

AB 3121 CONSOLIDATED PRELIMINARY POLICY PROPOSALS

I. GENERAL PROPOSALS

This section sets forth proposals that have broad applicability and are not limited to addressing the subject matter of only one chapter of the Interim Report.

A. California American Freedman Affairs Agency

“In 1863, Abraham Lincoln signed the Emancipation Proclamation, and, in 1865, the 13th Amendment to the U.S. Constitution commanded that “[n]either slavery nor involuntary servitude . . . shall exist within the United States.”¹ In supporting the passage of the 13th Amendment, its co-author Senator Lyman Trumbull of Illinois said that “it is perhaps difficult to draw the precise line, to say where freedom ceases and slavery begins”² In 1883, the Supreme Court interpreted the 13th Amendment as empowering Congress “to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.”³ However, throughout the rest of American history, instead of abolishing the “badges and incidents of slavery,” the United States federal, state and local governments, including California, perpetuated and created new iterations of these “badges and incidents.”⁴ “The resulting harms have been innumerable and have snowballed over generations.”⁵

The mission of the California American Freedman Affairs Agency (“Agency”) is to provide perpetual special consideration to descendants of American slaves or the American Freedmen (“Descendant”) community in California. The California American Freedmen Affairs Agency (“Agency”) will primarily provide reparatory justice services and programs directly to the Descendant community. Additional functions of the agency are to: 1) provide services to the Descendant community through contracts, grants, or partnerships with community based organizations, private entities, and other local, state, and federal agencies (with obligatory oversight and auditing by CAFAA OGC; and CFO); 2) identify how past state sanctioned atrocities have perpetuated and created new iterations of these badges and incidents of chattel slavery; 3) work with the aforementioned and other entities to eradicate any lingering badges and incidents; 4) and suggest policies to the Governor, State, Legislature, and other entities designed to repair the Descendant community for these badges and incidents. The Agency would be comprised of specialized offices and branches dedicated to assisting with the implementation and operation of policies and programs being considered for recommendation herein. These include:

¹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 5.

² *Ibid.*

³ *The Civil Rights Cases* (1883) 109 U.S. 3, 20.

⁴ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 5.

⁵ *Ibid.*

- An Office of General Counsel to provide legal advice, counsel, and services to the Agency and its officials and to ensure that CAFAA programs are administered in accordance with legislative authorities. OGC will also draft legislation proposed by CAFAA and serve as external liaison on legal matters with other state agencies or public entities .
- The Office of the Chief Financial Officer (OCFO) to provide policy leadership in strategic planning, budgeting and financial management at CAFAA (i.e. which could partially include: processing claims for direct compensation for 5 atrocity areas; conducting internal audits for management purposes, to evaluate the efficiency, economy, effectiveness, financial aspects, or other features of any CAFAA branch and/or programs therein; conducting external audits for contract or grant administration; assisting in establishment of state-based Freedman’s Savings & Trust Bank to service the Descendant community; and potentially collaborating with 501(c)(40) organizations (entity referenced by expert witnesses Sarah Moore Johnson and Raymond Odom).
- Office of Strategic Communication: CAFAA’s Strategic Communications/Media Affairs team will assist the Descendant community, the media and the greater public in understanding the important work performed by CAFAA as it serves the Descendant community and simplifies access to information and services.
- A Genealogy branch to support potential claimants with expert genealogical research and to confirm eligibility via statutory provisions defined in AB-3121 (codified by task force majority in March 2022), in accordance with U.S. Constitution; international standards of remedy for wrongs and injuries caused by the state, that include full reparations and special measures, as understood by various relevant international protocols, laws, and findings.
- An Office of Immediate Relief to expedite claims.
- A Civic Engagement/Self-Determination branch to support ongoing political education on African American history and to support civic engagement, political participation, and self-determination among the Descendant community.
- An Education branch to offer free tuition to the State’s community colleges, California State University schools, and University of California schools for California residents who are Descendants⁶ and to eliminate barriers to higher education (i.e., building infrastructure for the operation of new Freedmen schools, colleges, and universities). The Education Branch would also be funded to provide educational grants and otherwise support education initiatives focused on Freedmen.
- A Social Services and Family Affairs branch to identify and mitigate the ways that current and previous policies have damaged and destabilized Descendant families.

⁶ In this memorandum, “Descendant” means African American descendants of a Chattel enslaved person, or descendants of a free Black person living in the United States prior to the end of the 19th Century, pursuant to the Task Force’s motion passed on March 29, 2022. See Meeting Minutes, March 29, 2022 Meeting of the AB 3121 Task Force Study to Study and Develop Reparations Proposals for African Americans, available at <https://oag.ca.gov/system/files/media/task-force-meeting-minutes-032922-033022.pdf>.

- Services could include: recruitment and training of Descendants in industries that assist Descendant seniors, such as healthcare systems; a network of housing advocates and housing attorneys to assist with housing and houselessness; financial and social support services for housing unhoused relatives; a hotline to report harms related to housing; financial support services to support Descendant homeownership; treatment for trauma and family healing services to strengthen the family unity; Descendant informed mental health, stress resiliency services, financial planning services, career planning, and civil and family court services.
- A Creative, Cultural, and Intellectual Affairs branch to:
 - Build/restore and maintain American Freedmen/African American/Descendant cultural/historical sites, creative centers, public displays, and monuments; advocate for and monitor removal of harmful relics;
 - Support knowledge production and archival research with community archives and repositories;
 - Support legacy families;
 - Provide support for Descendants in the entertainment industry, including identifying and removing barriers to advancement into leadership and decision-making positions in the arts, entertainment, and sports industries;
 - Support Descendants in business licenses, re-creation of cultural hubs/leisure sites (including coastal sites), news publications, arts (film, radio, television, art, podcasting, new media, etc.), and lifestyle activities; and
 - Support parity in sports.
- A Legal Affairs branch to:
 - Coordinate a range of free legal services and provide referrals to county, state, and federal public defender offices to find criminal defense attorneys for criminal trials and parole hearings;
 - Create independent hate crime hotline and database for the Descendant community;
 - Provide housing and houselessness legal services;
 - Develop and provide free arbitration and mediation services and other forms of conciliation courts; and
 - Advocate for civil and criminal justice reforms, including, but not limited to youth and adult decarceration programs, and abolition.
- A Medical Services branch for public and environmental health that will virtually provide technical assistance for community wellness centers in local Descendant communities across the state to:
 - Decrease mental health stigma;
 - Teach stress reduction and resilience tools;
 - Create communal spaces;
 - Support cultural and racial socialization to support mental health;
 - Provide community-defined evidence and promising practices prevention and early intervention mental health programs; and

- Offer mental health and health screening and referrals.
- A Business Affairs office to: provide ongoing education related to potential new state Freedmen’s Savings & Trust Bank; entrepreneurialism and financial literacy; provide business grants and assistance with procuring business licenses; train and hire unhoused Descendants in housing construction and related trades with apprenticeship programs; and establish public-private reparative justice-oriented partnerships.
- A Labor & Employment Branch to supervise labor and employment discrimination claims against the Descendant community.
- A Development Branch, similar to the former CA Redevelopment Agency to facilitate the development of:
 - Housing (e.g., subdivisions, multi-family, mixed used, etc.)
 - Business/Commercial Districts
 - Towns/Cities (i.e., in addition to Allensworth, Black towns such as Teviston, Fairmead, Cookseyville, Bowles Colored Colony, South Dos Palos, and Sunny Acres all existed in California’s Central Valley, and should receive the same investment from the state).
- A Data Research and Collection branch to identify and analyze trends in past, current, and future badges and incidents of chattel slavery.
- A Community Support branch to improve accessibility, transparency, and public trust with California’s reparations claims program.
- A Community Based Organization (CBO) Branch to facilitate collaboration with community-based organizations, where possible; branch will serve as first level of accounting for any funds disbursed to identified CBO’s (proposed expansion/change to Strategic Partnerships Branch to encompass other public and private entities, and agencies).

The Agency would consist of a main office or headquarters and various satellite offices across the state.

B. Repeal or Amend Proposition 209

The Advisory Committee recommends that the Legislature take steps within its authority to seek the repeal or amendment of Proposition 209. This recommendation is being proposed generally in recognition of the systemic discrimination faced by Descendants and the general barriers imposed by Proposition 209, which continue to have limiting effects on Descendants.

The Equal Justice Society commissioned a study to determine the impact of Proposition 209 in the area of public contracting. The study concluded that between \$1 billion to \$1.1 billion in contract dollars was lost annually by businesses owned by women and people of color due to Proposition 209.⁷ With respect to education and the end of race-conscious admissions at the

⁷ Lohrentz, [*The Impact of Proposition 209 on California’s MWBEs*](#) (Jan. 2015) Equal Justice Society (as of Dec. 1, 2022).

University of California, admissions declined for applicants from underrepresented groups, including African Americans, at every campus.⁸

While there is no universal agreement regarding the impact of Proposition 209 in public employment, disparities persist in areas such as hiring and promotion to senior positions; Proposition 209 is widely viewed as an impediment to the adoption of remedial measures.⁹ In November 2020, Proposition 16 appeared on the general election ballot asking California voters to amend the California Constitution to repeal Proposition 209. Proposition 16 failed to achieve enough support to pass.¹⁰

C. Conduct Racial Impact Analyses

Two proposals recommend that the Legislature require racial impact analyses. These proposals build on recognition that racism is a public health emergency. There have been recent relevant developments at the state level by the Legislature and the Governor.

Senate Concurrent Resolution No. 17 was chaptered with the Secretary of State on April 30, 2021, declaring March 21, 2021, as the International Day for the Elimination of Racial Discrimination. In the resolution, “the Legislature declares racism to be a public health crisis and will actively participate in the dismantling of racism[.]”¹¹

Senate Bill (“SB”) 17 was introduced in 2020 by Senator Dr. Richard Pan and was amended through August 2022.¹² SB 17 would have declared racism to be a public health crisis (and was amended to recognize Senate Concurrent Resolution No. 17) and would have created a Racial Equity Commission.¹³ SB 17 died on the inactive file on August 31, 2022.¹⁴

On September 13, 2022, Governor Newsom issued Executive Order N-16-22, which: (1) established the state’s first Racial Equity Commission, developed with Senator Pan and organizations that sponsored SB 17; and (2) directed state agencies and departments to take additional actions to address disparities for historically underserved and marginalized communities by implementing equity analyses and considerations in their mission, policies, and practices.¹⁵ The Racial Equity Commission is required to: develop resources, best practices, and tools for furthering racial equity and develop a statewide Racial Equity Framework; provide technical assistance, upon request by a state agency, on implementing strategies for racial equity consistent with the framework; engage and collaborate with policy experts and community

⁸ [*The Impact of Proposition 209 In California*](#) (Sept. 4, 2020) University of California Academic Affairs (as of Dec. 1, 2022).

⁹ For a discussion of harms associated with Proposition 209, see Chapter 10, page 347, and Chapter 13, page 466 of the Interim Report.

¹⁰ Associated Press, [*Prop 16 California Affirmative Action Measure Trailing*](#) (Nov. 4, 2020) CBS Broadcasting Inc. (as of Dec. 1, 2022).

¹¹ [*Sen. Conc. Res. No. 17*](#) (2021-2022 Reg. Sess.) as chaptered Apr. 30, 2021.

¹² *Sen. Bill No. 17* (2021-2022 Reg. Sess.).

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Governor’s Exec. Order N-16-22 (Sep. 13, 2022).

members to conduct analyses and develop tools; and prepare an annual report, with the first completed on or after December 1, 2025, but no later than April 1, 2026, and annually thereafter.¹⁶

- 1. Require Legislative Policy Committees to Conduct Racial Impact Analyses of All Proposed Legislation and Require the Administration to Include a Comprehensive Racial Impact Analysis for All Budget Proposals and Proposed Regulations**

The first proposal recommends the Legislature take steps within its authority to require a racial impact assessment for all future legislation, including potential amendments to the California Constitution. The aim of this proposal is to ensure that future legislation does not perpetuate the state’s history of discrimination against Descendants, and to ensure that there is a long-term and ongoing commitment to remedying and avoiding the harms caused by the history and trauma of state-sponsored discrimination against Descendants across all sectors. This proposal recommends the Legislature create a process whereby proposed legislation must undergo a racial impact analysis while in committee. This proposal also includes a recommendation that this assessment be in writing and include findings of the impact proposed legislation might have on Descendants and Black Californians. Similar assessments should also be made by any state agency involved in the rulemaking process.

This proposal would address the history of Black codes and how existing criminal laws have a disproportionate impact on Descendants and Black Californians. The implementation of zoning ordinances, licensing laws, fire and safety codes, and anti-nuisance provisions were tools of discrimination against Black business owners and their Black customers. Racial impact statements are a tool for lawmakers to evaluate potential disparate impacts of proposed legislation prior to adoption and implementation.¹⁷ Similar to fiscal or environmental impact statements, a racial impact statement would enable policy decision-makers to anticipate and address racial or ethnic disparities arising from implicit bias and systemic racism and discrimination.¹⁸ It would also assist in the consideration of alternative policies to accomplish the goals of proposed legislation without causing or contributing to avoidable racial and ethnic disparities.¹⁹

- 2. Incorporate Disparate Impact Analysis in Legislation and Government Contracting**

¹⁶ *Ibid.*

¹⁷ Porter, [Racial Impact Statements](#) (June 16, 2021) The Sentencing Project (as of Dec. 1, 2022).

¹⁸ Hunter, et al., [How to Use the Racial Impact Statement Tool to Eliminate Disparities and Disproportionality](#) (Sept. 2, 2013) State Interagency Team Workgroup to Eliminate Disparities & Disproportionality, Beyond the Bench Conference (as of Dec. 1, 2022).

¹⁹ *Ibid.*

The second proposal recommends the Legislature include a disparate impact analysis for designated legislation and government contracts. Specific elements include:

- Requiring the Legislature to analyze all public safety and housing bills for disparate impact on historically disenfranchised and system-impacted populations;²⁰
- Requiring the Law Revision Commission (or Hoover Commission or other appropriate entity) to develop a framework to review California Codes for disparate impacts and recommend revisions to the Legislature; and
- Mandating that Government contracting through the request for proposal (“RFP”) process require large contractors to include disparate impact analyses in their bids related to public safety and housing.

D. Agency Transparency

The Task Force has heard concerns from members of the public about responsiveness and transparency regarding the treatment and disposition of complaints raising civil rights concerns, including from Black community members in particular. Responding to the concerns raised, this proposal recommends that the Legislature direct the Civil Rights Department and the Department of Education to collect anonymized data for all complaints transmitted to each respective agency, including: (1) the race, gender, age, and other critical demographic information of complainants, (2) a description of the complaint(s); (3) any action taken by the agency in response to the complaint(s); and (4) the disposition of the complaint. This proposal further recommends that this data be transmitted to the California American Freedman Affairs Agency for the Agency to create and publish dashboards that allow the public to view the collected data.

E. Legislative Findings

For all proposals, the Legislature should: (1) declare the State’s compelling and statewide interest in remedying the longstanding and ongoing harm caused by chattel slavery and the badges and incidents of slavery that persist, as documented by the Task Force’s reports and any other supplemental findings the Legislature finds necessary; (2) where applicable, identify the specific harms caused by chattel slavery and its legacy that the statute seeks to remedy and explain how the government was involved in such discrimination; and (3) for those provisions that may be subject to strict scrutiny, demonstrate that the policies involved have been narrowly tailored to remedy that harm.

II. ENSLAVEMENT

This section details policy proposals to address harms set forth in Chapter 2, Enslavement, of the Interim Report.

²⁰ See H.Res. No. 29 (2021-2022 Reg. Sess.). This bill encourages lawmakers to incorporate equity impact analyses into legislative proposals.

- Issue a formal apology from the Legislature for allowing enslavement, adopting a fugitive slave law, and subsequent enforcement; apology must include censure of first elected California Governor, Peter Hardeman Burnett
- Issue a formal apology for opposing Congress’s Reconstruction civil rights laws and for delaying ratification of the 14th and 15th Amendments
- Enact legal resolution affirming the state’s protection of Descendants and guaranteeing protection of the civil, political, and socio-cultural rights of Descendants
- Enact legislation to create a compensation fund for all direct descendants of American slaves forced to labor specifically in the state of California (i.e. Descendant legacy families in Coloma, CA)
- Amend the California Constitution to prohibit involuntary servitude
- Pay fair market value for labor provided by incarcerated (whether in jail or prison) persons
- Emphasize the “Rehabilitation” in the California Department of Corrections and Rehabilitation (CDCR)
- Abolish the death penalty
- Prohibit private prisons from benefiting from contracts with CDCR to provide reentry services to incarcerated or paroled individuals

A. Formal apology from the Legislature for the following: Allowing enslavement; adoption of fugitive slave law and subsequent enforcement; apology must include censure of first elected California Governor, Peter Hardeman Burnett

The State of California has yet to formally apologize for the role it played in perpetuating slavery. It is recommended the Legislature apologize on its own behalf, and on behalf of the State of California, for allowing enslavement,²¹ adopting the fugitive slave law, and subsequent enforcement of these policies.²² By participating in these atrocities, California further perpetuated the harms African Americans faced before and after the Civil War.

B. Formal apology for opposing Congress’s Reconstruction Civil Rights laws and for delaying ratification of the 14th and 15th Amendments

This proposal overlaps with a proposal in the Political Disenfranchisement chapter.

The State of California has yet to formally apologize for the role it played in opposing Congress’s Reconstruction civil rights laws or for delaying ratification of the 14th and 15th Amendments after the Civil War ended.²³ It is recommended the Legislature apologize on its own behalf, and on behalf of the State of California, for opposing Congress’s Reconstruction civil rights laws and for delaying ratification of the 14th and 15th Amendments.

²¹ California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) at p. 70.

²² *Id.* at p. 71.

²³ *Id.* at p. 79.

C. Legal resolution affirming the State’s protection of descendants of enslaved people and guaranteeing protection of the civil, political, and socio-cultural rights of descendants of enslaved people

This proposal recommends that the Legislature issue a legal resolution that affirms the State’s protection of Descendants. The resolution should also guarantee the protection of the civil, political, and socio-cultural rights of Descendants. These would also serve as reparations in the forms of satisfaction and a guarantee of non-repetition.

D. Amending the California Constitution to prohibit involuntary servitude

This proposal overlaps with a proposal in the Stolen Labor and Hindered Opportunity chapter.

This proposal recommends amending the California Constitution to prohibit involuntary servitude in California. Article I, section 6 of the California Constitution states: “Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.”²⁴ Former State Senator Sydney Kamlager introduced Assembly Constitutional Amendment (ACA) 3, which did not pass.²⁵ ACA 3 would have defined slavery to include involuntary servitude and forced labor compelled by the use or threat of physical or legal coercion.²⁶ Amending the California Constitution to end involuntary servitude would dissolve a remnant of slavery and a continued cause of racial inequality.

E. Payment of fair market value for labor provided by incarcerated (whether in jail or prison) persons

This proposal recommends the payment of the fair market value for the labor provided by incarcerated persons, whether they are in jail or prison. State Senator Steven Bradford introduced a similar proposal, Senate Bill (SB) 1371.²⁷ SB 1371 would have required the Secretary of the CDCR to adopt a 5-year implementation schedule to increase the compensation for incarcerated individuals working under CDCR’s jurisdiction.²⁸

According to a recent report, 1.2 million people are incarcerated and nearly 800,000 people are forced to work against their will while being paid pennies on the dollar.²⁹ Incarcerated workers generate \$2 billion in goods and \$9 billion worth of prison maintenance services, yet are

²⁴ Cal. Const. art. I, § 6.

²⁵ Assem. Const. Amend. No. 3 (2021—2022 Reg. Sess.).

²⁶ *Ibid.*

²⁷ Sen. Bill No. 1371 (2021-2022 Reg. Sess.).

²⁸ *Ibid.*

²⁹ ACLU, *Captive Labor: Exploitation of Incarcerated Workers*, [Captive Labor: Exploitation of Incarcerated Workers | News & Commentary | American Civil Liberties Union \(aclu.org\)](#) (2022) (as of Jan. 20, 2023).

only paid, on average, between 0.13 and 0.52 cents per hour.³⁰ Most prison jobs do not prepare incarcerated persons to get jobs on the outside.³¹

F. Emphasizing “Rehabilitation” in the California Department of Corrections and Rehabilitation (CDCR)

This proposal recommends that CDCR make education, substance use and mental health treatment, and other rehabilitative programs, such as relevant job training, the priority for incarcerated people. This proposal would recommend that CDCR emphasize rehabilitation with the goal of reducing recidivism. This proposal would also provide funding to CDCR to provide these rehabilitative services. Approximately two-thirds of people recidivate, meaning they will return to prison within three years, either through new offenses or parole violations.³² According to a recent report, most of the jobs incarcerated people are required to work are jobs that have no real-life application outside of prison.³³ Furthermore, a Legislative Analyst’s Office report shows that less than 3.5 percent of what is spent on incarcerating an inmate goes towards rehabilitative services.³⁴ Rehabilitation programs have proven to be effective in reducing recidivism.³⁵ One federal prison study found that, “on average, inmates who participated in correctional education programs had 43 percent lower odds of recidivating than inmates who did not.”³⁶

G. Abolition of the death penalty

This proposal recommends that California abolish the death penalty in all cases. In 2021, the California Committee on Revision of the Penal Code issued a report recommending abolishing the death penalty and dismantling death row.³⁷ According to the committee, the death penalty in California has become too costly and has been imposed arbitrarily in a discriminatory fashion.³⁸ Specifically, the death penalty has been applied in an unfair and unjust manner, particularly against poor people and people of color (especially Black people).³⁹ Additionally, innocent people are far too often sentenced to death.⁴⁰ In 2019, Governor Newsom declared a

³⁰ *Ibid.*

³¹ *Ibid.*

³² Duara, [Prison rehab: Can California learn anything from Norway?](#) CalMatters (Jun. 10, 2022) (as of Jan. 20, 2023).

³³ ACLU, *Captive Labor: Exploitation of Incarcerated Workers*, [Captive Labor: Exploitation of Incarcerated Workers | News & Commentary | American Civil Liberties Union \(aclu.org\)](#) (2022) (as of Jan. 20, 2023).

³⁴ California Legislative Analyst’s Office, [How much does it cost to incarcerate an inmate?](#) (2021-2022) (as of Jan. 20, 2023).

³⁵ Jensen, [Community reentry program for prisoners reduces recidivism](#) CalMatters (Sept. 23, 2021) (as of Jan. 20, 2023).

³⁶ Davis et al., [Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults](#) The RAND Corporation (2013) (as of Jan. 20, 2023).

³⁷ Death Penalty Representation Project, [California Adopts Report Recommending Death Penalty Abolition](#) Committee on Revision of the Penal Code (June 16, 2021) (as of Jan. 20, 2023).

³⁸ *Ibid.*

³⁹ ACLU, [The Case Against the Death Penalty](#) (2012) (as of Jan. 20, 2023).

⁴⁰ *Ibid.*

moratorium on executions in California.⁴¹ In 2020, Assemblymembers David Chiu and Marc Levine introduced ACA 2, which would have led to the abolition of the death penalty, but the bill died in committee.⁴² At the time of this writing, 23 states have abolished the death penalty and three states, including California, have moratoriums on its use.⁴³

H. Prohibit private prisons from benefiting from contracts with CDCR to provide reentry services to incarcerated or paroled individuals

Notwithstanding the steps California has taken to get out of the private prison business, the State remains heavily invested in backing for-profit correctional services, including facilities that closely resemble the private prisons the State has sought to move away from funding.⁴⁴ This proposal would eliminate one major state funding stream to private prison companies by barring state-funded contracts with for-profit correctional companies for the provision of reentry services.

III. RACIAL TERROR

This section details policy proposals to address harms set forth in Chapter 3, Racial Terror, of the Interim Report.

- Establish and Fund Community Wellness Centers in Black Communities
- Fund Research to Study the Mental Health Issues within California’s Black Youth Population, and to Address Rising Suicide Rates among Black Youth [*in progress*]
- Expand the Membership of the Mental Health Services Oversight and Accountability Commission (MHSOAC) and Require the Appointment of an Expert in Reducing Disparities in Mental Health Care Access and Treatment to the MHSOAC
- Fund Community-Driven Solutions to Decrease Community Violence at the Family, School, and Neighborhood Levels
- Proposals to Address Discrimination, Harassment, and Violence Against Black Californians Who Identify or Appear as LGBTQ+ and to Reduce Disparities in Mental Health and Health Care Outcomes for Black members of the LGBTQ Community. [*in progress*]
- Implement Procedures to Address the Over-diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in Black Children [*in progress*]
- Proposals to Disrupt the Mental Health Crisis and County Jail Cycle
- Eliminate Legal Protections for Peace Officers Who Violate Civil or Constitutional Rights
- Assess and Remedy Racially Biased Treatment of Black Adults and Juveniles in Custody in County Jails, State Prisons, Juvenile Halls, and Youth Camps

⁴¹ Governor’s Exec. Order No. N-09-19 (March 13, 2019).

⁴² Assem. Const. Amend. No. 2 (2021—2022 Reg. Sess.).

⁴³ Death Penalty Information Center, [States with and without the death penalty – 2021](#) (2023) (as of Jan. 20, 2023).

⁴⁴ Soriano, [Private prison firms make big money in California](#), Capitol Weekly (Dec. 13, 2021) (as of Jan. 24, 2023).

A. Establish and Fund Community Wellness Centers in Black Communities

Black Californians experience a range of mental health disparities.⁴⁵ Driving these disparities are problems of access, quality of care, misdiagnosis, inadequate research, and poorer mental health outcomes.⁴⁶ Further, due to the lack of prevention and early intervention programs (PEIs) that prevent serious mental illness in adults, African Americans are more likely to have their first contact with the mental health system through a hospital emergency room or the criminal justice system.⁴⁷ For African American children, PEIs are also lacking, resulting in African American children being over-diagnosed with emotional disturbance disorders.⁴⁸

Additional barriers include stigma within the community associated with seeking mental health treatment and distrust of the mental health system, which stems from the discrimination that Black Californians have experienced when they have sought treatment.⁴⁹ The lack of licensed Black mental health professionals or culturally congruent mental health professionals who can provide effective services to California's Black residents increases that distrust.⁵⁰

The proposal recommends that the Legislature enact legislation to establish and fund Community Wellness Centers (CWCs) within historically African American neighborhoods and in other communities in each city and county where significant numbers of African Americans reside. These CWCs would serve three functions:

- First, the CWCs would serve as a source for educating the community about mental health to remove the stigma from experiencing mental health issues and seeking treatment. The CWCs would collaborate with religious leaders, who have traditionally served as a mental health resource for members of their communities,⁵¹ and with community-based organizations (CBOs) to educate community members on mental health issues. The CWCs would also partner with CBOs to offer programs on parenting, processing grief and loss, substance abuse, and intimate partner violence (IPV).
- Second, the CWCs would provide PEI mental health programs that are supported by community-defined evidence practices (CDEPs).⁵² The programs would focus on trauma-

⁴⁵ Cal. Pan-Ethnic Health Network, [Existing Disparities in California's System of Specialty Mental Health Care](#) (2019) (as of Nov. 29, 2022).

⁴⁶ [California Reducing Disparities Project: African American Population Report "We Ain't Crazy, Just Coping With a Crazy System" Pathways into the Black Population for Eliminating Mental Health Disparities](#) (2012) p. 28. (as of Nov. 29, 2022).

⁴⁷ *Ibid.*

⁴⁸ *Id.* at p. 91.

⁴⁹ *Id.* at p. 50.

⁵⁰ Barriers to mental health care in Black communities include lack of providers from diverse racial/ethnic backgrounds, lack of culturally competent providers, and general distrust of the health care system. Am. Psychiatric Assn., [Mental Health Disparities African Americans](#) (2017) p. 3 (as of Nov. 29, 2022); see also Boris Lawrence Henson Foundation, [African American Cultural Competency Training](#) (as of Nov. 29, 2022).

⁵¹ [African American Population Report](#), *supra*, at p. 31 (noting that about 10 percent of African Americans who develop behavioral disorders access services through churches).

⁵² Community Defined Evidence Practices (CDEPs) are a set of practices found to yield positive results as determined by community consensus over time. These practices may or may not have been measured empirically

informed services anchored in addressing racial stress and trauma. Examples of CDEPs include support groups and healing circles.⁵³ Support groups and healing circles are examples of CDEPs practices that have been used by the African American community to address stress from racial terror and trauma. These practices are rooted in a cultural perspective that has helped African Americans develop resilience in the face of historical and current racial terror and trauma.

- In addition to communal practices like racial healing circles, the CWCs will also provide programming that focuses on instilling a positive racial identity in Black children, beginning as early as age three.⁵⁴ The development of a positive racial identity is a protective factor against racism. “Racial socialization and racial identity have been documented as culturally strength-based assets—resources that enhance adaptive coping—that are particularly important and protective for Black families.”⁵⁵ Specifically, a positive racial identity has been linked to higher resilience, self-efficacy, and self-esteem.⁵⁶ A recent study indicated that Black adolescents experienced 5.21 racist incidents on average per day, including in schools.⁵⁷ These experiences lead to short-term increases in depressive symptoms.⁵⁸ Developing a positive racial and ethnic identity has been shown to weaken the effects of both teacher discrimination and other daily discrimination.⁵⁹
- In developing the programming, the CWCs would collaborate with CBOs that promote programs that foster positive racial identity in Black children, like cultural programs and visual and performing arts programs, to offer those programs at the CWCs. The programs would also have a parental education component to provide resources to help parents become more knowledgeable about the importance of fostering a positive racial identity and tools to do so at home. At a minimum, the programs should: 1) expose Black children to historical

(by a scientific process) but have reached a level of acceptance by the community. CDEPs take a number of factors into consideration, including a population’s worldview and historical and social contexts that are culturally rooted. It is not limited to clinical treatments or interventions. CDEPs are a complement to evidence based practices and treatments, which emphasize empirical testing of practices but often do not consider cultural appropriateness in their development or application. See, e.g., *id.* at Forward.

⁵³ The [Community Healing Network](#) (as of Nov. 29, 2022) developed a specific version of a racial healing circle called Emotional Emancipation Circles (EECs) in collaboration with The Association of Black Psychologists (ABPsi). EECs are “liberatory” spaces in which Black people share stories and deepen their understanding of the impact of historical forces on their sense of self-worth, their relationships, and their communities, while learning essential emotional wellness skills. *Ibid.*

⁵⁴ See White & Young, [Positive Racial Identity Development in Early Education: Understanding PRIDE in Pittsburgh](#) (2016) University of Pittsburgh School of Education p. 5 (noting that social biases in children begin to form as early as three to five years, with three-year-olds attributing more positive traits to the dominant societal race and five-year-olds attributing negative traits to non-dominant races) (as of Nov. 29, 2022).

⁵⁵ Carlo et al., [Culture-Related Adaptive Mechanisms to Race-Related Trauma Among African –American and US Latinx Youth](#) (2022) *J. Adversity and Resilience Science* (as of Nov. 29, 2022).

⁵⁶ [Positive Racial Identity Development in Early Education](#), *supra*, at p. 4.

⁵⁷ English et al., [Daily Multidimensional Racial Discrimination Among Black U.S. American Adolescents](#) (2020) 66 *J. Applied Developmental Psych.* 1, 12 (as of Nov. 29, 2022).

⁵⁸ *Ibid.*

⁵⁹ [Positive Racial Identity Development in Early Education](#), *supra*, at p. 4; see also [Culture-Related Adaptive Mechanisms to Race-Related Trauma Among African –American and US Latinx Youth](#), *supra*.

figures and information about Black Americans' accomplishments, capacities, values, and culture; 2) redefine and reframe the definitions of success, strengths, and accomplishments by not using standards and definitions based on Euro-American culture and worldview, i.e., measuring success in terms of family commitment, survival of the community, demonstration of spiritual and moral integrity, and the efficacy of civil rights efforts in combatting discrimination; and 3) expose Black children to Black people in positions of power and control, including those in other countries using film and other media.

- In addition to providing PEI programming, the CWCs would also serve as community gathering spaces for cultural celebrations and other opportunities for the residents to be in community with one another, which is healing unto itself.
- Third, the CWCs would serve as access points for screening and referrals to the appropriate level of care for both mental health and medical care. Each CWC would be staffed by a licensed mental health professional who is culturally congruent with the African American culture,⁶⁰ who would provide screening and appropriate referrals for people in the community, and who, if requested, would provide urgent mental health interventions. This would include screening for depression and suicide risk for children and adolescents, the group for whom suicide rates have increased the most. The licensed mental health professional would also have knowledge about PEIs, including those supported by CDEPs. This proposal would also require sufficiently increased funding for mental health services provided in traditional clinical settings, as well as outpatient and inpatient services, to absorb the increased referrals from the CWCs. County departments of mental health across the state would be required to provide CBOs with access to PEI resources at the county level, align county priorities with non-evidence based intervention opportunities, and provide annual accountability updates to demonstrate the extent to which the cultural and contextual needs of Black residents in their county are addressed.
 - The staff of the CWCs will also include a culturally congruent general medical provider and a culturally congruent health care advocate. A 2022 survey of Black Californians about their experiences with accessing medical care revealed that about one-third of the respondents experienced racial discrimination from a healthcare provider.⁶¹ About one-fourth of respondents reported avoiding care because of concerns about being treated unfairly or disrespectfully when accessing medical care.⁶² The respondents requested that the medical healthcare system implement several changes to improve care for Black Californians. Those improvements included increasing Black representation among health care

⁶⁰ See [African American Cultural Competency Training](#), *supra*.

⁶¹ Cummings, [Executive Summary Listening to Black Californians: How the Health Care System Undermines Their Pursuit of Good Health](#), Cal. Health Care Foundation (Oct. 2022) at p. 1 (as of Nov. 29); see also van Ryn and Burke, [The Effect of Patient Race and Socio-Economic Status on Physicians' Perceptions of Patients](#) (Mar. 2000) 50 Soc. Sci. Med. 813, 813-828 (describing a study that determined physicians tended to perceive African Americans and members of low and middle socioeconomic status groups more negatively on a number of dimensions than they did white patients and patients of upper socioeconomic status; study also found that physicians assessed a patient's likelihood of adhering to medical advice based on the patient's race) (as of Nov. 29, 2022).

⁶² [Executive Summary Listening to Black Californians: How the Health Care System Undermines Their Pursuit of Good Health](#), at p. 2.

leadership and the health care workforce, establishing more Black-led, community-based clinics, and expanding community-based education on how to navigate the health care system and advocate for quality care for Black Californians.⁶³

- To address these concerns, the CWCs would be staffed by a medical provider who is culturally congruent with African American culture and would be able to screen adults and children for medical conditions, including those that may present as mental illness,⁶⁴ and refer them out for appropriate medical treatment. Further, each CWC would be staffed by a culturally congruent healthcare advocate or a medical social worker, who will assist members of the community in navigating the medical and mental health systems to ensure not only access, but also to provide advocacy when community members experience discrimination or otherwise do not receive respectful, proper care.⁶⁵ The Office of Health Equity (OHE), which provides a key leadership role in reducing health disparities in California⁶⁶ would be required to collect data regarding the number of people using the medical screening and referral services at CWCs to assess whether there is a need for additional resources for a specific CWC or community.

B. Fund Research to Study the Mental Health Issues within California’s Black Youth Population, and to Address Rising Suicide Rates among Black Youth.

As of 2018, suicide is the second leading cause of death among Black children aged 10-14, and the third leading cause of death among Black adolescents aged 15-19.⁶⁷

Despite the rise in suicide rates, the number of research studies examining Black child death by suicide is low, and very little is known about causality.⁶⁸ The few studies that have examined suicide risk in Black youth suggest that depression, delinquent behavior, poor familial support, and, in some cases, substance abuse are risk factors for suicidal thoughts, attempts and/or deaths.⁶⁹ “One factor that may be contributing to increases in the risk of suicide in Black youth may be disparities in access to mental health services.”⁷⁰

⁶³ *Ibid.*

⁶⁴ Some medical illnesses and their associated medications have side effects that can “masquerade” as psychological disorders. See Magnani, [Psychological Masquerade: Physical Illness and Mental Health](#) (as of Nov. 29, 2022).

⁶⁵ See Welf. & Inst. Code, § 5830, subd. (c)(2) (authorizing funding for programs that promote advocacy for underserved populations including advocacy to improve access to mental health services); see also Cal. Health and Safety Code, § 131019.5 subd. (c)(2).

⁶⁶ Office of Health Equity [Information](#), (as of Jan. 23, 2023).

⁶⁷ *Ibid.*

⁶⁸ Grills et al., [Black Child Suicide: A Report](#) (2019) National CARES Mentoring Movement p. 7 (as of Jan. 23, 2023).

⁶⁹ [Ring the Alarm: The Crisis of Black Youth Suicide in America](#), *supra*, at pp. 14-15.

⁷⁰ [Addressing the Crisis of Black Youth Suicide](#), *supra*.

Research also suggests that discrimination plays a significant role in the increase in the risk of suicide among Black youth. Specifically, one study concluded that discrimination was a universal risk factor for suicidal ideation among Black youth, regardless of their ethnicity or gender.⁷¹ Exposure to online racial traumatic events, such as police killings and videos of people being beaten, also was associated with an increase in depression and post-traumatic stress symptoms, which have been associated with suicide risk.⁷²

The following proposals provide a multi-prong approach to researching suicide risk and prevention strategies for Black youth and implementing protocols to address mental health of Black youth.

- This proposal recommends that the Legislature amend the Mental Health Services Act (MHSA) to authorize the Office of Health Equity (OHE), which is housed in the California Department of Public Health, to establish and fund practice-based suicide prevention research centers throughout California to study suicide risk and prevention in Black youth. The National Institute of Mental Health (NIMH) established a grant program to fund research focused on the risk and prevention of suicide in Black youth. OHE is authorized by Health and Safety Code, section 131019.5 to lead the effort to reduce health and mental health disparities to vulnerable communities, including Black Californians. Like the NIMH, the OHE has the authority to direct and fund research on suicide and risk prevention in California, including specific research on suicide risk and prevention in Black youth. The Legislature can amend the MHSA to require that OHE establish and fund suicide risk and prevention research centers throughout California.
- This proposal recommends that the Legislature amend Title 5, Division 1, Chapter 2, subchapter 3 of the California Code of Regulations (Health and Safety of Pupils) to require mandatory annual screening for depression symptoms in all school children beginning in kindergarten. The American Academy of Pediatrics recommends the use of a self-report tool which includes items that screen for suicidal ideation and risk. A self-report tool designed to measure core depressive symptoms in children and adolescents can be used for initial screenings without requiring extensive testing for each child.⁷³ Black youth that are presenting with significant depression symptoms should be screened in addition to the mandatory screening required for all students. The guidelines for assessing depression symptoms in schools must note that there is a lack of cultural relevance in empirically-supported approaches to assessing depression in Black children

⁷¹ Assari et al., [Discrimination Increases Suicidal Ideation in Black Adolescents Regardless of Ethnicity and Gender](#) (2017) 7 Behavioral Sciences 1, 6 (as of Jan. 23, 2023); see also Brooks et al., [Capability for Suicide: Discrimination As a Painful and Provocative Event](#) (2020) 50 Suicide Threat Behavior 1173, 1173-80 (research study determined that discrimination increased risk of suicide in Black adults.

⁷² [Ring the Alarm: The Crisis of Black Youth Suicide in America](#), *supra*, at p. 15 (citing Tynes et al., [Race-Related Traumatic Events Online and Mental Health Among Adolescents of Color](#) (2019) 65 J. of Adolescent Health 371, 376 (2019).

⁷³ An example of a self-report tool is [The Short Mood and Feelings Questionnaire](#) (SMFQ), a 13-item self-report questionnaire designed to measure core depressive symptoms in children and adolescents aged 6-17 years old. One study found that children self-report tools were valid and reliable in screening children for depression. Reynolds et al., [Measuring Depression In Children: A Multimethod Assessment Investigation](#) (1985) 13 J. Abnorm Child Psych. 513, 513-526. In the same study, parent assessment tools were not found to be reliable. *Ibid*.

and adolescents, and that Black children and adolescents may express symptoms differently than other populations.⁷⁴

- This proposal recommends that the Legislature enact legislation to increase funding for mental health counselors at each school throughout California to increase the number of counselors available to students. A recent study indicated that students are willing to seek help from school counselors, but a significant barrier to access is the limited availability of counselors.⁷⁵ In expanding the number of counselors available at each school, the legislation also would require that sufficient funding be provided to schools with African American student populations so that those schools have the same counselor to student ratio as schools in the wealthiest school districts in California. To address and mitigate any stigma some students may experience in seeking help, care must be taken to allow those accessing mental health services to be inconspicuous.
- This proposal recommends that the Legislature enact legislation to provide funding for confidential peer counseling and/or peer support groups in each school throughout California to help students who are struggling with depression or experiencing discrimination in the school, but may be reluctant to seek help from a school counselor. Studies indicate that peer counseling and peer support groups are beneficial to students experiencing depression.⁷⁶ More important, providing confidential peer support groups at school could be an important PEI protocol for those students at risk for suicide.⁷⁷
- This proposal recommends that the Legislature enact legislation to provide schools with additional funding to establish healing circles or sharing circles for African American students who may be experiencing discrimination at school.⁷⁸ Healing and sharing circles are examples of CDEPs⁷⁹ that have been shown to help Black people process racial trauma.

⁷⁴ Rutgers University, [Depression In Black Adolescents Requires Different Treatment](#), Science Daily (Jan. 18, 2018) (as of Jan. 23, 2023).

⁷⁵ McKinney et al., [Youth-Centered Strategies for Hope, Healing and Health](#) (May 2022) National Black Women’s Justice Institute and The Children’s Partnership p. 18 (as of Jan. 23, 2023).

⁷⁶ Group Cognitive Behavioral Therapy (G-CBT) and group interpersonal psychotherapy were both effective in reducing depressive symptoms in adolescents. Nardi et al. [Effectiveness Of Group CBT In Treating Adolescents With Depression Symptoms: A Critical Review](#) (Jan. 2016) *Internat. J. Adolescent Medical Health* (as of Jan. 23, 2023). “Successful G-CBT outcomes were related to the presence of peers, who were an important source of feedback and support to observe, learn, and practice new skills to manage depressive symptoms and improve social-relational skills.” *Ibid*.

⁷⁷ [Ring the Alarm: The Crisis of Black Youth Suicide in America](#), *supra*, at p. 24 (describing a successful peer-to-peer program at the University of Virginia, [Project Rise](#), which is focused on helping Black students on campus with a myriad of issues).

⁷⁸ Mizock & Harkins, *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*. (2011) 32 *Child & Youth Services*, 243, 248.

⁷⁹ As explained *supra*, CDEPs are practices that a (historically marginalized) community has mutually agreed to be healing, though not typically empirically validated by Western standards. [Youth-Centered Strategies for Hope, Healing and Health](#), *supra*, at p. 21.

C. Expand the Membership of the Mental Health Services Oversight and Accountability Commission (MHSOAC) and Require the Appointment of an Expert in Reducing Disparities in Mental Health Care Access and Treatment to the MHSOAC

The MHSOAC is the body charged with overseeing the Mental Health System of Care Act for adults and older adults.⁸⁰ The provision establishing the MHSOAC provides for 16 voting members.⁸¹ One of the responsibilities of the MHSOAC is to develop strategies to overcome stigma and discrimination and to increase access to mental health services for underserved groups.⁸² In 2017, Governor Brown vetoed legislation that would have added an expert in reducing mental health disparities to the MHSOAC.⁸³

The MHSOAC acknowledged in 2022 that structural racism has caused racial disparities to persist in California’s mental health system.⁸⁴ At its November 17, 2022, meeting, the MHSOAC approved its Racial Equity Plan, which is the MHSOAC’s “initial step” to address the demonstrated disparities in access to mental health services and disparities in treatment that result from structural racism.⁸⁵

In this “initial step,” the MHSOAC states that it will solicit the help of subject-matter experts in identifying “best practices of policy research that address disparities” and in evaluating and modifying its Racial Equity Plan to meet its “racial equity vision.”⁸⁶ The acknowledgement that the MHSOAC has to consult with outside experts on the issue of reducing disparities indicates that adding an expert in reducing mental health disparities to the MHSOAC is necessary to address issues of racial disparities.

The proposal recommends that the Legislature reintroduce legislation Governor Brown vetoed in 2017 to amend Welfare and Institutions Code section 5845, subdivision (a) to increase the number of voting members from 16 to 17. In addition, the Legislature would amend subdivision (a)(5) to require the Governor to appoint an expert in reducing disparities in access to mental health services for people of color and LGBTQ communities—including mental health disparities for the Black population—as a MHSOAC member. Appointing an additional member who has expertise in reducing disparities fits with the overall purpose of the MHSA.⁸⁷ And doing so aligns with the Racial Equity Plan approved by the MHSOAC on November 17, 2022.⁸⁸

⁸⁰ Welf. & Inst. Code, § 5845, subd. (a).

⁸¹ *Ibid.*

⁸² Welf. & Inst. Code, §§ 5830, 5845, subd. (d)(8).

⁸³ [Assem. Bill No. 850](#), vetoed by Governor, Oct. 2, 2017 (2017-2018 Reg. Sess.).

⁸⁴ Mental Health Services Oversight and Accountability Commission Meeting November 17, 2022, [Meeting Agenda: Item 8](#), pp. 1-2 (as of Nov. 29, 2022).

⁸⁵ *Id.* at pp. 3-5.

⁸⁶ *Id.* at p. 5.

⁸⁷ Welf. & Inst. Code, §§ 5830, 5845.

⁸⁸ [Meeting Agenda: Item 8](#), *supra*, at pp. 2-5.

D. Fund Community-Driven Solutions to Decrease Community Violence at the Family, School, and Neighborhood Levels

Black communities experience violence at the family, school, and community levels. Exposure to violent crime damages “people’s health and development,” and pushes “communities into cycles of decay.”⁸⁹ And although rates of violent crime have declined significantly, Black communities are disproportionately affected by it.⁹⁰ The data indicates that limited resources and “concentrated disadvantage” influences the rate of violence within a neighborhood.⁹¹ Concentrated disadvantage is a sociological term used to describe neighborhoods or communities with high percentages of residents who are poor.⁹² Investing in programs that increase inclusion and belonging within the community, support education, help residents acquire skills, and increase access to jobs can reduce violent crime within neighborhoods.⁹³

This proposal recommends creating a state-funded grant program to fund community driven solutions to decrease community violence at the family, school, and neighborhood levels. The grant program will award grants to CBOs that offer programs to address violence in historically African American communities and in communities where there is a significant African American population. The grant program would operate similarly to the Ready to Rise Program in Los Angeles and would provide sufficient funding to each program to ensure that the full panoply of services can be provided at the level needed.

- Funding would be prioritized for programs that use practices that are supported by CDEPs to focus on violence prevention within the youth population. Programs that promote socialization, emotional regulation techniques, and social and cultural competence in early-school-age children have been shown to reduce violence among youth.⁹⁴ These include programs that partner with schools to create a trauma-informed, safe, supportive, and equitable learning environment for everyone within the school community.⁹⁵
- Funding would also be prioritized for programs that focus on youth empowerment by teaching skills in a variety of areas, including, but not limited to, computer coding, political advocacy, culinary arts, performing arts, and sports. Funding would be provided for equipment and transportation for all children, regardless of means, so that poverty

⁸⁹ HUD USER, [Neighborhoods and Violent Crime](#) (2016) at *Highlights* (as of Nov. 29, 2022).

⁹⁰ *Ibid.*

⁹¹ *Ibid.*

⁹² Carpiano et al., [Concentrated Affluence, Concentrated Disadvantage, and Children's Readiness for School: A Population-Based, Multi-Level Investigation](#) (2009) 69 *Social Science & Medicine* 420, 420-432 (as of Nov. 29, 2022).

⁹³ [Neighborhoods and Violent Crime](#), *supra*, at *Strategies from the Evidence*.

⁹⁴ [African American Population Report](#), *supra*, at p. 191.

⁹⁵ For an example, see the UCSF HEARTS program, an intervention program that is “largely aimed at school climate and culture change through building capacity of school personnel around implementing trauma-informed practices, procedures, and policies.” [Program Overview](#), Univ. of Cal., San Francisco (as of Nov. 29, 2022).

would not serve as a barrier to participation nor as a source of stigma for children who may lack the resources to pay for equipment and supplies.

- Funding also would be prioritized for those programs that provide services to children and families who have been victims of violence or otherwise exposed to violence.⁹⁶ Peer-to-peer programs, which have demonstrated promise in helping victims of violence and their families heal from their experience, are one example.⁹⁷
- Funding would also be prioritized for programs that have demonstrated success in gang prevention, gang intervention, and the disruption of gang violence, as well as programs that partner adults within the community with children to escort them along safe routes to and from school to avoid “hot spots.”⁹⁸
- Funding also would be prioritized for CBOs that provide mental health support services, including PEI programs like healing circles,⁹⁹ peer-to-peer support groups,¹⁰⁰ and other practices supported by community-defined evidence, to people residing within historically African American neighborhoods and in communities in each city and county where significant numbers of African Americans live. The CBOs would be able to provide services to individuals irrespective of a mental health diagnosis.
- Funding would also be provided to CBOs that operate programs designed to address the physical characteristics of a community that correlate to an increase in violence, including programs that invest in rehabilitation of structures and public spaces within neighborhoods to strengthen community connection.¹⁰¹ One study suggests that the

⁹⁶ Unaddressed exposure to violence, racism, and other adverse childhood experiences (ACEs) can lead to toxic stress, which can impede learning and lead to a host of other negative outcomes. See, e.g., Center on the Developing Child, Harvard University, [ACEs and Toxic Stress: Frequently Asked Questions](#) (as of Nov. 29, 2022). “[Y]outh with [traumatic experiences] have deficits in key areas of the [prefrontal cortex] responsible for cognitive control[,] attention, memory, response inhibition, and emotional reasoning—cognitive tools that may be necessary for learning.” Carrion and Wong, [Can Traumatic Stress Alter the Brain? Understanding the Implications of Early Trauma on Brain Development and Learning](#) (2012) 51 J. Adolesc. Health S23, S26 (as of Nov. 29, 2022). Trauma also affects areas of the brain responsible for concentration, goal-setting and long-term planning, and classroom behaviors. Wolpov et al., [The Heart of Learning and Teaching: Compassion, Resiliency, and Academic Success](#) (2009) p. 12 (as of Nov. 29, 2022).

⁹⁷ Bartone et al., [Peer Support Services for Bereaved Survivors: A Systematic Review](#) (2019) (as of Nov. 29, 2022) (“Of the 32 studies meeting all inclusion criteria, most showed evidence that peer support was helpful to bereaved survivors, reducing grief symptoms and increasing well-being and personal growth. Studies also showed benefits to providers of peer support, including increased personal growth and positive meaning in life.”).

⁹⁸ Research suggests that “violent crime occurs in a small number of hot spots,” either particular street intersections or blocks. See *Neighborhoods and Violent Crime*, *supra*, at *Extent of Violent Crime*.

⁹⁹ See e.g., The [Community Healing Network](#) Emotional Emancipation Circles (EECs), one form of healing circles developed in collaboration with The Association of Black Psychologists (ABPsi)

¹⁰⁰ Bartone et al., [Peer Support Services for Bereaved Survivors: A Systematic Review](#), *supra* (2019) (as of Nov. 29, 2022)

¹⁰¹ See Sharkey, *Uneasy Peace: The Great Crime Decline, The Renewal Of City Life, And The Next War On Violence* (2018) p. 144. Sharkey posits that the most fundamental change that took place in U.S. cities that led to a decline in violent crime was the reclaiming, and subsequent transformation, of public spaces, by local community organizations that provided social services and safe spaces for young people, created stronger neighborhoods, and confronted violence.

presence of commercial properties, vacant lots, and abandoned buildings correlate to an increase in violent crime.¹⁰² Grants can be provided to CBOs that focus on ameliorating these conditions within historically African American communities and other communities where significant numbers of African Americans reside.

E. Implement Procedures to Address the Over-diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in Black Children

Black children are two-to-three times more likely to receive a diagnosis of Emotional Disturbance (ED) in schools and be placed in special education classes than white students.¹⁰³ Black children are also 2.4 times more likely than white children to receive a Conduct Disorder diagnosis.¹⁰⁴ Historically, the adolescents who have been over-diagnosed with Conduct Disorder, a subset of ED, are “urban,” low-income, and Black.¹⁰⁵ Research indicates that white children who exhibit comparable behaviors that would lead to a Conduct Disorder diagnosis in Black children generally receive diagnoses of mood, anxiety, or developmental disorders, conditions that are deemed more treatable.¹⁰⁶

Research also indicates that teachers and school staff often referred Black children, males in particular, for assessment for ED and special education placements based on a misinterpretation of behaviors that are rooted in cultural differences, such as their posture, how they walked, and how they dressed.¹⁰⁷

Restrictive educational placements, like special education classes, “socialize Black children for prison and contribute to the school-to-prison pipeline.”¹⁰⁸ The majority of Black students who receive special education services under a referral of ED drop out of school, and 73 percent of those students are arrested within five years of dropping out.¹⁰⁹

Studies suggest that Black children misdiagnosed with ED or its subset, Conduct Disorder, may be suffering from other conditions, for example, underlying mood or anxiety disorders or Autism Spectrum Disorder (ASD).¹¹⁰

¹⁰² Anderson et al., [Reducing Crime by Shaping The Built Environment With Zoning: An Empirical Study of Los Angeles](#) 161 U. Pa. L. Rev. (2013) 699, 721-723 (as of Nov. 29, 2022).

¹⁰³ [Lifting the Voices of Black Students Labeled with Emotional Disturbance: Calling All Special Education Researchers](#), *supra*, at p. 2.

¹⁰⁴ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 245.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ Clark, [Conduct Disorders in African American Adolescent Males: The Perceptions That Lead to Over-diagnosis and Placement in Special Programs](#) (2007) 33 Ala. Counseling Ass’n J. 1, 2 (as of Jan. 20, 2023); [Lifting the Voices of Black Students Labeled with Emotional Disturbance: Calling All Special Education Researchers](#), *supra*, at p. 3.

¹⁰⁸ [Lifting the Voices of Black Students Labeled with Emotional Disturbance: Calling All Special Education Researchers](#), *supra*, at p. 2.

¹⁰⁹ *Ibid.*

¹¹⁰ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 245; Rentz, [Black and Latino Children Are Often Overlooked When It Comes to Autism](#) (2018) NPR (as of Jan. 23, 2023).

Conduct problems or concerning behaviors also may be responses to environmental stressors.¹¹¹ The textual commentary at the end of the criteria list for Conduct Disorder or ED in the DSM-IV¹¹² excludes the diagnosis if conduct problems are a response to environmental stressors.¹¹³

- To address both the over-diagnosing of ED and underdiagnosing of other conditions like mood disorders or ASD in Black children, this proposal recommends that the Legislature amend California’s Special Education regulations, sections 300.301, 300.304-300.306, which govern evaluations under the Individuals with Disabilities Educational Act (IDEA), to require clinicians in California to evaluate first whether the behaviors a child is exhibiting are related to environmental stressors. Requiring consideration of the impact of environmental stressors on a child’s behavior would ensure consistent application of the textual commentary to the diagnosis in the DSM-IV and minimize the risk of a Conduct Disorder misdiagnosis.
- This proposal recommends that the Legislature amend the regulations to require that a child be evaluated for ASD or mood disorders, which are less stigmatizing than ED or Conduct Disorder and for which early interventions and supports can be critical. The clinician would be required to certify that assessments for environmental stressors, ASD, or other conditions were completed before the diagnosis of ED was made. Parents and children would be entitled to appropriate statutory remedies where this step is omitted in an initial evaluation.
- This proposal recommends that the Legislature enact legislation to require clinicians who diagnose and treat children to complete continuing education or training on conducting culturally sensitive diagnosis and treatment of conduct problems, as part of the state’s licensing requirements.¹¹⁴ Currently, psychologists are required to take four hours in cultural diversity or social justice.¹¹⁵ The continuing education requirement described in this proposal is more specific, and would apply to all psychologists, psychiatrists, and other mental health professionals involved in diagnosing and treating children and adolescents.
- This proposal recommends that the Legislature amend the MHSA to mandate that the OHE provide grants to mental health treatment professionals’ member organizations to implement training and continuing education programs for their members on how to conduct culturally sensitive diagnoses of ED disorders, including Conduct Disorder. The curriculum for the training would impart the need for clinicians to take into account the following considerations to ensure an accurate diagnosis: 1) an examination of the clinician’s cultural biases, 2) information about a child’s cultural background, 3)

¹¹¹ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 245.

¹¹² The DSM-IV is the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders, the leading treatise for the classification, diagnosis, and treatment of mental disorders in the field of psychiatry. See [DSM History](#), Am. Psychiatric Assn. (as of Jan. 25, 2023).

¹¹³ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 249.

¹¹⁴ *Id.* at pp. 248-249.

¹¹⁵ See Cal. Bd. of Psychology Continuing Education Reporting Form, [Continuing Professional Development Reporting Form - California Board of Psychology](#) (as of Jan. 25, 2023).

awareness of the cultural biases of any diagnostic assessment measures being used, and 4) careful differentiation of the client’s culture and circumstances from a mental disorder.¹¹⁶

- This proposal recommends that the California Department of Education revise the special education curriculum to include interventions in the curriculum that have been proven effective in helping students diagnosed with ED benefit from their special education placements.¹¹⁷ Specifically, research indicates that three interventions have been effective: 1) quality teacher feedback, including verbal praise, 2) flexibility in the ways a student completes academic tasks, and 3) use of behavioral staff as a means of additional academic support.¹¹⁸

F. Proposals to Disrupt the Mental Health Crisis and County Jail Cycle

The overrepresentation of people of color—especially Black people—in the criminal justice system is well-established. Black people are 4.2 times more likely than white people to be incarcerated in jail and nearly eight times more likely to be incarcerated in prisons in California.¹¹⁹ People with mental illness are also overrepresented in the criminal justice system.¹²⁰ The most recent available data from the Bureau of Justice Statistics shows that more than one quarter of people in jail met the threshold for serious psychological distress and more than a third had been told by a mental health professional that they have a mental illness.¹²¹ One explanation for these findings is the use of police and the criminal justice system as a response to mental health crises.¹²² Oftentimes, police are involved in responding to mental health emergencies, with resulting incarceration and in many instances also use of force, where mental health professionals would have been better suited to address the situation.¹²³

¹¹⁶ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at pp. 248-249.

¹¹⁷ Lukowiak, [Academic Interventions Implemented to Teach Students with Emotional Disturbance](#) (2009) J. Am. Academy of Special Ed. Professors 63, 70 (as of Jan. 25, 2023).

¹¹⁸ *Ibid.*

¹¹⁹ Vera Institute of Justice, [Incarceration Trends in California](#) (Dec. 2019) (as of Feb. 8, 2023); see also NAACP [Criminal Justice Fact Sheet](#) (2023) (noting that Black people nationally are incarcerated at five times the rate of white people) (as of Feb. 8, 2023).

¹²⁰ Franco, [Prevalence of Mental Illness in California Jails is Rising: An Analysis of Mental Health Cases 7 Psychotropic Medication Prescriptions, 2009-2019](#) (Feb. 2020) Cal. Health Policy Strategies LLC p. 3; see also Collier, [Incarceration Nation](#) American Psychological Association Monitor on Psychology (Oct. 2014) (as of Feb. 8, 2023).

¹²¹ Bronson & Berzovsky, [DOJ Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12 U.S.](#) Dept. of Justice Bureau of Justice Statistics (June 2017) pp. 4-5.

¹²² Scully, [Criminal Justice Reform Means Reforming the Mental Health System](#) National Alliance on Mental Illness Blog (March 5, 2021) (as of Feb. 8, 2023); see also Collier, [Incarceration Nation](#) American Psychological Association Monitor on Psychology (Oct. 2014) (as of Feb. 8, 2023).

¹²³ Watson et al., [Police Reform From the Perspective of Mental Health Services and Professionals: Our Role in Social Change](#) (2021) Vol. 72, Issue 9 Psychiatric Services pp. 1085-1086 (American Psychiatric Association) < <https://ps.psychiatryonline.org/doi/epdf/10.1176/appi.ps.202000572>>(as of Feb. 8, 2023); see Rafla-Yuan et al., [Decoupling Crisis Response from Policing — A Step Toward Equitable Psychiatric Emergency Services](#) (2021) N. Engl. J. Med. pp. 1769-1771 (describing incidents where people suffering mental health emergencies were

Although Black people are more likely to be involved in the criminal justice system, there is evidence that, once incarcerated, they are less likely to be identified as having a mental health problem and are less likely to receive treatment.¹²⁴ Evidence shows that the mental health screening tools used in jails reproduce disparities, resulting in fewer Black and Latino people screening positive for mental health conditions and being referred to services to address their mental health needs.¹²⁵ Once released, formerly incarcerated people are nearly 10 times more likely to be homeless,¹²⁶ which can significantly worsen mental health conditions.

To address these harms, this proposal recommends that the Legislature:

- Provide funding for a media campaign to increase awareness within African American communities of 988 as a non-law enforcement emergency call-in option for those experiencing mental health emergencies or crises.¹²⁷
- Enact legislation to require and fund Police-Mental Health Collaboration (PMHC) programs at law enforcement agencies throughout California. PMHCs are collaborative partnerships among law enforcement and mental health providers and often community-based organizations (CBOs) as well.¹²⁸ PMHCs are designed to allow law enforcement to safely respond to behavioral health emergencies¹²⁹ and have been shown to be effective

seriously injured or killed by law enforcement)

<https://www.nejm.org/doi/pdf/10.1056/NEJMms2035710?articleTools=true> (as of Feb. 8, 2023).

¹²⁴ Thompson, *Gender, Race, and Mental Illness in the Criminal Justice System Corrections and Mental Health Update National Institute of Corrections* pp. 4-5; see Schlesinger, *Racial Disparities in Pretrial Diversion: an Analysis of Outcomes Among Men Charged with Felonies and Processed in State Court* (2013) 3 Race and Justice pp. 223, 228 <<https://journals.sagepub.com/doi/pdf/10.1177/2153368713483320>> (as of Feb. 8, 2023).

¹²⁵ Prins et al., *Exploring Racial Disparities in The Brief Jail Mental Health Screen* (2012) Crim. Justice Behav.; see also [The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners - PMC \(nih.gov\)](#).

¹²⁶ Couloute, *Nowhere to Go: Homelessness among Formerly Incarcerated People* (Aug. 2018) Prison Policy Initiative (as of Feb. 8, 2023).

¹²⁷ The number 988 became operational in July 2022, as the new three-digit number for suicide prevention and mental health crises. (Substance Abuse and Mental Health Services Administration [988 Appropriations Report](#) (Dec. 2021) p. 2.) (as of Feb. 8, 2023).

¹²⁸ The U.S. Department of Justice PMHC Toolkit includes the following types of PMHC programs: The Crisis Intervention Teams model (CIT), which involves trained officers and trained call dispatchers collaborating with mental health providers to transport individuals to mental health treatment centers with a “no refusal policy” instead of county jail; the Mobile Crisis Team model, which involves a group of mental health professionals who respond to calls for service at the request of law enforcement officers; a Co-Responder Team model, which partners a specially trained officer with a mental health crisis worker to respond to mental health calls; a Proactive Team model, which involves behavioral health professionals and officers providing outreach and follow-up to repeat callers and high utilizers of emergency services; and a “Tailored Approach” where the agency selects various response options from the PMHC toolkit to build a comprehensive and robust program that responds to community’s specific needs. (Bureau of Justice Assistance, [Police-Mental Health Collaboration \(PMHC\) Toolkit \(as of Feb. 8, 2023\)](#).)

¹²⁹ Behavioral health emergencies include emergencies based on mental health and/or substance abuse issues. (Emergency Nurses Association, [Behavioral Health](#) (as of Feb. 8, 2023).)

in diverting individuals to appropriate mental health settings instead of jails, and without a concomitant increase in other harms.¹³⁰ Key features of effective PMHC programs include training for law enforcement officers on recognizing signs and symptoms of mental illness, education to increase officer awareness of mental health resources within their community and collaboration with those resources, and training for officers in de-escalation techniques.¹³¹ Therefore, it is recommended that the Legislature require each law enforcement agency to include the following criteria in its PMHC program at a minimum: training for officers on signs and symptoms of mental illness, education on the mental health resources available in that specific community, training in de-escalation techniques, and routine evaluation and reporting of findings to determine effectiveness and to make program improvements.¹³²

- Increase funding to expand diversion and mental health collaborative court programs in each city and county and require assessment for anyone who has been diagnosed with or has a demonstrable mental illness that can be connected to the individual's illegal behavior.¹³³ Additionally, it is recommended that the Legislature require that cities and

¹³⁰ See e.g., Rogers et al., *Effectiveness of Police Crisis Intervention Programs* (2019) 47 J. of Am. Academy of Psychiatry and the Law p. 418 and Watson & Fulambarker, *The Crisis Intervention Team Model of Police Response to Mental Health Crises: A Primer for Mental Health Practitioners* (Dec. 2012) Best Pract. Ment. Health (stating that research studies indicate that the CIT Model is effective in diverting people with mental health emergencies from jails to treatment settings); see also IACP / UC Center for Police Research and Policy, *Assessing the Impact of Co-Responder Team Programs: A Review of Research* pp. 6-8 (stating that research indicates that Co-Responder teams were effective in connecting individuals to mental health treatment resources and may result in fewer arrests than regular police intervention.) (as of Feb. 8, 2023). Research also indicates that diversion, whether at the initial contact with police or later in the legal process, may be one option for increasing access to and utilization of mental health services, “increasing time in the community, and reducing jail days, without a concomitant increase in arrests, substance use, or psychiatric symptoms.” Broner et al., *Effects of Diversion on Adults with Co-Occurring Mental Illness and Substance Use: Outcomes from a National Multi-Site Study* (2004) 22 Behav. Sci. Law p. 537
https://www.researchgate.net/publication/237354104_Effects_of_Diversion_on_Adults_withCo-OccurringMentalIllness_and_Substance_Use_Outcomes_from_a_National_Multi-Site_Study.

¹³¹ See, e.g., Bureau of Justice Assistance, *Police-Mental Health Collaboration (PMHC) Toolkit (as of Feb. 8, 2023)*.

¹³² See Waters, *Enlisting Mental Health Workers, Not Cops, In Mobile Crisis Response* (Jun. 2021) Health Aff (Millwood) (assessing efficacy of local programs that dispatch health crisis workers and emergency medical technicians, instead of police, to people experiencing serious mental health distress); see also Meehan et al., *Do Police–Mental Health Co-Responder Programmes Reduce Emergency Department Presentations Or Simply Delay The Inevitable?* (2019) 27 Australasian Psychiatry at 18-20 (assessing co-responder model and concluding that the co-responder model was effective in resolving immediate mental health crises and in diverting individuals away from emergency departments and inpatient facilities)

¹³³ A study of four mental health courts, two of which were in California, found that participants had lower rearrest rates and fewer incarceration days than the “treatment as usual” group. (California Administrative Office of the Courts, *Mental Health Courts: An Overview* (2012) p. 7.) Research also showed that mental health courts effectively link “mentally ill offenders with necessary treatment services,” which leads to participants having a “greater likelihood of treatment success and access to housing and critical supports than mentally offenders in traditional court.” (California Administrative Office of the Courts, *Mental Health Courts: An Overview* (2012) p. 5.) Mental health courts helped participants avoid “hospitalizations, rearrests, violence against others, and homelessness.” (California Administrative Office of the Courts, *Mental Health Courts: An Overview* (2012) p. 6.)

counties collect and retain screening and referral data for collaborative court programs disaggregated by race, gender, and age.¹³⁴

- Increase funding to expand county pretrial support services with the Public Defender’s office, county partnerships that provide mental health services and treatment planning services within the facility, and services that assess individuals before they are released to connect them with appropriate services within the community.¹³⁵ Where possible, the county will identify and augment opportunities for recently released individuals to be linked to culturally congruent community-based organizations (CBOs) that have a successful history of providing services in African American communities, including programs that incorporate a peer support component in the reentry process.¹³⁶
- Provide ample funding to expand existing Offices of Diversion and Reentry (ODR) programs in each county and fund ODR programs in counties throughout the state where those programs do not exist. At a minimum, the ODR programs would provide mental health programming and services to individuals held in county facilities and help individuals released from county facilities transition to community-based programs that provide mental health treatment planning services, mental health services, medications, and permanent housing.¹³⁷ It is recommended that the Legislature also provide additional funding to each ODR program to collect demographic data for the populations served disaggregated by age, race, and gender.

¹³⁴ See *Connerly v. State Personnel Bd.* (2001) 92 Cal.App.4th 16, 53, 61-63 (holding data collection regarding minority business participation does not violate Proposition 209).

¹³⁵ [Community Health & Justice Project](#), Blueprint (Dec. 2022) p. 12; see Salas & Fiorentini, [Looking Back at Brad H: Has the City Met Its Obligation to Provide Mental Health & Discharge Services in the Jails?](#) (nyc.ny.us) (May 2015) New York City Independent Budget Office pp. 5-6 (discussing New York City’s obligations to provide direct mental health services and discharge planning and case management services to persons in custody at its jails before they are released).

¹³⁶ [Community Health & Justice Project Blueprint](#) (Dec. 2022) pp. 11-12; see Annie E. Casey Foundation, [Reentry Helping Former Prisoners Return to Communities](#) (2005) p. 30 (noting successful transition for individuals with mental health needs into the community requires collaboration between community mental health services and correctional facilities before release).

¹³⁷ [Community Health & Justice Project](#), Blueprint (Dec. 2022) p. 12; see also Pettus-Davis & Kennedy, [Researching and Responding to Barriers to Prisoner Reentry: Early Findings From A Multi-State Trial](#) (2018) Florida State University Institute for Justice Research, and Development p. 5 (describing results of a study of the 5-Key Model, a prisoner reentry model designed by formerly incarcerated individuals, practitioners, and researchers.) The 5-Key Model identifies five considerations necessary for successful reentry programs: healthy thinking patterns; meaningful work trajectories; effective coping strategies; positive social engagement; and positive interpersonal relationships. (Pettus-Davis & Kennedy, [Researching and Responding to Barriers to Prisoner Reentry: Early Findings From A Multi-State Trial](#) (2018).) Florida State University Institute for Justice Research and Development pp. 5-6.) Programs based on the 5-Key Model begin reentry preparation “as early as possible during an individual’s incarceration and continue the supports in the community after an individuals’ release from incarceration.” (Florida State University Institute for Justice Research and Development, [The 5-Key Model for Reentry.](#)); see also Bianco, *Op-Ed: An L.A. Program Helps People Get Mental Health Care Instead Of Jail Time. Why Not Expand It?* Los Angeles Times (Jul. 18, 2022) (noting that ODR programs are effective in moving people with mental health issues out of jail and onto a path to permanent supportive housing, keeping them off the streets and out of hospitals and incarceration long term)

- Increase funding for community-based programs (CBOs) that provide mental health services, permanent housing, and mental health treatment planning to people recently released from county facilities, and provide those services in historically African American communities and communities where significant numbers of African Americans reside. It is recommended that the Legislature also provide additional funding to CBOs to collect demographic data for the populations served disaggregated by age, race, and gender.
- Enact legislation to fund 24/7 receiving centers in each city and county that will provide the following services for recently released individuals:
 - Serve as a welcoming station for recently released individuals who are waiting for assignment to a treatment center, after-treatment living facility, home, or other safe destination;
 - Connect recently released individuals with wrap-around services provided by CBOs;
 - Provide transportation services to safe destinations for recently released individuals.¹³⁸
 - Each locality would be required to collect demographic data regarding the people using the receiving centers to assess the need for additional resources.
- To absorb the increased demand for services from these alternative non-punitive approaches, increase funding for culturally appropriate mental health treatment and services options for Black people with or without a diagnosis of serious mental illness.¹³⁹
- Increase funding for CBOs that provide wrap-around services, including, but not limited to, mental health services, housing, and treatment services, to individuals with mental health needs who were recently released from county jail or prison.¹⁴⁰ This proposal further recommends that the Legislature ensure funding is provided to CBOs operated by staff that is culturally congruent with the African American community and CBOs that have a demonstrated history of providing satisfactory services in Black communities.¹⁴¹ In addition, the Legislature should require each county to collect and maintain data on the CBOs that receive funding, including the racial makeup of their staff.¹⁴²

¹³⁸ [Community Health & Justice Project](#), Blueprint (Dec. 2022) p. 12.

¹³⁹ See [Community Health & Justice Project](#), Blueprint (Dec. 2022) p. 12.

¹⁴⁰ [Community Health & Justice Project](#), Blueprint (Dec. 2022) pp. 11-12.

¹⁴¹ [Community Health & Justice Project](#), Blueprint (Dec. 2022) p. 12.

¹⁴² See *Connerly v. State Personnel Bd.* (2001) 92 Cal.App.4th 16, 53, 61-63 (holding data collection regarding minority business participation does not violate Proposition 209).

G. Eliminate Legal Protections for Peace Officers Who Violate Civil or Constitutional Rights

Under existing law, police officers who violate a person’s civil or constitutional rights—*e.g.*, through excessive force, unjustified shootings, or race-based policing—may be sued under state law (via the Tom Bane Civil Rights Act, Cal. Civ. Code § 52.1 et seq. or “Bane Act”) and federal law (via 42 U.S.C. § 1983). Under federal law, however, officers are protected by “qualified immunity,” which places an often-insurmountable burden on plaintiffs in such cases. Qualified immunity is not applicable under California state law, but the Bane Act (and related judicial precedent) does pose at least one major obstacle to relief: the requirement that a plaintiff prove not only that an officer violated a civil or constitutional right, but also that the officer “specifically intended” to violate the person’s civil or constitutional rights.¹⁴³ This artificial legal hurdle is anathema to efforts to redress the history of police violence against the Black community.

This proposal recommends strengthening the Bane Act by eliminating the requirement that a victim of police violence show that the officer “specifically intended” to commit misconduct. At least two bills have been advanced that would have enacted this proposal (Senate Bill 2 (Bradford, 2021-2022) and Assembly Bill 731 (Bradford, 2019-2020)), but neither has been enacted.¹⁴⁴

H. Assess and Remedy Racially Biased Treatment of Black Adults and Juveniles in Custody in County Jails, State Prisons, Juvenile Halls, and Youth Camps

California’s prison and jail populations are disproportionately Black.¹⁴⁵ The compounding negative effects of incarceration on the Black community are well-documented, but Black inmates may face additional biases—both explicit and implicit—while incarcerated. This discrimination could exist, for example, in the disciplinary system, credit awards, educational opportunities, physical and mental health, and the loss of parental rights, which would exacerbate the substantial harms imposed by incarceration, jeopardize reentry success, and further destabilize Black communities. To date, however, there has been no systematic assessment of the disparate impact of prison and jail policies and practices.

This proposal recommends that the California Department of Corrections and Rehabilitation be subject to a comprehensive audit of its policies and practices, through the California State Auditor or another entity. At minimum, the audit would review practices related to: access to education programming; in-custody work opportunities that contribute to reduction in time served; retaliatory practices in response to filing of grievances or voicing concerns,

¹⁴³ See, *e.g.*, *Cornell v. City and County of San Francisco* (2017) 17 Cal.App.5th 766, 801-04.

¹⁴⁴ SB 2 was signed into law, but the elimination of “specific intent” had been amended out of a prior version. See Cal. Leg. Information, [SB-2 Peace Officers: Certification: Civil Rights](#) (as of Jan. 25, 2023). AB 731 was shelved. See Cal. Leg. Information, [SB-731 Peace Officers: Certification: Civil Rights](#) (as of Jan. 25, 2023).

¹⁴⁵ See, *e.g.*, Vera Institute of Justice, [Incarceration Trends in California](#) (Dec. 2019) (as of Jan. 20, 2023).

including those related to racial disparities; in-custody deaths; loss of parental rights (*e.g.*, initiated by dependency court ordered hearings under Welfare & Institutions Code Sec. 366.26); and access, or lack thereof, to quality psychiatric and psychological services. The audit would be focused on determining whether racial disparities exist. As needed, the legislation could impose a data collection mandate and/or a dedicated task force. Similar audits and/or data collection requirements would be imposed for county jail and juvenile inmates.

IV. POLITICAL DISENFRANCHISEMENT

This section details policy proposals to address harms set forth in Chapter 4, Political Disenfranchisement, of the Interim Report.

- Formal Apology on Behalf of the State of California—Exclusion as Witness
- Formal Apology on Behalf of the State of California—Opposition to the 14th and 15th Amendments
- Formal Apology on Behalf of the State of California—Disenfranchisement
- Formal Apology on Behalf of the State of California—Monuments of White Supremacy
- Formal Apology on Behalf of the State of California—Black Panther Party
- Require District-Based Voting and Independent Redistricting Commissions to Safeguard Against the Dilution of the Descendant Voting Bloc
- Increase Funding to Support the California Department of Justice’s Enforcement of Voting Rights in California
- Pass Legislation Aligning with the Objectives of AB 2576 and Establish Separate Funding to Support Educational and Civic Engagement Activities
- Provide Funding to NGOs Whose Work Focuses on Increasing Civic Engagement Among Descendants
- Declare Election Day a Paid State Holiday and Provide Support to Essential Workers to Increase Access to the Polls
- Remove the Barrier of Proving Identity to Vote
- Increase Jury Participation of Persons with Felony Convictions and Discourage Judges and Attorneys from Excluding Potential Jurors Solely for Having a Prior Felony Conviction
- Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons and Provide Access to Those Who Are Currently Incarcerated and Eligible to Vote

A. Formal Apology on Behalf of the State of California—Exclusion as Witness

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California for its role in preventing African Americans and other nonwhite people from testifying in court against a white person and the subsequent injustices experienced by African American and nonwhite victims of crime.¹⁴⁶

¹⁴⁶ For a discussion of harms warranting such apology, see California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 133-134.

B. Formal Apology on Behalf of the State of California—Opposition to the 14th and 15th Amendments

This proposal overlaps with a proposal in the Enslavement chapter.

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California for its opposition to the Fourteenth and Fifteenth Amendments to the United States Constitution and the nearly century long delay in eventually ratifying the amendments.¹⁴⁷

C. Formal Apology on Behalf of the State of California—Disenfranchisement

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses California’s history of political disenfranchisement using racial barriers to voting such as poll taxes and literacy tests.¹⁴⁸

D. Formal Apology on Behalf of the State of California—Monuments of White Supremacy

This proposal overlaps with a proposal in the Control Over Creative, Cultural, and Intellectual Life chapter.

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses the construction of monuments, plaques, state markers, and memorials memorializing and preserving confederate culture and glorifying slavery and white supremacy.¹⁴⁹

E. Formal Apology on Behalf of the State of California—Black Panther Party

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California to the Black Panther Party and its founders in recognition of California’s role in disrupting the organization through law enforcement overreach.¹⁵⁰

F. Require District-Based Voting and Independent Redistricting Commissions to Safeguard Against the Dilution of the Descendant Voting Bloc

This proposal recommends that the Legislature take steps within its authority to implement measures to protect the strength of the Descendant voting bloc and the larger African American

¹⁴⁷ *Id.* at pp. 79, 130-131, 133, 136-137, 139.

¹⁴⁸ *Id.* at pp. 135, 138, 141, 145, 149.

¹⁴⁹ *Id.* at pp. 81, 304, 306.

¹⁵⁰ *Id.* at p. 145.

voting bloc by requiring district-based voting and independent redistricting commissions whose maps have binding effect. These independent redistricting commissions should be comprised of members who are representative of the districts being redrawn and they should be equipped with resources that are both adequate for their mandate and equal to those afforded to similarly charged commissions. This proposal aims to address political gerrymandering, which has a disproportionately disenfranchising and vote-diluting impact on Black voters. At-large voting in particular poses second-generation barriers to equal voting.¹⁵¹ More equitable and representative results are produced when subdivisions elect their officials by district.¹⁵²

G. Increase Funding to Support the California Department of Justice’s Enforcement of Voting Rights in California

This proposal recommends that the Legislature take steps within its authority to dedicate funding for the state’s enforcement of the California Voting Rights Act and federal voting rights laws. This could include targeting at-large political subdivisions and reviewing efforts to transition to district-based representation where appropriate. This work might also include monitoring and collecting data on racially polarized voting, and publishing racially polarized voting analyses, a key component of demonstrating violations of the federal Voting Rights Act. The publication of racially polarized voting analyses may provide greater clarity and oversight of sensitive regions and lead to a concentration of resources for areas that are at risk of disenfranchising Descendant voters and African American voters more broadly. An enforcement campaign by the California Attorney General would seek to determine whether political subdivisions use the redrawing of district lines to substantially dilute or weaken the political power of African Americans, including Descendants.

H. Pass Legislation Aligning with the Objectives of AB 2576 and Establish Separate Funding to Support Educational and Civic Engagement Activities

This proposal recommends that the Legislature take steps within its authority to provide funding and direction to support grants to county registrars of voters for programs that integrate voter registration and preregistration with civic education for high school students, including programs to allow students to serve as election workers, as was intended by AB 2576.¹⁵³ This proposal, if adopted, would implement the objectives of AB 2576 and provide separate funding with the intent to support Descendants, who have historically experienced disenfranchisement.

AB 2576 would have required the Secretary of State to provide grants to county elections officials or other specified entities for voter registration efforts in counties where voter

¹⁵¹ See *Shelby County, Ala. v. Holder* (2013) 570 U.S. 529, 563 [133 S.Ct. 2612, 2635, 186 L.Ed.2d 651] (dis. opn. of Ginsburg, J.).

¹⁵² See Vankin, [District vs. At-Large Races: The Final Frontier of Voting Rights](#) (June 7, 2021) California Local (as of Jan. 13, 2023).

¹⁵³ Assem. Bill No. 2576 (2021-2022 Reg. Sess.).

registration is less than 80% of eligible voters.¹⁵⁴ AB 2576 would have also required the Secretary of State to make grants for learning and outreach, and to county registrars of voters for programs that integrate voter registration and preregistration with civic education for high school students, including programs to allow students to serve as election workers. The aim of this proposal is to help increase and institutionalize the importance of Descendant civic engagement by creating educational opportunities for young adults, particularly young adults whose forbearers have experienced systematic and state-sponsored obstacles to voting. Under this proposal, the Task Force recommends that the Legislature adopt the grant programs contemplated by AB 2576 with a directed focus on school districts and voting precincts whose eligible voting age populations do not reflect the proportionality of African American populations.

This proposal recommends amendments to the Education and Elections Codes, where appropriate, to provide opportunities for high school students to participate in live elections and take part in mock elections and other civic educational opportunities. Under this proposal, the Task Force could recommend that the Legislature establish a funding stream specifically for schools predominately attended by Descendants or that the Legislature in the alternative establish annual funding for a broader statewide program.

I. Provide Funding to NGOs Whose Work Focuses on Increasing Civic Engagement Among Descendants

This proposal recommends that the Legislature take steps within its authority to provide a funding stream for local organizations that focus on increasing civic engagement among Descendants. Nongovernmental organizations in turn could provide support in campaign strategy training, political discourse seminars, and workshops offering support and training for those wishing to organize within their communities. Funding could also be used to support voter education and outreach campaigns in communities of low voter turnout and among youth to establish a pipeline of voter engagement.

J. Declare Election Day a Paid State Holiday and Provide Support to Essential Workers to Increase Access to the Polls

This proposal recommends that the Legislature take steps within its authority to declare Election Day a paid state holiday. The aim of this proposal is to address the historical barriers to voting, including the financial burdens that disproportionately affect Black voters and limit their ability to access the polls. California could also organize state-sponsored events on Election Day to facilitate voting, such as free public transportation and informational bulletins. The Task Force may further recommend that this proposal be expanded to include primary elections.

This proposal further recommends that the Legislature increase the impact of making Election Day a paid holiday by establishing a funding stream for the publication of voter

¹⁵⁴ *Ibid.*

education materials, such as fact sheets dispelling the myth of voter fraud, and by disseminating post-election statistics.

K. Remove the Barrier of Proving Identity to Vote

This proposal recommends that the Legislature take steps within its authority to direct the undertaking of a study to identify, examine, and address barriers to voter registration that have been enacted in response to myths of voter fraud, such as by documenting the limited availability of DMV services in rural areas and the cost of obtaining identification or supporting documents to prove identity. In most cases, a California voter is not required to show identification to a polling place worker before casting a ballot. However, those voting for the first time after registering to vote by mail and who did not provide a driver's license number, California identification number, or the last four digits of their social security number on their registration form may be asked to show a form of identification when going to the polls.¹⁵⁵ Additionally, a voter may have their qualification to vote challenged as not being the person whose name appears on the roster, at which point the voter may be required to affirm their identity to resolve the challenge.¹⁵⁶

States disproportionately enforce voter ID laws against Black voters. Voter ID laws have also served as a proxy for disenfranchising Black voters.¹⁵⁷ With respect to mail-in ballots, the votes of Black people and Latinos were rejected at higher rates than those of white Americans in Nevada, Florida, and North Carolina.¹⁵⁸ While rejection rates vary widely by state, in 2018, California was in the middle of the pack with New York, Arkansas, and Kentucky leading the nation.¹⁵⁹ This proposal seeks to recognize and address the harms in this area with respect to voter identification by cutting off an opportunity for voter disenfranchisement through identification requirements. This proposal recommends providing Descendants with stipends to obtain government issued documents such as driver's licenses, identification cards, birth certificates, and passports to meet any voter registration or identification requirement that may be promulgated.

L. Increase Jury Participation of Persons with Felony Convictions and Discourage Judges and Attorneys from Excluding Potential Jurors Solely for Having a Prior Felony Conviction

¹⁵⁵ [What to Bring to Your Polling Place](#) California Secretary of State (as of Jan. 17, 2023).

¹⁵⁶ See Elec. Code, § 14240 subd. (a)(1); see also Elec. Code, § 14243.

¹⁵⁷ See [Voter ID laws discriminate against racial and ethnic minorities, new study reveals](#) (June 25, 2020) University of California, San Diego (citing Hajnal and Lajevardi, et al., [A disproportionate burden: strict voter identification laws and minority turnout](#) (2022) *Politics, Groups, and Identities*, 10:1, 126-134) (as of Jan. 17, 2023).

¹⁵⁸ Lau and Nelson, et al., [Mail-in ballots flagged for rejection hit 21,000; Black, Latino voters rejected at higher rate](#), L.A. Times (Nov. 3, 2020) (as of Jan 17, 2023).

¹⁵⁹ *Ibid.*

In California, as of April 2020, the felony arrest rate of African Americans was 3,229 per 100,000 in the population.¹⁶⁰ Overall, African Americans remain overrepresented in California's prison population.¹⁶¹ African American men are imprisoned at a rate ten times higher than that of white men, while African American women are imprisoned at a rate five times higher than that of white women.¹⁶² Across the United States, one-third of African American men have been convicted of a felony.¹⁶³ This data suggests that there may also be an overrepresentation of African Americans who have been excluded from jury service because of their prior felony conviction.

Existing California law now allows those with a prior felony conviction and those who have completed probation and parole to participate in jury service as long as they are not a registered felony sex offender.¹⁶⁴ One aim of this new law was to ensure minorities truly have a jury of their peers.

While the law in this area restored eligibility for jury service, the aim of this proposal is to provide support to returning citizens so that they may *participate* in jury service, by:

- Proposing guidance to the legal community disfavoring the disqualification of jurors based solely on their prior status as an incarcerated individual or general opposition to the death penalty. This might also include conducting ongoing surveys and analysis of excused jurors to identify trends;
- Provide greater support for those serving on juries, including free childcare and transportation during jury duty;
- Provide education and materials that highlight the importance of jury duty among Descendants and the implications of not serving on a jury.

An alternative proposal could be a recommendation that peremptory challenges be eliminated altogether as is the case in Arizona,¹⁶⁵ or a proposal recommending adding a comment to existing rules emphasizing that a prior felony conviction is an invalid basis for the exercise of a peremptory challenge.

¹⁶⁰ Gumbs and Hayes, et al., [Felony Arrests in California](#) (April 2020) Public Policy Institute of California (as of Dec. 5, 2022).

¹⁶¹ Gumbs and Goss, et al., [California's Prison Population](#) (July 2019) Public Policy Institute of California (as of Dec. 5, 2022).

¹⁶² *Ibid.*

¹⁶³ Trilling, [Number of U.S. felons tripled in three decades](#) (Dec. 1, 2017) Harvard Kennedy School Shorenstein Center on Media, Politics, and Public Policy (as of Dec. 5, 2022).

¹⁶⁴ Sen. Bill No. 310 (2019-2020 Reg. Sess.)

¹⁶⁵ Ariz. R. Crim. P. 18.4, 18.4; Ariz. R. Civ. P. 47(e); *In the Matter of Rules 18.4 and 18.5, Rules of Criminal Procedure and Rule 47(e), of the Arizona Rules of Civil Procedure* (2021) Ariz. Supreme Ct. No. R-21-0020 Order Amending Rules 18.4 and 18.5 of The Rules of Criminal Procedure, and Rule 47(e) of The Rules Of Civil Procedure, filed Aug. 8, 2021.

M. Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons and Provide Access to Those Who Are Currently Incarcerated and Eligible to Vote

This proposal overlaps with a proposal in the Enslavement chapter.

This proposal recommends that the Legislature take steps within its authority to increase efforts to restore the voting rights of returning citizens who have completed their terms or are on parole by increasing access to voter registration and polling precincts. Legislation could require the California Department of Corrections and Rehabilitation (CDCR) to affirmatively provide individuals being released from prison with voter registration information.¹⁶⁶

In October 2022, the California Department of Justice issued two Information Bulletins that relate to the voting rights of persons with a criminal history. One Information Bulletin was sent to all local law enforcement agencies in California, detailing the categories of incarcerated individuals who are eligible to vote and those who are not eligible to vote.¹⁶⁷ Incarcerated individuals in California who are not eligible to vote are those serving time in State Prison, Federal Prison, or are in County Jail under prison terms/conditions. Proposition 17 was approved in November 2020 and amended the California Constitution to permit people on parole for felony convictions the right to vote in California.¹⁶⁸ Another Information Bulletin was sent to all county probation departments in California to ensure access to voting for eligible persons who are under the supervision of probation departments.¹⁶⁹

This proposal further recommends that the CDCR and Secretary of State receive funding to facilitate voting in correctional settings by either establishing polling sites within correctional facilities or providing access to mail-in voting while incarcerated, consistent with eligibility.¹⁷⁰

V. HOUSING SEGREGATION AND UNJUST PROPERTY TAKINGS

This section details the policy proposals to address the harms set forth in Chapter 5, Housing Segregation, of the Interim Report.

- Prioritize Responsible Development and Environmental and Public Health in Communities and Housing Development
- Enact Policies Overhauling the Housing Industrial Complex
- Collect Data on Housing Discrimination
- Provide Anti-Racism Training to Workers in the Housing Field
- Expand Grant Funding to Community-Based Organizations to Increase Home Ownership

¹⁶⁶ See Elec. Code, § 2105.5.

¹⁶⁷ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons With a Criminal History or Who are Incarcerated](#) (Oct. 11, 2022).

¹⁶⁸ Cal. Const., art. II, §§ 2, 4.

¹⁶⁹ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons Under the Supervision of Probation Departments](#) (Oct. 11, 2022).

¹⁷⁰ See, e.g., ACLU of Northern California and ACLU of Southern California, et al., [Voting in California Jails A Community Toolkit](#) (2021) (as of Feb. 17, 2023).

- Provide Property Tax Relief to Increase Home Ownership
- Provide Direct Financial Assistance to Increase Home Ownership
- Require State Review and Approval of Residential Land Use Ordinances by Municipalities with High Levels of Segregation
- Repeal Crime-Free Housing Policies
- Increase Affordable Housing for Black Californians
- Provide Restitution for Racially Motivated Takings
- Provide a Right to Return for Displaced Black Californians
- Provide Funding to Assist Black Californians With Making Residential Homeownership a Reality

A. Prioritize Responsible Development and Environmental and Public Health in Communities and Housing Development

- Enact Statewide “Responsible Development” Standards to require new developments to enhance the surrounding contributing resources (i.e., prioritize a medical facility instead of a coffee shop), improve overall environmental quality, and advance climate justice.
- Develop more hospitals, community-based mental health facilities, urgent care medical training programs, and first responder ambulance services in neighborhoods heavily populated by the Descendant community. Staff this expanded public health infrastructure with culturally competent providers.
- Support community-based programs and research groups that use the “housing first” and harm reduction models to work with chronically homeless-dually diagnosed populations suffering from mental illness and addiction due to self-medication. A “housing first” approach prioritizes providing permanent housing, therefore addressing people’s basic needs before attending to less critical needs like securing a job, budgeting properly, or attending to substance use issues.¹⁷¹
- Fund mobile crisis units staffed with psychiatric experts to assist chronically unhoused people in lieu of criminalizing homelessness. Mobile crisis teams are often managed by community mental health organizations, hospitals, or government agencies like a health department and provide a range of comprehensive crises services such as administering medication, referring people to additional treatment, and providing follow-up support.¹⁷²

B. Policies Overhauling the Housing Industrial Complex

- Increase enforcement of mandatory acceptance of housing vouchers (e.g., Section 8).
- For historically redlined ZIP Codes, implement rent caps (not just rent control) and no increased rents for units that are either run-down, or did not do any improvements, etc.

¹⁷¹ National Coalition to End Homelessness, Housing First (Mar. 2022).

¹⁷² Thomas, [How to Successfully Implement a Mobile Crisis Team](#) (Apr. 2021) Council of State Governments Justice Center (as of February 2, 2023).

(i.e., landlords shouldn't get to raise rents unjustifiably on units just because the market rate is increasing).

- Provide funding for developers, land trusts, and communitybased organizations (CBO) for affordable housing operated by or serving Descendants. Require disparity studies beforehand to provide justification for such funding.
- Create wellness centers and greenspaces.
- Redefine what qualifies as affordable housing by readjusting area median income limits for state subsidies.
- Provide funds for research on land grabs/land displacement/land theft (similar to historical preservation).
- Provide for a private right of action (or immediate action) against banks/private entities that knowingly/purposefully appraise Black-owned homes at lower values.
- Give compensation to redress predatory “housing industrial complex” issues – i.e., those having to pay higher costs on insurance, etc. due to race/contributing factors.

C. Collect Data on Housing Discrimination

- Provide community-based organizations (CBO) with resources and fund capacity to collect anecdotal data (qualitative) of stories about ongoing housing discrimination and to conduct focus groups, etc.
- Require governments to collect and *make transparent* quantitative data and statistics on housing disparity. This data should be racially disaggregated data, including disaggregated by descendant community.
- Provide resources to CBOs and subject matter experts to periodically analyze the data and make recommendations for the remediation of continuing disparities exposed by the data.

D. Provide Anti-Racism Training

- Provide resources to community-based organizations with subject matter expertise in equity, cultural competence, and bias elimination to establish DEI certification programs for affordable housing contractors, providers, and decision makers.
- Fund housing-focused anti-racism education programs and communications to help communities move away from the NIMBY (Not in My Back Yard) mentality to the reparatory justice mentality of redressing past harms due to state action.

E. Expand First-Time Homeowner Grants and Increase Funding to Community-Based Organizations and Related Programs

Discriminatory policies, including redlining, have produced persistent and longstanding housing segregation and inequities in home ownership in California.¹⁷³ Between 1934 and 1962, the federal government had issued \$120 billion in home loans, 98 percent of which went to white people.¹⁷⁴ From 1940 to 1960, less than one percent of Federal Housing Authority loans in Northern California went to Black people.¹⁷⁵ Such discrimination has created persisting inequities today: by 2019, Black Californians’ homeownership rate was less than in the 1960s, when certain forms of housing discrimination were legal.¹⁷⁶

To address housing discrimination, this proposal recommends providing hyper-local grants or contracts to community-based organizations that focus primarily on providing financial and homeownership assistance to Descendants and to African Americans more generally. This recommendation could include specific grant criteria and/or changes to existing local ordinances to ensure that community-based organizations—rather than government entities, for example—are contract grantees or the recipients of grants. This grant program will also facilitate a process for community-based organizations to buy property in historically Black neighborhoods and gathering spaces, or “watering holes,” to act as a bulwark against Black pushout and displacement.

Additionally, this proposal should impose transparency and quality control mechanisms on the grants and contracts, including, for example, reporting requirements to assess whether the funds are being spent as intended. And it should allocate funding for disparity studies of public contracts and grants to community-based organizations seeking to provide financial aid (and other assistance) to increase homeownership among Black Californians.

If this option is recommended, such a proposal will likely require the Legislature to identify a state agency that will administer the grants—likely the Housing Finance Agency, in this context¹⁷⁷—and it may wish to define eligibility for the recipient non-profit organizations.

F. Provide Property Tax Relief to Descendants, Living in Formerly Redlined Neighborhoods, Who Purchase or Construct a New Home

To address housing discrimination, this proposal recommends providing property tax relief by allowing Descendants, who reside in formerly redlined neighborhoods, to transfer the assessed value of their primary home to a newly purchased or constructed primary residence. If the Task Force recommends these property tax cuts as part of housing reparations, the Task

¹⁷³ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 162–192.

¹⁷⁴ Adelman, *Real Life/Affirmative Action for Whites/The Houses that Racism Built*, SF Gate (Jun. 29, 2003) (as of Nov. 23, 2022).

¹⁷⁵ California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) p. 182.

¹⁷⁶ Cal. Housing Finance Agency, *Black Homeownership Initiative: Building Black Wealth* (as of Nov. 22, 2022).

¹⁷⁷ Cf., e.g., Cal. Housing Finance Agency, *ADU Grant Program* (as of Dec. 1, 2022) (describing mortgage products “offered through private loan officers who have been approved and trained by our agency”).

Force may want to consider accompanying proposals that would supplement any public school funding that would be lost from the reduced tax revenue.

Such a proposal follows the model of Proposition 19, which provides property tax relief to Californians who are severely disabled, victims of wildfires, or over the age of 55 when purchasing or constructing a new home.¹⁷⁸ Under Proposition 19, such individuals who purchase or construct a new home in California “may transfer the taxable value of their primary residence to a replacement primary residence located anywhere in this state, regardless of the location or value of the replacement primary residence[.]”¹⁷⁹

G. Provide Shared Appreciation Loans and Subsidized Down Payments, Mortgages, and Homeowner’s Insurance

To address housing discrimination, this proposal recommends providing financial aid to California Descendants who reside in formerly redlined neighborhoods to enable them to become homeowners by: (1) providing them shared appreciation loans for the purchase of homes anywhere in the State,¹⁸⁰ with subsidized down payments; and (2) subsidizing mortgage payments and homeowner’s insurance fees. Shared appreciation loans could follow the model of the California Dream for All Shared Appreciation Loan Program, which seeks to increase homeownership among low- and moderate-income homebuyers, generally.¹⁸¹ Other jurisdictions, like the City of Evanston, Illinois, have also offered down payment and mortgage assistance as part of their efforts to enact reparations.¹⁸²

An alternative proposal recommends the Legislature provide such financial aid but further limit eligibility to first time homeowners or those who do not currently own a house, to maximize home ownership and focus on those most in need. Or, the Task Force could recommend that the Legislature provide such financial aid to *any* California resident who is a Descendant (rather than solely to Descendants who reside in a formerly redlined area), to broaden the eligible recipients of such aid.

To the extent the State subsidizes down payments or homeowner’s insurance, rather than providing the money to the eligible Californian, the State should disburse the funds to the closing agent when an applicant closes on a home purchase; to the lender for a mortgage payment; or to the insurance company for a homeowner’s insurance payment—doing so would ensure

¹⁷⁸ [Cal. Stat. 2020, ch. 31.](#)

¹⁷⁹ *Id.* § 2.1(b)(1).

¹⁸⁰ A shared appreciation loan (or mortgage) is one with a fixed interest rate set below prevailing market rates, where the borrower eventually pays a percentage of the appreciation of the home’s value to the lender. See Friend, *Shared Appreciation Mortgage* (1982) 34 *Hastings L.J.* 329, 339.

¹⁸¹ Cal. Stat. 2022, ch. 197, § 14; Cal. Housing Finance Agency, [California Dream for All Shared Appreciation Loan Program](#) (as of Nov. 22, 2022).

¹⁸² City of Evanston, [Evanston Local Reparations](#) (as of Nov. 22, 2022).

maximum use of the subsidy to aid home ownership, as otherwise portions of the subsidy would become taxable income.¹⁸³

H. Require State Review and Approval of All Residential Land Use Ordinances Enacted by Historically and Currently Segregated Cities and Counties

Residential zoning ordinances have been used for decades in California to prevent Black families from moving into neighborhoods, maintaining residential segregation.¹⁸⁴ Various laws were used to prevent additional housing from being built, effectively shutting out Black Americans.¹⁸⁵

To address local zoning laws that reinforce and recreate housing segregation, this proposal recommends that the State: (1) identify California cities and counties that have historically redlined neighborhoods and whose current levels of residential racial segregation fall within a certain statistical level of similarity to the degree of segregation in that city or county when it was redlined;¹⁸⁶ (2) require those identified cities and counties to submit all residential land use ordinances for review and approval by a state agency, where the agency will reject (or require modification of) the ordinance if the agency finds that the proposed ordinance will maintain or exacerbate levels of residential racial segregation;¹⁸⁷ and (3) remove this process of additional review and approval for identified cities or counties if the city or county eliminates a certain degree of housing segregation in its geographic territory.

Scholars have found that similar efforts by California to increase pressure on localities' residential zoning decisions—through State supervisory authority—has had some effect: in the

¹⁸³ Cf. *ibid.* (explaining in its FAQ that direct payments to recipients of reparations would be subject to taxation). Though the State could exempt reparations subsidies from state taxes, it is not able to exempt the subsidy from federal income taxes.

¹⁸⁴ Taylor, *Toxic Communities: Environmental Racism, Industrial Pollution, and Residential Mobility* (2014) p. 154; see also Baldassari and Solomon, [The Racist History of Single-Family Home Zoning](#), KQED (Oct. 5, 2020) (as of Nov. 27, 2022).

¹⁸⁵ Taylor, *supra*.

¹⁸⁶ For example, the State could use the methodology the Brookings Institute used to compare racial segregation in formerly redlined cities to levels of racial segregation in those cities today. See Perry and Harshbringer, [America's Formerly Redlined Neighborhoods Have Changed, and So Must Solutions to Rectify Them](#) (Oct. 14, 2019) Brookings Institute (as of Nov. 23, 2022). The Department of Housing and Community Development also has, among its publicly available data tools, an "Affirmatively Furthering Fair Housing Data Viewer," which includes data concerning segregation and integration. See Cal. Dept. of Housing and Community Development, [AFFH Data and Mapping Resources](#) (as of Nov. 28, 2022).

¹⁸⁷ The reviewing agency could be either the Department of Housing and Community Development, the Department of Fair Employment and Housing, the Department of Justice, or some form of joint-partnership between these agencies.

early 1990s, about a quarter of California jurisdictions had HCD-approved housing elements in place,¹⁸⁸ whereas today, about 77 percent of California jurisdictions are compliant.¹⁸⁹

As an alternative to State review and approval of ordinances in the localities described above, the State could adopt a post-hoc approach by creating an administrative appeal board to review challenges to developmental permitting decisions or zoning laws, reversing the denial of a development permit if the underlying zoning requirement is deemed to maintain or reinforce residential racial segregation.

I. Repeal Crime-Free Housing Policies

Crime-free housing policies have proliferated across California as part of a national trend adopted by landlords and public housing authorities to ban renting to individuals with a criminal history, incorporate crime-free addendums into their lease agreements to facilitate evictions, and evict tenants who allegedly commit crimes or drug-related activities.¹⁹⁰ Alongside crime-free housing policies, municipalities have often adopted chronic nuisance ordinances, which classify certain tenant activities like excessive noise or contact with the local police department as a nuisance and encourage or require landlords to evict tenants who engage in those activities.¹⁹¹ The result of these policies and ordinances is a disproportionately negative effect on people of color and heightened racial segregation in housing.¹⁹² According to the *Los Angeles Times*' analysis of eviction data for Los Angeles, Long Beach, Oakland, and Sacramento, nearly 80 percent of those targeted for eviction under crime-free housing ordinances from 2015 through 2019 were not white.¹⁹³

This policy recommends:

- Require jurisdictions to review and modify or repeal any crime-free housing policies that result in disparate impacts or otherwise violate state or federal fair housing laws.
- Limit the scope of crimes and associations with criminal activity that qualify for eviction.
- Prohibit landlords from evicting tenants based on any of the following:

¹⁸⁸ Lewis, [California's Housing Element Law: The Issue of Local Noncompliance](#) (2003) Pub. Policy Institute of Cal., pp. 21–22 (as of Nov. 27, 2022) (19% were compliant in 1991, 37% by 1993).

¹⁸⁹ Cal. Dept. of Housing and Community Development, [Housing Element Review and Compliance Report](#) (2019) (as of Nov. 27, 2022).

¹⁹⁰ See Werth, *The Cast of Being "Crime Free": Legal and Practical Consequences of Crime Free Rental Housing and Nuisance Property Ordinances* (2013) Sargent Shriver National Center on Poverty Law, pp. 2-4; Dillon et al., [Black and Latino Renters Face Eviction, Exclusion amid Police Crackdowns in California](#), L.A. Times (Nov. 19, 2020) (as of Nov. 22, 2022). Crime-free housing policies refer to both crime-free housing ordinances and crime-free housing programs, collectively.

¹⁹¹ See NYCLU and ACLU, [More than a Nuisance: The Outsized Consequences of New York's Nuisance Ordinances](#) (2018) p. 6.

¹⁹² Archer, *The New Housing Segregation: The Jim Crow Effects of Crime-Free Housing Ordinances* (2019) 118 Mich. L. Rev. 173, 208.

¹⁹³ Dillon et al., [Black and Latino Renters Face Eviction, Exclusion amid Police Crackdowns in California](#), Los Angeles Times (Nov. 19, 2020) (as of Nov. 22, 2022).

- A previous arrest that did not result in a conviction;
 - Participation in, or completion of, a diversion or a deferral of judgment program;
 - A conviction that has been judicially dismissed, expunged, voided, invalidated, sealed, vacated, pardoned, or otherwise rendered inoperative, including, but not limited to, as is provided under sections 1203.4, 1203.4a, or 1203.41 of the Penal Code, or for which a certificate of rehabilitation has been granted pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;
 - A determination or adjudication in the juvenile justice system or information regarding a matter considered in or processed through the juvenile justice system;
 - Information pertaining to a conviction, if consideration of that conviction would violate Section 12269 of Title 2 of the California Code of Regulations, or any successor to that regulation, as it reads on the date of the application for rental housing accommodations;
 - A conviction that is not directly related to one or more substantial, legitimate, nondiscriminatory purposes that support the owner’s business interests. In determining whether a criminal conviction is directly related, a practice should include consideration of the nature and severity of the crime and the amount of time that has passed since the criminal conduct occurred;
 - Information pertaining to a conviction that occurred more than seven years before the date of the conviction; or
 - Information indicating that an individual has been questioned, apprehended, taken into custody, or detained, or held for investigation by a law enforcement, police, military, or prosecutorial agency.¹⁹⁴
- Require landlords to use look-back periods and individualized assessments of relevant mitigating factors like post-conviction rental history, nature of underlying conduct, age of the conviction, age at the time of conviction, and general post-conviction record when reviewing evictions.
 - Make affordable housing a fundamental right that allows for legal representation in eviction proceedings for the Descendant community.

J. Increase Affordable Housing for Black Californians

Throughout California’s history, state and local governments displaced Black residents through various housing policies and prevented them from obtaining access to sufficient funds or credit to purchase a home.¹⁹⁵ As a result, Black Californians are more likely to rent than own their homes, and thus own less assets and cultivate less intergenerational wealth.¹⁹⁶ Building out

¹⁹⁴ This list is based on Assem. Bill No. 2383 (2021-2022 Reg. Sess.).

¹⁹⁵ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 162-204.

¹⁹⁶ Desilver, [As National Eviction Ban Expires, A Look at who Rents and who Owns in the U.S.](#) (August 2, 2021) Pew Research Center (as of Nov. 22, 2022).

affordable housing in areas of high poverty or high segregation can facilitate racial and economic residential integration.¹⁹⁷ It can also help bridge the racial wealth gap.

This proposal recommends increasing affordable housing for Black Californians by requiring housing built pursuant to the Regional Housing Needs Allocation program (RHNA) to explicitly advance racial equity and address the housing needs of Descendants. This policy proposal recommends amending the RHNA in the following ways:

- Require the RHNA objectives to be implemented in a race-conscious way that includes tangible goals and realistic targets for compliance.
- Prevent displacement and gentrification: Ensure that the construction of affordable housing is accompanied by adequate renter protections to prevent gentrification and displacement. Require regional councils of government to make funding for new development projects conditional upon protecting existing renters.
- Enforce RHNA objectives: withhold funding streams if racial equity goals/targets are not met.
- List “the housing needs of Black Californians” or “the housing needs of formerly redlined communities” as a factor to incorporate into RHNA methodology.

K. Provide Restitution for Racially Motivated Takings

The State of California and local governments targeted property owned by African Americans in urban renewal and development projects for unjust uses of eminent domain, often without providing just compensation.¹⁹⁸ As a result, the construction of public infrastructure disproportionately displaced and fractured African American communities.¹⁹⁹ One example of many eminent domain takings is the construction of the Century Freeway in Los Angeles, which dislocated 3,550 families, 117 businesses, and numerous parks, schools, and churches in 1968.²⁰⁰ Other examples of unjust takings include, but are not limited to, the Freeway 210 construction in Pasadena,²⁰¹ construction of the 10 Freeway in Santa Monica,²⁰² construction of Interstate 980 in Oakland,²⁰³ construction of Interstate 5 in San Diego,²⁰⁴ Burgess family land in Coloma that now comprises the Marshall Gold Discovery State Historic Park,²⁰⁵ Bruce’s Beach in Manhattan

¹⁹⁷ Menendian et al., [Racial Segregation in the San Francisco Bay Area, Part 5](#) (Aug. 11, 2020) Othering & Belonging Institute.

¹⁹⁸ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 171-176.

¹⁹⁹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 171.

²⁰⁰ Mohl, [The Interstates and the Cities: Highways, Housing, and the Freeway Revolt](#) (2002) Poverty and Race Research Action Council, p. 25.

²⁰¹ *Ibid.*

²⁰² California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 171-176.

²⁰³ *Id.* at p. 176.

²⁰⁴ *Ibid.*

²⁰⁵ California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Jon Burgess](#) (Sept. 23, 2021).

Beach,²⁰⁶ Russell City in Alameda County,²⁰⁷ the Fillmore District/Western Addition in San Francisco,²⁰⁸ Sugar Hill in Los Angeles,²⁰⁹ and Section 14 in Palm Springs.²¹⁰

This proposal recommends the following:

- Restore state property taken during race-based uses of eminent domain to its original owners or provide another effective remedy where appropriate, such as restitution or compensation.
- Create a legislative agency to:
 - Research and identify California state properties acquired as a result of racially motivated eminent domain;
 - Create a database of property ownership in the state;
 - Review and investigate public complaints from people who claim their property was taken without just compensation;
 - Distribute just compensation for the fair market value, adjusted for property price appreciation, of the property at the time of the taking; and
 - Develop and implement a public education campaign regarding the cycle of gentrification, displacement and exclusion; the connection between redlining and gentrification; and the history of discriminatory urban planning in California.
- Pass Assembly Bill 889 to require beneficial owner transparency for rental properties that are owned by LLC's in order to help complete the database of property ownership.²¹¹

L. Provide a Right to Return for Displaced Black Californians

Throughout the 1900s, California state and local government agencies targeted majority-Black communities for urban renewal projects.²¹² Racially restrictive covenants simultaneously worked to segregate neighborhoods and prevent Black property ownership in white communities.²¹³ State-sanctioned violence and racial terror reinforced and exacerbated the exile

²⁰⁶ Xia, [Manhattan Beach Was Once Home to Black Beachgoers, but the City Ran Them Out. Now It Faces a Reckoning](#), L.A. Times (Aug. 2, 2020) (as of Jan. 10, 2023).

²⁰⁷ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 175-176.

²⁰⁸ California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

²⁰⁹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 176.

²¹⁰ Rode, [Palm Springs City Council Apologizes for Section 14, Moves to Remove Bogert Statue](#), Desert Sun (Sept. 30 2021) (as of Jan. 10, 2023).

²¹¹ [Assem. Bill No. 889](#) (2021-2022 Reg. Sess.).

²¹² California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 173-176.

²¹³ Reft, [How Prop 14 Shaped California's Racial Covenants](#) (Sept. 20, 2017), KCET (as of Feb. 8, 2023).

of Black residents from their communities.²¹⁴ Redevelopment projects continue to displace Black residents in gentrifying neighborhoods today, perpetuating housing segregation harms.²¹⁵

In response to displacement caused by redevelopment, the California Legislature codified a right for low- and moderate-income families to return to low- and moderate-income housing units in the redeveloped project area as part of the Community Redevelopment Law (CRL) in 1951.²¹⁶ Cities have also developed their own eligibility programs for providing displaced persons and businesses preference in rental housing, home ownership, and business opportunities at the redeveloped sites.²¹⁷

This proposal builds upon these existing preference programs and recognizes a right to return for Black Californian residents and business owners displaced by agency action, restrictive covenants, and racial terror.

This proposal recommends the following eligibility program to support a right to return:

- Black residents and business owners who were displaced by state and local agency redevelopment projects shall be given priority in renting or owning property in the area of redevelopment. This priority extends to all agency-assisted housing and business opportunities in the redevelopment project area.²¹⁸ This priority extends to the descendants of persons displaced by agency-assisted redevelopment.
- For agency-assisted housing and business opportunities developed in or adjacent to communities formerly covered by restrictive covenants, Black California residents and business owners who were displaced or excluded from renting or owning property in the redevelopment project area shall be given priority in renting or owning property in that area. This priority extends to all agency-assisted housing and business opportunities in the redevelopment project area. This priority extends to the direct descendants of persons displaced by agency-assisted redevelopment.

M. Provide Funding to Assist with Residential Homeownership

This proposal recommends that the State provide funding through grants or otherwise to assist Descendants with making residential homeownership a reality.

²¹⁴ Archer, *Reparations and the Right to Return* (2021) 45 N.Y.U. Rev. L. & Soc. Change 343, 356.

²¹⁵ California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 2022) pp. 190-191.

²¹⁶ Health and Saf. Code, §§ 33411.3, 34178.8. Initially, the CRL authorized the establishment of redevelopment agencies in communities to conduct urban renewal projects, but the Legislature dissolved those redevelopment agencies in February 2012. Current law allows dissolved redevelopment agencies to create successor housing entities to perform certain specified functions. The right to return for low- and moderate-income residents remains the same. Health and Saf. Code, § 34178.8.

²¹⁷ See e.g., City and County of San Francisco, [Learn about the Certificate of Preference \(COP\)](#) (Dec. 21, 2022) (as of Feb. 8, 2023); City of Portland, Oregon, [Preference Policy](#), N/NE Neighborhood Housing Strategy (as of Feb. 8, 2023).

²¹⁸ As used here, agency-assisted housing and business opportunities are created, controlled, operated, or at least partially funded through a local or state public entity's actions, subsidies, and/or abatements.

VI. SEPARATE AND UNEQUAL EDUCATION

This section details policy proposals to address harms set forth in Chapter 6, Separate and Unequal Education, of the Interim Report.

- Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities
- Fund Grants to Local Educational Agencies to Address the COVID-19 Pandemic’s Exacerbating Impacts on Education Disparities
- Implement Systematic Review of School Discipline Data
- Improve Access to Educational Opportunities for All Incarcerated People
- Adopt Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers
- Employ Proven Strategies to Recruit African American Teachers
- Require that Curriculum at All Levels Be Inclusive and Free of Bias
- Advance the Timeline for Ethnic Studies Classes
- Adopt a K-12 Black Studies Curriculum
- Adopt the Freedom School Summer Demonstration Pilot Program
- Reduce Racial Disparities in the STEM Fields for African American Students
- Expand Access to Career Technical Education for Descendants
- Reduce K-12 Public School Segregation by Enabling Students to Attend Schools in Other Districts
- Fund Free Tuition to California Public Colleges and Universities
- Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University Systems
- Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

A. Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities

The Local Control Funding Formula (“LCFF”) was enacted in 2013-14 to provide schools with greater flexibility and authority over resources.²¹⁹ The LCFF sets forth specific funding allocations to all school districts and charter schools in California. Supplemental grants are provided to schools with targeted disadvantaged pupils, specifically English learners, those meeting income requirements to receive a free or reduced-price meal, foster youth, or any combination of those factors.²²⁰

²¹⁹ For more on LCCF, see Cal. Dept. of Ed., [LCFF FAQs \(as of Dec. 1, 2022\)](#).

²²⁰ See Cal. Dept of Ed., [Local Control Funding Formula Overview \(as of Dec. 1, 2022\)](#); Auditor of the State of California, [K-12 Local Control Funding](#) (Nov. 2019) p. 6 (as of Dec. 1, 2022) (hereinafter K-12 Local Control Funding).

A 2021 report found that “[n]eighborhood poverty rates are highest in segregated communities of color (21%), three times more than in segregated white neighborhoods (7%).”²²¹ The LCFF does not focus specifically on African American students or require schools to ensure that funds are spent on high-needs students.²²² At the same time, wealthy and often more predominantly white neighborhoods continue to fund their schools at greater levels, both because a percentage of funding for California schools comes from local property taxes and because wealthier communities can easily raise additional funds through donations and local bonds.²²³

This proposal recommends the Legislature provide and direct additional funding to schools in low socioeconomic neighborhoods to address racial disparities in education by adding this category to the existing groups listed in the Supplemental Grants provision of the LCFF, and to require the review and revision of the formula every two years. The proposed policy would also require the expenditure of supplemental funding be monitored and tracked to ensure that all such funding goes to schools in low socioeconomic neighborhoods and is used exclusively for improvements that directly address educational opportunity gaps for students attending these schools.²²⁴ This proposed policy would also explicitly provide that the funding cannot be used for policing. Additional funding could be provided to the California Department of Justice (“DOJ”) and/or the California Department of Education (“CDE”) the monitor the expenditure of funds and/or enforce if necessary.

B. Fund Grants to Local Educational Agencies to Address COVID-19 Pandemic Impacts on Education

Research from the U.S. Department of Education and other sources has shown impacts on education resulting from the COVID-19 pandemic. During the pandemic, African American and Latinx adults disproportionately faced increased health risks and economic disruptions, impacting their families and students in particular.²²⁵ Technology barriers further worsened the existing inequality in the educational system. As of summer 2020, nearly a third of teachers in majority African American schools reported that their students lacked the technology necessary for virtual instruction; only one in five teachers said the same in schools with fewer than 10% of African American students.²²⁶

The pandemic exacerbated preexisting disparities in academic growth and access and opportunities for students of color in public schools; in particular, students appear to be falling

²²¹ Menendian, Gambhir & Gales, *The Roots of Structural Racism Project: Twenty-First Century Racial Residential Segregation in the United States* (June 21, 2021) Othering & Belonging Institute (as of Dec. 1, 2022).

²²² California Reparations Task Force Interim Report at p. 224.

²²³ *Ibid.*

²²⁴ This measure aims to avoid previously documented concerns about poor tracking and the use of funds for general purposes and rather than closing opportunity gaps. (See, e.g., K-12 Local Control Funding; Lewis, Hong, *Spending spree: Oversight scarce as billions in COVID aid poured into California schools* (June 9, 2022) Cal Matters (as of Dec. 1, 2022).)

²²⁵ *Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students* (June 9, 2021) U.S. Dept. of Ed., Office for Civil Rights p. 11 (as of Nov. 27, 2022) (hereinafter “Education in a Pandemic”).

²²⁶ *Id.* at p. 13.

even further behind in math and reading.²²⁷ The evidence also shows that the academic growth gap has continued to widen for many African American students.²²⁸ Black, Latinx, and American Indian/Alaska Native students did not experience the recovery in growth in math and reading that their white and Asian peers experienced.²²⁹

The pandemic has resulted in a mental health crisis for young children and teenagers and compounded the need for mental health services for students of color, who disproportionately rely on their schools for these services.²³⁰ Finally, the pandemic has had a significant impact on school systems as workplace attrition and teacher shortages are critical concerns.²³¹ Almost half of the public school teachers who stopped teaching after March 2020 left because of the pandemic, citing stress as the most common reason for their departure. School district administrators and principals also cited concerns about burnout and turnover.²³²

This proposal recommends the Legislature:

(1) Fund the CDE to administer additional COVID-19 relief and school reopening grants to local educational agencies (“LEAs”) (or amend existing grant parameters for current grants administered by CDE as discussed below) for the below purposes.²³³ As part of receiving funding, LEAs would have to plan for how the following activities would be supported by the budget and identified in the Local Control and Accountability Plan (“LCAP”) and any grant materials, with a requirement to focus on reducing existing racial disparities.

- Focus on Restorative Practices: Implement positive and restorative discipline practices, analyze disciplinary data, shift from zero tolerance approaches, and reconsider and eliminate the presence of police and security in schools. In particular, it is recommended that school districts should take six weeks over the summer or at the beginning of the year to focus on restorative practices that address whole child needs.²³⁴ A related proposal for this chapter of the Interim Report is set forth herein.

²²⁷ *Id.* at p. 15; Impact of the COVID-19 Pandemic, *supra*, at p. 8.

²²⁸ Education in a Pandemic, *supra*, at pp. 15–17; see also Impact of the COVID-19 Pandemic, *supra*, at p. 8; Dorn, et al., [COVID-19 and Learning Loss—Disparities Grow and Students Need Help](#) (Dec. 8, 2020) McKinsey & Co. (as of Nov. 27, 2022) [releasing a study that found by fall 2020, students “learned 67 percent of the math and 87 percent of the reading that grade-level peers would typically have learned,” which means a three-month learning loss in reading and a one and a half month loss in reading].

²²⁹ *Ibid.*

²³⁰ Education in a Pandemic, *supra*, at p. 12; Calderon, [U.S. Parents Say COVID-19 Harming Child's Mental Health](#) (June 16, 2020) Gallup (accessed Nov. 27, 2022) [noting that nearly three in ten parents (29%) surveyed said their child was “experiencing harm to [their] emotional health,” with 45% stating that the separation from teachers and classmates is a “major challenge of remote learning”].

²³¹ Impact of the COVID-19 Pandemic, *supra*, at pp. 10-11 [noting that a survey in early 2021 found nearly 70% of school principals said they could not meet their students’ mental health needs with the staff they had”]; Carver-Thomas, Leung-Gagne & Burns, [California Teachers and COVID-19: How the Pandemic is Impacting the Teacher Workforce](#) (Mar. 4, 2021) Learning Policy Institute (accessed Nov. 28, 2022).

²³² Impact of the COVID-19 Pandemic, *supra*, at pp. 10-11.

²³³ [COVID-19 Relief and School Reopening Grants](#) (as of Nov. 27, 2022) Cal. Dept. of Ed.

²³⁴ [Reimagine and Rebuild: Restarting School with Equity at the Center](#) (Apr. 2021) (as of Nov. 27, 2022) (hereinafter “Reimagine and Rebuild Brief”).

- Address Whole Child Needs: Conduct regular wellness screenings and review data on attendance, engagement, and grades to identify and address the individual needs of students at the classroom, school, and district levels. Schools should administer diagnostic assessments and surveys to inform instructional planning (but not to hold students back or to track them) and measure school conditions and climate.²³⁵ Schools could also use existing resources such as the “Whole Child Policy Toolkit,” produced by the Learning Policy Institute.²³⁶
- Increase Staffing and Community-Based Partnerships to Address Students’ Individualized Learning and Mental Health Needs:
 - This part of the proposal would provide full wraparound services for Black students across all California public schools, including appropriate mentoring, tutoring, and mental and physical health services.
 - On a school district level, this could include high-dosage tutoring and investment in expanded learning opportunities and partnerships with community organizations.
 - School districts could use this funding to provide mental health supports by establishing multidisciplinary teams and processes for implementing a comprehensive continuum of supports to: further student learning; promote student wellness and address barriers to learning; develop a centralized, school- or district-wide referral and tracking system for students, teachers, and families to connect to appropriate resources; and review the effectiveness of interventions and supports collaboratively and systematically.
 - School districts should increase their staff and work with community partners, with an emphasis on hiring and partnering with individuals who demonstrate cultural congruence with the student community to be served.²³⁷ A related proposal for this chapter of the Interim Report is set forth herein.
- Advance Racial Equity in Curriculum and Teaching: Implement culturally responsive teaching curriculums and professional development for teachers that support them in achieving instruction that is equitable, relevant, and rigorous. Professional development for staff should also address trauma-informed and healing-centered practices, restorative justice practices, culturally responsive and antiracist teaching practices, and other whole child practices.²³⁸ Related proposals for this chapter are set forth herein.

(2) Provide additional funding to the CDE to administer grants to organizations and researchers in California to fund further research and data collection efforts in order to assess the

²³⁵ *Id.* at p. 5.

²³⁶ See, e.g., [Whole Child Policy Toolkit](#), Learning Policy Institute.

²³⁷ Reimagine and Rebuild Brief, *supra*, at p. 6.

²³⁸ *Id.* at pp. 7, 9.

full impact of the pandemic on African American students in California. Further research would inform learning recovery in the short-term and improved performance and equity in the long-term.²³⁹

C. Systematic Review of School Discipline Data

This proposal overlaps with a proposal in the Unjust Legal System chapter.

Studies have established that African American students are subjected to disproportionately higher rates of discipline than white students, which results in a number of negative outcomes, including early involvement in the criminal justice system.²⁴⁰ A study at Princeton University found that African American students experience higher rates of suspension, expulsion, in-school arrests, and law enforcement referrals than white students.²⁴¹ Key findings of the U.S. Commission on Civil Rights majority are that “[s]tudents of color as a whole, as well as by individual racial group, do not commit more disciplinable offenses than their white peers — but African American students, Latino students, and Native American students in the aggregate receive substantially more school discipline than their white peers and receive harsher and longer punishments than their white peers receive for like offenses.”²⁴²

This proposal recommends the implementation of a systematic review by CDE of public and private school disciplinary records to determine levels of racial bias and all schools to implement racially equitable disciplinary practices. This would include:

- Requiring every school to collect and review data on an annual basis and issue a public report annually, analyzing the disparities in discipline;
- Requiring every district or county board of education to hire a management-level employee to coordinate the public reporting of disparities in each school. That employee will be responsible for failures to report data as required above;
- Providing funding to CDE and the DOJ for administrative investigations of any schools that have high levels of racial disparities;
- Providing funding to districts to implement the requirements of the bill;
- Requiring schools to implement racially equitable disciplinary practices, using positive behavioral interventions and supports (“PBIS”), and provide state-mandated training on implicit bias, cultural competency, PBIS, and related subject matter to school staff on an annual basis; and
- Reporting on the status of implementation to CDE as part of the local control and accountability plan (“LCAP”) or on a more frequent basis.

²³⁹ Hough, et al., [*The impact of the COVID-19 pandemic on students and educational systems: Critical actions for recovery, and the role of research in the years ahead*](#) (Sept. 2021) Policy Analysis for California Education, at pp. 18–20 (as of Nov. 27, 2022) (hereinafter “Impact of the COVID-19 Pandemic”).

²⁴⁰ Kelly, et al., [*Racial bias associated with disparities in disciplinary action across U.S. schools*](#) (Apr. 2, 2019) Princeton University (as of Jan. 20, 2023).

²⁴¹ *Ibid.*

²⁴² Briefing Report, [*Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*](#) (July 2019) U.S. Commission on Civil Rights (as of Jan. 20, 2023).

D. Improved Access to Educational Opportunities for All Incarcerated People

A report by the Vera Institute on Second Chance Pell Experimental Sites Initiative documents the positive impacts seen by postsecondary education in prison, such as positive self-worth and development, preparing for post-release jobs and successful reentry, public safety, safety inside prisons, and economic savings.²⁴³ These positive impacts also include racial equity, as the Vera report states that “[p]ostsecondary education is a primary avenue for upward mobility — especially among people of color, who disproportionately make up the prison population.”²⁴⁴ Vera also reports that “[p]eople who participate in education programs in prison are more likely to be employed after their release and to earn higher wages[.]”²⁴⁵

The Brookings Institute also has found that “postsecondary prison education programs are inextricably linked to advancing racial equity, especially given inequality in K-12 education that feeds low-income African American and Latinx students into the school-to-prison pipeline.”²⁴⁶ Additionally, “[i]ndividuals who enroll in postsecondary education programs are 48% less likely to be reincarcerated than those who do not, and the odds of being employed post-release are 12% higher for individuals who participate in any type of correctional education.”²⁴⁷

This proposal recommends funding for and improved access to educational opportunities for all incarcerated people in both juvenile and adult correctional facilities. This would include:

- Requiring all schools in the University of California and California State University system to join the Second Chance Pell Experimental Sites Initiative if it is expanded beyond the 2022-2023 award year. If it is not expanded beyond the 2022-2023 award year, establish a California state counterpart to this system;
- Requiring California community colleges and California State University schools to partner with juvenile and adult correctional facilities to offer a specified number of classes per year for a formal educational program such as a GED, associate degree, or bachelor’s degree; and
- Requiring the CDE to identify, assess, and monitor implementation of further measures needed to ensure the provision of high-quality education in detention settings.

²⁴³ Chesnut, et al., [Second Chance Pell: Five Years of Expanding Higher Education Programs in Prisons, 2016-2021](#) (May 2022) Vera Institute of Justice (as of Jan. 20, 2023) (hereinafter “Second Chance Pell”); see also Davis, et al., [Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults](#) (2013) RAND Corporation (as of Jan. 20, 2023) (finding that correctional education improves inmates’ outcomes after release and recommending, among other things, funding grants to enable correctional educators to partner with researchers and evaluator to evaluate their programs).

²⁴⁴ Second Chance Pell, *supra*.

²⁴⁵ Delaney and Montagnet, [Second Chance Pell: A Snapshot of the First Three Years](#) (April 2020) Vera Institute of Justice.

²⁴⁶ Gibbons and Ray, [The societal benefits of postsecondary prison education](#) (Aug. 20, 2021) The Brookings Institute.

²⁴⁷ *Ibid.*

E. Adoption of Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers

A review of the statewide requirements on the Commission on Teacher Credentialing website shows that there are no requirements to complete trainings or courses on culturally responsive pedagogy, anti-bias training, or restorative practices prior to receiving a teaching credential.²⁴⁸ Culturally responsive instruction helps students feel valued and empowered, and builds students' sense of belonging and self-confidence.²⁴⁹ A number of studies on brain science demonstrate that positive relationships in the classroom build motivation, create safe spaces for learning, build new pathways for learning, and improve student behavior.²⁵⁰

This proposal recommends:

- The adoption of mandatory curriculum for teacher credentialing and trainings for school personnel that include culturally responsive pedagogy, anti-bias training, and restorative practices;²⁵¹ and
- Identifying and supporting teachers who provide culturally responsive instruction and adopting new models for teacher development to improve teacher habits in the classroom by having the CDE issue a request for proposal for grants to go to teachers and schools to develop models based on best practices and to share examples of successes in their proposals. Teachers and schools would then report back to the California State Legislature on any models and outcomes, so that they might be scaled up.

F. Strategies to Recruit African American Teachers

Studies have established the importance of students having at least one teacher who looks like them.²⁵² While African American students comprise 5.07 percent of California's student population, the percentage of African American teachers in California has declined from 5.1 percent in 1997-98 to 3.9 percent in 2021-2022.²⁵³ African American men comprise only one

²⁴⁸ [Teaching Credentials Requirements](#) (as of Jan. 20, 2023) Cal. Com. on Teacher Credentialing; Culturally responsive pedagogy describes a method of teaching that calls for engaging students whose experiences and cultures have been excluded from mainstream settings. ([Understanding Culturally Responsive Teaching](#) (as of Nov. 23, 2022) New America (hereinafter "Understanding Culturally Responsive Teaching").).

²⁴⁹ Understanding Culturally Responsive Teaching, *supra*.

²⁵⁰ Kaufman, [Building positive relationships with students: What brain science says](#) (as of Nov. 23, 2022) Understood.

²⁵¹ This could be modeled on California Government Code § 12950.1, which requires employers to provide sexual harassment training and education to employees.

²⁵² Assem. Com. on Ed., Analysis of Assem. Bill 520 (2021-2022 Reg. Sess.) as amended March 25, 2021, p. 6-7 (research shows that "[t]eachers of color boost the academic performance of students of color"); Freedburg, [Despite Progress, California's Teaching Force Far From Reflecting Diversity of Students](#), EdSource (Apr. 25, 2018) (as of Jan. 20, 2023).

²⁵³ [Fingertip Facts on Education in California](#) (2021-2022) Cal. Dept. of Ed. (as of Jan. 20, 2023); Assem. Com. on Ed., Analysis of Assem. Bill 520 (2021-2022 Reg. Sess.) as amended March 25, 2021, p. 6; [State Superintendent Tony Thurmond, Assemblymember Mike Gipson, Educators and Scholars Urge Support for First-of-its-Kind Legislation to Diversify the Teaching Workforce](#) (Apr. 13, 2021) Cal. Dept. of Ed (as of Jan. 20, 2023).

percent of teachers in California.²⁵⁴ The cost of teacher preparation programs have been identified as one of the major barriers impeding the pipeline of African American teachers, and experts have noted that the funding of these residency programs shows a real focus by the state to remove this barrier.²⁵⁵ Studies have also found that Grow Your Own teacher programs lead to positive outcomes for diverse student populations.²⁵⁶

This proposal recommends the development of proactive strategies to recruit African American teachers to teach in K-12 schools in California. This would include:

- Establishing a program for University of California and California State University teacher credential programs like UC PRIME to be focused on teaching in schools that predominantly serve African American students;²⁵⁷
- Funding to establish an intensive teacher preparation support program with ongoing mentorship, tutoring, exam stipends, and job placement services; and
- Providing funding for and creating partnerships with the University of California and California State University teacher credential programs for teacher residency and Grow-Your-Own programs²⁵⁸ at the district level to recruit African American teacher candidates among high school students, paraprofessionals, and after-school program staff; and
- Providing funding for districts to retain staff in Grow Your Own programs.

G. Requiring Curriculum at All Levels Be Inclusive and Free of Bias

According to an Education Week Research Center survey of mostly-white educators, one in five think their textbooks accurately reflect people of color.²⁵⁹ The United States has seen opposition from elected officials to discussing the truth about slavery and critical race theory in

²⁵⁴ Sentinel News Service, [Gipson Bill Supports Male Educators of Color: AB 520 Diversifies Teaching Workforce](#), Los Angeles Sentinel (Apr. 15, 2021) (as of Jan. 20, 2023).

²⁵⁵ Tadayon, [How California districts seek to recruit, retain Black teachers amid shortage](#) (Jan. 25, 2022) Lake County Record-Bee (as of Jan. 20, 2023) [profiling Michael Obah, who was supported by Oakland Unified’s Grown Our Own teacher residency program that pays student teachers a \$15,000 stipend while they earn their credentials and apprentice under a mentor and received emotional support, job-site support, test preparation, interview assistance, and connections to Oakland schools for jobs].

²⁵⁶ Grow Your Own, *supra*.

²⁵⁷ As explained below, UC PRIME (University of California’s Programs in Medical Education) is an innovative training program at University of California medical schools that focuses on training medical professionals to meet the needs of California’s underserved populations.

²⁵⁸ Grow Your Own teacher programs are partnerships among school districts, institutions of higher education, and community-based organizations to recruit and prepare community members to become teachers in local schools. (Xu, et al., [Teacher Workforce Development: ‘Grow Your Own’ Teacher Programs](#) (Oct. 2021) Penn State Social Science Research Institute (as of Jan. 20, 2023) (hereinafter “Grow Your Own”).)

²⁵⁹ Gewertz, [Survey of Mostly-White Educators Finds 1 in 5 Think Textbooks Accurately Reflect People of Color](#) (Jul. 2, 2020) Education Week (as of Feb. 15, 2023) [finding that “[e]ducators of color were more likely than their white peers to answer ‘none’ or ‘a little’ when asked whether their schools’ or districts’ textbooks accurately and fully reflect the experiences of people of color”].

public K-12 schools.²⁶⁰ Opponents contend these subjects divide Americans and place the blame on white Americans for current and historical harm to African Americans and nonwhite Americans.²⁶¹ However, curriculum that includes Black history and experiences is important. Erasure of Black history and dehumanization of African Americans in school textbooks contribute to cultural and social alienation.²⁶² Additionally, African American students can feel unimportant, invisible, and voiceless in classrooms where they do not see their experiences and history reflected in school curricula.²⁶³

This proposal recommends curriculum at all levels and in all subjects be inclusive, free of bias, and honor the contributions and experiences of all peoples, regardless of ethnicity, race, gender, or sexual orientation, by funding a department or center with appropriate specialty within the University of California or California State University system to review all curriculum and issue a public report or series of reports to the Governor and the California State Legislature on its findings and recommendations for curriculum changes.

H. Advance the Timeline for Ethnic Studies Classes

A peer-reviewed study published in the *Proceedings of the National Academy of Sciences* that was conducted with San Francisco Unified School District students found quantitative evidence of a long-term academic impact of ethnic studies.²⁶⁴ The benefits for students who took an ethnic studies course in ninth grade lasted throughout high school and resulted in higher attendance, higher graduation rates, and increased enrollment in college.²⁶⁵ EdSource, quoting Thomas Dee, a professor at the Stanford Graduate School of Education and co-author of the research, noted that “not only did the strikingly large benefits from the course not fade after ninth grade, but the course produced ‘compelling and causally credible evidence’ of the power to ‘change learning trajectories’ of the students targeted for the study — those with below-average grades in eighth grade.”²⁶⁶

This proposal recommends advancing the timeline for ethnic studies classes in public and private high schools (current law requires California high school students to take ethnic studies as a graduation requirement commencing in 2030).

²⁶⁰ See Kaur, [Bills in Several States Would Cut Funding to Schools that Teach the 1619 Project. But They Mostly Aren't Going Anywhere](#), The Philadelphia Tribune (Feb. 11, 2021) (as of Jan. 20, 2023); Bernstein, [Republican Lawmakers Introduce Bill to Defund '1619 Project' Curricula in Schools](#), Nat. Rev. (July 14, 2021) (as of Jan. 20, 2023); Sawchuk, [What is Critical Race Theory, and Why is It Under Attack?](#), EdSource (May 18, 2021) (as of Jan. 25, 2023) (hereinafter “What is Critical Race Theory”).

²⁶¹ What is Critical Race Theory, *supra*.

²⁶² Verene A. Shepherd, Member of the UN Committee on the Elimination of Racial Discrimination (CERD), presentation to the United Nations, *Justice for People of African Descent through History Education: Addressing Psychological Rehabilitation* (Mar. 31–Apr. 4, 2014) p. 1.

²⁶³ Richardson, *Tomorrow's Super Teacher* (2021) p. 13.

²⁶⁴ Fensterwald, [Research finds ethnic studies in San Francisco had enduring impact](#), EdSource (Sept. 7, 2021) (as of Jan. 20, 2023).

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

I. Adopt a K-12 Black Studies Curriculum

This proposal recommends adoption of a K-12 Black Studies curriculum that introduces students to concepts of race and racial identity, accurately depicts historic racial inequities and systemic racism, honors Black lives, fully represents contributions of Black people in society, and advances the ideology of Black liberation. The curriculum will be modeled on the approach taken by the San Francisco Unified School District.²⁶⁷ It will include University of California “a-g” approved courses for high schools and required unit plans for PK-8 that introduce students to the concept of race, racial identity, African and African American history, equity, and systemic racism. There will be at least three “a” courses: one on African history, culture, and geographies; one on African diasporic studies; and another on African American history and phases of African American resistance. At least one “b” course would be focused on classic and modern African, African American, and diasporic literature, while at least one “g” course would be youth-driven in curriculum development and implementation.

This proposal also establishes a Black Studies Fund within the Instructional Quality Commission to fully fund this ongoing effort, which includes curriculum development, staff to administer the program, and educators to teach the curriculum. The Black Studies Fund staff would also review the original curriculum of the Freedom Schools of Mississippi Summer Project and incorporate this curriculum where appropriate.²⁶⁸

The proposal also recommends that CDE or another state agency work with SFUSD, the San Francisco State University Africana Studies Department, as well as longstanding organizations such as the NAACP and the Alliance of Black School Educators, to guide design and development of the curriculum.

J. Adopt the Freedom School Summer Demonstration Pilot Program

This proposal recommends adoption of the Freedom School Summer Demonstration Pilot Program (“FSSDPP”), initially introduced as AB 2498 (Bonta) in the 2021-2022 Regular Session of the California State Legislature. As would have been the case under AB 2498, this proposal establishes the FSSDPP under the administration of the Superintendent of Public Instruction to develop summer literacy and learning loss mitigation programs for public school students. These

²⁶⁷ Press Release, [Board of Education Approves K-12 Black Studies Curriculum](#) (Oct. 20, 2020) SFUSD (as of Jan. 20, 2023).

²⁶⁸ As background, the Freedom Schools of Mississippi Summer Project, a network of alternative schools sponsored by various civil rights groups led by the Student Nonviolent Coordinating Committee (“SNCC”), flourished briefly in the summer of 1964. (Perlstein, [Teaching Freedom: SNCC and the Creation of the Mississippi Freedom Schools](#) (1990) 30(3) *History of Education Quarterly* 297, 297 (as of Jan. 20, 2023).) Freedom Schools provided African American students with an education that public schools would not give them — “one that both provided intellectual stimulation and linked learning to participation in the movement to transform the South’s segregated society.” (*Ibid.*) The curriculum is still available online. (See [Mississippi Freedom School Curriculum](#) (as of Jan. 20, 2023) Education and Democracy.)

programs would: celebrate students and the cultural richness of the diversity of the United States; increase the reading, writing, and comprehension abilities of students; and prevent learning loss during summer recesses. The pilot project would provide funding to ten LEAs to offer a summer school literacy enrichment and learning loss mitigation program for up to three years. It would also pair the LEAs with technical support teams that have a track record of offering successful summer school programs.

The Assembly Education Committee hearing report on this bill suggests that AB 2498 is modeled on the Children’s Defense Fund (“CDF”) Freedom Schools.²⁶⁹ CDF is a nonprofit organization that works to prevent child poverty, abuse, and neglect, and to increase access to health care and education.²⁷⁰ According to the report:

The CDF Freedom Schools program provides [a] summer and after-school program model that supports K-12 students and their families by providing and supporting: high quality academic and character-building enrichment; parent and family involvement; civic engagement and social action; intergenerational servant leadership development; and nutrition, health, and mental health. In 2021, the CDF Freedom Schools program served 7,210 students on 152 sites, in 75 sites, in 26 states and Washington, D.C.²⁷¹

The Education Committee report also contains a number of studies (from PACE and the RAND Corporation) that support this proposal — namely, that effective summer programs can improve academic, behavioral, and social and emotional learning outcomes.²⁷²

K. Reduce Racial Disparities in the STEM Fields for African American Students

Racial disparities exist in science, technology, engineering, and math (including computer science)²⁷³ (“STEM”) education in California and nationwide. Black students lack access to critical opportunities in middle school; for example, taking Algebra I in Grade 8 creates a pathway to the math classes in high school that are required for admission to many four-year colleges.²⁷⁴ According to 2018 data from the U.S. Department of Education Office for Civil Rights, for the 2015-16 school year, Black students constituted 17 percent of students in schools

²⁶⁹ Assem. Com. on Ed., Analysis of Assem. Bill 2498 (2021-2022 Reg. Sess.) as amended Apr. 18, 2022, p. 5.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

²⁷³ The addition of the study of arts to “STEM” or “STEAM” is becoming increasingly popular. There is substantially more data on racial disparities in STEM education specifically, which is what provides the justification for this proposal. However, any policy recommendations from the Task Force will also include arts education.

²⁷⁴ [*Inequities in Advanced Coursework: What’s Driving Them and What Leaders Can Do*](#) (Sept. 2014), The Education Trust, p. 8 (hereinafter “*Inequities in Advanced Coursework*”).

that offered Algebra I in Grade 8, but only 11 percent of the students actually enrolled.²⁷⁵ 85 percent of white students and 74 percent of Asian students who enrolled in Algebra I in Grade 8 passed the course, while 65 percent of Black students enrolled in Algebra I passed the course.²⁷⁶ Additionally, approximately 5,000 high schools with more than 75% Black and Latino student enrollment offered math and science courses at a lower rate than was the case for all high schools, with the difference being the greatest for advanced math, Calculus, and Physics.²⁷⁷

A study conducted by The Education Trust noted that roughly two in five African American and Latino students aspire to go to college and name STEM subjects as their favorites, but less than three percent enrolling in STEM courses due to systemic barriers.²⁷⁸ These include funding inequities, education leaders' reliance on a student's persistence or assumptions about their intelligence, racialized tracking (not receiving the same opportunities as affluent and White students to enroll in advanced STEM courses), and reliance on single denominators of readiness (e.g., GPA or test scores).²⁷⁹ The Education Trust also issued a set of recommendations for state leaders on how to increase access to and success in advanced coursework for African American students, which are detailed above.²⁸⁰

The proposal adopts and directly incorporates the recommendations listed in reports published by The Education Trust and Kapor Center.²⁸¹ Limited revisions have been made to ensure this proposal is consistent with the other recommendations of the Task Force; these revisions are identified in corresponding footnotes. Where language has been added, it is identified in italics. Following the recommendations set forth in the Education Trust report, this proposal would:

- (1) Enact[] more equitable enrollment policies and practices, such as: (i) requiring districts to use multiple measures to identify students for advanced coursework opportunities, including but not limited to expressed desire to enroll, exam scores, grades in relevant prerequisite courses, and recommendations from trusted school staff *who have taken implicit bias training*;²⁸² (ii) passing automatic enrollment policies for all advanced coursework opportunities (K-12) so that students identified for advanced coursework through any of the measures above are automatically enrolled in advanced coursework opportunities, with the option to

²⁷⁵ [2015-16 Civil Rights Data Collection, STEM Course Taking](#) (Apr. 2018) U.S. Dep't of Ed., p. 3 (hereinafter "STEM Course Taking").

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*

²⁷⁸ Patrick, et al., [Shut Out: Why Black and Latino Students Are Under-Enrolled in AP STEM Courses](#) (Apr. 21, 2022) The Education Trust, p. 49 (as of Jan. 20, 2023) (hereinafter "Shut Out of AP STEM Courses").

²⁷⁹ *Id.* at pp. 7, 14–15.

²⁸⁰ *See id.*

²⁸¹ Shut Out of AP STEM Courses, *supra*, pp. 11, 14; Scott, et al., [Computer Science in California Schools: An Analysis of Access, Enrollment, and Equity](#) (June 17, 2019) Kapor Center, p. 15 (as of Jan. 20, 2023) (hereinafter "Computer Science in California Schools").

²⁸² This original clause contained PSAT/SAT scores. This language has been removed to ensure the proposal is consistent with the Task Force's other recommendations.

opt out;²⁸³ (iii) monitoring progress of automatic enrollment to ensure schools are implementing the policy in ways that increase enrollment in advanced courses for historically underserved students; (iv) and providing technical support for schools and districts struggling to enroll Black students in advanced coursework opportunities, especially those opportunities that are the foundation for future success (e.g., Algebra I and II, Biology, Physics, Chemistry);²⁸⁴

(2) Eliminat[e] longstanding barriers to accessing advanced coursework opportunities by: (i) covering the cost of exams, transportation, books, and other required materials for advanced coursework; (ii) requiring districts and/or schools to notify families about advanced coursework opportunities available in the school and district, the benefits of enrolling in those courses, and the process around how to enroll, in the family’s home language; (iii) providing funding to recruit or train teachers to teach advanced courses, especially in schools serving large concentrations of students of color and students from low-income backgrounds;

(3) Annually monitor[] disaggregated data on enrollment in advanced courses, by course type, and provide technical assistance to districts that are under-enrolling students of color in advanced courses (this data should be publicly reported on report cards, so that communities have a better understanding of course availability, enrollment, and success in advanced courses);

(4) Requir[e] districts to set and hold themselves accountable for public goals that, within an ambitious number of years, Black students will be fairly represented in access to and success in advanced coursework from elementary through high school;

(5) [Ensure] accountab[ility] for public goals that, within an ambitious number of years, Black and Latino students and students from low-income families will be fairly represented in access to and success in advanced coursework from elementary through high school; and

(6) Implement[] policies to support district and school leaders in creating safe, equitable, and positive learning environments in advanced courses by: (i) providing professional development and coaching for educators to create culturally affirming environments, build relationships with and understand their students, support students’ academic success, and develop anti-racist mindsets; (ii) investing in preparing, recruiting, and supporting teachers and counselors of color, given the

²⁸³ For example, Illinois, Washington, and North Carolina have laws that require students meeting or exceeding expectations on the state exam to be automatically enrolled in the next most rigorous course offered in the school. (*Ibid.*)

²⁸⁴ Shut Out of AP STEM Courses, *supra*.

research that shows educators of color are more likely to refer students of color for advanced courses; (iii) requiring districts and schools to use culturally relevant, anti-racist pedagogy, practices, and curricula and provide technical assistance and funding for professional development; (iv) supporting engagement with families and members of underserved communities by requiring districts to survey students and families to understand their interests, aspirations, and experiences with school, especially related to STEM; (v) creating guidance for schools about identifying and partnering with community-based organizations that provide rigorous after-school and/or summer enrichment opportunities that expose underserved students to STEM and STEM careers.²⁸⁵

Following the recommendations set forth in the Kapor Center report, this proposal also would:

(7) Utilize the Computer Science Strategic Implementation Plan (“CSSIP”) as a guidance document for expanding access to computer science in California;

(8) Increase participation of students from underrepresented backgrounds in CS education, especially Black, Latinx, Native American, rural, low-income, and female students *by prioritizing funding and developing initiatives for the most underserved schools and populations;*

(9) Establish rigorous CS teacher preparation, certification, and professional development for K-12 teachers;

(10) Ensure access to technology infrastructure to support CS education, *prioritizing districts and local education agencies (“LEAs”) with the highest needs;*

(11) Implement K-12 CS standards within all CS courses, *and integrated across subjects, by providing support for LEAs, administrators, and teachers;*

(12) Develop assessment, data collection, and accountability mechanisms to track the implementation and efficacy of CS education *and track equity gaps;*

(13) Ensure CS is prioritized as a high school graduation and college entry requirement; and

(14) Implement large-scale policies and initiatives that address systemic education inequity affecting student outcomes across subject areas.²⁸⁶

Finally, this proposal would additionally:

²⁸⁵ Shut Out of AP STEM Courses, *supra*.

²⁸⁶ Computer Science in California Schools, *supra*.

(15) Provide state funding for districts to obtain the resources necessary to achieve equity of resources across the board, including but not limited to, hiring teachers, implementing advanced course offerings, purchasing technology, supplies, and equipment, and waiving the fees to take advanced placement (“AP”) exams.

L. Expand Access to Career Technical Education for Descendants

Discriminatory policies have created persisting inequalities in educational attainment and employment for Descendants.²⁸⁷ High quality Career Technical Education (“CTE”) programs — which combine academic education with occupational training to prepare students for careers in current or emerging professions²⁸⁸ — offer an essential tool to remedy these persisting barriers.²⁸⁹

To address the ongoing effects of racial discrimination and inequality in employment, education, and wealth, this proposal recommends: (1) collecting and disaggregating data about CTE enrollment in California by race;²⁹⁰ (2) funding and requiring all California public high schools and colleges to offer students access to at least one CTE program; and (3) creating a competitive grant program to increase enrollment of Descendants in STEM-related CTE programs (such as green technology) at the high school and college levels.²⁹¹

For the requirement that all public high schools and colleges offer students access to at least one CTE program, schools could comply by partnering with another entity that has such a program available; for example, high schools could partner with nearby community colleges that enable their students to attend the community college’s CTE courses.

For the competitive grants, these funds could support programs implementing strategies that the Urban Institute has recommended for increasing racial diversity in CTE programs,

²⁸⁷ See generally AB 3121 Reparations Task Force, *Interim Report* (June 2022) Ch. 6 Separate and Unequal Education; *id.* at ch. 10, Stolen Labor and Hindered Opportunity.

²⁸⁸ See *Bridging the Skills Gap: Career and Technical Education in High School* (Sept. 2019) U.S. Dept. of Ed. (as of Jan. 9, 2023). CTE programs differ from traditional vocational programs in two main ways: (1) CTE programs span nearly every industry, see Flynn, *What is Career and Technical Education, and Why Does it Matter?*, Ed. Northwest (Feb. 2021) (as of Jan. 9, 2023); and (2) while vocational programs aimed to funnel students into the targeted career after high school, CTE programs prepare students for a career at whatever point they decide to, including after the attainment of a college degree, see Weingarten, *Vocational Education is Out: Career and Technical Education is In*, EdSurge (Feb. 16, 2015) (as of Jan. 9, 2023).

²⁸⁹ See Stevens et al., *Career-Technical Education and Labor Market Outcomes: Evidence from California Community Colleges* (May 2015) Center for Analysis of Postsecondary Ed. and Employment (as of Jan. 4, 2023) (finding “substantial” and “statistically significant” financial returns for students who specifically enrolled in CTE courses throughout California’s community colleges).

²⁹⁰ See Smith, *Advancing Racial Equity in Career and Technical Education Enrollment* (Aug. 28, 2019) Center for Am. Progress (as of Jan. 4, 2023) (recommending states increase equity in CTE by reporting data disaggregated by race).

²⁹¹ CTE programs are also available to those already in the workforce — those programs typically follow apprenticeship models, and the Advisory Committee on Stolen Labor has already prepared a proposal addressing those programs.

including outreach, mentorship, equity-focused training for instructors, and providing potential students with access to adequate technology and software to access online CTE courses.²⁹² The CDE would administer and award grants on a competitive basis to school districts, county superintendents of schools, direct-funded charter schools, and community colleges to increase descendant participation in STEM-related CTE programs, including electrical engineering, information technology, renewable energy, green technology, advanced manufacturing, health care, or cybersecurity.

M. Improve Access to Public Schools

As set forth in the first proposal to address harms identified in the interim report's chapter on Separate and Unequal Education, the State must increase funding to ensure that schools serving African American students provide the best possible public education available in the State. But in addition to quality schools, African American families have long been denied access to schools of their choice. As detailed in the chapter on Separate and Unequal Education, enslavement, segregation, redlining, and neighborhood gerrymandering have denied African American families a meaningful and equitable access to a variety of high-quality schools.²⁹³

Thus, this proposal recommends that the Legislature improve school access by: (1) requiring school districts to prioritize creating and supporting new public schools (including magnet schools and community college campuses) in Black communities, with substantial weight given to input from those communities and Descendants in particular; and (2) requiring districts to permit students to transfer to public schools of their choice within their district or between neighboring districts if doing so would not maintain or exacerbate racial segregation (i.e. if the transfer would improve racial or socioeconomic diversity), while funding free public transportation for students who participate in this school transfer program and ensuring funding to offset the loss in per-pupil funding in districts from which students transfer.²⁹⁴

The first element of this proposal addresses how, through historic and ongoing discrimination, the State has failed to fund, staff, or support public schools in Black communities to the same degree it has done so for white communities.²⁹⁵ Requiring school districts to

²⁹² Anderson et al., [Racial and Ethnic Equity Gaps in Postsecondary Career and Technical Education](#) (Mar. 2021) Urban Institute (as of Jan. 4, 2023).

²⁹³ See California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 206-233; see also Richards, *The Gerrymandering of School Attendance Zones and the Segregation of Public Schools: A Geospatial Analysis* (2014) 51 Am. Ed. Research J. 1119, 1121-1123, 1149-1153; Carrillo and Salhotra, [The U.S. Student Population is More Diverse, But Schools are Still Highly Segregated](#), NPR (July 14, 2022) (as of Feb. 8, 2023).

²⁹⁴ See Mays, [California is Richer than Ever. Why is it Last in the Nation for School Bus Access?](#), L.A. Times (Jun. 22, 2022) (as of Dec. 28, 2022).

²⁹⁵ See, e.g., Ludwig, ['The System has Imploded': A Look at Redlining, Academic Achievement Gaps](#), The Daily Californian (Apr. 7, 2022) (as of Feb. 8, 2023); cf. also Parrish and Ikoro, [Chicago Public Schools and Segregation](#), South Side Weekly (Feb. 24, 2022) (as of Feb. 8, 2023) (discussing how redlining and other discriminatory policies led to school closures in African American neighborhoods in Chicago); Jackson, [School Closures Threaten Long-Term Prospects for Blacks in Baltimore, Beyond](#), Atlanta Black Star (Dec. 26, 2017) (as of Feb. 8, 2023) (discussing same in Baltimore).

prioritize the creation of new schools in Black communities would also address the ways in which redlining and neighborhood gerrymandering have at times created artificial political boundaries that excluded Black families from nearby schools which they otherwise would have attended.²⁹⁶

The second element of this proposal similarly addresses how redlining and neighborhood gerrymandering have created artificial district lines that may exclude African American families from nearby schools—as well as the ways in which schools may apply the discretionary inter-district transfer process in an inequitable manner with respect to African American families and their children.²⁹⁷

The second element of this proposal would improve school access for African American families by building on the model of the Berkeley Unified School District’s (BUSD) intra-district public elementary school admissions process to create an equitable model for intra- and inter-district transfers.²⁹⁸ Under the BUSD system, parents complete a parent preference form in which parents rank the elementary schools they wish their child to attend.²⁹⁹ BUSD assigns students based on their parents’ preferences but assignments are made within the constraints of six priority categories.³⁰⁰ Within a given priority category, BUSD uses diversity categories to assign students to each school to avoid segregation and ensure that the student body at each elementary school reflects the racial and socioeconomic diversity of the total school population in the attendance zone.³⁰¹

Though the BUSD system is a system for *intra*-district transfers (i.e., within the same district), this proposal would build on that model to permit *inter*-district transfers (between

²⁹⁶ Richards, *The Gerrymandering of School Attendance Zones and the Segregation of Public Schools: A Geospatial Analysis* (2014) 51 Am. Ed. Research J. 1119, 1121-1123, 1149-1153. The creation of new schools may raise concerns about the risks of neighborhood gentrification, and the risk of excluding African American families from these investments. Proposals addressing the harms outlined in the chapter on Housing Segregation include proposals expressly designed to prevent such outcomes, including housing proposal B, which would impose rent caps in formerly redlined neighborhoods.

²⁹⁷ Ed. Code § 48301, subd. (a)(1). The Education Code contains a few narrow exceptions to this rule—for instance, for children of active military duty parents. *Id.* § 46600, subd. (d)(1).

²⁹⁸ Berkeley Public Schools, [Information on Berkeley Unified’s Student Assignment Plan](#) (as of Dec. 1, 2022).

²⁹⁹ *Ibid.*

³⁰⁰ *Ibid.* The priority categories are: (1) students currently attending the school who live within that school’s geographic “attendance zone”; (2) students currently attending the school who live outside the zone; (3) siblings of students currently attending the school; (4) school district residents not attending the school who live within the zone; (5) school district residents not attending the school who live outside the zone; and (6) nonresidents wanting an inter-district transfer.

³⁰¹ *Am. C.R. Found., supra*, 172 Cal.App.4th at p. 213. BUSD uses three diversity factors: (1) the average household income of those living in the planning area; (2) the average education level attained by adults living in the planning area; and (3) the percentage of “students of color” living in the planning area. BUSD determines diversity by comparing the diversity of the attendance zone with the diversity of the neighborhood in which a student resides, not the diversity characteristics of individual students.

neighboring districts) as well in order to create an equitable system for transfers within and between neighboring school districts.³⁰²

If implemented, this proposal recommends that the Legislature also implement budgetary provisions to provide funding to offset any loss in per-pupil funding that may occur if a student transfers to another school within their district or to one in a neighboring district, to ensure that improved school access does not come at the cost of school quality if African American students and their families choose to transfer to other schools within their district or neighboring ones.³⁰³

A 2009 study of the BUSD school transfer policy concluded that its model also resulted in racial “integration across the district” being “fairly high” and that “BUSD has substantially integrated schools . . . within the confines of the Supreme Court’s guidance on voluntary integration plans[.]”³⁰⁴ A subsequent study, examining “Berkeley-style geographic integration plans in the nation’s 10 largest metropolitan districts,” found that “the majority of schools in the study sample would experience gains in diversity,” and that such integration plans could have the effect of integrating elementary schools, small schools, and schools in relatively more segregated districts with less diverse neighborhoods.³⁰⁵

N. Fund Free Tuition to California Public Colleges and Universities

Colleges play a critical role in the socioeconomic mobility of Californians.³⁰⁶ But the costs of attending college have grown exponentially over the last several decades,³⁰⁷ and that rising cost excludes many Descendants from the promise of higher education,³⁰⁸ reinforcing the ongoing history of discrimination against Descendants in education.³⁰⁹ Thus, this proposal recommends that the Legislature fund California public colleges and universities to ensure free tuition for all California residents who are Descendants.

³⁰² Though students ordinarily must attend schools within the district in which they reside, the Education Code creates an exception for students who undergo an inter-district transfer process. Ed. Code § 48204(a)(3).

³⁰³ If sufficient funding is ensured, some data suggest that inter-district transfers could contribute to improvements in the schools from which students transfer, as they enable schools to better identify areas for improvement. See Taylor, *Evaluation of the School District of Choice Program*, Cal. Leg. Analyst’s Office (Jan. 27, 2016) pp. 10-11 (as of Feb. 10, 2023) (noting ways in which funding follows students); *id.* at 5, 22-23 (discussing how home districts developed improvements to address reasons why students transferred away).

³⁰⁴ Chavez and Frankenberg, *Integration Defended: Berkeley Unified’s Strategy to Maintain School Diversity* (Sept. 2009) UC Berkeley Law School Civil Rights Project, pp. 15-16.

³⁰⁵ Richards et al., *Achieving Diversity in the Parents Involved Era: Evidence for Geographic Integration Plans in Metropolitan School Districts* (2012) 14 Berkeley J. Afr.-Am. L. & Pol. 67, 89, 92.

³⁰⁶ See Johnson, *Higher Education as a Driver of Economic Mobility* (Dec. 2018) Pub. Policy Institute of Cal. (as of Nov. 15, 2022).

³⁰⁷ See, e.g., Johnson et al., *Higher Education in California: Institutional Costs* (Nov. 2014) Pub. Policy Institute of Cal. (as of Nov. 15, 2022) (from 1994 to 2014, tuition at the UCs and CSUs tripled); Johnson et al., *Making College Affordable* (Sept. 2017) Pub. Policy Institute of Cal. (as of Nov. 15, 2022) (“Tuition and fees are at their highest point ever at California’s public universities.”).

³⁰⁸ See Allen & Wolniak, *Exploring the Effects of Tuition Increases on Racial/Ethnic Diversity at Public Colleges and Universities* (2019) 60 Research in Higher Ed. 18, 37-39.

³⁰⁹ See California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 206-233.

As a 2020 report states, the “high proportion of low-income Black students means that this population is greatly affected by rising college costs and dependent on federal and state financial aid in order to attend college.”³¹⁰ Within California, for instance, more than half of African American students at UC or CSU colleges receive Pell Grants, which are awarded to students with exceptional financial need.³¹¹

California’s community colleges already waive or fund tuition, through its Promise program, for approximately 50 percent of its students — nearly one million students.³¹² For the UC and CSU systems, through a mix of state, federal, and other financial aid programs, about 60 percent of CSU students and 60 percent of in-state UC students currently attend college tuition-free.³¹³ Building on these measures, this proposal would follow the precedent of an existing policy, begun in fall 2022, where the UC system will waive tuition and fees for Native American students who are state residents and members of federally recognized tribes.³¹⁴

O. Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University System

Standardized testing traces its beginnings to racist origins.³¹⁵ And researchers have identified standardized testing as one key cause behind the decline in African Americans enrolling in higher education, as the scores from such tests reflect either biased design or administration,³¹⁶ or reflect the inequities that African Americans experience throughout their education.³¹⁷

To remedy the discriminatory effect of standardized testing in education, this proposal recommends eliminating standardized testing for admission to the graduate programs within the

³¹⁰ Bates and Siqueiros, [State of Higher Education for Black Californians](#) (Feb. 2019) The Campaign for College Opportunity, p. 27 (as of Dec. 1, 2022).

³¹¹ Cook and Jackson, [Keeping College Affordable for California Students](#) (Dec. 2021) Pub. Policy Institute of Cal. (as of Nov. 28, 2022).

³¹² Replogle, [What California’s Free Tuition Programs Can Teach the Nation](#) (May 19, 2021) LAist (as of Nov. 15, 2022).

³¹³ Winograd and Lubin, [Tuition-Free College is Critical to Our Economy](#), EdSource (Nov. 2, 2020) (as of Nov. 15, 2022).

³¹⁴ Torchinsky, [University of California will Waive Tuition and Fees for Many Native American Students](#), NPR (Apr. 28, 2022) (as of Nov. 15, 2022); President Michael V. Drake, University of California, [letter to University of California Chancellors](#) (Apr. 22, 2022).

³¹⁵ See Leslie, [The Vexing Legacy of Lewis Terman](#) (Jul./Aug. 2000) Stanford Magazine (as of Nov. 15, 2022); Winston, [Scientific Racism and North American Psychology](#) (May 29, 2020) Oxford Research Encyclopedias, Psychology (as of Nov. 15, 2022).

³¹⁶ See Jimenez and Modaffari, [Future of Testing in Education: Effective and Equitable Assessment Systems](#) (Sept. 16, 2021) Center for Am. Progress (as of Nov. 18, 2022).

³¹⁷ Nichols, [Segregation Forever?: The Continued Underrepresentation of Black and Latino Undergraduates at the Nation’s 101 Most Selective Public Colleges and Universities](#) (Jul. 21, 2020) The Ed. Trust, pp. 6-7 (as of Nov. 15, 2022).

University of California and California State University systems until racial bias is eliminated in the administration of standardized testing for admission.³¹⁸

Standardized tests reinforce structural inequalities in education, resulting in the exclusion of African American students from advanced degrees and careers. With respect to medical schools, for example, the Dean of Morehouse School of Medicine observes that “[w]hile MCAT performance has had an adverse influence on the number of Black matriculants,” the MCAT score “has not been shown to significantly predict whether students will successfully progress in their medical education” — deemphasizing MCAT scores “could potentially lead to 3,000 more Black physicians either practicing or in the training pipeline in the U.S. today.”³¹⁹ Similarly, for the GRE, which is required “for most graduate programs in the United States, including master’s and doctoral programs in public health,” one study found that eliminating the GRE as a requirement increased the number of African American and Hispanic students with “no loss of quality, as measured by undergraduate grade point averages . . . , performance in required core courses . . . , and graduate employment.”³²⁰ A proposal to eliminate standardized tests as a requirement for graduate school admission would follow the lead of numerous schools, including in the UC and CSU systems, that have removed these requirements after recognizing that standardized testing reinforces structural biases and barriers without predicting success.³²¹

P. Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

While standardized tests should be eliminated as a prerequisite for admission into undergraduate and graduate programs, standardized testing plays a different role in K-12 education. Since standardized assessments in K-12 are mainly used to assess proficiency and identify areas for improvement and need, the State should maintain such assessments, but should also carefully evaluate them to identify and eliminate racial bias within these systems.³²²

Thus, this proposal recommends that the CDE conduct an annual review of the California Assessment of Student Performance and Progress (“CAASPP”) tests for racial bias, both in the way its tests are administered and in the types of questions that are included. The review should

³¹⁸ As of 2022, the UC and CSU systems have already eliminated standardized testing as a requirement for undergraduate admission; this proposal seeks to expand that policy to the UC and CSU graduate programs.

³¹⁹ Rice, *Diversity in Medical Schools a Much-Needed New Beginning* (Jan. 2021) Morehouse School of Medicine (as of Jan. 10, 2023); see also Murphy, *How to Get Up to 3,000 More Black People in the Physician Pipeline* (Jan. 29, 2021) Am. Medical Assn. (as of Nov. 10, 2022).

³²⁰ Sullivan et al., *Removing the Graduate Record Examination as an Admissions Requirement Does Not Impact Student Success* (Sept. 26, 2022) Pub. Health Rev. (as of Dec. 1, 2022).

³²¹ See, e.g., Beyond the GRE, *GREXIT: Institutions and Stem Graduate Programs Choosing to No Longer Require the GRE* (as of Nov. 16, 2022); Nietzel, *supra*; cf. also Cal. State Univ. Office of the Chancellor, *CSU First-Time Freshman Standardized Exams and Admissions Recommendations* (Jan. 5, 2022) p. 14 (as of Nov. 16, 2022).

³²² See Knoester and Au, *Standardized Testing and School Segregation: Like Tinder for Fire?* (Dec. 28, 2015) 20 Race, Ethnicity, and Education 1, 5 (noting that the criticism of racial discrimination perpetuated through “high-stakes” testing does not necessarily apply to “assessment writ large”).

include changes to the CAASPP test administration and contents in the event that racially biased procedures or material are uncovered.

The legislative findings behind the CAASPP call for the State to ensure that the exam “do[es] not use procedures, items, instruments, or scoring practices that are racially, culturally, socioeconomically, or gender biased.”³²³ However, there appears to be no provision in the education code chapter governing the CAASPP requiring a review or assessment for such bias.³²⁴

The proposal to review, identify, and eliminate racial bias in the CAASPP follows bias review procedures the State has created for standardized tests in other contexts. For example, aspiring teachers in California must pass a “reading instruction competence assessment,”³²⁵ and the Education Code requires the Commission on Teacher Credentialing to “analyze possible sources of bias on the assessment.”³²⁶ Consequently, the Commission has a Bias Review Committee “which reviews all test content and questions for potential bias, making changes, suggestions, and even eliminating questions if necessary, and differential item functioning (DIF) analysis, which more deeply compares question-level responses of members of various subgroups to flag for potential bias after test administration.”³²⁷

VII. RACISM IN ENVIRONMENT AND INFRASTRUCTURE

A. Increase Greenspace Access and Recreation Opportunities in Black Communities

Black Californians experience a lack of access to urban parks and greenspace.³²⁸ Federal, state, and local segregation laws historically excluded Black people from outdoor recreation.³²⁹ This systemic racism coupled with interpersonal discrimination has led to an underrepresentation of Black people in outdoor recreation, nature, and environmentalism.³³⁰

³²³ Ed. Code § 6062.5(a)(3); see also *id.* § 60604.5(b)(8) (legislative findings for reauthorization statute calling to ensure “that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation”). Likewise, California’s education regulations do not appear to require a review of the CAASPP for bias. See generally Cal. Code Regs., tit. 5, §§ 805-876.

³²⁴ See generally Ed. Code §§ 60600-60659.

³²⁵ Ed. Code § 44283(b).

³²⁶ *Id.* § 44283(d).

³²⁷ Taylor and Mendoza, [Annual Report on Passing Rates of Commission-Approved-Examinations from 2015-16 to 2019-20](#) (Jun. 2021) Cal. Commission on Teacher Credentialing, Ed. Preparation Committee, pp. 4J-3-4J-4 (as of Nov. 29, 2022).

³²⁸ Chapman et al., [Parks and an Equitable Recovery: A Trust for Public Land Special Report](#) (May 27, 2021); Rigolon, [A Complex Landscape of Inequity in Access to Urban Parks: A Literature Review](#), (2016).

³²⁹ Taylor, *The Environment and the People in American Cities, 1600s-1900s: Disorder, Inequality, and Social Change* (2009) p. 365; Asmelash, [Outdoor Recreation has Historically Excluded People of Color. That is Starting to Change](#) (Dec. 14, 2021) CNN (as of Feb. 7, 2023).

³³⁰ Finney, *Black Faces, White Spaces: Reimagining the Relationship of African Americans to the Great Outdoors* (2014).

Access to greenspace and recreation opportunities critical to physical and mental well-being and a healthier lifestyle.³³¹ Studies have found that diminished access to parks correlates with disproportionate heat exposure and reduced health benefits. Additionally, exposure to green spaces statistically reduces risks of high blood pressure, diabetes, stroke, respiratory failure, and several other health harms, and provides benefits such as improved pregnancy outcomes and sleep duration.³³²

The harms of systemic racism, especially historically racist urban planning policies that produced inequitable access to greenspace exposure for Black Californians, have not yet been corrected.

This policy proposal recommends:

- Fund the development of local parks in Black communities to acquire land, build and renovate parks, purchase play equipment, support programming and build indoor and outdoor recreation facilities (e.g., fields, playgrounds, basketball and tennis courts, ice rinks, public pools);³³³
- Include Black communities as stakeholders in the process of creating and programming parks to develop universally accessible park design and increase access to parks for Black people;³³⁴
- Support the work of community-based organizations to ensure safe access to neighborhood-level physical activity spaces and services (e.g., public parks and playgrounds).³³⁵

B. Test For and Eliminate Toxicity in Descendant Communities

Seventy percent of hazardous waste sites officially listed on the National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) are located within one mile of federally assisted housing.³³⁶ Communities that live in federally assisted housing are disproportionately Black.³³⁷ Proximity to a contaminated site during flooding events can expose nearby residents to hazardous pollutants and groundwater contamination.³³⁸ Disproportionately Black and brown, disadvantaged

³³¹ See Borunda, [How 'Nature Deprived' Neighborhoods Impact the Health of People of Color](#), (July 29, 2020) National Geographic (as of Feb. 7, 2023).

³³² Twohig-Bennett and Jones, [The Health Benefits of the Great Outdoors: A Systematic Review and Meta-Analysis of Greenspace Exposure and Health Outcomes](#) (October 2018) Environmental Research 166, pp. 628-637;

³³³³³³ Chapman et al., [Parks and an Equitable Recovery: A Trust for Public Land Special Report](#) (May 27, 2021).

³³⁴ Finney, *Black Faces, White Spaces: Reimagining the Relationship of African Americans to the Great Outdoors* (2014).

³³⁵ See e.g. Outdoor Afro, [Our Mission](#) (as of Feb. 7, 2023).

³³⁶ Shriver Center on Poverty Law and Earthjustice, [Poisonous Homes: The Fight for Environmental Justice in Federally Assisted Housing](#) (June 2020) p. 2 (as of Jan. 5, 2023); See also Caputo and Lerner, [House Poor, Pollution Rich](#) (Jan. 13, 2021) AMP Reports (as of Jan. 5, 2023).

³³⁷ Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 15.

³³⁸ *Ibid.*

communities³³⁹ face greater risks from sea-level rise and subsequent climate change flooding than the general population.³⁴⁰ In California, they are five times more likely to live within half a mile of a toxic site that could flood by 2050.³⁴¹

This proposal recommends:

- Amend existing state law to require coordination between the Department of Toxic Substances Control (DTSC) and Water Boards (State Water Resources Control Board and Regional Water Quality Control Boards collectively) to allocate resources to remediate contaminated sites with a high flood risk where Descendant communities are specifically located.
- Conduct environmental exposure screenings in public housing adjacent to Superfund sites in a manner that is readily available to communities. Screenings should be mobile, offered directly in the community before and after school and work hours, and provided in the resident’s first language.³⁴² The statewide biomonitoring program, California Environmental Contaminant Biomonitoring Program, also called Biomonitoring California, can be utilized to implement this policy.
- Amend state laws to allow tenants to terminate their lease early if their housing is on or within one-half mile of a toxic site.³⁴³
- Offer informational sessions for community members about the exposure risks, potential health harms, and opportunities for screening and care.³⁴⁴ Local health departments and organizations could facilitate these informational sessions using materials created by the CDPH and Biomonitoring California.
- Following a climate emergency, provide free community biomonitoring for toxic chemicals like lead, mercury, and arsenic and for elevated levels of natural elements like iron and zinc for residents living in contaminated communities with a high flood risk. The statewide biomonitoring program, Biomonitoring California, can be utilized to implement this policy.
- Amend the definition of “Vulnerable Community” used in the Cleanup in Vulnerable Communities Initiative to include Descendant communities as a category.
- Require local governments with high flood risk zones to develop community action plans to relocate residents in high risk hazardous flood zones during climate emergencies, and offer vouchers for temporary housing relocation.
- Create a notification system that alerts residents whenever land is discovered to have toxic contamination following a climate disaster event.³⁴⁵

C. Increase Trees in Redlined Communities

³³⁹ Communities with CalEnviroScreen 4.0 scores in the top 25th percentile as designated by the CalEPA.

³⁴⁰ UC-Berkeley and UCLA, [Toxic Tides Project](#) (2021).

³⁴¹ *Ibid.*

³⁴² See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

³⁴³ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 60.

³⁴⁴ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

³⁴⁵ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

In the 1930s, the Home Owners' Loan Corporation (HOLC) developed neighborhood appraisal maps to assess loan risk, and their legacy correlates with infrastructure inequality and housing segregation today.³⁴⁶ The areas with older housing, typically the economically disadvantaged communities and communities of color, were almost always labeled “hazardous,” outlined in red, and given the lowest grade, “D.”³⁴⁷ Today, the same neighborhoods that received an “A” grade have nearly twice as much tree coverage as communities that were “redlined” by receiving the “D” grade.³⁴⁸ Without trees, communities suffer from increased health and environmental hazards.³⁴⁹

This proposal recommends requiring local governments to identify redlined communities within their jurisdiction and make plans to increase tree canopy coverage and access to greenspace to limit pollution exposure, ameliorate heat island effects and improve air quality.³⁵⁰ This proposal would strengthen SB 1000, the State of California’s current law that requires cities and counties to adopt environmental justice elements or integrate environmental justice goals and policies into their general plans. This proposal recommends amending SB 1000 in the following ways:

- Define “disadvantaged communities” to include communities with a “D” HOLC rating and minimal tree canopy coverage.
- Require timelines and deadlines for environmental justice plans with regular public reporting on the progress toward implementation.
- Require the adoption and regular updating of environmental justice policies regardless of when other elements are considered.³⁵¹
- Ensure investments in lowering greenhouse gas emissions and climate change adaptation projects do not lead to displacement by implementing rent control/stabilization policies at a local level.³⁵² Developing resilient community infrastructure can lead to increased property values and spur cycles of gentrification that make the now-improved

³⁴⁶ Locke et al., [Residential Housing Segregation and Urban Tree Canopy in 37 US Cities](#) (Mar. 24, 2021) 1 NPJ Urban Sustainability 6 (as of Dec. 2, 2022).

³⁴⁷ *Id.* at p. 4.

³⁴⁸ *Ibid.*

³⁴⁹ Infrastructure absorbs and re-emits the sun’s heat and trees are critical to cooling down the temperature to prevent a “heat island” effect. EPA, [Learn About Heat Islands](#) (as of Dec. 2, 2022). Heat related-deaths in California are disproportionate along racial lines with “Black Californians...more likely than those of any other race to die from heat.” Phillips et al., [Extreme Heat is One of the Deadliest Consequences of Climate Change But California Undercounts the Human Toll](#), Los Angeles Times (Oct. 7, 2021) (as of Nov. 22, 2022).

³⁵⁰ Legislative efforts targeting redlined areas might not aid predominantly Black communities and will likely exclude important Black communities. Adequately addressing the needs of all Black Californians will require a consideration of more than just redlining maps and should consider socio economic status and race. Perry and Harshbarger, [America’s Formerly Redlined Neighborhoods have Changed, and so Must Solutions to Rectify Them](#), Brookings Institute (Oct. 14, 2019) (as of Nov. 28, 2022).

³⁵¹ SB 1000 requires that environmental justice policies be adopted when two or more general plan elements are adopted. Gov. Code, § 65302, subd. (h)(2).

³⁵² See CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 17 (as of Dec. 2, 2022).

communities unaffordable for their original residents.³⁵³

D. Develop Climate Resilience Hubs in Redlined Communities

African Americans bear some of the greatest risks from climate change, such as increased asthma diagnoses and premature mortality from extreme heat or pollution exposure.³⁵⁴ With climate change expanding the duration and frequency of heat waves, the increased risks of extreme heat track existing housing-related harms to African Americans,³⁵⁵ who are more likely to live in redlined areas.³⁵⁶ Redlined communities lack the public infrastructure to adapt to the gravest climate change risks. This policy will provide economic support to ameliorate these disparities through the development of climate resilience hubs, community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies. This policy recommends utilizing the Transformative Climate Communities Program (TCC) to fund climate resilience hubs.³⁵⁷ The TCC is an existing program run by the California Strategic Growth Council, a 10-member executive council comprised of seven state agencies and three public members with funding from California's Cap and Trade system and the California General Fund.³⁵⁸ This policy recommends:

- Establish and increase funding to provide grants to local redlined communities to improve infrastructure, climate resiliency, and other health harms associated with the legacy of redlining.
- Invest in retrofitting public buildings to serve as climate resilience hubs to respond to community needs caused by a climate disaster by providing clean water, food distribution, high-speed internet, electricity, heat or cool air, etc.³⁵⁹
- Develop accessible warning/alert systems and climate shelters for unhoused residents.³⁶⁰
- Ensure investments in lowering greenhouse gas emissions and climate change adaptation projects do not lead to displacement by implementing rent control/stabilization policies at a local level.³⁶¹ Developing resilient community infrastructure can lead to increased

³⁵³ *Ibid.*; See also California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

³⁵⁴ EPA, [Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts](#) (2021) (as of Nov. 22, 2022).

³⁵⁵ Off. of Health Equity, Cal. Dept. of Public Health, [Climate Change & Health Equity: Issue Brief](#) (May 2019) Cal. Dept. of Public Health p. 2 (as of Nov. 22, 2022).

³⁵⁶ Plumer et al., [How Decades of Racist Housing Policy Left Neighborhoods Sweltering](#), N.Y. Times (Aug. 24, 2020) (as of Nov. 22, 2022); Locke et al., [Residential Housing Segregation and Urban Tree Canopy in 37 US Cities](#) (Mar. 24, 2021) 1 NPJ Urban Sustainability 15 (as of Nov. 22, 2022).

³⁵⁷ The TCC awards grants to specified eligible-entities such as community-based organizations, local governments, and nonprofits, to implement plans that reduce greenhouse gas emissions or provide local economic, workforce, health and environmental benefits.

³⁵⁸ See California Strategic Growth Council, [Vision](#) (as of Dec. 2, 2022).

³⁵⁹ See also CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 14 (as of Nov. 22, 2022).

³⁶⁰ See also *Id.* at p. 12.

³⁶¹ See CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 17 (as of Dec. 2, 2022).

property values and spur cycles of gentrification that make the now-improved communities unaffordable for their original residents.³⁶²

E. Remove Lead in Drinking Water

Lead pollution is disproportionately high in Black communities that were segregated through federal redlining.³⁶³ One major lead pollution source is lead service lines (LSL) that deliver drinking water to homes.³⁶⁴

Replacing LSLs can be prohibitively expensive, costing thousands of dollars.³⁶⁵ Furthermore, the practice of partially replacing LSLs can significantly increase short-term lead exposure in the time after replacement and lead to greater health risks, and also creates a disproportionate burden of health harms on poor communities.³⁶⁶

This proposal recommends the following:

- Fund full lead service line replacement on privately-owned property to remove lead in drinking water.
- Ban partial lead service line replacement.
- Allocate 40 percent of the Drinking Water State Revolving Fund from the federal Infrastructure Investment and Jobs Act funds for full lead service line replacement to go directly to disadvantaged or low-income communities and Black communities that were formerly redlined.
- Require the State Water Resources Control Board’s Division of Drinking Water (DDW) to track IJA fund distribution to ensure money reaches disadvantaged communities.

F. Prevent Highway Expansion and Mitigate Transportation Pollution

From the 1950s to the 1970s, state and federal highway construction targeted “blighted” neighborhoods and valuable inner city land that tended to be overwhelmingly poor and Black.³⁶⁷ These highways destroyed Black communities or otherwise suffocated their economic vitality by cutting off their access to the rest of the city.³⁶⁸ Today, Black communities are disproportionately located near highways and subsequently suffer more from on-road sources of carcinogenic

³⁶² *Ibid.*; See also California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

³⁶³ Muller et al., [Environmental Inequality: The Social Causes and Consequences of Lead Exposure](#) (2018) 44 Annual Review of Sociology pp. 266-68.

³⁶⁴ See [Comments of the Attorneys General](#) of California, Oregon, Minnesota, Connecticut, Pennsylvania, Wisconsin, Illinois, Maryland, New York, and New Jersey, 3 (Feb. 12, 2020).

³⁶⁵ [Comments of the Attorneys General](#) of California, Oregon, Minnesota, Connecticut, Pennsylvania, Wisconsin, Illinois, Maryland, New York, and New Jersey, 3 (Feb. 12, 2020).

³⁶⁶ EPA, [Lead and Copper Rule Revisions White Paper](#) (October 2016) p. 9.

³⁶⁷ Mohl, [The Interstates and the Cities: Highways, Housing, and the Freeway Revolt](#) (2002) Poverty and Race Research Action Council p. 3.

³⁶⁸ *Ibid.*

pollution.³⁶⁹ This proposal recommends reducing the pollution burden of Black communities by ending highway expansion in areas with high levels of pollution.

VIII. PATHOLOGIZING BLACK FAMILIES

This section details policy proposals to address harms set forth in Chapter 8, Pathologizing Black Families, of the Interim Report.

- Reduce and Seek to Eliminate Racial Disparities in the Removal of African American Children From Their Homes and Families
- Establish and Fund Early Intervention Programs That Address Intimate Partner Violence (IPV) Within the African American Community
- Eliminate Interest on Past-Due Child Support and Eliminate Back Child Support Debt
- Eliminate and/or Curtail Law Enforcement Activity in California Schools
- Eliminate or Reduce Charges for Phone Calls Between County Jail Inmates and Their Families
- Address Disproportionate Homelessness Among Black Californians
- Address Disparities and Discrimination Associated with Substance Use Recovery Services

A. Reduce and Seek to Eliminate Racial Disparities in the Removal of African American Children From Their Homes and Families

The rate of removal of African American children from their homes is staggering. The data shows that, in 2018, Black children were 21.8 percent of the children in foster care in California, the largest percentage by race, despite constituting only 6.5 percent of the overall population of children.³⁷⁰ Another report indicated that, in 2021, California investigated one-half of all Black children.³⁷¹ Given the disparities, it is likely that implicit bias impacts Black families at all stages of the process, including during the reporting of abuse or neglect, the investigation of the allegation, the substantiation of the allegation, the decision to remove the child from the home, and ultimately where to place a child once the child is removed.³⁷²

When a child has been removed from both parents, section 361.2, subsection (e), of the Welfare and Institutions Code allows a court to place a child in a variety of placements, including the approved home of a relative or approved home of a nonrelative extended family member, which is referred to as a kinship placement. Preference is given to a request by a

³⁶⁹ Pratt et al., *Traffic, Air Pollution, Minority and Socio-Economic Status: Addressing Inequities in Exposure and Risk* (2015) 12 International Journal of Environmental Research and Public Health 5 pp. 5355-5372.

³⁷⁰ Children in Foster Care, by Race/Ethnicity - Kidsdata.org (as of Nov. 29, 2022).

³⁷¹ Lurie, *Child Protective Services Investigates Half of All Black Children in California*, Mother Jones (April 26, 2021) (as of Nov. 29, 2022).

³⁷² Children's Bureau: *Child Welfare Practice to Address Racial Disproportionality and Disparity* (2021) p. 6 (as of Nov. 29, 2022).

relative to have the child placed with them.³⁷³ Although the statutory preference is to place children with relatives, a disproportionate number of African American children are placed in foster care with strangers or in congregate care settings instead.³⁷⁴ Being black is a predictive factor of a child’s placement in congregate care setting.³⁷⁵

Even when a child is placed in kinship care, disparities in resources and funding persist. Children in kinship care and their caregivers are among the most underserved in the welfare system.³⁷⁶ For example, kinship care families receive significantly lower payments and fewer resources than unrelated foster parents, which can influence the decision of a relative with modest economic means to be considered for placement.³⁷⁷ Lack of resources can also lead a social worker to exclude relatives from placement consideration.³⁷⁸

The following proposals provide a multi-prong approach to eliminate racial disparities for African American families by implementing procedures in the child welfare system to eliminate the influence implicit racial bias may have on decision-making at each stage.

- This proposal recommends that the Legislature enact legislation to require “blind” removal meetings where a committee of social workers, who are unaware of the race of the child and their family, make the decision regarding whether a claim of child abuse is substantiated and whether the initial detention of a child from their home is warranted.³⁷⁹
- This proposal recommends that the Legislature enact legislation to prohibit child welfare agencies from detaining a child on the basis of a nebulous claim of neglect where the claim of neglect is rooted in a parent’s poverty or the lack of resources. Before a child welfare agency can detain a child based on general neglect, the agency must demonstrate that it has engaged in “active efforts.” “Active efforts” means the agency has taken proactive steps, which may include financial assistance and support services, to help parents ameliorate or eliminate the conditions that caused the agency to investigate the family.³⁸⁰

³⁷³ Welf. & Inst. Code, § 361.3, subd. (a).

³⁷⁴ Congregate care placements are widely understood to be less suited to a child’s healthy development and tend to lead to poorer outcomes as compared to family-based placements like kinship and foster home placements. Casey Family Programs [What Are the Outcomes for Youth Placed in Group and Institutional Settings?](#), June 29, 2022 (as of Nov. 29, 2022).

³⁷⁵ See Palmer et al., [Correlates of Entry Into Congregate Care Among a Cohort of California Foster Youth](#) (March 2020) vol. 110 Children and Youth Services Rev. (as of Nov. 29, 2022).

³⁷⁶ Los Angeles Blue Ribbon Commission on Child Protection, [The Road to Safety for Our Children: Final Report of the Los Angeles Blue Ribbon Commission on Child Protection](#) (2014) at p. 22 (as of Nov. 29, 2022).

³⁷⁷ *Id.* at pp. 22-23.

³⁷⁸ See Welf. & Inst. Code, § 361.3, subd. (a)(7).

³⁷⁹ [Child Welfare Practice to Address Racial Disproportionality and Disparity](#), *supra*, at p. 16. Blind committee removal meetings would not include predictive risk modeling tools, which have raised constitutional concerns. (See [ACLU Public Records Act Request Regarding Use of Predictive Risk Modeling in California Child Welfare System](#) (Jan. 5, 2021).)

³⁸⁰ “Active efforts” means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with their family. (Welf. & Inst. Code, § 224.1 (West)). It is a term borrowed from California’s version of the Indian Child Welfare Act (ICWA).

- To mitigate concerns that incongruent cultural standards are often applied to justify the removal of an African American child from the child’s family, it is recommended that the Legislature amend Welfare and Institutions Code section 361 to require the testimony of an independent qualified expert on the prevailing cultural practices and standards of the African American community, including child rearing practices, before a child can be removed from their home. A child could be removed only where the qualified expert testifies that continued custody in the home is likely to result in serious emotional or physical damage to the child.
- Substance abuse or addiction issues are often a driver for the removal of children from their parents. Research has shown that with respect to drug-positive newborns, African American mothers were more likely to have their infants removed than white mothers even though the overall characteristics or conditions of the infants were similar.³⁸¹ Existing legislation does not disqualify a noncustodial parent from being considered for placement where the parent is in a substance abuse treatment facility so long as that facility allows minor children to remain with their children during treatment.³⁸²
 - Because existing law acknowledges that substance abuse issues, without more, do not require separating a child from their parent,³⁸³ this proposal recommends that the Legislature enact legislation to mandate that in those cases where the sole issue is a parent’s substance abuse, child welfare agencies must place the family on family maintenance services³⁸⁴ and use active efforts to place the custodial parent and child in a residential treatment program that allows minors to remain with their parents during treatment before the agency can file a petition to detain the child. Where outpatient treatment has a likelihood of success, agencies must provide family maintenance services along with outpatient treatment before filing a petition to detain a child.
 - This proposal recommends that the Legislature enact legislation requiring child welfare agencies to place a child with the noncustodial parent in cases where removal from the custodial parent was necessary, even if the noncustodial parent is in an inpatient substance abuse treatment facility if the facility allows dependent children to stay with their parents and placing the child with the noncustodial parent would not be detrimental to the child.³⁸⁵

³⁸¹ [Child Welfare Practice to Address Racial Disproportionality and Disparity](#), *supra*, at p. 6.

³⁸² See Welf. & Inst. Code, § 361.2, subd. (a).

³⁸³ A child can only be removed if the parent’s substance abuse issue places the child at substantial risk of harm. (See *In re Alexis E.* (2009) 171 Cal. App. 4th 438, 453 (“[W]e have no quarrel with Father’s assertion that his use of medical marijuana, without more, cannot support a jurisdiction finding that such use brings the minors within the jurisdiction of the dependency court, not any more than his use of the medications prescribed for him by his psychiatrist brings the children within the jurisdiction of the court.”).)

³⁸⁴ Family maintenance services are time-limited services provided to children who are at risk for abuse and neglect in their homes. Welf. & Inst. Code, § 16506; see e.g., Contra Costa County Employment and Human Services [Family Maintenance Services](#) (as of Nov. 29, 2022).

³⁸⁵ Compare Welfare and Institutions Code section 361.2, which states that placement cannot be denied solely because parent is enrolled in a substance abuse treatment facility. But the provision does not require placement where the facility allows minor children to stay with their parents.

Kinship Placement Proposals

- This proposal further recommends that the Legislature require child welfare agencies to amend their licensing requirements to equalize funding between kinship placements and foster home placements by using the same licensing procedure to license relatives for placement that is used to license foster parents.³⁸⁶ Equalizing funding makes it financially feasible for minors to be placed with relatives who otherwise lack the financial means to assume placement. And placing a child with relatives provides the benefit of familial connection and continuity of community without additional costs to the county or the state given that there is one less child placed in a foster home.
- In the alternative, this proposal recommends that California waive its eligibility under Title IV-E,³⁸⁷ so that relatives can receive the same financial support and access to resources from the state as foster parents.³⁸⁸ Title IV-E requires placement of a child in a foster home or a congregate care setting. But children placed with relatives often have fewer placement changes, more frequent contact with birth parents and siblings, and fewer negative emotions about their time in foster care. Waiving eligibility rules to place a child with relatives, which generally has far more benefits *for the child* than foster care or a congregate care placement, should be the preferred option.
- In the alternative, this proposal recommends that the Legislature amend Welfare and Institutions Code section 309, subsection (d)(1) to authorize financial payments to relatives to purchase whatever is required to provide a home and the necessities of life for the child for as long as the child is placed with the relative. Beyond section 309, existing social welfare programs, like CalWorks and CalFresh, or a special fund established by the Legislature, can be used. For existing welfare programs, the agency must be required to use active efforts to assist relatives in applying for and obtaining benefits.
- To address implicit bias, this proposal recommends that the Legislature amend Welfare and Institutions Code 361.3 to eliminate “good moral character” from the list of criteria the social worker may consider in deciding whether to place a child with a relative. Whether a relative has good moral character is a subjective inquiry that can be affected by implicit bias.
- Criminal background checks are required for anyone being considered as a placement. This proposal recommends that the Legislature enact legislation to mandate that an agency may not use a relative’s prior nonviolent conviction to disqualify a relative from being considered for placement. In addition, it is recommended that the Legislature

³⁸⁶ Title IV-E provides fund to states to pay for the costs associated with placing children, who are eligible for public assistance, in an *approved* or licensed foster care setting that meets the statutory safety requirements. A kinship placement can be approved under a state’s licensing framework that licenses foster parents, especially if the primary concern is safe placement for the child and not simply a requirement that a child be placed in foster care. (See U.S. Department of Health and Human Resources, [Title IV-E Foster Care Eligibility Review Guide](#) (2012) p. 4 (as of Nov. 29, 2022).)

³⁸⁷ Title IV agencies are subject to periodic reviews to validate the accuracy of the agency’s claim for reimbursement based on the placement of children in approved or licensed foster family homes and child care institutions. (*Ibid.*)

³⁸⁸ [The Road to Safety for Our Children: Final Report of the Los Angeles Blue Ribbon Commission on Child Protection](#), *supra*, at p. 22.

amend Health and Safety Code section 1522, subdivision (g) to provide an exemption for relatives who have been convicted of nonviolent offenses along with the other exemptions provided in that subdivision.

- Allowing relatives with convictions for *nonviolent offenses* to be considered acknowledges that the criminal justice system in California has disproportionately targeted and convicted African Americans. And because most convictions stem from guilty pleas,³⁸⁹ which may have been accepted solely to avoid trial and a potentially higher sentence, a nonviolent conviction by itself should not be disqualifying.
- This proposal recommends that the Legislature enact legislation that would permit a relative with a prior conviction for a violent offense to be considered for placement where 1) the conviction is not for a reportable offense under Penal Code section 290 or similar provision, 2) the relative has been free from incarceration and supervision for a minimum of ten years, 3) the prior conviction for a violent offense is more than ten years old, and 4) the relative has demonstrated by clear and convincing evidence that they are not likely to reoffend.
- This proposal recommends that the Legislature enact legislation that would permit relatives with a substantiated prior child welfare case to be considered for placement if the substantiated instance of child abuse or neglect occurred at least 10 years before the relative's current placement application and there is clear and convincing evidence that the relative has resolved those issues.

B. Establish and Fund Early Intervention Programs that Address Intimate Partner Violence (IPV) Within the African American Community

African American victims of IPV face unique and historically-rooted challenges in seeking and obtaining services related to safety, prevention, and treatment. For example, Black victims of IPV may harbor a justifiable distrust of law enforcement and social service providers, which in turn limits the protection and support that victims receive. Many women refrain from seeking assistance out of fear of losing their children to a discriminatory child welfare system.³⁹⁰ And even when assistance is sought, many of the service providers fail to provide the kind of culturally competent, trauma-informed services that are most effective. Moreover, given that Black women face disproportionately higher rates of IPV, these challenges result in the neediest populations receiving the least support.³⁹¹

This proposal would establish and fund early intervention programs that address intimate partner violence (IPV) within the African American community. These programs would be

³⁸⁹ Lyon, [Whether State or Federal, Most Convictions Are Overwhelmingly Based on Guilty Pleas](#), Human Rights Defense Center, Criminal Legal News (Oct. 2019) (as of Nov. 29, 2022).

³⁹⁰ Joyce, [She Said Her Husband Hit Her. She Lost Custody of Their Kids: How Reporting Domestic Violence Works Against Women in Family Court](#) (2020) The Marshall Project (as of Nov. 29, 2022).

³⁹¹ DuMonthier et al., [The Status of Black Women in the United States](#) (2017) Institute for Women's Policy Research & The National Domestic Worker's Alliance (as of Nov. 29, 2022).

designed to treat the victim(s), the abuser, and minor children within the family who have been exposed to the violence.

- The proposal recommends that the State provide funding to CBOs and treatment centers that provide IPV services to victims and perpetrators of IPV with funding to expand services to improve outreach to victims, perpetrators of IPV, and children who may have been exposed to IPV within the home and provide appropriate services tailored to address the needs of the family based on the severity and duration of the IPV. In exchange for funding, the CBOs and treatment centers would provide the following services depending on the needs of the victim and children exposed to violence within the home.
 - Partner with hospitals, clinics, and mental health centers to provide IPV self-assessment tools and referral information for IPV victims at these points of contact where providers may encounter victims of IPV.
 - Provide direct cash assistance to IPV victims to allow the victim to separate from the perpetrator of IPV. Where necessary, the CBOs would also provide assistance in gaining long-term financial stability by assisting victims in applying for benefits or by providing access to job training. CalWorks also can be used to provide temporary direct cash assistance for people who are IPV victims and require direct cash assistance because of IPV.³⁹²
 - Provide graduated treatment options to victims and IPV perpetrators depending on the severity and duration of IPV. One study indicated that conjoint-couples treatment was more effective in reducing recidivism over a six-month period than individual couples treatment.³⁹³ Where the victim is fully supportive of conjoint treatment, and where the violence has been mild-to-moderate, and both parties want to remain together, the victim and perpetrator can be referred to a multi-couple conjoint treatment program for IPV.³⁹⁴
 - Because exposure to IPV causes trauma to children, the CBOs and treatment centers would also provide services or a referral and payment for appropriate services for minor children who have been exposed to IPV.

C. Eliminate Interest on Past-Due Child Support and Eliminate Back Child Support Debt

³⁹² The Family Violence Prevention Act prohibits direct cash assistance. (42 U.S.C. §10408, subsection (d)).

³⁹³ Heru, [Intimate Partner Violence: Treating Abuser and Abused](#) Vol. 13 Advances in Psychiatric Treatment (2007) 376, 379 (citing Stith et al., [Treating Marital Violence within Intact Couple Relationships: Outcomes of Multi-Couple Versus Individual Couple Therapy](#) J. Marital Fam. Ther. (2004) 305-318.) The reauthorized Violence Against Women Act that was signed into law in 2022, authorizes pilot programs on restorative justice practices if certain parameters are met. Those parameters include the requirement that the victim initiate the process and that the perpetrator voluntarily engage in the process. (Text of S. 3623 [The Violence Against Women Act Reauthorization Act of 2022](#), title IV of Public Law 103–322, section 109.) (as of Nov. 29, 2022).

³⁹⁴ Stith et al., [Treating Marital Violence within Intact Couple Relationships: Outcomes of Multi-Couple Versus Individual Couple Therapy](#) (2004) J. Marital Fam. Ther. 305-318 (manuscript at pp. 23-25) (as of Nov. 29, 2022).

Although Black Californians are less than 7 percent of the state’s population, they represent 18 percent of the parents who owe child support debt.³⁹⁵ Under current law, California charges 10 percent interest on back child support, which is more than 3.5 times greater than the national average.³⁹⁶ The 10 percent interest rate quickly increases the amount of the child support debt owed.³⁹⁷ As a result of the debt owed for back child support and interest, a disproportionate number of Black parents are saddled with crushing debt that hinders their ability to attend school or job training, maintain housing,³⁹⁸ and find employment if their professional licenses and/or driver’s licenses have been suspended because of failure to pay child support debt.³⁹⁹

One study commissioned by the California Department of Child Support Services in 2003 estimated that 27 percent of California’s child support arrears was unpaid interest.⁴⁰⁰ The same study showed that child support debtors had lower incomes than the typical California worker.⁴⁰¹ The study indicated that even if debtors paid 50 percent of their net income towards their child support debt (back support and interest), only about 25 percent of the debt owed for child support arrears and interest would be collected over the next 10 years.⁴⁰² In 2020, the Governor vetoed a bill, AB 1092,⁴⁰³ which would have terminated interest on child support arrears owed to the state prospectively.⁴⁰⁴

This proposal recommends that the Legislature enact legislation that would eliminate all interest accrued on back child support, requiring only the payment of the principal owed. At a minimum, the proposal recommends that the Legislature eliminate the prospective accrual of interest on child-support debt for low-income parents.

This proposal further recommends that the Legislature amend California Family Code section 17560, the “offers in compromise”⁴⁰⁵ provision, to allow for offers in compromise and forgiveness of child support debt even if the amount of the compromise does not equal or exceed the amount the state would be reimbursed under federal programs like Temporary Assistance to

³⁹⁵ San Francisco Office of the Treasurer Financial Justice Project [The Payback Problem: How Taking Parents’ Child Support Payments to Pay Back the Cost of Public Assistance Harms California Low-Income Children & Families A Call For Reform to Put Families First](#) (2017) p. 13 (as of Nov. 29, 2022).

³⁹⁶ See Cal. Civ. Pro. § 685.010; see also [Interest on Child Support Arrears \(ncsl.org\)](#). The term child support debt or arrears includes the principal back child support owed plus the 10 percent interest the State charges.

³⁹⁷ Hahn et al, [Relief from Government-Owed Child Support Debt and Its Effects on Parents and Children Evaluation of the San Francisco Child Support Debt Relief Pilot](#) (2019) Urban Institute Research Report at p. VIII (as of Nov. 29, 2022).

³⁹⁸ Cimini, [California Keeps Millions in Child Support While Parents Drown in Debt](#) Cal Matters (2021) (as of Nov. 29, 2022).

³⁹⁹ Hahn et al, [Relief from Government-Owed Child Support Debt](#), *supra*, at p. VIII.

⁴⁰⁰ Sorensen et al., Executive Summary, [Examining Child Support Arrears in California: The Collectability Study](#) (2003) Urban Institute p. 18 (as of Nov. 29, 2022).

⁴⁰¹ *Id.* at Report 2, p. 14.

⁴⁰² *Id.* at Report 3, pp. 11-13.

⁴⁰³ Assem. Bill No. 1092 (2019-2020 Reg. Sess.) [Child Support: Enforcement](#)

⁴⁰⁴ Cimini, [California Keeps Millions in Child Support While Parents Drown in Debt](#), *supra*.

⁴⁰⁵ The California Compromise of Arrears Program is a debt reduction program for parents with past-due child support payments owed to the state that is authorized under Family Code Section 17560. If a parent qualifies for the program, they pay a smaller amount to satisfy the full debt owed to the state.

Needy Families (TANF).⁴⁰⁶ The amount of the compromise would be based only on the parent’s financial circumstances and ability to pay.

D. Eliminate and/or Curtail Law Enforcement Activity in California Schools

This proposal overlaps with a proposal in the Unjust Legal System chapter.

There are no statewide standards that govern the role of school resource officers (SROs). Black students (among other groups) are disproportionately subject to discipline by schools, including exclusionary discipline, and often for minor and subjective behaviors.⁴⁰⁷ These same student populations are disproportionately referred to law enforcement, arrested, and become justice-system involved at higher rates than their similarly situated peers.⁴⁰⁸ The presence of law enforcement personnel on school campuses should accordingly be limited, and the role of police officers in schools should be clearly defined.

This proposal would limit and restrict the presence and activity of police officers in California schools. Specifically, the proposed legislation would: (1) eliminate school police departments under the purview of individual school districts created pursuant to California Education Code section 38000(b); (2) prohibit the use of supplemental and concentration grant funding to pay for school police, school security, and SROs, which presently is permitted under California’s local control funding formula (LCFF) under certain circumstances; (3) require a memorandum of understanding between school districts and law enforcement agencies that provide services to school campuses; (4) require training by the Commission on Peace Officer Standards and Training (POST) for campus police officers, and require that the training be updated regularly, in consultation with and approved by the Attorney General’s office, at least every three years, as the current training has not been updated for decades; (5) require implicit bias training for all school police officers; and (6) require data collection and annual reviews tracking disparities in police encounters.

E. Eliminate or Reduce Charges for Phone Calls Between County Jail Inmates and Their Families

⁴⁰⁶ Family Code section 17560, subdivision (f)(1) provides that the compromise amount must equal or exceed “what the state can expect to collect for reimbursement of aid paid pursuant to Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code in the absence of the compromise, based on the obligor’s ability to pay.”

⁴⁰⁷ U.S. Comm’n on Civil Rights, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities* (July 2019) at pp. 6-7, 35-37 (as of Jan. 20, 2023); Wang & Del Toro, *For Black students, unfairly harsh discipline can lead to lower grades* American Psychological Association (as of Jan. 20, 2023).

⁴⁰⁸ See California Racial Identity and Profiling Advisory Board, *2023 Annual Report* (Jan. 1, 2023) at p. 131 (as of Jan. 17, 2023) (discussing California data showing that Black students were referred to law enforcement four times more frequently than white students).

Under current law, county sheriffs may charge inmates per-minute fees and associated charges for telephone calls.⁴⁰⁹ Although the profits from these fees ostensibly go toward services and resources for inmates, the funds are often mismanaged and/or misdirected.⁴¹⁰ Moreover, the financial burden falls disproportionately on low-income, Black and brown families during what can be the most challenging and destabilizing time of life – when a loved one is incarcerated. Ultimately, the fees force families to choose between not communicating with incarcerated family or spending scarce resources to do so. Under Senate Bill 1008 (2022, Becker), all calls from state prisoners and juvenile detainees are now free.

This proposal would preclude county jails from profiting from their inmates by mandating that all inmate calls be free. The proposal would similarly include limits on the markup of commissary items, another instance of jails profiting from the most vulnerable Californians.

F. Policies to Address Disproportionate Homelessness Among Black Californians

Black Californians make up a disproportionate share of the state’s unhoused population. While Black individuals make up only 5.5% of the state’s population, they comprise over 25% of unhoused households that contacted homeless service providers in the 2020-21 fiscal year.⁴¹¹ A recent report on Black homelessness in Los Angeles concluded that “[t]he impact of institutional and structural racism in education, criminal justice, housing, employment, health care, and access to opportunities cannot be denied: homelessness is a by-product of racism in America.”⁴¹² The same study concluded that “[t]he interconnectedness of incarceration and homelessness creates a revolving door that only serves to make the plight of homelessness more challenging and complex.”⁴¹³

1. Streamline and incentivize development of permanent supportive housing (PSH) and extremely low income (ELI) housing

PSH and ELI housing are critical components to solving the homelessness crisis.⁴¹⁴ PSH provides housing to those with substantial physical or behavioral disabilities, and provides on-site treatment and services. ELI households are those whose incomes are at or below the poverty

⁴⁰⁹ California Public Utilities Commission, [CPUC Caps Phone Rates for Those Incarcerated](#) (Aug. 19, 2021) (as of Jan. 20, 2023) (setting interim rate cap).

⁴¹⁰ Lau & Stuhldreher, [Justice is Calling](#) (Feb. 18, 2021) The Financial Justice Project, San Francisco at p. 4 (as of Jan. 20, 2023).

⁴¹¹ Davalos and Kimberlin, [Who is Experiencing Homelessness in California?](#) (Feb. 2022) California Budget & Policy Center (as of Jan. 24, 2023) (hereinafter “Homelessness in California”).

⁴¹² Bernard et al., [Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness](#) (Dec. 2018) Los Angeles Homeless Services Authority (as of Jan. 24, 2023) (hereinafter “Ad Hoc Committee Report”).

⁴¹³ *Ibid.*

⁴¹⁴ Resnikoff, [Housing Abundance as a Condition for Ending Homelessness](#) (Dec. 2022) California YIMBY (as of Jan. 10, 2023) (hereinafter “Housing Abundance”).

guideline, or 30% of their area median income.⁴¹⁵ Unfortunately, the cost and delays associated with PSH developments have severely impacted their feasibility in many communities.⁴¹⁶ Recommendations accordingly include: subsidies to developers and property managers of PSH and ELI housing; establishment of state-funded and state-operated PSH and/or ELI housing (as proposed in Assembly Bill 2053 (Lee)); and exemptions for ELI and PSH developments from applicable zoning and permitting regulations.⁴¹⁷

2. Mandate anti-bias and other trainings for staff of homeless services providers

A recent report by the California Policy Lab found that implicit bias and prejudice exist among the case managers, property managers, and landlords that ostensibly should be supporting unhoused Black individuals.⁴¹⁸ This proposal recommends mandating implicit-bias training for designated homeless-services providers and/or to fund statewide studies of racism within homeless services systems. Other training topics should include cultural competency; trauma-informed care; institutional racism; and the needs of diverse unhoused populations, particularly Black and LGBTQ individuals.

3. Fund permanent supportive housing (PSH) diversion programs for individuals incarcerated in county jails

PSH has been shown to reduce homelessness among those with substantial physical disabilities or mental health issues.⁴¹⁹

A pilot program in Los Angeles County, Just in Reach Pay for Success, created a diversion program for county jail inmates with histories of homelessness and physical or behavioral disabilities.⁴²⁰ The program placed qualifying individuals into PSH units and provided wrap-around services. A study of the program found that its cost was fully offset by decreased use of shelters, inpatient hospitalization, and incarceration. In light of the program's success and cost-effectiveness, this proposal recommends that the Legislature allocate funding for similar programs throughout the state.

4. Fund a study and analysis of county jail efforts to secure housing for incarcerated individuals upon release

Studies have shown that formerly incarcerated individuals are almost 10 times more likely to be homeless than the general public, and that “formerly incarcerated Black men have much

⁴¹⁵ [Extremely Low-Income Housing Needs](#), California Department of Housing and Community Development (as of Jan. 10, 2023).

⁴¹⁶ See, e.g., Streever, [Homelessness in California: Causes and Policy Considerations](#) (May 2022) Stanford Institute for Economic Policy Research (as of Jan. 10, 2022).

⁴¹⁷ See Housing Abundance, *supra*, at p. 52.

⁴¹⁸ Homelessness in California at pp. 24, 32.

⁴¹⁹ See, e.g., [Permanent Supportive Housing in Washington, DC: Lessons from the John and Jill Kerr Conway Residence](#) (Dec. 2015) National Coalition for the Homeless (as of Jan. 24, 2023).

⁴²⁰ Hunter et al., [Just in Reach Pay for Success Impact Evaluation and Cost Analysis of a Permanent Supportive Housing Program](#) (2022) RAND Corporation (as of Jan. 24, 2023).

higher rates of unsheltered homelessness than white or Hispanic men.”⁴²¹ Senate Bill 903 (2022, Hertzberg) requires a rigorous study and analysis of the California Department of Corrections and Rehabilitation’s efforts to assist those individuals recently released from incarceration with any housing needs. A similar study should be made with respect to individuals recently released from county jail.

5. Develop and launch racial equity initiative

This recommendation would require a racial equity analysis of California’s housing and homelessness programming. The analysis would be geared towards: ensuring equitable contracting; increasing Black participation and employment; promoting racial diversity at all relevant agencies and offices; ensuring that management is appropriately trained in cultural competency; and creating opportunities for people with lived experiences with homelessness to participate in reform efforts.

6. Allocate broad-based funding to community-based organizations

This proposal recommends that the Legislature allocate sufficient funding to address the root causes of Black Californians experiencing homelessness and, through grants to qualified, culturally-congruent services providers (particularly Black-founded organizations that serve Black communities), support the delivery of comprehensive services needed to reduce and eliminate this disparity and more generally improve access to affordable housing, employment, mental and physical health services, youth development, public benefits, education, and civic engagement. Funding priorities should include, but not be limited to, emergency rental assistance, eviction counseling, and rapid-rehousing plans.⁴²² Funding and training should also be provided to faith institutions and nontraditional sites (*e.g.*, beauty/barbershops, community colleges, neighborhood markets) that interact with unhoused populations to enable these entities to provide services and/or resources. The funding would be prioritized for organizations that use a community-based, participatory approach to services, and that rely on or employ individuals with lived experience with homelessness.

7. Increase compensation for homeless services providers

Front-line workers staff the myriad of programs and services that support the unhoused community. Unfortunately, wages for these workers are frequently extremely low.⁴²³ Moreover, “[l]ow wages relative to the cost of housing have contributed to chronic understaffing and extremely high turnover among homeless service providers in California.”⁴²⁴ The end-result is a

⁴²¹ Couloute, [Nowhere to Go: Homelessness Among Formerly Incarcerated People](#) (Aug. 2018) Prison Policy Initiative (as of Jan. 10, 2023).

⁴²² Rapid-rehousing programs focus on securing housing for those who recently lost their homes. The programs typically involve connecting individuals with available housing; providing short financial assistance for rent and moving costs; and connecting the individuals to employment and other services. *See* Levin, et al., [California’s Homelessness Crisis - And Possible Solutions - Explained](#), Cal Matters (Dec. 31, 2019) (as of Jan. 23, 2023).

⁴²³ Housing Abundance, *supra*, at p. 17.

⁴²⁴ *Id.*

substantial negative impact on the quality of homeless services. Accordingly, this proposal recommends that the Legislature include compensation requirements or wage floors/baselines in its grants to service providers.⁴²⁵ The funding or statutory scheme should include resources and requirements for 24-hour skilled staffing at shelters and PSHs; ongoing training for case managers on trauma-informed practices; and peer-advocate programs that pair residents with individuals with lived experiences being unhoused.⁴²⁶

8. Enact civil rights protections to guard against housing and employment discrimination⁴²⁷

Enact and fully fund a framework for the investigation of and enforcement against discriminatory practices in housing and employment.

9. Strengthen housing eligibility and tenant protections⁴²⁸

This proposal recommends that the Legislature pass legislation as needed, and calls for federal action as appropriate, to ensure more robust protections within the private market as well as within public housing and voucher programs, including:

- efforts to remove barriers to eligibility and expand access to public housing
- protections to preserve and enhance the rights of tenants living in public housing
- protections against Section 8 and other housing subsidy discrimination
- expansion of source of income discrimination protections
- expansion of just cause eviction requirements to all residential rental housing
- prohibition of criminal background checks in tenant screening
- broader rent control measures
- right to counsel and financial assistance for eviction proceedings
- stronger protections against landlord retaliation

10. Fund and implement measures to protect homeowners⁴²⁹

This proposal recommends that the Legislature fund and advance the implementation of targeted efforts (particularly to Black seniors) to prevent loss of homeownership, including education around financial literacy and investment, education to protect against scams, and access to resources to prevent foreclosure.

G. Address Disparities and Discrimination Associated with Substance Use Recovery Services

⁴²⁵ *Id.*

⁴²⁶ See Milburn et al., *Inequity in the Permanent Supportive Housing System in Los Angeles* (Oct. 2021) California Policy Lab pp. 32-33 (recommending and stressing importance of 24-hour staffing) (as of Jan. 23, 2023).

⁴²⁷ This proposal is modeled after Recommendation 8 from the Ad Hoc Committee Report, *supra*.

⁴²⁸ This proposal is modeled after Recommendation 58 from the Ad Hoc Committee Report, *supra*.

⁴²⁹ This proposal is modeled after Recommendation 64 from the Ad Hoc Committee Report, *supra*.

Substance use disorder and addiction are prevalent across all ethnicities, including those who are Black.⁴³⁰ But inequities exist in the treatment and recovery fields. For example, death rates from synthetic opioid use increased nationwide by 818 percent between 2014 and 2017 among Black individuals, more than for any other racial group during the same period.⁴³¹ Moreover, “significant gaps exist within the provision of equitable services and treatment outcomes for those in the Black community.”⁴³² These gaps include a disproportionately small number of Black professionals in the addiction treatment workforce, as well as disparate treatment outcomes for Black clients.⁴³³ Economic barriers lead Black clients to use treatment services less than white clients, and they also have lower treatment retention rates compared to white clients.⁴³⁴

The disparities also exist at the level of prescription medication: Black patients are 77 percent less likely to be prescribed buprenorphine, and are more likely to receive methadone as an alternative treatment for opioid addiction.⁴³⁵ Both drugs are effective, but buprenorphine treatment is much easier to maintain. Methadone is more highly regulated, and patients (unlike for buprenorphine) must travel to a clinic each day to receive treatment and thus face more significant recovery burdens.⁴³⁶ Methadone treatment is also generally more stigmatized than buprenorphine, and methadone programs require random drug testing and counseling that are not similarly mandated for buprenorphine.⁴³⁷

Finally, addiction and treatment disparities must be understood within the broader context of urban planning, land use, and zoning. Indeed, “nuisance properties,” including alcohol, tobacco, and marijuana shops, are disproportionately located in low-income communities of color,⁴³⁸ which in turn can lead to higher rates of substance use and abuse.⁴³⁹

⁴³⁰ Valentine & Brassil, [Substance Use in California: Prevalence and Treatment](#) (Jan. 2022) California Healthcare Foundation, pp. 12, 13, 17, 19 (as of Feb. 8, 2022).

⁴³¹ Gateway Foundation, [Substance Use in the African American Community](#) (undated) (as of Feb. 7, 2023).

⁴³² National Association for Addiction Professionals, [NAADAC Position Statement on Critical Issues in the Black Community: The Complexities of SUD Treatment](#) (Feb. 2022) (as of Feb. 7, 2023) (hereafter “NAADAC Position Statement”).

⁴³³ *Ibid.*

⁴³⁴ *Ibid.*

⁴³⁵ [African Americans Often Face Challenges Accessing Substance Use Treatment](#) (interview with Dr. Scott Nolen, Open Society Institute) The Pew Charitable Trusts (March 26, 2020) (as of Feb. 7, 2023).

⁴³⁶ *Ibid.*

⁴³⁷ U.S. Dep’t of Health and Human Services, Office of Behavioral Health Equity, [The Opioid Crisis and the Black/African American Population: An Urgent Issue](#) (April 2020) at p. 8-9 (as of Feb. 7, 2020) (hereafter “The Opioid Crisis”).

⁴³⁸ Subica et al., The geography of crime and violence surrounding tobacco shops, medical marijuana dispensaries, and off-sale alcohol outlets in a large, urban low income community of color (2018) 108 *Preventative Medicine* 8; Lee et al., [What explains the concentration of off-premise alcohol outlets in Black neighborhoods?](#) (2020) *SSM – Population Health* 12 (as of Feb. 22, 2023).

⁴³⁹ *Id.* at 1-2.

a. Increase funding streams to community-based treatment and prevention organizations, including those linked to the criminal justice system

Community-based organizations (CBOs) play a central role in both preventing and treating substance use disorders.⁴⁴⁰ Under this proposal, funding would be increased for CBOs that provide substance use treatment and related services, with particular focus on those organizations that are run and staffed by Black professionals and that serve the Black community. A primary funding source could be the Health Equity and Racial Justice Fund within the California Department of Public Health’s Office of Health Equity.⁴⁴¹ (A separate proposal recommends funding the Health Equity and Racial Justice Fund.)

Funding would be prioritized for those organizations taking a holistic approach to recovery that address root causes of substance use such as housing instability, unemployment, and criminal justice involvement. And CBOs that address community-wide issues related to addiction -- such as land-use and zoning factors (e.g., density of liquor stores, cannabis dispensaries, and smoke shops) -- should also be prioritized.⁴⁴² Finally, since substance use is frequently associated with recent incarceration,⁴⁴³ funding should be allocated for service providers stationed just outside county jails and state prisons that can provide treatment assistance immediately upon release. The use of evidence-based practices would not be a bar to funding nor would it be prioritized. In addition, jails and prisons should increase community-based organizations access to provide treatment services while in custody. This access may be more limited and therefore require greater attention in the county jails. [*This proposal overlaps with a proposal included in the Mental and Physical Harm and Neglect Chapter and with other proposals in the Pathologizing Families Chapter*]

b. Promote educational and employment opportunities in substance use treatment fields.

⁴⁴⁰ U.S. Dep’t of Health and Human Services, Office of Behavioral Health Equity, [The Opioid Crisis and the Black/African American Population: An Urgent Issue](#) (April 2020) at p. 10 (as of Feb. 7, 2020) at pp. 11-12 (hereafter “The Opioid Crisis”)

⁴⁴¹ [We Are All Public Health](#) (as of Jan. 20, 2023) The California Health Equity and Racial Justice Fund; [Health Equity & Racial Justice Advocates Outraged at Lack of Funding for Communities to Address Disparities](#) (Jun. 28, 2022) Public Health Institute (as of Jan. 20, 2023).

⁴⁴² See, e.g., Subica et al., The geography of crime and violence surrounding tobacco shops, medical marijuana dispensaries, and off-sale alcohol outlets in a large, urban low income community of color (2018) 108 Preventative Medicine 8-16 (finding that liquor stores and tobacco shops are associated with increased crime and violence in low income communities).

⁴⁴³ Bronson et al., [Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009](#) (revised Aug. 10, 2020) U.S. Department of Justice, Officer of Justice Programs, Bureau of Justice Statistics at p. 1 (as of Feb. 8, 2023).

The lack of cultural competency or cultural humility⁴⁴⁴ in healthcare and substance use treatment likely contribute to racial disparities in treatment outcomes.⁴⁴⁵ Thus, as the National Association for Addiction Professionals has urged, “[i]t is imperative that we recommit our efforts to the recruitment and training of Black individuals to build a powerfully diverse substance use and mental healthcare workforce.”⁴⁴⁶ A separate set of proposals set forth in the Mental and Physical Harm and Neglect chapter calls for expansion of the UC-PRIME-LEAD-ABC program (and the funding of equivalents for other fields) to increase the number of Black physicians, psychologists, and counselors. To the extent not already covered by those proposals, this proposal would require similar funding and program expansion for substance use treatment professionals.

c. Mandate statewide data collection and analysis of California drug courts

Drug courts, in which defendants charged with drug crimes are directed to treatment rather than incarceration or other punishment, can be a powerful tool in combatting both addiction and recidivism.⁴⁴⁷ But participation in California’s drug courts has plummeted in recent years, potentially due to the passage of both Proposition 47 (2014) and prison realignment (AB 109 (2011)).⁴⁴⁸ To address this pressing issue, policymakers and stakeholders need comprehensive statewide data, which is currently unavailable.⁴⁴⁹ Accordingly, this proposal would require data collection and publication of key metrics from every drug court and other diversion court throughout the state, including data that would expose disparities, if any, in the offer of diversion, enrollment and completion. These data could then be leveraged to craft policies to improve the reach and efficacy of these programs.

d. Expand access to naloxone, buprenorphine, and other critical substance use medications and assess the scope and genesis of any treatment disparities.

Naloxone, commonly known as “Narcan,” is the only FDA-approved medication to reverse opioid-related overdoses.⁴⁵⁰ The United States Surgeon General and the United States Department of Health and Human Services have both encouraged the widespread use and availability of naloxone to prevent overdose deaths.⁴⁵¹ In California, the Naloxone Distribution

⁴⁴⁴ Tervalon, M., & Murray-Garcia, J. (1998). Cultural humility versus cultural competence: A critical distinction in defining physician training outcomes in multicultural education. *Journal of Health Care for the Poor and Underserved*, 9(2), 117-125.

⁴⁴⁵ Grooms and Ortega, [Racial Disparities in Accessing Treatment for Substance Use Highlights Work to Be Done](#) (April 29, 2022) University of Southern California, Schaeffer Center for Health Policy and Economics (as of Feb. 7, 2023).

⁴⁴⁶ NAADAC Position Statement, *supra*, fn. XX.

⁴⁴⁷ Krebs et al., [Assessing the Long-Term Impact of Drug Court Participation on Recidivism with Generalized Estimating Equations](#) (July 2, 2007) 91 *Drug & Alcohol Dependence* 57 (as of Feb. 8, 2023).

⁴⁴⁸ Duara, [Carrots but no stick: Participation in California Drug Courts has Plummeted](#) (July 7, 2022) *Cal Matters* (as of Feb. 8, 2023).

⁴⁴⁹ *Ibid.*

⁴⁵⁰ U.S. Dep’t of Health and Human Services, Office of Behavioral Health Equity, [The Opioid Crisis and the Black/African American Population: An Urgent Issue](#) (April 2020) at p. 10 (as of Feb. 7, 2020) (hereafter “The Opioid Crisis”)

⁴⁵¹ *Ibid.*

Project (NDP), within the California Department of Health Care Services, distributes free naloxone to qualifying organizations and entities.⁴⁵² Making naloxone more readily available should be prioritized, including because of the disproportionate death rate of Blacks from opioid overdose. Under this proposal, funding for the NDP would be increased as necessary and, as has been recently proposed in Assembly Bill 19 (Patterson, 2023-2024), all public schools within California would be required to keep naloxone on school premises. In addition, all jails, prisons, and juvenile facilities should also have Narcan readily available located on all floors, modules, or segments. This is currently the case in the LA County jails. As discussed above, buprenorphine is an effective and convenient treatment for opioid addiction, but is under-prescribed in the Black population.⁴⁵³ Thus, “a two-tiered treatment system exists where buprenorphine is accessed by Whites, high-income, and privately insured, while methadone is accessed by people of color, low-income, and publicly insured.”⁴⁵⁴ Accordingly, this proposal would earmark funding to study the scope of this problem within California—including potential disparities associated with other medications—and to identify potential solutions. Specific focus should be placed on Medi-Cal reimbursement rates to ensure they provide sufficient incentive to healthcare providers.⁴⁵⁵

IX. CONTROL OVER CREATIVE, CULTURAL, AND INTELLECTUAL LIFE

This section details policy proposals to address harms set forth in Chapter 9, Control Over Creative, Cultural, and Intellectual Life, of the Interim Report.

- Formal Apology on Behalf of the State of California—Minstrel Shows
- Formal Apology on Behalf of the State of California—Discrimination in the Arts
- Formal Apology on Behalf of the State of California—Discrimination in Law Enforcement & Regulations
- Formal Apology on Behalf of the State of California—Bias in Cinematic Depictions
- Formal Apology on Behalf of the State of California—Targeted Harassment of Artists & Businesses
- Formal Apology on Behalf of the State of California—Disruption of Leisure Activities
- Provide State Funding to Descendants to Address Disparity in Compensation Among Athletes in the University of California and State System
- Prohibit Discrimination Based on Natural and Protective Hair Styles In All Competitive Sports
- Provide State Funding to Support Descendant Athletes in Capitalizing on their Name, Image, and Likeness and Intellectual Property

⁴⁵² California Department of Health Care Services, [Naloxone Distribution Project](#) (Dec. 29, 2022) (as of Feb. 7, 2023).

⁴⁵³ The Opioid Crisis, *supra*, fn. XX, p. 8-10.

⁴⁵⁴ *Id.* at p. 9.

⁴⁵⁵ *See id.* at pp. 8-9.

- Identify and Remove Monuments, Plaques, State Markers and Memorials Memorializing and Preserving Confederate Culture; Erect Monuments, Plaques and Memorials Memorializing and Preserving Reconstruction Era and the Descendant Community
- Provide Funding to the Proposed California American Freedmen Affairs Agency, Specifically for Creative, Cultural, and Intellectual Life
- Eliminate the Practice of Banning Books Maintained by the California Department of Corrections and Rehabilitation
- Public Disclosure of Compensation and Benefits for Artists Across All Media Industries in California

A. Formal Apology on Behalf of the State of California—Minstrel Shows

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses the endorsement of minstrel shows.⁴⁵⁶

B. Formal Apology on Behalf of the State of California—Discrimination in the Arts

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses openly allowing segregation and discrimination against Descendants in the United States with respect to musicians, workers, and artists.⁴⁵⁷

C. Formal Apology on Behalf of the State of California—Discrimination in Law Enforcement & Regulations

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses restrictive zoning ordinances, licensing laws, fire/safety codes, and anti-nuisance laws that were crafted to disrupt Black businesses and their customers. Through racially targeted enforcement, eminent domain, and outright exclusion, these restrictions disproportionately and adversely affected Descendants.⁴⁵⁸

D. Formal Apology on Behalf of the State of California—Bias in Cinematic Depictions

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses state censorship of cinematic

⁴⁵⁶ For a discussion of harms warranting such apology, see California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 302, 305.

⁴⁵⁷ *Id.* at pp. 298-302, 305-306, 308-311.

⁴⁵⁸ *Id.* at pp. 300-301, 312-313.

depictions of discrimination and African Americans (Descendants) integrating in white society.⁴⁵⁹

E. Formal Apology on Behalf of the State of California—Targeted Harassment of Artists & Businesses

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses the targeting of African American musicians, including hip-hop artists, and targeted harassment of African American owned businesses that provided leisure opportunities and safe communal spaces to African American Californians (American Freedmen/Descendants).⁴⁶⁰

F. Formal Apology on Behalf of the State of California—Disruption of Leisure Activities

This proposal recommends that the Legislature take steps within its authority to issue a formal apology on behalf of the State of California that addresses the implementation of anti-cruising/anti-gathering laws and curfews that disproportionately and adversely affected Descendants. This might include expanding on Assembly Concurrent Resolution number 176 related to cruising.⁴⁶¹ This concurrent resolution recognized the celebrated history and culture of cruising by encouraging local officials and law enforcement to work with local car clubs to conduct safe cruising events, in effect condemning anti-cruising/anti-gathering laws.⁴⁶² Further work and study would be needed to examine the effectiveness and utility of curfew laws in recognition of their anti-Black history.⁴⁶³

G. Provide State Funding to Descendants to Address Disparity in Compensation Among Athletes in the University of California and State System

This proposal recommends that the Legislature take steps within its authority to provide state funding to support Descendants, addressing the lack of parity in compensation and academic support among student athletes. The disparity in compensation derives from a history of discrimination against African American or Descendant athletes.⁴⁶⁴ The aim of this proposal is to address the disparity in the University of California system, which has some of the lowest

⁴⁵⁹ *Id.* at pp. 302-304, 306-307.

⁴⁶⁰ *Id.* at pp. 298, 300, 312-313.

⁴⁶¹ Assem. Conc. Res. No. 176 (2021-2022 Reg. Sess.).

⁴⁶² On February 6, 2023, a bill was introduced in the California Legislature to remove the authorization for a local authority to adopt rules and regulations by ordinance or regulation regarding cruising. As of this publication, the bill is pending committee review. See Assem. Bill No. 436 (2023-2024 Reg. Sess.).

⁴⁶³ For a discussion of harms warranting such apology, see California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 312-313.

⁴⁶⁴ Demas, *Integrating the Gridiron: Black Civil Rights and American College Football* (2010) Rutgers University Press JSTOR (as of Dec. 1, 2022).

graduation rates for Black male student athletes.⁴⁶⁵ To achieve parity, this proposal seeks to remedy the harms associated with the exclusion of Descendant athletes and the imbalance of equity and profit sharing in the competitive sport industry by appropriately supporting Descendant athletes throughout their academic careers.⁴⁶⁶

Among the 500,000 or so college athletes who compete annually under the auspices of the National Collegiate Athletic Association (NCAA) there are more than 210,000 injuries per year, according to one estimate, ranging from minor to catastrophic and fatal.⁴⁶⁷ This proposal, in consultation with experts, would recommend that the Legislature appropriate funds to academically support Descendant athletes and appropriately compensate Descendant athletes for the value they bring to the institution through non-contingent scholarship funds, private athlete insurance, and ongoing academic support. Further study would be needed to determine whether the impact of changed NCAA policies benefit Descendants in the same way other athletes might benefit. This is in recognition of pressures imposed by the University of California system upon student athletes and the prioritization of athletic accomplishment over academic engagement and the discouraged participation in activities beyond their sport.⁴⁶⁸ The Task Force proposes that the Legislature direct that this study be undertaken.

Effective July 1, 2021, the NCAA adopted the Interim Name, Image and Likeness (NIL) Policy allowing NCAA student-athletes the opportunity to benefit from their NIL without jeopardizing their NCAA eligibility.⁴⁶⁹ In August 2022, the NCAA Division I Board of Directors announced that schools are now empowered to support student-athletes in a variety of ways without asking for waivers, including providing support needed for a student-athlete's personal health, safety and well-being; paying for items to support a student's academic pursuits; purchasing insurance of various types (including loss-of-value and critical injury); and funding participation in elite-level training, tryouts and competition.⁴⁷⁰

H. Prohibit Discrimination Based on Natural and Protective Hair Styles In All Competitive Sports

This proposal recommends that the Legislature take steps within its authority to extend the reach of Senate Bill (SB) 188 to include competitive sports within California. SB 188, the "Create a Respectful and Open Workplace for Natural Hair Act," amended the Government

⁴⁶⁵ Harper, [Black Male Student-Athletes and Racial Inequities in NCAA Division I College Sports](#) (2018) USC Race and Equity Center (as of Jan 20, 2023).

⁴⁶⁶ For a discussion of harms associated with the exclusion of Descendant athletes, see California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 309-311.

⁴⁶⁷ Dart, [College athletes are unpaid. What if injury ruins their chance of turning pro?](#) (Sept. 6, 2021) The Guardian (as of Jan. 12, 2023).

⁴⁶⁸ See Harper, [Black Male Student-Athletes and Racial Inequities in NCAA Division I College Sports](#) (2018) USC Race and Equity Center (as of Jan 20, 2023); California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 311.

⁴⁶⁹ National Collegiate Athletic Association Division I, [Institutional Involvement in a Student-Athlete's Name, Image and Likeness](#) (Oct. 26, 2022) (as of Jan. 20, 2023).

⁴⁷⁰ Hosick, [DI Board of Directors adopts student-athlete benefit legislation](#) (Aug. 3, 2022) NCAA (as of Dec. 1, 2022).

Code and Education Code such that the definition of race now also includes traits historically associated with race, including hair texture and protective hairstyles.⁴⁷¹ SB 188 seeks to reduce the burden imposed by Eurocentric norms of professionalism that have a disparate impact on Black individuals. The aim of this proposal is to ensure that athletes are also not subject to discrimination and exclusion based on their natural hair.

I. Provide State Funding to Support Descendant Athletes in Capitalizing on their Name, Image, and Likeness and Intellectual Property

This proposal recommends that the Legislature take steps within its authority to fund educational opportunities and legal services to support Descendant athletes in monetizing their name, image, and likeness while protecting their personal brand and intellectual property. This includes sponsored legal assistance in areas such as trademarking, copyrighting, and marketing training.

J. Identify and Remove Monuments, Plaques, State Markers and Memorials Memorializing and Preserving Confederate Culture; Erect Monuments, Plaques and Memorials Memorializing and Preserving Reconstruction Era and the Descendant Community

This proposal overlaps with a proposal in the Political Disenfranchisement chapter.

This proposal recommends that the Legislature take steps within its authority to identify and remove monuments, plaques, state markers, memorials, and any similar structures or markers memorializing and preserving Confederate culture. The aim of this proposal is to address the history of state-sponsored monuments on state property glorifying slavery and white supremacy. This proposal further recommends that the Legislature charge an existing or newly created state agency with identifying and building a database of all such monuments and markers on state property and on private property that benefits from state funding. All such monuments, plaques, state markers, and memorials so identified would be removed as appropriate. This proposal can extend to the names of public buildings and property under the control of the state government. In addition, the Legislature should commit to identifying resources to fund monuments, plaques, state markers, and memorials that memorialize and preserve the brief period of Reconstruction in the United States, and various key figures within the Descendant community.

K. Provide Funding to the Proposed California American Freedmen Affairs Agency, Specifically for Creative, Cultural, and Intellectual Life

This proposal recommends that the Legislature take steps within its authority to provide funding to the proposed California American Freedmen Affairs Agency (Agency) on an annual basis to perform functions outlined herein in addition to others designated by the Legislature.

⁴⁷¹ Sen. Bill No. 188 (2019-2020 Reg. Sess.).

The aim of this set of proposals is to address the disruption of Descendant cultural centers in the name of redevelopment and to address the history of censorship of Descendant-produced media and arts.⁴⁷² This proposal recommends that the Agency be granted authority to provide this funding directly to individual applicants or to fund grants to NGOs that are involved in this work. These proposals are intended to stand irrespective of whether the Agency is ultimately created by the Legislature and, if so, whether it is constituted in a manner that would encompass the roles and responsibilities specified here.

This proposal recommends that the Legislature appropriate funding to the Agency (or another designated state agency) to re-create and support cultural hubs and leisure sites, news publications, arts (film, radio, television, visual arts, creative writing, podcasting, etc.), and lifestyle activities. One aim of this proposal is to help bring about the restoration of the “Harlem of the West” in communities where Descendant-led businesses, facilities, churches, and shared cultural interests were able to thrive.⁴⁷³ Examples of where resources might be directed include funding for:

- Rebuilding and supporting Descendant-led businesses, including providing stipends for the acquisition of licenses, such as liquor or cosmetology licenses;
- Building or preserving outdoor recreational spaces such as parks, pools, sport fields, courts, rinks, beach access, and trails;
- Curating Descendant art and integrating Descendant art within existing museums;
- Creating a reparative fund or funded fellowship program for Descendant media institutions and Descendant media makers in California to help repair the harm caused by anti-Black narratives produced by dominant white media institutions and to help nurture innovative media, civic-technology projects, and Descendant-owned media outlets;
- Supporting access to patents, copyrights, and trademarks through community-based education and legal assistance designed to assist Descendants through means such as funding for a Descendant public trust, funding for legal incubator programs specifically benefiting Descendants, and funding to support educational opportunities for Descendants such as continuing education, certificate programs, symposia, and technology conventions.

These public works, educational and legal services initiatives would be localized to areas predominately occupied by Descendants or spaces where Descendants have traditionally gathered for recreation in an effort to restore community watering holes and thriving cultural hubs that were lost in the name of urban renewal.

⁴⁷² This proposal does not address the creation of the Agency, which is the subject of a separate proposal. This recommendation, however, proposes that should an Agency be recommended and implemented, that funding could be allocated as proposed herein.

⁴⁷³ See Hix, [‘Harlem of the West’: Oakland’s once-bustling jazz and blues scene along Seventh Street](#) (May 6, 2020) Local News Matter | Bay City News Foundation (as of Feb. 17, 2023); See also [Harlem of the West: The San Francisco Fillmore Jazz Era](#) (2021) Bolinas Museum Photography Gallery Curated by Lewis Watts (as of Feb. 17, 2023).

L. Eliminate the Practice of Banning Books Maintained by the California Department of Corrections and Rehabilitation

This proposal recommends that the Legislature take steps within its authority to direct the appropriate state agency to review the California Department of Corrections and Rehabilitation’s list of banned books to determine whether the ban should remain in effect.⁴⁷⁴ The aim of this proposal is to address the censorship of Black and Descendant creative works by examining whether written work, or publications featuring the stories or experiences of Black people and their forbearers, should be removed from that list. Alternatively, this proposal recommends requiring justification or criteria for banning a particular book, and would require evidence that a book ban is an effective means of accomplishing a legitimate stated goal or purpose.

M. Public Disclosure of Compensation and Benefits for Artists Across All Media Industries in California

This proposal overlaps with a proposal in the Stolen Labor and Hindered Opportunity chapter.

This proposal recommends that the Legislature take steps within its authority to require the public disclosure of compensation and benefits for artists across all media industries in California. The aim of this proposal is to address the inequities and disparities that Descendant artists and Descendant media executives face in recruitment, salary, and promotion. This proposal recommends that legislation be introduced requiring media industries operating within California to provide periodic reports to a designated agency detailing the compensation and benefits for artists in California. This public report may then be used as a tool to identify and further remediate disparity in pay and compensation for Descendant artists and others involved in bringing their artistic endeavors to the public. This proposal is also designed to provide consumers with information to make informed purchasing decisions. Moreover, “[c]ompanies that are more forthcoming about their compensation policies and practices tend to have smaller gaps with respect to gender, race, ethnicity, and protected groups statuses of different kinds. . . .”⁴⁷⁵

SB 1162, effective January 1, 2023, requires nearly 200,000 companies with 15 or more employees to disclose pay ranges in ads for jobs that will be performed in the state.⁴⁷⁶ In addition to requiring salary ranges, the new law requires employers of all sizes to provide the salary range to an employee for the position they hold if requested.⁴⁷⁷ For those with 100 or more workers who are hired through third-party staffing agencies, the law will also require companies to submit pay data reports to the California Civil Rights Department for those workers, broken

⁴⁷⁴ For a discussion of harms associated with racist censorship, see California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 306-307.

⁴⁷⁵ Spross, *Why your salary should be public knowledge* (Aug. 7, 2015) *The Week* (as of Dec. 1, 2022).

⁴⁷⁶ Liu, *California pay transparency law to require salary ranges on job postings* (Sept. 28, 2022) CNBC (as of Dec. 1, 2022); Sen. Bill No. 1162 (2021-2022 Reg. Sess.).

⁴⁷⁷ *Ibid.*

down by gender, race, and ethnicity.⁴⁷⁸ This proposal would seek the compliance of all media industries in California to the extent not already covered by SB 1162.

SB 973 requires a private employer that has 100 or more employees, and that is required to file an annual Employer Information Report under federal law (i.e., employers engaged in interstate commerce with 100 or more employees), to submit a pay data report to the California Civil Rights Department that contains specified wage information.⁴⁷⁹ This proposal seeks confirmation that SB 973 would extend to large media companies operating within California. While this law was enacted to address the gender pay gap, this proposal seeks to surface similar information in the media industry specifically to identify and address gaps that may exist for Descendants and other Black Californians as well as other artists and executives of color.

X. STOLEN LABOR AND HINDERED OPPORTUNITY

This section details policy proposals to address harms set forth in Chapter 10, Stolen Labor and Hindered Opportunity, of the Interim Report.

- Greater Transparency in Gubernatorial Appointments
- Guaranteed Income Program for Descendants
- Licensure for People with Criminal Records
- Transforming the Minimum Wage Back into a Living Wage
- Advancing Pay Equity through Employment Transparency and Equity in Hiring/Promotion
- Professional Career Training
- Apprenticeship Grant Program
- Funding Black Businesses
- Funding African American Banks

A. Greater Transparency in Gubernatorial Appointments

The Governor of California appoints hundreds of people to the most important positions in public service, so there is a strong need for transparency in these appointments to ensure diverse and inclusive representation. Currently, there are no means to determine the demographic breakdown of these gubernatorial appointments. This proposal recommends a policy requiring the Governor's Office to:

- (1) Conduct a census of the demographics of all current gubernatorial appointees, including their race, ethnicity, and whether they are Descendants; and
- (2) Publish an annual report with the demographic data.

⁴⁷⁸ *Ibid.*

⁴⁷⁹ Sen. Bill No. 973 (2019-2020 Reg. Sess.).

The demographic data could also include, the appointees' age, gender, religion, party affiliation, veteran status, and sexual orientation. For gubernatorial appointees who oversee social services programs, consideration should be given to the proportionate populations served.

B. Guaranteed Income Program for Descendants

This proposal recommends creating a guaranteed income program for Descendants. The Legislature would determine the parameters of the program. Nearly two-thirds of Americans live paycheck to paycheck⁴⁸⁰ and more than half of Americans cannot afford a \$1,000 emergency.⁴⁸¹ A study of the City of Stockton's guaranteed income program showed providing families with a guaranteed income reduced income volatility, improved mental health, provided better job prospects, and provided greater financial security.⁴⁸² The study also showed that recipients of a guaranteed income obtained full-time jobs at over twice the rate of non-recipients and that recipients were nearly twice as likely to be prepared to pay for a \$400 unexpected expense.⁴⁸³

In 2021, the California Guaranteed Income Pilot Program was established as part of the Fiscal Year 2021-22 budget agreed upon by Governor Newsom, the Legislature, and the California Department of Social Services (CDSS).⁴⁸⁴ This is the first state-funded guaranteed income program in the United States.⁴⁸⁵ The plan is taxpayer-funded, and local governments and organizations apply for the money to run their own programs, with CDSS determining who will receive funding.⁴⁸⁶ The goal of the program is to help pregnant people and young adults who recently aged out of the foster system to transition to a life on their own.⁴⁸⁷ The program will allocate more than \$25 million for monthly cash payments, with no strings attached, to qualifying pregnant people and young adults who recently left the foster care system.⁴⁸⁸

C. Licensure for People with Criminal Records

⁴⁸⁰ Harzog, [How Many Americans Are Living Paycheck to Paycheck?](#) U.S. News & World Report (June 8, 2022) (as of Jan. 20, 2023); Dickler, [63% of Americans are living paycheck to paycheck – including nearly half of six-figure earners](#) CNBC (Oct. 24, 2022) (as of Jan. 20, 2023).

⁴⁸¹ Reinicke, [56% of Americans can't cover a \\$1,000 emergency expense with savings](#) CNBC (Jan. 19, 2022) (as of Jan. 20, 2023).

⁴⁸² West et al., [Stockton Economic Empowerment Demonstration](#) (2021) (as of Jan. 20, 2023).

⁴⁸³ Ruiz-Grossman, [California Experiment Shows Giving People Cash Dramatically Improves Lives: A guaranteed income program gave \\$500 per month to 125 people in Stockton and found that their job prospects and mental health got better](#) The Huffington Post (Mar. 5, 2021) (as of Jan. 20, 2023).

⁴⁸⁴ California Department of Social Services, [Guaranteed Income Pilot Program](#) (2021-2022) (as of Jan. 20, 2023).

⁴⁸⁵ Beam, [California approves 1st state-funded guaranteed income plan](#) The Associated Press (July 15, 2021) (as of Jan. 20, 2023).

⁴⁸⁶ *Ibid.*

⁴⁸⁷ *Ibid.*

⁴⁸⁸ California Department of Social Services, [Press Release: California Announces First State-Funded Guaranteed Income Program](#) (Nov. 21, 2022) (as of Jan. 20, 2023).

One of the root causes of high recidivism rates is the inability of formerly incarcerated persons to obtain gainful employment.⁴⁸⁹ Nearly 30 percent of jobs require licensure, certification, or clearance by an oversight board/agency.⁴⁹⁰ California law makes it more difficult for a person with a criminal record to obtain an occupational license after their release from incarceration.⁴⁹¹ The current system views people with criminal records as unequal by having them suffer what the Institute for Justice calls a “civil death” by continuing to punish them after their release.⁴⁹²

In 2018, Governor Brown signed AB 2138, legislation that helped reduce barriers to licensure for individuals with prior criminal convictions by removing some of the broad discretion licensing boards had in denying applications for licensure.⁴⁹³ This proposal seeks to expand upon AB 2138 in the following ways:

- (1) The proposal recommends prioritizing applicants seeking occupational licenses who are Descendants.
- (2) The proposal also recommends eliminating or reducing the period in which a prior conviction for a “serious felony” can be held against a person, which is currently at seven years, with certain exceptions.
- (3) The requirement that “substantially related criminal convictions” be considered and held against a person for 7 years should be reduced to a shorter period, with certain exceptions.

D. Transforming the Minimum Wage Back into a Living Wage

This proposal recommends raising the minimum wage into a living wage, as originally intended, by raising the minimum wage to an amount determined by the Legislature. The minimum wage should also be automatically adjusted on a regular basis to adjust for increases to the cost of living (including inflation). The minimum wage in California is \$15.50/hour,⁴⁹⁴ a rate that is almost closer to a poverty wage than a living wage, as the cost of living has significantly surpassed the minimum wage.⁴⁹⁵

In 2022, an initiative (the California Living Wage Act) to raise the minimum wage to \$18 an hour over the next three years failed to qualify for the November ballot.⁴⁹⁶ The proposal

⁴⁸⁹ Business and Professions Committee, [Bill Analysis of AB 2138](#) (Aug. 28, 2018) (as of Jan. 25, 2023).

⁴⁹⁰ *Ibid.*

⁴⁹¹ Assem. Bill No. 2138 (2017-2018 Reg. Sess.).

⁴⁹² Sibilla, [Barred from Working: A Nationwide Study of Occupational Licensing Barriers for Ex-Offenders](#) Institute for Justice (August 2020) (as of Jan. 20, 2023).

⁴⁹³ Assem. Bill No. 2138 (2017-2018 Reg. Sess.).

⁴⁹⁴ State of California Department of Industrial Relations, [Minimum Wage Frequently Asked Questions](#) (December 2022) (as of Jan. 20, 2023); see also State of California Department of Industrial Relations, [Official Notice: California Minimum Wage](#) (2023) (as of Jan. 20, 2023).

⁴⁹⁵ Nadeau, [Living Wage Calculation for California](#) Massachusetts Institute of Technology (2021-2022) (as of Jan. 20, 2023).

⁴⁹⁶ Kuang, [Proposal to boost state minimum wage to \\$18 won't go on ballot](#) CalMatters (July 1, 2022) (as of Jan. 20, 2023).

would have increased the minimum wage to \$16 an hour in January 2023, increased it again to \$18 an hour in January 2025, and then it would have adjusted the minimum wage annually to account for the cost of living.⁴⁹⁷ The measure fell short because it failed to garner enough verified signatures by the deadline.⁴⁹⁸ While the measure failed to get on the ballot in 2022, it is believed that it will qualify for the ballot in 2024.⁴⁹⁹

E. Advancing Pay Equity through Employment Transparency and Equity in Hiring/Promotion

This proposal overlaps with a proposal in the Control Over Creative, Cultural, and Intellectual Life chapter.

Black people earn 76 cents for every dollar earned by White people.⁵⁰⁰ This highlights a need for greater transparency and accountability in employment. This proposal would expand on Senate Bills (SB) 973 and 1162. SB 973 requires employers with 100 or more employees to report pay and hours-worked data by establishment, job category, sex, race, and ethnicity to the Civil Rights Department annually.⁵⁰¹ SB 1162 expands the requirements for annual pay data reports and requires employers to publish pay scales with job postings, as well as to retain certain pay records.⁵⁰² This proposal would expand on these bills by (a) requiring the Civil Rights Department to publish each private employers' pay data report; and (b) providing for several forms of penalties to be assessed against employers for violating these requirements; and (c) including employers that are not currently within the scope of the law.

F. Professional Career Training

As of 2019, median Black wages were equivalent to only 75.6 percent of White wages, falling from a height of 79.2 percent in 2000.⁵⁰³ Black women average \$0.63 for every dollar White men earn.⁵⁰⁴ A key contributing factor to these disparities is that Black Americans are less likely to be hired into high wage occupations and compensated equitably than comparably educated workers of other races.⁵⁰⁵ African American workers are chronically underrepresented

⁴⁹⁷ *Ibid.*

⁴⁹⁸ *Ibid.*

⁴⁹⁹ *Ibid.*

⁵⁰⁰ U.S. Department of Labor, [Office of Federal Contract Compliance Programs: Earnings Disparities by Race and Ethnicity](#) (July 2020) (as of Jan. 20, 2023).

⁵⁰¹ Sen. Bill No. 973 (2019-2020 Reg. Sess.).

⁵⁰² Sen. Bill No. 1162 (2021-2022 Reg. Sess.).

⁵⁰³ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 323.

⁵⁰⁴ JFFLabs, [Purpose-Built to Advance Equity: Expanding Opportunities in Tech for Black Americans](#) (Feb. 2022), at p. 3 (as of Jan. 1, 2023).

⁵⁰⁵ *Ibid.*

compared with Whites in high-salary jobs in technology, business, life sciences, architecture and engineering, among other areas.⁵⁰⁶

This proposal would create and fund training programs that enable Descendants to access employment opportunities from which they have been underrepresented, including medicine, management, computer/mathematics, law, business, construction, and sciences. There should also be a focus on building professional pipelines to create more investment bankers, CPAs, tax advisors, and financial advisors. Descendants who receive this financial wealth training should be encouraged, as part of their professional development, to engage in pro bono training that focuses on helping build generational wealth in Descendant communities. The proposal is modeled after California's Song-Brown Healthcare Workforce Training Act. Legislation would amend Song-Brown, or create a new program, which would add the professions listed above to the list of training programs eligible to contract with the state. The legislation would also authorize programs that train such professions to contract with the state pursuant to the Song-Brown Health Care Workforce Training Act, or a new program to be created by the Legislature, if the program meets specified eligibility criteria. For programs contracting with the state based on meeting the eligibility criteria, the authorizing state agency would determine the amount to pay a contracted program, and authorize the program to use funds received under the contract, pursuant to specified provisions of the law.

G. Apprenticeship Grant Program

State licensure systems have historically worked in tandem with unions and professional societies to exclude Black workers from skilled, higher-paying jobs.⁵⁰⁷ Apprenticeship is an earn-and-learn model for individuals to upskill or reskill into a new career or new level of their career.⁵⁰⁸

This proposal would create an apprenticeship grant program and/or target existing programs, to increase participation by Descendants in apprenticeship industries and technical occupations. The California Department of Industrial Relations would administer and award grants on a competitive basis to eligible registered entities to increase Black participation in registered apprenticeship programs. In issuing grants, the Department would target registered apprenticeship programs in traditional and nontraditional apprenticeship industries or occupations, such as for programs in construction, welding, electrical engineering, plumbing, information technology, energy, green technology, advanced manufacturing, health care, or cybersecurity.

Grantees under such a program could use the funds to establish or expand partnerships with organizations that provide African American participants access to financial planning,

⁵⁰⁶ Salsberg and Kastanis, [AP analysis: Blacks largely left out of high-paying jobs](#) The Associated Press (April 2, 2018) (as of Jan. 20, 2023).

⁵⁰⁷ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 332.

⁵⁰⁸ California Department of Industrial Relations, [Advancing Apprenticeship in California](#) (July 2022) at p. 3 (as of Jan. 20, 2023).

mentoring, and supportive services that are necessary to enable an individual to participate in and complete a program under the apprenticeship system. Funds could also be used to conduct outreach and recruitment activities, including assessments of potential African American participants for and enrollment in a program under the apprenticeship system. Descendants who are recipients of these apprenticeship programs would be highly encouraged to engage in pro bono training to help build generational wealth in Descendant communities.

H. Funding Black Businesses

Business ownership allows African Americans to participate in local, regional, and global markets from which they have historically been excluded due to systemic racism and discrimination. Studies have demonstrated the substantial wealth advantages to self-employment and have shown that those who become self-employed show much stronger gains in wealth compared to individuals who never become self-employed.⁵⁰⁹ African Americans face many systemic barriers when seeking the social and financial capital necessary to start their own businesses that make it increasingly difficult for Black entrepreneurs to secure the financial capital necessary to launch or grow their own businesses.⁵¹⁰

This has led to what the Association for Enterprise Opportunity (AEO) calls “the wealth gap, the credit gap, and the trust gap.”⁵¹¹ In 2017, AEO conducted a study that found “investing to support the launch and growth of Black-owned businesses could build wealth for individuals and their families, assist with closing the wealth gap, revitalize communities, and contribute to an overall healthy economy.”⁵¹² In 2022, AEO conducted another study where it found 22% of Black business owners reported not trusting institutions that provide business education and training, 37% reported not trusting the institutions that finance businesses, and 78% of respondents reported deciding not to approach lenders or investors for capital, even when their business needed it.⁵¹³ These concerns can begin to be addressed by intentionally investing in Black business ownership.

This proposal would create and provide funding for a Small Business Investors Fund, which would be a forgivable, interest-free loan program available to owners of small businesses in African American commercial areas. These funds could be used for startup costs, store upgrades, and other business investments. The loans could range from \$10,000 to \$25,000 and a portion of the loan will be forgiven each year as long as the recipient remains in business in the same location.

⁵⁰⁹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 469.

⁵¹⁰ Association for Enterprise Opportunity, [The Tapestry of Black Business Ownership In America: Untapped Opportunities For Success](#) (2018) at pp. 24-25 (as of Jan. 20, 2023).

⁵¹¹ *Ibid.*

⁵¹² *Ibid.*

⁵¹³ Association for Enterprise Opportunity, [Mending the Tapestry: Building Trust and Strengthening Black Business Ownership in America](#) (2022) (as of January 20, 2023).

I. Funding African American Banks

African Americans have historically faced systemic discrimination in banking, which has impacted their ability to accumulate wealth. Notably, banks established by the federal government discriminated against African Americans and deprived them of wealth.⁵¹⁴

Black-owned banks were established to provide banking services to Black communities. Approximately 130 Black-owned banks were established between 1900 and 1934, and fifty savings and loans and credit unions were also established during this period, but only eight of the then-130 Black-owned banks survived the Great Depression.⁵¹⁵ Between 1983 and 1989, the number of Black owned banks declined 22 percent. Today, there are only 20 Black-owned banks that qualify as Minority Depository Institutions, according to the Federal Deposit Insurance Corporation.⁵¹⁶

The federal government prevented the success of Black-owned banks by excluding them from full participation in the banking market. Another source of vulnerability for Black banks was their assets or loan portfolios. The fate of Black banks was tied up with the fate of Black businesses, which themselves suffered the consequences of discrimination and which also meant that Black banks lacked the diversified investments needed for safe, and profitable banking.⁵¹⁷

Black-owned banks make capital more accessible to Black businesses and Black communities more broadly because they approve a higher percentage of loans to Black applicants than other banks, but their impact is limited by their low numbers and often precarious financial standing. Compared with white-owned banks, minority-owned banks are more likely to rely heavily on government deposits, and therefore hold fewer loans and more liquid assets.⁵¹⁸

Racial discrimination and various types of market failure have led to banking and credit deserts in underserved urban and rural communities. Banking access in the Black community has not only been limited by the decrease in the number of Black-owned banks, but by an overall decrease in the number of banks in majority Black neighborhoods. Since 2010, the number of banks in majority-black neighborhoods decreased 14.6 percent, with JPMorgan shrinking its branch footprint in majority-black neighborhoods by 22.8 percent from 2010 to 2018. By 2021,

⁵¹⁴ California Task Force to Study and Develop Reparation Proposals for African Americans, Interim Report (June 2022) p. 463.

⁵¹⁵ *Id.* at pp. 464-465.

⁵¹⁶ Lee, *Less than 1% of all FDIC-insured banks are Black-owned, according to the FDIC*, cnbc.com (March 3, 2022).

⁵¹⁷ *Id.* at p. 465.

⁵¹⁸ Broady, et al., *An analysis of financial institutions in Black-majority communities: Black borrowers and depositors face considerable challenges in accessing banking services*, Brookings (Nov. 2, 2021).

majority Black census tracts were much less likely to have a bank branch than non-majority Black neighborhoods.⁵¹⁹

Minority-owned depository institutions could play a crucial role in fostering stronger relationships between Black entrepreneurs and the financial system. Limited access to capital is the most important factor that constrains the establishment, expansion, and growth of Black-owned businesses.⁵²⁰

This policy proposal recommends the following:

- Create a State Community Development Financial Institutions Program
 - California should create a state program modeled upon the federal Community Development Financial Institutions Program (CDFI Program). Such a program would invest state resources, which would be matched with private funding, in Black-owned minority depository institutions (MDI's). The program would also offer Financial Assistance and Technical Assistance awards to MDI's.
- MDI Investment Tax Credit
 - Create a state tax credit for equity investments in Black-owned minority depository institutions (MDI's), to encourage investors to make equity investments in those institutions.
- Create a Black-owned Bank Deposit Program, to expand the use of minority depository institutions.⁵²¹ Through this Program:
 - The California Department of Financial Protection and Innovation would receive applications from depository institutions or credit unions, and certify whether such depository institution or credit union is a Black-owned depository institution. The Department would also maintain and publish a list of all depository institutions and credit unions that have been so certified, and periodically distribute the list to all state departments and agencies, and local governments, and interested private sector companies.
 - Each state department or agency would be required to develop and implement standards and procedures to prioritize, to the maximum extent possible as permitted by law and consistent with principles of sound financial management, the use of Black-owned depository institutions to hold the deposits of each such department or agency.
 - The head of each department or agency would also be required to submit to the Legislature a report on the actions taken to increase the use of Black-owned depository institutions to hold the deposits of each such department or agency.

XI. AN UNJUST LEGAL SYSTEM

⁵¹⁹ *Ibid.*

⁵²⁰ *Ibid.*

⁵²¹ See HR 6745.

This section details policy proposals to address harms set forth in Chapter 11, An Unjust Legal System, of the Interim Report.

- Allocate Funds to Remedy Harms and Promote Opportunity
- Provide Voting Rights to Incarcerated Individuals
- Abolish Involuntary Servitude from the California Constitution
- End Discriminatory Gatekeeping at the State Bar
- Prohibit Cash Bail and Reimburse Those Acquitted or Exonerated
- Recommend Abolition of the Qualified Immunity Doctrine and Provide a Remedy for Victims
- Dismantle the School to Prison Pipeline and Decriminalize the Youth Justice System
- Clarify and Confirm Decriminalization of Transit and Other Public Disorder Offenses
- Move Public Disorder Infractions and Low-Level Crimes Outside of Police Jurisdiction
- Prohibit Pretextual Traffic and Pedestrian Stops, Probation Inquiries, and Consent-Only Searches
- Enhance Laws that Require Bias Elimination Training
- Mandate Policies and Training on Bias-Free Policing
- Promulgate Model Law Enforcement Policies Designed to Prevent Racial Disparities in Policing
- Strengthen and Expand the Racial Justice Act
- Repeal Three Strikes Sentencing
- Accelerate scheduled closures of identified California state prisons; commit to closing ten California state prisons over the next five years; savings should be redirected to the American Freedmen Affairs Agency and to re-use of facilities

A. Allocate Funds to Remedy Harms and Promote Opportunity

This proposal recommends that the Legislature:

- Provide hyper-local grants or contracts to community-based organizations with track records of successful public safety work. Impose transparency and quality control mechanisms on the grants/contracts;
- Allocate funding for disparity studies to inform public contracts/grants to community-based organizations working to further criminal justice reforms;
- Provide monetary relief for convictions of loitering with intent to commit prostitution;⁵²²
- Fund education for Descendants pursuing legal, medical, and science degrees (e.g., public defenders, doctors in community clinics, and nurses in community clinics). [*Related proposals to fund undergraduate education and to diversify the medical, mental and behavioral health, and teaching professions are set forth in the chapters addressing Separate and Unequal Education and Mental and Physical Harm and Neglect.*];

⁵²² Under Senate Bill 357 (2022, Wiener), the Legislature repealed provisions proscribing loitering with intent to commit prostitution, and it also authorized dismissals, sealing, and re-sentencing, as applicable. However, the bill did not provide a mechanism for monetary relief for those charged or convicted under the statute.

- Fund grant programs to incentivize Black employment in law enforcement, particularly in underserved communities;
- Increase exoneration reimbursements, including lost wage calculations; and
- Compensate individuals on probation.

B. Provide Voting Rights to Incarcerated Individuals

This proposal overlaps with a proposal in the Political Disenfranchisement chapter.

This proposal recommends that the Legislature enact legislation to preserve the voting rights of incarcerated individuals. All eligible Californians deserve the right to vote, even those enmeshed in the criminal justice system. Although many such individuals have had their rights restored,⁵²³ this proposal would further that movement and restore voting rights to all incarcerated persons, including those serving state or federal prison terms.

C. Abolish Involuntary Servitude from the California Constitution

This proposal overlaps with a proposal in the Enslavement chapter.

The California Constitution prohibits slavery but permits involuntary servitude as a form of criminal punishment.⁵²⁴ This “exception” is particularly disturbing given the disproportionate number of Black Californians enmeshed in the criminal justice system. Under this proposal, the California Constitution would be amended to completely prohibit slavery and involuntary servitude.

D. End Discriminatory Gatekeeping at the State Bar

Under this proposal, the California State Bar would be prohibited from considering certain offenses in moral character and fitness determinations that disproportionately affect Black people.

E. Prohibit Cash Bail and Reimburse Those Acquitted or Exonerated

This proposal recommends that the Legislature definitively prohibit cash bail. Cash bail creates two justice systems, one for the poor and one for the rich. Those with resources bail out and return to their homes, families, and jobs; those without resources languish in jail and suffer innumerable collateral consequences. Although the California Supreme Court’s decision in *In Re Humphrey* (2021) 482 P.3d 1008 purported to preclude imposition of bail that a defendant could not afford, in practice it has had little impact on the corrosiveness of cash bail.⁵²⁵

⁵²³ See Marsh, [Information Bulletin: Access to Voting For Eligible Persons With a Criminal History or Who are Incarcerated](#) (Oct. 11, 2022) California Department of Justice, (as of Jan. 12, 2023).

⁵²⁴ See Cal. Const. art. I, § 6

⁵²⁵ See Virani et al., [Coming up Short: The Unrealized Promise of *In re Humphrey*](#) (Oct. 2022) U.C.L.A. Law Bail Practicum, (as of Jan. 20, 2023).

F. Recommend Abolition of the Qualified Immunity Doctrine and Provide a Remedy for Victims

This proposal recommends that the California’s Senate and Congressional Delegations urge Congress to end both the filibuster and the qualified immunity doctrine. This proposal also recommends the creation of a state-funded compensation scheme for victims of police misconduct whose claims would otherwise be barred by qualified immunity.

G. Dismantle the School to Prison Pipeline and Decriminalize the Youth Justice System

This proposal recommends that the Legislature:

- Eliminate police presence and probation officers from school campuses.⁵²⁶ [*This proposal overlaps with a proposal in the Pathologizing Black Families chapter.*]
- Reallocate funding for school policing to school social workers, guidance counselors, psychologists, wellness centers, and therapeutic resources that support trauma-informed curriculum, mentoring programs, and school field trips to historically relevant locales.⁵²⁷ [*This proposal overlaps with proposals in the Pathologizing Black Families, Racial Terror, and Separate and Unequal Education Chapters.*]
- Require any new police precincts or jails be a specified, appropriate distance away from schools. School children should not have a view of a police station, jailhouse, etc. Preexisting police precincts that are in close proximity to schools should have to provide resources to help to disrupt the school-to-prison pipeline.
- Establish presumptive diversion for the vast majority of youth offenses.
 - Underlying diversion is the recognition that most youth do not need court-based intervention. Although approaches vary, research suggests that diverting young people from justice systems as early as possible—prior to formal arrest and prosecution and thus avoiding court processes altogether—is an effective and promising practice. Where diversion practices exist, youth of color have had disproportionately less access to such a pathway in lieu of justice involvement.⁵²⁸
- Limit probation length, terms, and formal supervision for youth
 - Probation contact can increase the likelihood that youth will be charged with probation violations, resulting in incarceration, often for minor transgressions. Wardship probation, therefore, should be limited to six months as a default—with robust case planning driven by clearly identified goals and needs assessments—and any extension after six months should require the decision of a judge, with a showing as to the need based on clear and convincing evidence.

⁵²⁶ See [2023 Annual Report](#), *supra*, at p. 107 (“Racial disparities exist among youth contacts with police, including differences in the frequency of contact, the type of contact (*i.e.*, personal or vicarious), and actions taken as a result of the contact.”); *id.* at p. 131 (noting California data showing that Black students were referred to law enforcement four times more frequently than white students).

⁵²⁷ See [2023 Annual Report](#), *supra*, at p. 132 (discussing California Department of Education’s analysis regarding unmet mental health needs of California students).

⁵²⁸ See [2023 Annual Report](#), *supra*, at p. 108 (noting that youth of color are less likely to be diverted than White youth.)

- Currently, there are no restrictions on which youth may be formally supervised by probation. California should divert as many youth as possible, and formal probation should be reserved for serious cases where youth are adjudicated of felony offenses.
- Lastly, probation supervision should limit the number and type of conditions/terms, and improve the quality of supports/services.
- Preclude application of strike enhancements for any juvenile conviction (including retroactively).
 - Juvenile court adjudications can be considered prior convictions under California’s “Three Strikes law.” Youth 16-years and older can thus receive permanent “strikes” on their adult records if found guilty of committing specified felonies. A wide range of crimes are “strike-able” offenses, including non-violent crimes like residential burglary, selling drugs to a person under the age of 18, and gang related crimes, such as writing graffiti. The behavior underlying many of these strike charges is often deeply rooted in normal adolescent development.⁵²⁹
- End adult prosecution of youth
 - Youth in criminal court face adult penalties, including lengthy state prison terms and all of the collateral, lifelong effects of an adult record. Transferring a youth to the adult system has another irrevocable effect: Youth miss opportunities for age-appropriate treatment, education, and developmentally important activities. Moreover, youth of color are significantly more likely than white youth to be prosecuted in adult court.⁵³⁰
- Abate racially disparate discipline, expulsion, suspensions⁵³¹ [*This proposal overlaps with a proposal for the Separate and Unequal Education chapter.*]
 - Require the California Department of Education (CDE) to set statewide, school district, and/or local educational agency (LEA)-level numeric targets, both interim and long term, and interim timetables to end the disproportionate suspension, expulsion, and discipline-related transfer of Black K–12 California students, including Black students with disabilities, by 2032, starting with the school districts or LEAs with the highest rate of disproportionality.
 - Require CDE to use a data collection and monitoring system to allow for prompt identification of districts with highly disproportionate discipline of Black students, and a concrete plan for corrective intervention by CDE.
 - Require CDE to use all necessary mechanisms to achieve the 2032 goal, including an annual report of disproportionality statistics at the statewide, district, and LEA-level to the Legislature, Governor, and the public. The CDE should also be empowered to impose monetary sanctions at the district or LEA level.

⁵²⁹ See, e.g., Cal. Pen. Code §§ 667(d)(3)(A), 1192.7(c)(18), (24), (28); § 460; § 667.5(a)(21); § 186.22; § 594.

⁵³⁰ Ridolfi et al., [The Prosecution of Youth as Adults](#) (2016) p. 11, (as of Jan. 17, 2023); see Cal. Welf. & Inst. Code, § 707.

⁵³¹ See [2023 Annual Report](#), *supra*, at p. 136 (“studies show that students of color, students with disabilities, and LGBTQ+ students are the most likely to experience disciplinary exclusion, when compared to their peers, without evidence of higher rates of problematic behavior”).

H. Clarify and Confirm Decriminalization of Transit and Other Public Disorder Offenses

Transit mobility laws perpetuate vestiges of slavery to the extent that they criminalize poverty/race, limit economic opportunity, and drive displacement of African Americans. There are several laws that were designed to decriminalize fare evasion and other low-level transit violations.⁵³² However, the transit departments and their police partners and the courts are still criminally citing people for fare evasion because they interpret the law to allow for continued criminal prosecution. Accordingly, this proposal would amend these decriminalization statutes to make it clear to the agencies, police, and the courts that people must not receive criminal citations for transit violations (e.g., replace any “may” language with “must”). This proposal would also afford victims a private right of action to seek compensation for unlawful arrests and/or prosecutions.

I. Move Public Disorder Infractions and Low-Level Crimes Outside of Police Jurisdiction

This proposal recommends that the Legislature prohibit law enforcement from enforcing public disorder infractions and other low-level crimes. Instead, a public health/public safety institution, without criminal arrest/prosecution powers, would enforce such prohibitions. Such crimes include, but are not limited to, fare evasion, spitting on the train, various MTA violations, sleeping on the sidewalk, and other disorder crimes that criminalize poverty. People arrested or criminally prosecuted for administrative violations should have a private right of action to sue for damages or should automatically receive a damages payout.

J. Enhance Laws that Require Bias Elimination Training

This proposal recommends that the Legislature:

- Revive AB 243 (Kamalger-Dove, 2020), which would have required implicit bias training for all police officers; and
- Amend AB 241 & AB 242 (Kamalger-Dove, 2020) (requiring bias-elimination training for many public servants) to include protections for the counter bias trainers who are often institutional trainers (employees) who may be ostracized and experience retaliation for giving the training.

K. Prohibit Pretextual Traffic and Pedestrian Stops, Probation Inquiries, and Consent-Only Searches

Traffic stops are one of the most frequent means of police contact with civilians.⁵³³ Unfortunately, these stops are often pretextual: the stop is ostensibly to address a minor traffic

⁵³² See Sen. Bill No. 882 (2015-2016 Reg. Sess.) and Sen. Bill No. 1320 (2009-2010 Reg. Sess.)

⁵³³ See, e.g., Pierson et al., [A large-scale analysis of racial disparities in police stops across the United States](#) (July 2020) 4 Nature Human Behavior p. 736, (as of Nov. 29, 2022).

infraction, but is in reality a means to conduct a comprehensive investigation and search. Unsurprisingly, pretext stops are disproportionately used against Black drivers, with sometimes fatal consequences.⁵³⁴ Pretext stops are nevertheless constitutional.⁵³⁵ Several localities, and at least one state, have enacted reforms to curtail or prohibit pretext stops.⁵³⁶

This proposal recommends that the Legislature prohibit traffic stops for low-level infractions such as expired registration, lighting equipment issues, air fresheners, and tinted windows.⁵³⁷ The proposal could also restrict the actions an officer can take during a permissible traffic stop, such as precluding the officer from inquiring as to probation/parole status or requesting (absent probable cause) permission to search the vehicle. Finally, the proposal could eliminate fines and fees associated with the relevant traffic infractions.⁵³⁸

L. Mandate Policies and Training on Bias-Free Policing

Existing law prohibits a peace officer from engaging in racial or identity profiling,⁵³⁹ but law enforcement agencies (LEAs) are not required to have any policy that specifically addresses bias or prohibits bias-based policing. Peace officers, therefore, may lack guidance on how to interact with the public in a neutral and fair manner and how to assess whether a call for service is rooted in the bias of the caller against another person (i.e., bias-by-proxy).

This proposal recommends that the Legislature enact legislation to require LEAs to maintain a publicly-posted policy that: (1) prohibits bias-based policing; (2) provides guidance on how to interact with community members in a fair and unbiased manner; and (3) explains how to respond to calls for service that are based on the bias of the caller. The proposal would also require LEAs to collect and analyze data to understand and correct for systemic bias. LEAs would also be required to provide academy training and continuing training on bias-free policing.

M. Promulgate Model Law Enforcement Policies Designed to Prevent Racial Disparities in Policing

This proposal recommends that the California Department of Justice promulgate model law enforcement policies designed to prevent racial disparities in policing. There are currently no uniform and comprehensive statewide policies for LEAs, and many LEAs have adopted standard

⁵³⁴ See, e.g., California Racial Identity and Profiling Advisory Board [2022 Annual Report](#) (2022) p. 8, (as of Jan. 20, 2023).

⁵³⁵ *Whren v. United States* (1966) 517 U.S. 806

⁵³⁶ See, e.g., Virginia SB 5029 (Lucas), 2020 Special Session I; City of Philadelphia Bill No. 210636-A; City of Pittsburgh, Pennsylvania Code of Ordinances § 503.17; Senate Bill 1510, 81st Oregon Legislative Assembly - 2022 Regular Session.

⁵³⁷ A two-thirds vote of the Legislature would likely be required to enforce these restrictions with a suppression remedy for violations.

⁵³⁸ The California Committee on Revision of the Penal Code recently proposed a substantially similar reform. See California Committee on Revision of the Penal Code, [Annual Report and Recommendations](#) (Dec. 2022), (as of Jan. 11, 2023).

⁵³⁹ Pen. Code, § 13519.4, subd. (f)

policies developed by private entities, which do not always align with best practices. A state-wide program would ensure uniformity and would reduce instances of police misconduct and excessive force.

Under this proposal, the California Department of Justice would promulgate model policies and training materials designed to prevent racial and ethnic disparities in police contacts and use of force. The policies could cover, among other topics: (1) permissible use of force, as well as use-of-force training, reporting and investigation; (2) citizen complaints; (3) bias prevention; (4) stops and searches; (5) interactions with vulnerable populations; (6) community engagement and transparency; and (7) recruitment, hiring, and retention. The proposal would require LEAs to adopt these model policies or their equivalents.

N. Strengthen and Expand the Racial Justice Act

The Racial Justice Act (RJA) introduced a critical tool for eradicating both implicit and explicit bias in California's criminal justice system. Follow-up legislation made the RJA retroactive, thus opening the door to overturning prior convictions and sentences attributable to racial bias.⁵⁴⁰ This proposal recommends that the RJA be further strengthened in the following ways:

- Establish RJA Commission to track, monitor, and analyze data generated by the RJA process. The Commission could be created as an arm of the Freedman's Bureau and its responsibilities would include, at a minimum:
 - Establishment of key performance indicators (KPIs) and other quality control metrics to ensure compliance by prosecutor's offices and courts.
 - Publication of annual reports on prosecutorial bias.
 - Establishment of a federal nexus to ensure that California data on prosecutorial bias and criminal legal racial profiling is uploaded and synced to national racial profiling databases.
- Provide grants, technical assistance, and other resources to watchdog organizations and community-based organizations to build expertise and capacity for RJA advocacy and compliance monitoring.
- State and local agencies would be required to affirmatively review prior convictions for potential RJA violations so that the onus does not rest with those who have endured the consequences of racially and ethnically disparate charging and sentencing decisions. A Conviction Integrity Unit would be established at the state level through the California Department of Justice and/or would be mandated at the local level at district attorneys' offices. The Legislature would allocate funding as necessary.
- Additional data collection may be needed to ensure that RJA claims premised on racial disproportionality (*e.g.*, charging and sentencing) can be supported by evidence that is often not readily available. Although AB 2418 (discussed below) requires pertinent data

⁵⁴⁰ See Assem. Bill No. 2542 (2019-2020 Reg. Sess.) and Assem. Bill 256 (2021-2022 Reg. Sess.)

collection and reporting *prospectively*, it does not make such data available to those litigating RJA claims for past convictions.

- Facilitate data transparency by providing enhanced right to discovery in criminal cases in which defendants raise RJA claims, with a low threshold for asserting these claims in the context of criminal litigation.
- Codify penalties for (1) any individual prosecutor that commits discovery violations related to RJA requests, including but not limited to adverse inference jury instructions and case dismissal; (2) offices that routinely fail to collect or disclose RJA data, including but not limited to financial sanctions.
- The Legislature undertake or authorize a study of whether an RJA equivalent should be imposed on parole proceedings to ensure that racial bias is not infecting such hearings.
- Establish a compensation scheme for successful RJA petitioners. Under this proposal, a successful RJA claim would trigger immediate compensation. The scheme would set forth a schedule of minimum monetary awards (that is reviewed and/or updated every two years) that are automatically available, but would not preclude litigation to recover individualized damages beyond the minimum amount. There would be no cap on the amount of damages that could be recovered.
 - The scheme could be modeled on Penal Code section 4900 *et seq.*, but not limited by its provisions.
 - The proposal could also call for statewide tracking of successful RJA claims to inform further legislation in this area.
- Clarify that RJA challenges to prior strikes may be raised in a pending matter as well as in the original proceeding.

O. Repeal Three Strikes Sentencing

The Three Strikes Law⁵⁴¹ has substantially contributed to unduly long prison sentences. As of 2021, more than 30,000 people were serving prison terms lengthened by the Three Strikes law, including more than 7,400 whose current conviction is neither serious nor violent.⁵⁴² Moreover, 80% of those sentenced under Three Strikes are people of color.⁵⁴³ Given the disparities associated with Three Strikes, and the fact that the law has not appreciably improved public safety,⁵⁴⁴ this proposal would recommend that the Legislature take steps needed to repeal the Three Strikes law.

P. Accelerate scheduled closures of identified California state prisons; commit to closing ten California state prisons over the next five years; savings should be redirected to the American Freedmen Affairs Agency and to re-use of facilities

⁵⁴¹ Pen. Code, §§ 667, 667.5, 1170.12

⁵⁴² See California Committee on Revision of the Penal Code, [Annual Report and Recommendations](#) (Dec. 2021) p. 40, (as of Jan. 11, 2023).

⁵⁴³ *Id.*

⁵⁴⁴ *Id.* at p. 48.

This proposal recommends that California accelerate the scheduled closure of already identified state prisons.⁵⁴⁵ “As outlined in Governor Gavin Newsom’s 2020-21 California Budget, the California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) will close two state prisons. The first prison, [Deuel Vocational Institution \(DVI\)](#), closed on September 30, 2021. The second, California Correctional Center (CCC), will close in 2023. In December 2022, CDCR announced the planned closure of [Chuckawalla Valley State Prison \(CVSP\)](#) by March 2025. Additionally, CDCR [should] also not renew the lease with CoreCivic for California City Correctional Facility, terminating the contract in March 2024 and ending the use of that facility as a state prison.”⁵⁴⁶

XII. MENTAL AND PHYSICAL HARM AND NEGLECT

This section details policy proposals to address harms set forth in Chapter 12, Mental and Physical Harm and Neglect, of the Interim Report.

- Address Health Inequities among Black Californians
- Improving Health Insurance Coverage
- Evaluate Recently-Passed Health Care Laws
- Address Anti-Black Discrimination in Health Care
- Mandate Standardized Data Collection
- Provide Medical Social Workers/Health Care Advocates
- Improving Diversity Among Clinical Trial Participants
- Remedy the Higher Rates of Injury and Death among Black Birthing People and Infants
- Advance the Study of the Intergenerational, Direct, and Indirect Impacts of Racism
- Remedy the High Rates of Mental Health Issues/Suicide among Black Youth
- Meet the Health Needs of Black Elders
- Remedy Disparities in Oral Health Care
- Fix Racially Biased Algorithms and Medical Artificial Intelligence in Health Care
- Fund and Expand the UC PRIME-LEAD-ABC Program to be Available at All UC Medical Campuses
- Create and Fund Equivalents to the UC-PRIME-LEAD-ABC Program for Psychologists, Licensed Professional Counselors, and Licensed Professional Therapists
- Permanently Fund the California Medicine Scholars Program and Create and Fund Equivalent Pathway Programs for Students in the CSU and UC Systems
- Review and Prevent Racially Biased Disciplinary Practices by the Medical Board of California
- Address Food Injustice

A. Address Health Inequities Among Black Californians

⁵⁴⁵ Sandrosky, [Prison population falls but spending still up in Newsom budget](#) Capitol Weekly (Jan. 23, 2023) (as of Jan. 24, 2023).

⁵⁴⁶ California Department of Corrections and Rehabilitation, [Reduction/Closure Information](#) (2023) (as of Jan. 24, 2023).

Unequal health outcomes “cannot be explained away by factors like age, income, or education level” — through implicit biases and racism, the health care system treats Black Californians differently.⁵⁴⁷ Numerous articles and studies have documented the necessity of remedying the poor health outcomes among African Americans through reparations.⁵⁴⁸ Researchers from Johns Hopkins Medicine have found that social determinants of health — the environmental conditions in which people are born, live, learn, work, play, worship, and age — explain about half of racial health disparities in life expectancy.⁵⁴⁹ A Kaiser Family Foundation report focused on social determinants of health observed that “studies suggest that health behaviors, such as smoking, diet, and exercise, and social and economic factors are the primary drivers of health outcomes,” and, thus, addressing social determinants of health is important “for reducing health disparities that are often rooted in social and economic disadvantages.”⁵⁵⁰ Nearly 200 nonprofit advocacy and provider organizations have urged that funding be prioritized for the Fund, which also has the support of members of the California State Legislature.⁵⁵¹ Health clinics, tribal organizations, and other community groups contend that funding in the form of state grants from the Health Equity and Racial Justice Fund will benefit the communities that need the most help.⁵⁵² An American Public Health Association report has found that CBOs “amplify community concerns and, in coordination with public health departments, contribute to more effective policy solutions.”⁵⁵³

This proposal recommends authorization and ongoing funding for the California Health Equity and Racial Justice Fund within the California Department of Public Health’s Office of Health Equity. The Office of Health Equity would administer an annual \$115 million grant program to address health disparities, focusing on social determinants of health. Clinics, community-based organizations, and tribes could apply for grants, either separately or in collaboration. Applicants would be required to demonstrate how funding would be used to ameliorate existing or emerging health disparities, including metrics for success. Local health

⁵⁴⁷ [Advancing Black Health Equity](#), *supra* note 555; see also Cummings, [Listening to Black Californians: How the Health Care System Undermines Their Pursuit of Good Health](#) (Oct. 4, 2022) California Health Care Foundation (hereinafter “Listening to Black Californians”).

⁵⁴⁸ See, e.g., Lawrenz, [Remedying the Health Implications of Structural Racism through Reparations](#) (2022) 90 Geo. Wash. L. Rev. 1018; Richardson, et al., [Reparations for Black American descendants of persons enslaved in the U.S. and their potential impact on SARS-CoV-2 transmission](#) (May 2021) Social Science and Medicine; Bassett and Galea, [Reparations as a Public Health Priority—A Strategy for Ending Black-White Health Disparities](#) (Nov. 26, 2020) 383 N. Engl. J. Med. 2101, 2102 (hereinafter Bassett and Galea); Bassett, [Reparations will save Black lives](#) (Sept. 30, 2022) Harvard Public Health (hereinafter Bassett); Morgan and Reid, [On Answering the Call to Action for COVID-19: Continuing a Bold Legacy of Health Advocacy](#) (Jun. 5, 2020) 112(3) J. Nat’l Med. Assoc. 324.

⁵⁴⁹ News Release, [Social Determinants of Health Are Important Contributors to Mortality Disparities in U.S., Study Finds](#) (Aug. 11, 2022) Johns Hopkins Medicine (as of Feb. 15, 2023).

⁵⁵⁰ Artiga and Hinton, [Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity](#) (May 10, 2018) Kaiser Family Foundation (as of Jan. 20, 2023).

⁵⁵¹ [We Are All Public Health](#) (as of Jan. 20, 2023) The California Health Equity and Racial Justice Fund; [Health Equity & Racial Justice Advocates Outraged at Lack of Funding for Communities to Address Disparities](#) (Jun. 28, 2022) Public Health Institute (as of Jan. 20, 2023).

⁵⁵² Bedayn, [Community Groups Renew Push for Health Equity and Racial Justice Fund](#), Cal Matters (Feb. 9, 2022) (as of Jan. 20, 2023).

⁵⁵³ *Ibid.* (citing Cacari-Stone et al., [The Promise of Community-Based Participatory Research for Health Equity: A Conceptual Model for Bridging Evidence with Policy](#) (Feb. 21, 2014) American Journal of Public Health).

jurisdictions would be encouraged to work with grant recipients to serve as trusted community partners to extend public health messages and interventions into underserved and difficult-to-reach communities. The proposal incorporates AB 1038 (Gipson)⁵⁵⁴ by authorizing a California Health Equity and Racial Justice Fund Oversight and Accountability Committee to monitor the distribution, implementation, and impact of local and regional grants funded by the California Health Equity and Racial Justice Fund.

B. Improving Health Insurance Coverage

The California Health Care Foundation reports that, although Black Californians have higher health insurance coverage rates than the state average (at 93 percent), “structural barriers in the health care system prevent them from achieving the health they actively seek.”⁵⁵⁵ The seven percent of African American Californians who have been left uninsured translates into approximately 164,000 Black residents going without health coverage. Moreover, a disproportionately high percentage of African American Californians rely on Medi-Cal. Medi-Cal provided coverage for 28% of Black Californians in 2019 (compared to 10% of white Californians and 34% of Latinx Californians).⁵⁵⁶ Adults enrolled in Medi-Cal were more than twice as likely to report difficulty finding a provider that accepted their insurance as compared to those with employer-based insurance or Medicare, and this was the case for both primary and specialty care.⁵⁵⁷ At least some experts have identified low reimbursement rates for providers who accept Medi-Cal as a racial justice issue.⁵⁵⁸

This proposal recommends closing the health coverage gaps for African American residents through adoption of a comprehensive universal single-payer health care coverage and a health care cost control system for the benefit of all African American residents of California or for resident Descendants.⁵⁵⁹ For the time being, however, many Black Californians remain on Medi-Cal. For these individuals, this proposal also recommends increases to the Medi-Cal reimbursement rates to achieve parity with the reimbursement rates of private insurance.

C. Evaluate the Efficacy of Health Care Laws, Including Recent Enactments

To address entrenched health disparities, this proposal would mandate that the California Department of Public Health’s Office of Health Equity conduct an annual review of California

⁵⁵⁴ AB 1038 was introduced in the 2021-2022 Regular Session of the Legislature, but ultimately was not chaptered into law.

⁵⁵⁵ [Advancing Black Health Equity](#), California Health Care Foundation (hereinafter Advancing Black Health Equity).

⁵⁵⁶ See [California Health Care Almanac: Medi-Cal Facts and Figures: Essential Source of Coverage for Millions](#) (Aug. 18, 2021) California Health Care Foundation (as of Jan. 20, 2023).

⁵⁵⁷ *Ibid.*

⁵⁵⁸ See [Medicaid Reimbursement Rates are a Racial Justice Issue](#) (Jun. 16, 2022) The Commonwealth Fund (as of Jan. 20, 2023).

⁵⁵⁹ The Task Force could alternatively endorse AB 1400, which would create a comprehensive universal single-payer health care coverage and health care cost control system for the benefit of all residents of California. (See Assem. Bill No. 1400 (2021-2022 Reg. Sess.).)

health care laws and policies, evaluate their effect on reducing health disparities among Black Californians, and publish its findings and recommendations to the California State Legislature. These recommendations should explicitly include how to design and implement consequences for health care providers who do not reduce identified treatment disparities. This measure would include funding on an annual basis to hire permanent staff dedicated to these efforts, based on the Office of Health Equity’s assessment of the level of staffing needed. This proposal builds on Senate Concurrent Resolution No. 17, which was chaptered on April 30, 2021, and states that “the Legislature declares racism to be a public health crisis and will actively participate in the dismantling of racism[.]”⁵⁶⁰

D. Address Anti-Black Discrimination in Health Care

Racial disparities in Black health outcomes are a result of historical racial inequality, discriminatory health policy, and persistent racial discrimination across different aspects of life in the United States.⁵⁶¹ African Americans receive fewer procedures and poorer-quality medical care across almost every type of diagnostic and treatment intervention than do white Americans.⁵⁶² Additionally, African Americans have higher rates of morbidity and mortality than white Americans in almost all health outcomes, and this inequality only increases with age.⁵⁶³

A book, *Just Medicine: A Cure for Racial Inequality in American Health Care*, takes note of the evidence that implicit biases are malleable.⁵⁶⁴ The Association of American Medical Colleges (the administrator of the Medical College Admission Test (“MCAT”)) has recently expressed an interest in testing students on situations that involve implicit bias.⁵⁶⁵

To address anti-Black discrimination in health care, this proposal recommends that the Legislature add the completion of an evidence-based anti-bias training and an assessment based on such training to the graduation requirements of all medical schools, any other medical care provider programs not already covered, and mental health professional programs (psychologists, Ph.D or Psy.D); counselors/clinicians/therapists, with a master’s in psychology or therapy; or clinical social workers) in California receiving state funding.

E. Mandate Standardized Data Collection

⁵⁶⁰ Sen. Conc. Res. No. 17 (2021-2022 Reg. Sess) as chaptered Apr. 30, 2021. Relatedly, Senate Bill 17 was introduced in 2020, which would have declared racism a public health crisis and would have established the state’s first Racial Equity Commission. The bill did not pass, but Governor Newsom established a Racial Equity Commission in September 2022 by executive order.

⁵⁶¹ Thomas et al., [Health Disparities of Race and Ethnicity in California: Pattern of Inequity](#) (Oct. 2021) Cal. Health Care Foundation, p. 2 (as of Jan. 20, 2023); Smedley et al., [Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care](#) (2003) Institute of Medicine (as of Jan. 20, 2023).

⁵⁶² *Ibid.*

⁵⁶³ Forde et al., *The Weathering Hypothesis as an Explanation for Racial Disparities in Health: A Systematic Review* (2013) 7 *Sociology Compass* 630, 630–643.

⁵⁶⁴ Matthew, *Just Medicine: A Cure for Racial Inequality in American Health Care* (2018) pp. 155–158.

⁵⁶⁵ *Id.* at p. 176.

In addition to SB 1033 (Pan), a number of experts in the field recommend improved data collection in order to advance equity in health care and health outcomes.⁵⁶⁶ This proposal would create statewide standards for data collection and reporting of demographic and social needs data in order to reduce health disparities and address social drivers and determinants of health.⁵⁶⁷ This proposal would build off of SB 1033 (Pan), which would have required the California Department of Managed Health Care to develop and adopt regulations establishing demographic data collection standards and require health care service plans and health insurers to assess “the individual cultural, linguistic, and health-related social needs of enrollees and insureds for the purpose of identifying and addressing health disparities, improving health care quality and outcomes, and addressing population health.”⁵⁶⁸

F. Provide Medical Social Workers/Health Care Advocates

A study completed by the California Health Care Foundation revealed that the majority of Black Californians devote quite a bit of effort to their health and agree on many suggestions to address racism in health care.⁵⁶⁹ Black Californians agree that one way to remedy racism in health care is to expand community-based resources.⁵⁷⁰ Specifically, 84 percent of respondents believe it is extremely important or very important to expand community-based education on how to navigate the healthcare system and advocate for high quality care.⁵⁷¹ And 77 percent of respondents believe it is extremely important or very important to expand the number of Black community health advocates and/or medical chaperones available to patients.⁵⁷²

This proposal would authorize funding to ensure that medical social workers/health care advocates are available to serve as advocates, chaperones, and third party observers when requested to address Black Californians’ concerns and experiences of bias and other disparate treatment in the delivery of medical care and mental and behavioral health services. These medical social workers and health care advocates would be required to undergo implicit bias training and demonstrate cultural congruence with the community to be served. They preferably

⁵⁶⁶ Rowen et al., [How to Improve Race, Ethnicity, and Language Data and Disparities Interventions](#) (Sept. 14, 2022) Health Affairs (as of Jan. 20, 2023); Vega Perez et al., [Improving Patient Race and Ethnicity Data Capture to Address Health Disparities](#) (Jan. 2022) National Library of Medicine (as of Jan. 20, 2023); [Inventory of Resources for Standardized Demographic and Language Data Collection](#) Centers for Medicare and Medicaid Services (as of Jan. 20, 2023); Haley et al., [Collection of Race and Ethnicity Data for Use by Health Plans to Advance Health Equity \(July 20, 2022\)](#) Urban Institute (as of Jan. 20, 2023); James et al., [Modernizing Race and Ethnicity Data in our Federal Health Programs](#) (Oct. 26, 2021) The Commonwealth Fund (as of Jan. 20, 2023); [Race, Ethnicity, and Language Data: Standardization for Health Care Quality Improvement](#) Agency for Healthcare, Research and Quality (as of Jan. 20, 2023).

⁵⁶⁷ [California Needs Standards for Demographic and Social Needs Data to Reduce Disparities and Advance Health Equity](#) (as of Jan. 20, 2023) California Pan-Ethnic Health Network.

⁵⁶⁸ Sen. Bill No. 1033 (2021-2022 Reg. Sess.).

⁵⁶⁹ Cummings, [Listening to Black Californians: How the Health Care System Undermines Their Pursuit of Good Health](#) (Oct. 4, 2022) California Health Care Foundation (as of Jan. 20, 2023).

⁵⁷⁰ *Ibid.*

⁵⁷¹ *Ibid.*

⁵⁷² *Ibid.*

would be situated within trusted community-based organizations, which may be achieved through a state-funded grant-making program.

G. Improving Diversity Among Clinical Trial Participants

This proposal recommends: (1) funding competitive grants for clinical trials to (i) subsidize participants' indirect costs such as time off from work, transportation, and childcare, (ii) complete clinical trials in communities where African Americans live, and (iii) hire staff demonstrating cultural congruence with the African American community to serve as recruiters and staff explaining clinical trials; and (2) providing extra funding and other incentives for state-funded studies in which the principal investigators are African American.

H. Remedy the Higher Rates of Injury and Death Among Black Birthing People and Infants

In California, Black birthing people are substantially more likely than white birthing people to suffer severe health complications during their pregnancy, give birth prematurely, die in childbirth, and lose their babies.⁵⁷³ The pregnancy-related mortality ratio for Black women during 2014 to 2016 was four to six times greater than the mortality ratio for any other ethnic group.⁵⁷⁴ Black birthing people in California are subjected to disproportionate rates of unfair treatment, harsh language, and rough handling during their hospital stay, compared to white women.⁵⁷⁵

The University of California, San Francisco's California Preterm Birth Initiative has compiled a lengthy list of studies and research on the positive impacts of doula care.⁵⁷⁶ UCSF contends that "numerous studies have demonstrated that doulas can help reduce the impacts of racism on pregnant women of color by helping to provide culturally appropriate, patient-centered care."⁵⁷⁷ The Preterm Birth Initiative has also partnered with the National Health Law Program to co-author a brief that sets forth the barriers to Medicaid coverage for doula care and potential recommendations for successful implementation.⁵⁷⁸ The brief's recommendations for states include: (1) setting a common set of criteria for doula qualification or credentialing for insurers to pay for doula services; (2) developing doula reimbursement rates based on the amount of one-on-one time spent with a patient; (3) streamlining and organizing payments for doula services;

⁵⁷³ Owens & Fett, *Black Maternal and Infant Health: Historical Legacies of Slavery* (2019) 109 Am. J. of Pub. Health 1342; see also [California Black Health Network Perspectives: The State of Black Maternal Health in California](#) (Nov. 2021) California Black Health Network, p. 9 (as of Jan. 20, 2023).

⁵⁷⁴ Maternal Child and Adolescent Health Division, [California Pregnancy Mortality Surveillance System: California Pregnancy-Related Deaths, 2008-2016](#) (2021) Cal. Dep't of Pub. Health, p. 7 (as of Jan. 20, 2023).

⁵⁷⁵ Sakala et al., [Listening to Mothers in California: A Population-Based Survey of Women's Childbirthing Experiences](#) (Sept. 2018) National Partnership for Women & Families (as of Jan. 20, 2023).

⁵⁷⁶ [Doula Care](#), California Preterm Birth Initiative, University of California, San Francisco (as of Jan. 20, 2023).

⁵⁷⁷ *Ibid.*

⁵⁷⁸ [Routes to Success for Medicaid Coverage of Doula Care](#) (Dec. 11, 2018) California Preterm Birth Initiative (as of Jan. 20, 2023).

(4) pushing for doula services to be classified as preventive services; (6) increasing their flexibility to pay for doula services; and (7) allowing doulas to obtain payment directly from Medicaid.⁵⁷⁹

This proposal recommends:

(1) The California Department of Health Care Services (“DHCS”) provide additional support for doula services (which is a covered benefit, effective January 1, 2023)⁵⁸⁰ to include:

- Requiring DHCS to develop multiple payment and billing options for doula care, and to ensure specified payment and billing practices, including that any doula and community-based doula group be guaranteed payment within 30 days of submitting any claim for reimbursement;⁵⁸¹
- Requiring DHCS to establish a centralized registry listing any doula who is available to take on new clients in each county;
- Requiring each Medi-Cal managed care health plan in every county to provide information in its materials, and specified notices, on identified topics related to doula care, including reproductive and sexual health, and to inform pregnant and postpartum enrollees and prenatal and postpartum enrollees at appointments about doula care, such as the availability of doula care and how to obtain a doula;
- Requiring DHCS to convene a doula advisory board that would be responsible for deciding on a list of core competencies required for doulas authorized by DHCS to be reimbursed under the Medi-Cal program;
- Requiring a doula to provide documentation that they have met the core competencies specified by the board as a prerequisite to be reimbursed under the Medi-Cal program;
- Requiring DHCS to work with outside entities, such as foundations, to make trainings available at no cost that meet the core competencies to people who are from communities experiencing the highest burden of birth disparities in the state; and
- Providing funding to DHCS for data collection, reporting, and analysis to evaluate maternal health outcomes resulting from having doula care as a covered preventive service under the Medi-Cal program.

⁵⁷⁹ *Ibid.*

⁵⁸⁰ Although AB 2258 would have established a Medi-Cal pilot program to cover doula services in the 14 counties experiencing the highest burden of birth disparities in the state, the bill also would have required DHCS to provide a number of doula supports. These supports are even more necessary now that doula services is covered as a preventive service by Medi-Cal.⁵⁸¹ The California Omnibus Act, passed by Governor Newsom in 2021, establishes a doula stakeholder workgroup, which is currently working on creating payment models. (See Crumley, [How California’s Medi-Cal Program Aims to Advance Health Equity for Pregnant People](#) (July 2022) Center for Health Care Strategies (as of Jan. 20, 2023).) Based on what the workgroup recommends to DHCS, this provision may not be necessary, or this provision could be amended.

⁵⁸¹ The California Omnibus Act, passed by Governor Newsom in 2021, establishes a doula stakeholder workgroup, which is currently working on creating payment models. (See Crumley, [How California’s Medi-Cal Program Aims to Advance Health Equity for Pregnant People](#) (July 2022) Center for Health Care Strategies (as of Jan. 20, 2023).) Based on what the workgroup recommends to DHCS, this provision may not be necessary, or this provision could be amended.

(2) Mandates that the California Department of Public Health’s Office of Health Equity or other appropriate entity conduct an annual review of California health care laws and policies (including the Medi-Cal expansion) related to improving health outcomes for the birthing population, evaluate their effect on reducing health disparities among the African American birthing population and infants in California, and publish its findings and recommendations to the California State Legislature. This measure would include funding on an annual basis to hire permanent staff dedicated to these efforts, based on the Office of Health Equity’s assessment of the level of staffing needed;

(3) Provides funding to the Office of Health Equity to study all of the causes that contribute to disparities in health outcomes for the African American birthing population, including medical complications in pregnancy and childbirth, but also causes such as homicide, drug overdoses, and car accidents, and publish a report of findings and recommendations to the California State Legislature. This study shall include recommendations on how the state can remedy these disparities;

(4) Provide state funding to the California Department of Public Health to evaluate the effectiveness of the Black Infant Health Program in reducing health disparities and mortality rates among African American infants and publish its findings and recommendations to the California State Legislature. These findings and recommendations shall include recommendations on a permanent source of funding for this program, recommendations on how the state can expand the program, and evidence-based recommendations on how the state can further care for all African American infants and work toward reducing health disparities and mortality rates.

I. Advance the Study of the Intergenerational, Direct, and Indirect Impacts of Racism

A growing body of research has begun to document racism’s impact on health,⁵⁸² but work remains to be done. Of note, the field of pediatrics has not yet systematically addressed racism’s impact on child health outcomes or prepared pediatricians to identify, manage, mitigate, or prevent risks and harms.⁵⁸³ Further, psychiatrists and psychologists have noted that compared to research on structural racism and the experience of racial discrimination, intergenerational impacts of racism have been less studied.⁵⁸⁴ An article published in *JAMA Psychiatry* noted that “[c]onceptualizing racism intergenerationally implies that, like risk for psychopathology, the nefarious effects of structural racism and of the experience of discrimination can be transmitted

⁵⁸² See, e.g., Hankerson et al., [The Intergenerational Impact of Structural Racism and Cumulative Trauma on Depression](#) (May 23, 2022) *The American Journal of Psychiatry* (as of Jan. 20, 2023); Comas-Diaz et al., [Racial Trauma: Theory, Research, and Healing: Introduction to the Special Issue](#) (2019) Vol. 74(1) *American Psychological Association* 1–5 (as of Jan. 20, 2023).

⁵⁸³ Racism on Child and Adolescent Health, *supra*.

⁵⁸⁴ Lugo-Candelas et al., [Intergenerational Effects of Racism—Can Psychiatry and Psychology Make a Difference for Future Generations?](#) (Oct. 1, 2022) *JAMA Psychiatry*, p. 1 (as of Jan. 20, 2023).

to subsequent generations.”⁵⁸⁵ The article also notes that viewing racism through an intergenerational lens helps to address racism and mental health disparities by creating new opportunities for action and intervention, as well as addressing intergenerational resilience and models of healing and values.⁵⁸⁶

This proposal would recommend funding to the California Health and Human Services Agency (or California Department of Public Health within the agency) to further advance the study of the intergenerational, direct, and indirect impacts of racism and to formulate recommendations for enhanced mental health care, including educating mental health care workers. While not focused exclusively on children, in recognition of the harms that racism visits upon children, this proposal adopts and directly incorporates recommendations of the American Academy of Pediatrics so that funding would include support for the study of:

- (1) the impact of perceived and observed experiences of discrimination on child and family health outcomes;
- (2) the role of self-identification versus perceived race on child health access, status, and outcomes;
- (3) the impact of workforce development activities on patient satisfaction, trust, care use, and pediatric health outcomes;
- (4) the impact of policy changes and community-level interventions on reducing the health effects of racism and other forms of discrimination on youth development; and
- (5) integration of the human genome as a way to identify critical biomarkers that can be used to improve human health rather than continue to classify people on the basis of their minor genetic differences and countries of origin.⁵⁸⁷

This study could be facilitated through grants to fund the research of established and emerging experts.

J. Remedy the High Rates of Mental Health Issues/Suicide Among Black Youth

This proposal overlaps with a proposal in the Racial Terror chapter.

Anxiety, depression, and suicide rates have been rising among Black children and teenagers in recent years.⁵⁸⁸ Even though schools are de facto mental health providers for children and teenagers, as of April 2020, less than 25 percent of district leaders and only 5

⁵⁸⁵ *Ibid.*

⁵⁸⁶ *Ibid.*

⁵⁸⁷ Trent et al., [*The Impact of Racism on Child and Adolescent Health*](#) (Aug. 2019) American Academy of Pediatrics, p. 2 (as of Jan. 20, 2023) (hereinafter “Racism on Child and Adolescent Health”).

⁵⁸⁸ Kamleiter, [*Helping African American Kids and Teens with Mental Health*](#) (Sept. 23, 2020) Children’s Minnesota (as of Jan. 20, 2023).

percent of urban superintendents stated they were able to continue meeting student mental health needs at pre-pandemic levels.⁵⁸⁹ Additionally, reports have discussed the prevalence of Black child suicide. The factors contributing to Black child death by suicide include multigenerational cultural trauma, community violence, adverse childhood experiences (“ACEs”) and stress-response patterns, systemic and institutional violence, and bullying.⁵⁹⁰

This proposal directly incorporates some of the recommendations listed in a Center for American Progress Report. This proposal would provide state funding for: (1) schools to provide “[s]paces and programming aimed at breaking down mental health stigma;” (2) districts to recruit and employ “counselors, social workers, and mental health professionals” who are culturally congruent with African American culture sufficient to meet student need; (3) “anti-racist and trauma-informed mental health practices” for teachers and school personnel; and (4) training teachers and school personnel to teach students skills to cope with their anxiety and emotions through the implementation of social and emotional learning (“SEL”) programs.⁵⁹¹ This proposal would require implementation of the UCSF HEARTS program or an equivalent program at high-need schools.

K. Meet the Health Needs of Black Elders

[This proposal is in development.]

L. Remedy Disparities in Oral Health Care

This proposal recommends:

(1) Establishing a program like UC PRIME⁵⁹² for University of California and California State University dental programs to be focused on working with, and providing oral health care in, predominantly African American communities;

(2) Adding the completion of an evidence-based anti-bias training and an assessment based on such training to the graduation requirements of all dental schools in California receiving state funding;

⁵⁸⁹ Quirk, [Mental Health Support for Students of Color During and After the Coronavirus Pandemic](#) (Jul. 28, 2020) Center for American Progress (as of Jan. 20, 2023) (hereinafter “Mental Health Support for Students of Color”).

⁵⁹⁰ Grills et al., *Black Child Suicide: A Report* (Oct. 15, 2019) National Cares Mentoring Movement, p. 10.

⁵⁹¹ Mental Health Support for Students of Color, *supra*589.

⁵⁹² As stated previously, University of California’s Programs in Medical Education, or UC PRIME, is a formal, innovative training program at University of California medical schools that is focused on training medical professionals to meet the needs of underserved populations in rural and urban California. ([Programs in Medical Education \(PRIME\)](#), UC Health, University of California Office of the President.)

(3) Adding the completion of an evidence-based implicit bias training program and an assessment based on such training as a condition of licensure by the Dental Board of California for licensed dentists and registered dental assistants;

(4) In conjunction with the proposal to establish and fund community wellness centers in Black communities, having the responsibilities of the health care advocates staffing these centers (who are culturally congruent with African American culture) include helping African Americans navigate insurance payment options and find low-cost providers;

(5) Implementing school sealant programs in California elementary schools, which will also include oral health education; and

(6) Providing oral health care to underserved populations, including African American seniors, by authorizing state funding for mobile dental clinics, preferably within trusted community-based organizations, which may be achieved through a state-funded grant-making program.⁵⁹³

M. Fix Racially Biased Algorithms and Medical Artificial Intelligence in Health Care

This proposal is in development. It presently recommends:

(1) Providing state funding to the California Department of Public Health, a University of California school, a California State University school, or other appropriate entity to study the potential for harmful biases in commercial algorithms and AI-enabled medical devices and to study “evidence-based research into the use of devices and tools that recommend adjusting patients’ treatment or medication based on broad racial categories in the absence of information on genetics or socio-cultural risk factors.” This study shall also include recommendations on how best to regulate commercial algorithms and medical artificial intelligence tools in California;

(3) Requiring the California Department of Public Health to issue guidance to hospitals and other medical systems to ensure that commercial algorithms and AI-enabled medical devices “are not used for clinical applications without FDA approval or clearance, are not used on patient populations they were not intended for, and that cleared tools are not used outside of their intended use cases”;

(4) Authorizing the California Department of Public Health “to make and maintain a public list of software as a medical device (SaMD) products and provide demographic information about the subjects in which the devices were calibrated or trained”; and⁵⁹⁴

⁵⁹³ This could include, for example, mobile dental clinics like the Community Mobile Dental Clinics at Herman Ostrow School of Dentistry at the University of Southern California. ([Mobile Dental Clinics](#), Herman Ostrow School of Dentistry at University of Southern California (as of Jan. 27, 2023).)

⁵⁹⁴ *Id.* at 9–10.

(5) Providing state funding to the California Department of Justice to pursue claims against algorithm and AI-enabled medical device manufacturers if these products have a disparate impact when providers use it according to manufacturers’ instructions or the products misleadingly promise fairness.

N. Fund and Expand the UC PRIME-LEAD-ABC Program to be Available at All UC Medical Campuses

To address inequities in healthcare⁵⁹⁵ and increase the number of Black physicians serving Black communities, this proposal recommends that the Legislature permanently expand the UC PRIME-LEAD-ABC program—which includes a specialized curriculum, training experiences, and dedicated faculty mentorship to train and recruit physicians to serve in predominantly African, Black, or Caribbean (ABC) communities—to be available on all UC medical campuses.⁵⁹⁶ The proposal also recommends that the Legislature include funding for the UC PRIME-LEAD-ABC programs to expand their mentorship and support services to include comprehensive mental health support, especially regarding racial stress and trauma, and that program participants continue to receive such mental health support services after they complete the UC-PRIME-LEAD-ABC program.⁵⁹⁷

Surveying existing literature on the effects of the UC PRIME programs, one 2022 report found that the UC PRIME programs added significant diversity to the UC system’s medical schools.⁵⁹⁸ For Black medical students, specifically, from 1990 to 2019, the number of Black medical students in California rose from 63 to 121 students, with “[p]ublic medical schools account[ing] for most of this increase.”⁵⁹⁹ Additionally, care by Black physicians can address the discriminatory treatment that Black patients might otherwise receive when seeking healthcare.⁶⁰⁰

⁵⁹⁵ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 406-436.

⁵⁹⁶ See University of Cal., Office of the President, *UC Programs in Medical Education* (UC PRIME) (as of Nov. 28, 2022).

⁵⁹⁷ Such support is especially crucial given the racial discrimination experienced by African American physicians, which compounds the tremendous stress borne by physicians generally, especially during the COVID-19 pandemic. See American Medical Assn., *Summary Report: Experiences of Racially and Ethnically Minoritized and Marginalized Physicians in the U.S. During the COVID-19 Pandemic* (2021) (as of Feb. 10, 2023); Serafini et al., *Racism as Experienced by Physicians of Color in the Health Care Setting* (2020) 52 *Family Medicine* 282, 282-287; see also Berg, *Half of Health Workers Report Burnout Amid COVID-19*, American Medical Assn. (Jul. 20, 2021) (as of Feb. 10, 2023) (noting that Black healthcare workers, generally, experienced especially high burnout and stress during the pandemic).

⁵⁹⁸ See generally Johnson et al., *University of California Programs in Medical Education* (Sept. 2022) *Mathematica*.

⁵⁹⁹ Pfeffinger et al., *Recovery with Limited Progress: Impact of California Proposition 209 on Racial/Ethnic Diversity of California Medical School Matriculants, 1990 to 2019* (Dec. 2020) Healthforce Center at UCSF, pp. 9-10 (see also figures 6 and 7, which chart the change in Black medical students each year, including when UC PRIME programs were created) (as of Nov. 14, 2022).

⁶⁰⁰ See Huerto, *Minority Patients Benefit From Having Minority Doctors, But That’s a Hard Match to Make* (Mar. 31, 2020), Univ. of Mich. Health Lab (as of Nov. 28, 2022); Williams et al., *Racism and Health: Evidence and Needed Research* (2019) 40 *Annual Rev. of Pub. Health* 105 (as of Mar. 16, 2022).

Alternatively, or in addition, to increase the number of Black medical professionals serving predominantly Black communities, the Legislature could: (1) fund grants providing scholarships or loan forgiveness to Black medical students, physician assistants, and nurse practitioners who commit to serving predominantly Black communities; or (2) fund grants providing scholarships or loan forgiveness to medical students, physician assistants, and nurse practitioners who are Descendants and who commit to serving predominantly Black communities. To the extent that the proposal implements a loan forgiveness program, eligibility for loan forgiveness programs should, at minimum, include Black medical professionals serving Black communities through community-based organizations.

O. Create and Fund Equivalents to the UC-PRIME-LEAD-ABC Program for Psychologists, Licensed Professional Counselors, and Licensed Professional Therapists

To address unequal access to mental healthcare services,⁶⁰¹ this proposal recommends that the Legislature create and fund equivalents to the UC PRIME-LEAD-ABC programs for recruiting and training psychologists (Ph.D and Psy.D programs) and licensed professional counselors and therapists (Masters programs) committed to serving predominantly African, Black, and Caribbean communities. The proposal also recommends that the Legislature include funding for these programs to include comprehensive mental health support, especially regarding racial stress and trauma, and that program participants continue to receive such mental health support services after they complete their program.⁶⁰²

Due to ongoing disparities and discrimination in mental health care, organizations have called for the State to expand funding for educational capacity, stipends, and scholarships to strengthen the size, distribution, and diversity of the mental health and behavioral health workforce.⁶⁰³ As noted above, the UC PRIME programs present successful models for programs that both recruit and mentor Black medical professionals while also increasing the number of medical professionals dedicated to serving predominantly-Black communities.⁶⁰⁴ While the State of California has also previously enacted various measures to increase its overall supply of mental health professionals, these prior policies do not appear to involve any targeted effort to increase the number of Black professionals or other professionals serving Black communities specifically.⁶⁰⁵

⁶⁰¹ See California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 422-426.

⁶⁰² Such support is especially crucial given the burdens of racial discrimination borne by African American mental health professionals, which contributes to burnout and the lack of African American mental health providers for the African American community, more generally. See Shell et al., *Investigating Race-related Stress, Burnout, and Secondary Traumatic Stress for Black Mental Health Therapists* (2021) 47 J. of Black Psych. 669, 669-694.

⁶⁰³ Cal. Future Health Workforce Commission, [Meeting the Demand for Health](#) (Feb. 2019) p. 30 (as of Nov. 10, 2022).

⁶⁰⁴ See generally Johnson et al., *supra*.

⁶⁰⁵ See, e.g., Welfare and Institutions Code § 5822; [Cal Stat. 2021, ch. 440](#); Cuevas, [AB 462 – Assemblywoman Wendy Carrillo’s Bill to Expand the Pipeline of Mental Health Professionals – Reaches Governor Newsom’s Desk](#), Wendy Carrillo, Assemblywoman, District 51 (Sept. 7, 2021) (as of Nov. 29, 2022); Cal. Health

Alternatively, or in addition, to increase the number of Black mental health professionals serving predominantly Black communities, the Legislature could: (1) fund grants providing scholarships or loan forgiveness to Black mental health professionals who commit to serving predominantly Black communities; or (2) fund grants providing scholarships or loan forgiveness to Black mental health professionals who are Descendants and who commit to serving predominantly Black communities. To the extent that the proposal implements a loan forgiveness program, eligibility for loan forgiveness programs should, at minimum, include Black mental health professionals serving Black communities through community-based organizations.

P. Permanently Fund the California Medicine Scholars Program and Create and Fund Equivalent Pathway Programs for Students in the CSU and UC Systems

To remedy the discrimination that has excluded Black Californians from the field of medicine and increase the number of Black physicians,⁶⁰⁶ this proposal recommends that the Legislature permanently fund the pathway initiatives in the California Medicine Scholars program and create an equivalent pathway program for students in the CSU and UC systems. The California Medicine Scholars Program (CMSP) was created to connect community college students to medical schools, clinics, and medical practitioners to promote pathways for underrepresented college students to enter the field of medicine.⁶⁰⁷ Students from an eligible community college can apply to the program, which partners them with a medical school in one of four nearby geographic regions.⁶⁰⁸ The program then provides mentorship by medical practitioners, academic advising, enhanced curriculum, and priority enrollment to that student when the student applies to that particular medical school.⁶⁰⁹

Several studies over the last four decades have found that participation in pathway programs improves the odds of medical school matriculation among students from excluded backgrounds, including Black students.⁶¹⁰

Alternatively, or in addition, a proposal could recommend that the Legislature expand or create pathway programs like the CMSP to: (1) create similar pathway programs for high school students; and/or (2) create pathway programs for other medical professions, such as physician assistants and nurse practitioners.⁶¹¹ Because “literature that describes or evaluates nursing

Care Foundation, [New University of California Program Will Double Pipeline of Specialized Mental Health Providers in Response to Growing Crisis](#) (Jan. 29, 2020) (as of Nov. 29, 2022).

⁶⁰⁶ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 406-436.

⁶⁰⁷ Foundation for Cal. Community Colleges, [California Launches Medicine Scholars Program to Help Diversify the State’s Primary Care Physician Workforce](#) (Jun. 28, 2022) (as of Nov. 28, 2022).

⁶⁰⁸ *Ibid.*

⁶⁰⁹ *Ibid.*

⁶¹⁰ Taylor et al., *supra*, at pp. 10-11; see also, e.g., Guerrero et al., *Evaluation of the Pathways for Students into Health Professions: The Training of Under-Represented Minority Students to Pursue Maternal and Child Health Professions* (2015) 19 *Matern Child Health J.* 265 (discussing the success of a federal pathway program implemented at UCLA).

⁶¹¹ See Cal. Future Health Workforce Commission, *supra*, at pp. 7-8.

pathway programs” or other health care professions “is scarce,”⁶¹² if it is recommended that the Legislature expand the creation or funding of pathway programs to cover other medical professions, such as nurses and physician assistants, a further recommendation could be an accompanying study of such pilot programs to ensure that the programs are equally effective in improving recruitment and retention of Black Americans in other medical professions.

Q. Review and Prevent Racially Biased Disciplinary Practices by the Medical Board of California

A report by the California State Library Research Bureau—reviewing Board data from 2003 to 2013—found that Black physicians in California were more likely to be the subject of complaints and the Board was more likely to investigate a complaint brought against a Black physician than one brought against a white physician, but these investigations were not more likely to result in disciplinary action.⁶¹³ To remedy discrimination in physician discipline, this proposal recommends legislation to review and prevent racially biased disciplinary practices by the California Medical Board (“Board”) in its investigatory and disciplinary proceedings by implementing the following:

- (1) Requiring the Board to permanently staff and train its Disciplinary Demographic Task Force, which finds training opportunities to eliminate implicit bias and reviews the Board’s processes for such bias.⁶¹⁴
- (2) Requiring the Board to undergo implicit bias training.
- (3) Requiring an annual, third-party review of the Board’s investigatory and disciplinary records to determine racial disparities in its investigatory or disciplinary practices.
- (4) In the event that an annual review uncovers racial disparities in the Board’s investigatory or disciplinary practices, requiring the Board to enact any other measures necessary to directly remedy any discriminatory actions taken by the Board (for example, reinstating a license if the suspension process was affected by racial animus).

R. Address Food Injustice

Black Americans disproportionately experience food insecurity.⁶¹⁵ Predominantly Black communities also disproportionately face the problem of having highly limited access to affordable, nutritious food, often while being inundated with unhealthy options like processed

⁶¹² Taylor et al., *supra*, at pp. 54-55.

⁶¹³ Rogers et al., [Demographics of Disciplinary Action by the Medical Board of California \(2003-2013\)](#) (2017) Cal. State Library, pp. 13-15 (as of Nov. 14, 2022).

⁶¹⁴ Medical Bd. of Cal., [Committees, Panels, and Task Forces](#) (as of Nov. 29, 2022).

⁶¹⁵ See, e.g., United States Department of Agriculture Economic Research Service, [Key Statistics & Graphics](#) (as of Jan. 19, 2023); Healthy People 2030, [Food Insecurity](#) (as of Jan. 19, 2023).

food, sugary drinks, and fast food.⁶¹⁶ High densities of liquor stores and tobacco shops in these communities also pose a public health concern because of their link with elevated violent crime.⁶¹⁷ The resulting health harms are stark.⁶¹⁸ Redlining, bolstered by other government and government-enabled discrimination, is a central cause of this food injustice.⁶¹⁹

To improve access to affordable, nutritious food, a slate of measures are recommended. These include measures to improve supermarket, grocery store, and farmers market access; increase the number of farmers markets and community gardens; support healthy food retailing and curtail consumption of fast food; and fund Descendant and trusted community-based organizations to launch and sustain urban agriculture ventures, grocery stores and cooperatives, farmers markets, mobile food vending, and related infrastructure needed to bring food justice to Black communities.

1. Improve Supermarket Access

- Provide economic or other incentives to support the development of supermarkets in communities lacking adequate access.⁶²⁰ These incentives may include tax breaks as well as grants to support non-profit grocery cooperatives;
- Facilitate the adoption of zoning laws to support the siting of supermarkets in underserved communities.⁶²¹ Relatedly, study the continuing impacts of restrictive zoning laws and the California Environmental Quality Act (CEQA) process on the development of new grocery outlets in underserved communities for the purpose of

⁶¹⁶ See, e.g., Bower et al., [*The Intersection of Neighborhood Racial Segregation, Poverty, and Urbanicity and its Impact on Food Store Availability in the United States*](#) (Jan. 2014) 58 *Preventative Medicine*, pp. 33-39; Cooksey-Stowers et al., [*Racial Differences in Perceived Food Swamp and Food Desert Exposure and Disparities in Self-Reported Dietary Habits*](#) (Oct. 2020) 17 *Internat. J. Environmental Research Public Health* 19, p. 7143; Morland et al., [*Neighborhood Characteristics Associated with the Location of Food Stores and Food Service Place*](#) (Jan. 2002) 22 *American J. of Preventive Medicine* 1, pp. 23-29; Annie E. Casey Foundation, [*Food Deserts in the United States*](#) (Feb. 13, 2021); Cal. Dept. of Food and Agriculture, [*Improving Food Access in California: Report to the California Legislature*](#) (2012).

⁶¹⁷ Subica et al., [*The Geography of Crime and Violence Surrounding Tobacco Shops, Medical Marijuana Dispensaries, and Off-sale Alcohol Outlets in a Large, Urban Low Income Community of Color*](#) (2018) 108 *Preventative Medicine* 8, p. 8-15.

⁶¹⁸ See, e.g., Cooksey-Stowers et al., [*Racial Differences in Perceived Food Swamp and Food Desert Exposure and Disparities in Self-Reported Dietary Habits*](#) (Oct. 2020) 17 *Internat. J. Environmental Research Public Health* 19, p. 7143; Univ. of Conn. Rudd Center on Food Policy and Health, [*Food Security*](#) (as of Jan. 16, 2023); Choucair, [*Healthy New Food Carts: One Step Closer to Eliminating Food Deserts*](#) (2014) (as of Jan. 19, 2023); Gundersen & Ziliak, [*Food Insecurity and Health Outcomes*](#) (Nov. 2015) 34 *Health Affairs* 11; American Diabetes Assn., [*Food Insecurity and Diabetes*](#) (as of Jan. 16, 2023); American Diabetes Assn., [*The Burden of Diabetes in California*](#) (Oct. 2021) (as of Jan. 16, 2023); Subica et al., [*The Geography of Crime and Violence Surrounding Tobacco Shops, Medical Marijuana Dispensaries, and Off-sale Alcohol Outlets in a Large, Urban Low Income Community of Color*](#) (2018) 108 *Preventative Medicine* 8, p. 15.

⁶¹⁹ See, e.g., Mukherjee, [*Morning Sign Out at UCI, Redlining's Legacy: Food Deserts, Insecurity, and Health*](#) (Sept. 28, 2020); Eisenhauer, [*In Poor Health: Supermarket Redlining and Urban Nutrition*](#) (2001) *GeoJournal*, pp. 125–133.

⁶²⁰ Harvard Univ. T.H. Chan School of Public Health, [*Improving Food in the Neighborhood*](#) (citing experts' recommendations).

⁶²¹ *Ibid.*

identifying and adopting additional measures needed to remove remaining barriers to siting grocery stores in underserved communities;

- Reconsider and enact AB 889, requiring notifications in the event of grocery store closures;⁶²²
- Prohibit covenants and lease provisions that prevent the operation of grocery stores;⁶²³ and
- Tie a portion of funding for local governments to the planning and implementation of public transportation routes and schedules that maximize access to supermarkets.⁶²⁴

2. Support and Expand Farmers Markets and Community Gardens

- Increase access to farmers markets offering organic and whole foods in Black communities, formerly redlined neighborhoods, and other neighborhoods that are home to Black families lacking adequate access;⁶²⁵
 - Use zoning/land use policies to create new space for farmers markets;⁶²⁶
 - Provide government subsidies or create public/private partnerships to develop new farmers markets;⁶²⁷
 - Provide financial support for marketing of and transportation to farmers markets;⁶²⁸
- Promote community gardens and urban gardens through zoning policy and grants or other financial support;⁶²⁹
- Continue to encourage and, where possible, require farmers markets to accept electronic benefits from food assistance programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP);⁶³⁰
- Increase farm-to-school and farm-to-institution programs;⁶³¹ and
- Develop government procurement processes that support local farmers.⁶³²

3. Enhance Healthy Food Retailing and Curtail the Proliferation of Unhealthy Food Retailing

⁶²² Assem. Bill No. 889 (2021-2022 Reg. Sess.).

⁶²³ Food Empowerment Project, [Shame on Safeway and Albertsons: Blocking Access to Healthy Food](#) (as of Jan. 24, 2023).

⁶²⁴ Harvard Univ. T.H. Chan School of Public Health, [Improving Food in the Neighborhood](#) (citing experts' recommendations).

⁶²⁵ *Ibid.*

⁶²⁶ *Ibid.*

⁶²⁷ *Ibid.*

⁶²⁸ *Ibid.*

⁶²⁹ *Ibid.*

⁶³⁰ *Ibid.*

⁶³¹ *Ibid.*

⁶³² *Ibid.*

- Enact standards that will lead to zoning restrictions limiting the number of fast food restaurants, liquor stores, and tobacco shops per neighborhood;⁶³³
- Support enactment of zoning laws that create buffer zones restricting fast food, liquor stores, and tobacco shops around schools and recreation areas;⁶³⁴
- Offer financial incentives (such as reduced taxes and fees) and other incentive measures to encourage small store owners to offer fresh produce and healthier foods;⁶³⁵
- Incentivize restaurants to reformulate menu items to provide healthier options;⁶³⁶
- Enact legislation to facilitate the provision of permits and incentives to healthy mobile vending carts;⁶³⁷
- Provide funding and other supports to improve the mobile (healthy) food vendor environment;⁶³⁸
- Limit mobile vending of unhealthy foods through legislation or health department regulations;⁶³⁹ and
- Limit mobile vending access to schools and recreation areas frequented by children.⁶⁴⁰

To complement the foregoing, this proposal also recommends that the Legislature:

- Further extend AB 581,⁶⁴¹ previously extended until July 1, 2023 by AB 2635;⁶⁴²
- Create a statewide task force or regional task forces to assess further opportunities for innovations and partnerships to increase access to affordable nutritious food and to reduce the saturation of liquor stores and tobacco shops;
- Support the development and ongoing work of Food Policy Councils (which bring together stakeholders to assess how food systems operate at the local level and formulate recommendations for improvements) in formerly redlined communities and other Black communities with limited access to affordable healthy food;⁶⁴³
- Amend the agricultural code to establish legislative findings and declarations regarding reasonable access to nutritious food; and
- Fund community education regarding nutrition, health, and resources available to access affordable, nutritious food.

⁶³³ *Ibid.*

⁶³⁴ *Ibid.*

⁶³⁵ *Ibid.*

⁶³⁶ *Ibid.* For examples of incentives and supports that encourage small retailers to offer healthier options such as fresh produce, see Laurison, [Incentives for Change: Rewarding Healthy Improvements to Small Food Stores](#) (2014) Change Lab Solutions.

⁶³⁷ Harvard Univ. T.H. Chan School of Public Health, [Improving Food in the Neighborhood](#) (citing experts' recommendations).

⁶³⁸ *Ibid.*

⁶³⁹ *Ibid.*

⁶⁴⁰ *Ibid.*

⁶⁴¹ Assem. Bill No. 581 (2011-2012 Reg. Sess.).

⁶⁴² Assem. Bill No. 2635 (2016-2017 Reg. Sess.).

⁶⁴³ E.g., Food Policy Networks, [About Us](#) (as of Jan. 19, 2023).

4. Support Descendants in Bringing Nutrition and Economic Opportunity to Communities

An additional recommendation to address food injustice is for the Legislature to create and fund a program of grants, low-interest loans, and technical assistance (as needed) for Descendants and trusted community-based organizations in historically Black communities, formerly redlined neighborhoods, and other neighborhood with significant numbers of Black families who lack adequate and equitable access to affordable, nutritious food options. These grants and low-interest loans would be used to support the creation and ongoing growth and stability of urban agriculture ventures, grocery stores and cooperatives, farmers markets, mobile food vendors, and related infrastructure needed to bring about food justice and stimulate pipelines for healthy, whole foods. While focused on increasing access to nutrition and improved health outcomes, this program of grants and low-interest loans would bring added economic development and employment opportunities and provide some measure of redress for the long history of discrimination against Black farmers and small business owners in communities that continue to suffer the consequences of redlining and other forms of discrimination.⁶⁴⁴

XIII. THE WEALTH GAP

PROPOSALS FOR THIS CHAPTER ARE ADDRESSED SEPARATELY.

⁶⁴⁴ See, e.g., Aminetzah et al., [*Black Farmers in the US: The Opportunity for Addressing Racial Disparities in Farming*](#) (Nov. 10, 2021) McKinsey & Co.