy, that focuses on employment in clean technology businesses or renewable energy businesses and provides

skilled workforces for the products and services for energy or water conservation, or both, renewable energy, pollution reduction, or other technologies that improve the environment in furtherance of state environmental laws.

(3) Comply with the guidelines described in subdivision (e).

(c) The Superintendent shall review grant applications submitted by school districts in consultation with the State Energy Resources Conservation and Development Commission.

(d) The Superintendent, in consultation with the State Energy Resources Conservation and Development Commission, shall review ongoing programs to ensure that those programs comply with subdivision (b).

(e) (1) No later than 60 days after the effective date of this article, and prior to the department issuing a request for grant applications, the State Energy Resources Conservation and Development Commission, in consultation with the department, shall adopt guidelines to ensure that programs receiving grants reflect current state energy policies and priorities as well as provide skills and education linked to the needs of relevant industries.

~~(2) The guidelines adopted pursuant to this article shall comply with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, but may be adopted as emergency regulations pursuant to Section 11346.1 of the Government Code.~~

(2) The adoption of guidelines as emergency regulations pursuant to this section shall be deemed an emergency and considered by the Office of Administrative Law as immediately necessary to avoid serious harm to the public peace, health, safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code.

(f) (1) The Superintendent shall give ~~first~~ priority for grants pursuant to this article *according to the following:*

(A) First, to school districts that propose to establish a partnership academy at schoolsites that do not currently participate in the partnership academies program pursuant to Article 5 (commencing with Section ~~54690) and shall give second priority~~ *54690).*

(B) Second, to school districts that would establish a partnership academy at schoolsites that do not currently participate in the green

partnership academies program funded pursuant to Section 32 of Chapter 757 of the Statutes of 2008.

(2) Notwithstanding subparagraphs (A) and (B) of paragraph (1), the Superintendent may assign a higher priority to a school district that has received a grant pursuant to the green partnership academies program funded pursuant to Section 32 of Chapter 757 of the Statutes of 2008, subject to subdivision (d).

~~(2)~~

(3) The Superintendent shall award grants to a school district to establish or operate a partnership academy pursuant to this article in the following amounts:

(A) A district operating a partnership academy may receive one thousand dollars ($1,000) per year for each qualified student enrolled in grade 9 in an academy during the first year of that academy's operation, except no more than forty-five thousand dollars ($45,000) may be granted to any one academy for the initial year.

(B) A district operating a partnership academy may receive one thousand dollars ($1,000) per year for each qualified student enrolled in either grade 9 or 10 in an academy during the second year of that academy's operation except that no more than eighty thousand dollars ($80,000) may be granted to any one academy for the second year.

(C) A district operating a partnership academy may receive one thousand dollars ($1,000) for each qualified student enrolled in any of grades 9 to 11, inclusive, in an academy during the third year of that academy's operation, except that no more than one hundred twenty thousand dollars ($120,000) may be granted to any one academy for the third year.

(D) A district operating a partnership academy may receive one thousand dollars ($1,000) for each qualified student enrolled in any of grades 9 to 12, inclusive, in an academy during the fourth and following years of that academy's operation, except that no more than one hundred fifty thousand dollars ($150,000) may be granted to any one academy for each fiscal year.

(3) For purposes of this section, "qualified student" has the same meaning as described in subdivision (c) of Section 54691, but shall also include a 9th grade pupil who meets the at-risk criteria specified in Section 54690, who is enrolled in an academy for the 9th grade, obtains 90 percent of the credits each academic year in

courses that are required for graduation, and successfully completes a school year during the 9th grade with an attendance record of not less than 80 percent.

~~(g) The Superintendent, as a third priority, may award a grant to a school district that has received a grant pursuant to Article 5 (commencing with Section 54690), subject to subdivision (d) and the availability of funds.~~

~~(h)~~

(g) The Superintendent shall encourage a school district that receives a grant under this article to work and coordinate with regional occupational centers and programs for the required career technical education sequence of courses.

~~(i)~~

(h) A school district may apply for planning grants, in accordance with subdivision (a) of Section 54691, for implementing a partnership academy pursuant to this article.

~~(j)~~

(i) Commencing in ~~2013~~ *2014* and not later than January 1 of each year for which this article is operative, the Superintendent, in consultation with the State Energy Resources Conservation and Development Commission, shall provide a report to the Legislature that includes, but is not limited to, a description of the curriculum and substance of the programs funded by grants awarded pursuant to this article. The first annual report shall include the identification of gaps in available curricula relating to clean technology and renewable energy that are consistent with current state energy ~~policy and priorities. Commencing in 2014, the report also shall include pupil participation data and data collected for purposes of academy certification under subdivision (e) of Section 54691.~~ *policy and priorities, as well as the proportion of participating pupils who meet the at-risk criteria enumerated in subdivision (d) of Section 54690. The report also shall include pupil participation data and data collected pursuant to subdivision (d) of Section 54691.*

~~(k)~~

(j) Up to 5 percent of the funds transferred to the Superintendent pursuant to this article may be expended to pay the costs incurred in the administration of this article.

54699.1. This article shall become inoperative on June 30, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. This act addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation on January 20, 2011, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

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