

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 purpose of a new California American Freedmen Affairs Agency (“Agency”) would be to identify how past state sanctioned atrocities have perpetuated and created new iterations of these badges and incidents of chattel slavery, and how to eradicate and prevent future badges and incidents from forming and/or prospering against the American Freedmen (“Descendant”) community. The Agency will work with other state agencies and branches of California’s government to mitigate any lingering badges and incidents, suggest policies to the Governor and Legislature designed to compensate for these badges and incidents, and to work to eliminate systemic discrimination that has developed as a result of the enslavement of the Descendant community in the United States. The Agency would be comprised of specialized offices and branches dedicated to addressing specific harms. The Agency would assist with the implementation and operation of policies and programs being considered for recommendation herein. These include:

- A branch to process reparations claims filed with the state and assist claimants in filing for eligibility.
- A Genealogy branch to support potential claimants with genealogical research and to confirm eligibility.

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.*

- A Reparations Tribunal to adjudicate substantive claims for past atrocities or badges and incidents.
- An Office of Immediate Relief to expedite claims.
- A Civic Engagement branch to support ongoing political education on African American history and to support civic engagement among Descendant youth and adults.
- 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.
- A Social Services and Family Affairs branch to identify and mitigate the ways that current and previous policies have damaged and destabilized Descendant families.
 - 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 homelessness; 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; and stress resiliency services, financial planning services, career planning, and civil and family court services.
- A Cultural Affairs branch to:
 - Build/restore and maintain American Freedmen/African American/Descendant cultural/historical sites, creative centers, public displays, and monuments;
 - Advocate for removal of racist 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, 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;

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>.

- 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 entrepreneurialism and financial literacy; provide business grants and 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 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.

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 members to conduct analyses and develop tools; and prepare an annual report, with the first

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).

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

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

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.*

- 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. 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.

- 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 allowing incarcerated people to vote
- 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
- Accelerate scheduled closures of identified California state prisons; commit to closing 10 California state prisons over the next five years; savings should be redirected to the American Freedmen Affairs Agency and to re-use of facilities

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

- 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.

- 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. Legislation allowing incarcerated people to vote**

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

This proposal would recommend legislation restoring the voting rights of incarcerated people who are not currently eligible to vote. The California Department of Justice recently issued two Information Bulletins that relate to the voting rights of persons with a criminal history. An Information Bulletin was sent to all local law enforcement agencies in California and details the categories of incarcerated individuals who are eligible to vote and those who are not

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.

eligible to vote.²⁴ 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.²⁵ 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.²⁶

E. 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.”²⁷ Former State Senator Sydney Kamlager introduced Assembly Constitutional Amendment (ACA) 3, which did not pass.²⁸ ACA 3 would have defined slavery to include involuntary servitude and forced labor compelled by the use or threat of physical or legal coercion.²⁹ Amending the California Constitution to end involuntary servitude would dissolve a remnant of slavery and a continued cause of racial inequality.

F. 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) 1371.³⁰ 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.³¹

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.³² Incarcerated workers generate \$2 billion in goods and \$9 billion worth of prison maintenance services, yet are

²⁴ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons With a Criminal History or Who are Incarcerated](#) (Oct. 11, 2022).

²⁵ Cal. Const., art. II, §§ 2, 4.

²⁶ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons Under the Supervision of Probation Departments](#) (Oct. 11, 2022).

²⁷ Cal. Const. art. I, § 6.

²⁸ Assem. Const. Amend. No. 3 (2021—2022 Reg. Sess.).

²⁹ *Ibid.*

³⁰ Sen. Bill No. 1371 (2021-2022 Reg. Sess.).

³¹ *Ibid.*

³² 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.³³ Most prison jobs do not prepare incarcerated persons to get jobs on the outside.³⁴

G. 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.³⁵ 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.³⁶ 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.³⁷ Rehabilitation programs have proven to be effective in reducing recidivism.³⁸ 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.”³⁹

H. 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.⁴⁰ According to the committee, the death penalty in California has become too costly and has been imposed arbitrarily in a discriminatory fashion.⁴¹ Specifically, the death penalty has been applied in an unfair and unjust manner, particularly against poor people and people of color (especially Black people).⁴² Additionally, innocent people are far too often sentenced to death.⁴³ In 2019, Governor Newsom declared a

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ Duara, [Prison rehab: Can California learn anything from Norway?](#) CalMatters (Jun. 10, 2022) (as of Jan. 20, 2023).

³⁶ 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).

³⁷ California Legislative Analyst’s Office, [How much does it cost to incarcerate an inmate?](#) (2021-2022) (as of Jan. 20, 2023).

³⁸ Jensen, [Community reentry program for prisoners reduces recidivism](#) CalMatters (Sept. 23, 2021) (as of Jan. 20, 2023).

³⁹ 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).

⁴⁰ 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).

⁴¹ *Ibid.*

⁴² ACLU, [The Case Against the Death Penalty](#) (2012) (as of Jan. 20, 2023).

⁴³ *Ibid.*

moratorium on executions in California.⁴⁴ 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.⁴⁵ At the time of this writing, 23 states have abolished the death penalty and three states, including California, have moratoriums on its use.⁴⁶

I. Accelerate scheduled closures of identified California state prisons; commit to closing 10 California state prisons over the next five years; savings should be redirected to the American Freedmen Affairs Agency and to re-use of facilities

This proposal recommends that California accelerate the scheduled closure of already identified state prisons.⁴⁷ According to CDCR: “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 [is] also not renew[ing] 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.”⁴⁸

J. 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.⁴⁹ 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

⁴⁴ Governor’s Exec. Order No. N-09-19 (March 13, 2019).

⁴⁵ Assem. Const. Amend. No. 2 (2021—2022 Reg. Sess.).

⁴⁶ Death Penalty Information Center, [States with and without the death penalty – 2021](#) (2023) (as of Jan. 20, 2023).

⁴⁷ Sandrosky, [Prison population falls but spending still up in Newsom budget](#) Capitol Weekly (Jan. 23, 2023) (as of Jan. 24, 2023).

⁴⁸ California Department of Corrections and Rehabilitation, [Reduction/Closure Information](#) (2023) (as of Jan. 24, 2023).

⁴⁹ Soriano, [Private prison firms make big money in California](#), Capitol Weekly (Dec. 13, 2021) (as of Jan. 24, 2023).

- 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
- Implement Procedures to Address the Over-diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in Black Children [*in progress*]
- 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

Additional recommendations are in development.

A. Establish and Fund Community Wellness Centers in Black Communities

Black Californians experience a range of mental health disparities.⁵⁰ Driving these disparities are problems of access, quality of care, misdiagnosis, inadequate research, and poorer mental health outcomes.⁵¹ 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.⁵² For African American children, PEIs are also lacking, resulting in African American children being over-diagnosed with emotional disturbance disorders.⁵³

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.⁵⁴ 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.⁵⁵

The proposal recommends that the Legislature enact legislation to establish and fund Community Wellness Centers (CWCs) within historically African American neighborhoods and

⁵⁰ Cal. Pan-Ethnic Health Network, [Existing Disparities in California’s System of Specialty Mental Health Care](#) (2019) (as of Nov. 29, 2022).

⁵¹ [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).

⁵² *Ibid.*

⁵³ *Id.* at p. 91.

⁵⁴ *Id.* at p. 50.

⁵⁵ 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).

in other communities in each city and county where significant numbers of African American 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,⁵⁶ and with community-based organizations (CBOs) to educate community members on mental health issues.
- Second, the CWCs would provide PEI mental health programs that are supported by community-defined evidence practices (CDEPs).⁵⁷ The programs would focus on trauma-informed services anchored in addressing racial stress and trauma. Examples of CDEPs include support groups and healing circles.⁵⁸ The CWCs would also partner with CBOs to offer programs on parenting, fostering a positive racial identity in African American youth, processing grief and loss, substance abuse, and intimate partner violence (IPV).
 - 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.⁵⁹ 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.”⁶⁰ Specifically, a positive racial identity has been linked to higher resilience, self-efficacy, and self-esteem.⁶¹ A recent study indicated that Black adolescents experienced 5.21 racist incidents on average per day, including in schools.⁶² These experiences lead to short-term increases in depressive

⁵⁶ [African American Population Report](#), *supra*, at p. 31 (noting that about 10 percent of African Americans who develop behavioral disorders access services through churches).

⁵⁷ 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 (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.

⁵⁸ 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.*

⁵⁹ 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).

⁶⁰ 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).

⁶¹ [Positive Racial Identity Development in Early Education](#), *supra*, at p. 4.

⁶² 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).

symptoms.⁶³ Developing a positive racial and ethnic identity has been shown to weaken the effects of both teacher discrimination and other daily discrimination.⁶⁴

- 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 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.
- 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,⁶⁵ 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.⁶⁶ About one-fourth of respondents reported avoiding care

⁶³ *Ibid.*

⁶⁴ [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*.

⁶⁵ See [African American Cultural Competency Training](#), *supra*, fn. 47.

⁶⁶ 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](#)

because of concerns about being treated unfairly or disrespectfully when accessing medical care.⁶⁷ 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 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.⁶⁸

- To address these concerns, the CWCs would be staffed by a medical provider who is culturally congruent with African American culture and able to screen adults and children for medical conditions, including those that may present as mental illness,⁶⁹ 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.⁷⁰

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 15-19.⁷¹

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.⁷² 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

(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).

⁶⁷ [Executive Summary Listening to Black Californians: How the Health Care System Undermines Their Pursuit of Good Health](#), at p. 2.

⁶⁸ *Ibid.*

⁶⁹ 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).

⁷⁰ 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).

⁷¹ *Ibid.*

⁷² Grills et al., [Black Child Suicide: A Report](#) (2019) National CARES Mentoring Movement p. 7 (as of Jan. 23, 2023).

and/or deaths.⁷³ “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.”⁷⁴

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.⁷⁵ 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.⁷⁶

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.⁷⁷

⁷³ [Ring the Alarm: The Crisis of Black Youth Suicide in America](#), *supra*, at pp. 14-15.

⁷⁴ [Addressing the Crisis of Black Youth Suicide](#), *supra*.

⁷⁵ 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.

⁷⁶ [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).

⁷⁷ 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*.

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 and adolescents, and that Black children and adolescents may express symptoms differently than other populations.⁷⁸

- 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.⁷⁹ In expanding the number of counselors available at each school, the legislation also would require that sufficient funding be provided to schools with majority 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.⁸⁰ More important, providing confidential peer support groups at school could be an important PEI protocol for those students at risk for suicide.⁸¹
- 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.⁸² Healing and sharing circles

⁷⁸ Rutgers University, [Depression In Black Adolescents Requires Different Treatment](#), Science Daily (Jan. 18, 2018) (as of Jan. 23, 2023).

⁷⁹ 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).

⁸⁰ 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.*

⁸¹ [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).

⁸² Mizock & Harkins, [Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis](#). (2011) 32 Child & Youth Services, 243, 248.

are examples of CDEPs⁸³ that have been shown to help Black people process racial trauma.

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.⁸⁴ The provision establishing the MHSOAC provides for 16 voting members.⁸⁵ 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.⁸⁶ In 2017, Governor Brown vetoed legislation that would have added an expert in reducing mental health disparities to the MHSOAC.⁸⁷

The MHSOAC acknowledged in 2022 that structural racism has caused racial disparities to persist in California’s mental health system.⁸⁸ 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.⁸⁹

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.”⁹⁰ 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

⁸³ 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.

⁸⁴ Welf. & Inst. Code, § 5845, subd. (a).

⁸⁵ *Ibid.*

⁸⁶ Welf. & Inst. Code, §§ 5830, 5845, subd. (d)(8).

⁸⁷ [Assem. Bill No. 850](#), vetoed by Governor, Oct. 2, 2017 (2017-2018 Reg. Sess.).

⁸⁸ Mental Health Services Oversight and Accountability Commission Meeting November 17, 2022, [Meeting Agenda: Item 8](#), pp. 1-2 (as of Nov. 29, 2022).

⁸⁹ *Id.* at pp. 3-5.

⁹⁰ *Id.* at p. 5.

who has expertise in reducing disparities fits with the overall purpose of the MHSA.⁹¹ And doing so aligns with the Racial Equity Plan approved by the MHSOAC on November 17, 2022.⁹²

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.”⁹³ And although rates of violent crime have declined significantly, Black communities are disproportionately affected by it.⁹⁴ The data indicates that “concentrated disadvantage” influences the rate of violence within a neighborhood.⁹⁵ Concentrated disadvantage is a sociological term used to describe neighborhoods or communities with high percentages of residents who are poor.⁹⁶ 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.⁹⁷

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.⁹⁸ These include programs that partner with schools to create a trauma-informed, safe, supportive, and equitable learning environment for everyone within the school community.⁹⁹

⁹¹ Welf. & Inst. Code, §§ 5830, 5845.

⁹² [Meeting Agenda: Item 8](#), *supra*, at pp. 2-5.

⁹³ HUD USER, [Neighborhoods and Violent Crime](#) (2016) at *Highlights* (as of Nov. 29, 2022).

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ 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).

⁹⁷ [Neighborhoods and Violent Crime](#), *supra*, at *Strategies from the Evidence*.

⁹⁸ [African American Population Report](#), *supra*, at p. 191.

⁹⁹ 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).

- 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 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.¹⁰⁰ Peer-to-peer programs, which have demonstrated promise in helping victims of violence and their families heal from their experience, are an example.¹⁰¹
- 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.”¹⁰²
- Another program includes those that address the physical characteristics of a community that correlate to an increase in violence. One study suggests that the presence of commercial properties, vacant lots, and abandoned buildings correlate to an increase in violent crime.¹⁰³ 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.

¹⁰⁰ 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. Wolpow et al., [The Heart of Learning and Teaching: Compassion, Resiliency, and Academic Success](#) (2009) p. 12 (as of Nov. 29, 2022).

¹⁰¹ 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.”).

¹⁰² 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*.

¹⁰³ 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).

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.¹⁰⁴ Black children are also 2.4 times more likely than white children to receive a Conduct Disorder diagnosis.¹⁰⁵ Historically, the adolescents who have been over-diagnosed with Conduct Disorder, a subset of ED, are “urban,” low-income, and Black.¹⁰⁶ 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.¹⁰⁷

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.¹⁰⁸

Restrictive educational placements, like special education classes, “socialize Black children for prison and contribute to the school-to-prison pipeline.”¹⁰⁹ 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.¹¹⁰

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).¹¹¹

Conduct problems or concerning behaviors also may be responses to environmental stressors.¹¹² The textual commentary at the end of the criteria list for Conduct Disorder or ED in

¹⁰⁴ [Lifting the Voices of Black Students Labeled with Emotional Disturbance: Calling All Special Education Researchers](#), *supra*, at p. 2.

¹⁰⁵ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 245.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ 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.

¹⁰⁹ [Lifting the Voices of Black Students Labeled with Emotional Disturbance: Calling All Special Education Researchers](#), *supra*, at p. 2.

¹¹⁰ *Ibid.*

¹¹¹ *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).

¹¹² *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 245.

the DSM-IV¹¹³ excludes the diagnosis if conduct problems are a response to environmental stressors.¹¹⁴

- 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.¹¹⁵ Currently, psychologists are required to take four hours in cultural diversity or social justice.¹¹⁶ 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) awareness of the cultural biases of any diagnostic assessment measures being used, and

¹¹³ 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).

¹¹⁴ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at p. 249.

¹¹⁵ *Id.* at pp. 248-249.

¹¹⁶ See Cal. Bd. of Psychology Continuing Education Reporting Form, [Continuing Professional Development Reporting Form - California Board of Psychology](#) (as of Jan. 25, 2023).

4) careful differentiation of the client’s culture and circumstances from a mental disorder.¹¹⁷

- 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.¹¹⁸ 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.¹¹⁹

F. 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.¹²⁰ 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.¹²¹

¹¹⁷ *Diagnostic Bias and Conduct Disorder: Improving Culturally Sensitive Diagnosis*, *supra*, at pp. 248-249.

¹¹⁸ 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).

¹¹⁹ *Ibid.*

¹²⁰ See, e.g., *Cornell v. City and County of San Francisco* (2017) 17 Cal.App.5th 766, 801-04.

¹²¹ 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).

G. 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.¹²² 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, 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

¹²² See, e.g., Vera Institute of Justice, [Incarceration Trends in California](#) (Dec. 2019) (as of Jan. 20, 2023).

- 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

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.¹²³

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.¹²⁴

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.¹²⁵

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

¹²³ 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.

¹²⁴ *Id.* at pp. 79, 130-131, 133, 136-137, 139.

¹²⁵ *Id.* at pp. 135, 138, 141, 145, 149.

monuments, plaques, state markers, and memorials memorializing and preserving confederate culture and glorifying slavery and white supremacy.¹²⁶

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.¹²⁷

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 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.¹²⁸ More equitable and representative results are produced when subdivisions elect their officials by district.¹²⁹

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

¹²⁶ *Id.* at pp. 81, 304, 306.

¹²⁷ *Id.* at p. 145.

¹²⁸ 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.).

¹²⁹ See Vankin, [District vs. At-Large Races: The Final Frontier of Voting Rights](#) (June 7, 2021) California Local (as of Jan. 13, 2023).

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 2576.¹³⁰ 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 registration is less than 80% of eligible voters.¹³¹ 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

¹³⁰ Assem. Bill No. 2576 (2021-2022 Reg. Sess.).

¹³¹ *Ibid.*

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 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.¹³² 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.¹³³

States disproportionately enforce voter ID laws against Black voters. Voter ID laws have also served as a proxy for disenfranchising Black voters.¹³⁴ 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.¹³⁵ 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

¹³² [What to Bring to Your Polling Place](#) California Secretary of State (as of Jan. 17, 2023).

¹³³ See Elec. Code, § 14240 subd. (a)(1); see also Elec. Code, § 14243.

¹³⁴ 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).

¹³⁵ 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).

nation.¹³⁶ 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

In California, as of April 2020, the felony arrest rate of African Americans was 3,229 per 100,000 in the population.¹³⁷ Overall, African Americans remain overrepresented in California's prison population.¹³⁸ 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.¹³⁹ Across the United States, one-third of African American men have been convicted of a felony.¹⁴⁰ 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.¹⁴¹ 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.

¹³⁶ *Ibid.*

¹³⁷ Gumbs and Hayes, et al., [Felony Arrests in California](#) (April 2020) Public Policy Institute of California (as of Dec. 5, 2022).

¹³⁸ Gumbs and Goss, et al., [California's Prison Population](#) (July 2019) Public Policy Institute of California (as of Dec. 5, 2022).

¹³⁹ *Ibid.*

¹⁴⁰ 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).

¹⁴¹ Sen. Bill No. 310 (2019-2020 Reg. Sess.)

An alternative proposal could be a recommendation that peremptory challenges be eliminated altogether as is the case in Arizona,¹⁴² 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.

M. Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons

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.¹⁴³

The California Department of Justice recently 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.¹⁴⁴ 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.¹⁴⁵ 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.¹⁴⁶

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.

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.

¹⁴² 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.

¹⁴³ See Elec. Code, § 2105.5.

¹⁴⁴ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons With a Criminal History or Who are Incarcerated](#) (Oct. 11, 2022).

¹⁴⁵ Cal. Const., art. II, §§ 2, 4.

¹⁴⁶ California Department of Justice, [Information Bulletin: Access to Voting for Eligible Persons Under the Supervision of Probation Departments](#) (Oct. 11, 2022).

- Prioritize Responsible Development and Environmental Health in Communities and Housing Development
- Enact Policies Overhauling the Housing Industrial Complex
- Expand Grant Funding to Community-Based Organizations to Increase Home Ownership
- 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 Americans
- Restitution for Racially Motivated Takings
- Providing Funding to Assist Black Californians With Making Residential Homeownership a Reality

A. Prioritize Responsible Development and Environmental 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.
- Amend Senate Bill (SB) 1000 to require local governments to identify redlined communities within their jurisdiction and make plans to increase tree canopy coverage and access green space. This will limit pollution exposure, ameliorate heat island effects and improve air quality in redlined communities.
- Adapt redlined communities to a changing climate by utilizing existing programming and funding from the California Strategic Growth Council to develop local climate resilience hubs in redlined communities. Climate resilience hubs are community-driven facilities that support residents, facilitate communication, distribute aid, and provide an opportunity for communities to become more self-sustaining during climate emergencies.
- Ensure investments in resilient change infrastructure do not lead to displacement by implementing rent control/stabilization policies at a local level.¹⁴⁷ Developing resilient community infrastructure can lead to increased property values and spur cycles of gentrification that make the now-improved communities unaffordable for their original residents.¹⁴⁸
- Fund full lead service line replacement on privately-owned property to remove lead in drinking water and ban partial lead service line replacement. Allocate 40 percent of the federal Infrastructure Investment and Jobs Act funds received by the State of California for full lead service line replacement directly to disadvantaged or low-income communities and Black communities that were formerly redlined.

¹⁴⁷ See CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 17.

¹⁴⁸ *Ibid.*; See also California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

- Restore communities split by highways.
- Reduce the transportation pollution burden of Black communities by ending highway expansion in areas with high levels of pollution.

B. Policies Overhauling the Housing Industrial Complex

- Increased enforcement of mandatory acceptance of housing vouchers (i.e. Section 8, etc.).
- 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. (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 community based organizations (CBO) for affordable housing operated by or serving Descendants. Require disparity studies beforehand to provide justification for such funding.
- Create wellness centers and green spaces.
- 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.
- Compensation for predatory “housing industrial complex” issues – i.e., those having to pay higher costs on insurance, etc. due to race/contributing factors.

C. 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.¹⁴⁹ Between 1934 and 1962, the federal government had issued \$120 billion in home loans, 98 percent of which went to white people.¹⁵⁰ From 1940 to 1960, less than one percent of Federal Housing Authority loans in Northern California went to Black people.¹⁵¹ Such discrimination has created persisting

¹⁴⁹ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 162–192.

¹⁵⁰ Adelman, *Real Life/Affirmative Action for Whites/The Houses that Racism Built*, SF Gate (Jun. 29, 2003) (as of Nov. 23, 2022).

¹⁵¹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 182.

inequities today: by 2019, Black Californians’ homeownership rate was less than in the 1960s, when certain forms of housing discrimination were legal.¹⁵²

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.

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 context¹⁵³—and it may wish to define eligibility for the recipient non-profit organizations.

D. 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 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.¹⁵⁴ 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[.]”¹⁵⁵

¹⁵² Cal. Housing Finance Agency, [Black Homeownership Initiative: Building Black Wealth](#) (as of Nov. 22, 2022).

¹⁵³ 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”).

¹⁵⁴ [Cal. Stat. 2020, ch. 31](#).

¹⁵⁵ *Id.* § 2.1(b)(1).

E. 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,¹⁵⁶ 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.¹⁵⁷ Other jurisdictions, like the City of Evanston, Illinois, have also offered down payment and mortgage assistance as part of their efforts to enact reparations.¹⁵⁸

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 maximum use of the subsidy to aid home ownership, as otherwise portions of the subsidy would become taxable income.¹⁵⁹

F. 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.¹⁶⁰ Various laws

¹⁵⁶ 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.

¹⁵⁷ Cal. Stat. 2022, ch. 197, § 14; Cal. Housing Finance Agency, [California Dream for All Shared Appreciation Loan Program](#) (as of Nov. 22, 2022).

¹⁵⁸ City of Evanston, [Evanston Local Reparations](#) (as of Nov. 22, 2022).

¹⁵⁹ 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 be able to exempt the subsidy from federal income taxes.

¹⁶⁰ 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).

were used to prevent additional housing from being built, effectively shutting out Black Americans.¹⁶¹

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;¹⁶² (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;¹⁶³ 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 early 1990s, about a quarter of California jurisdictions had HCD-approved housing elements in place,¹⁶⁴ whereas today, about 77 percent of California jurisdictions are compliant.¹⁶⁵

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.

G. 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.¹⁶⁶ Alongside crime-free

¹⁶¹ Taylor, *supra*.

¹⁶² 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).

¹⁶³ 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.

¹⁶⁴ 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).

¹⁶⁵ Cal. Dept. of Housing and Community Development, [Housing Element Review and Compliance Report](#) (2019) (as of Nov. 27, 2022).

¹⁶⁶ 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;

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.¹⁶⁷ The result of these policies and ordinances is a disproportionately negative effect on people of color and heightened racial segregation in housing.¹⁶⁸

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:
 - 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

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.

¹⁶⁷ See NYCLU and ACLU, [*More than a Nuisance: The Outsized Consequences of New York's Nuisance Ordinances*](#) (2018) p. 6.

¹⁶⁸ Archer, *The New Housing Segregation: The Jim Crow Effects of Crime-Free Housing Ordinances* (2019) 118 Mich. L. Rev. 173, 208.

- 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.¹⁶⁹
- 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.

H. Increase Affordable Housing

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.¹⁷⁰ As a result, Black Americans are more likely to rent than own their homes, and thus own less assets and cultivate less intergenerational wealth.¹⁷¹ Building out affordable housing in areas of high poverty or high segregation can facilitate racial and economic residential integration.¹⁷² It can also help bridge the racial wealth gap.

This proposal recommends increasing affordable housing for Black Americans 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 Americans” or “the housing needs of formerly redlined communities” as a factor to incorporate into RHNA methodology.

¹⁶⁹ This list is based on Assem. Bill No. 2383 (2021-2022 Reg. Sess.).

¹⁷⁰ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 162-204.

¹⁷¹ 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).

¹⁷² Menendian et al., [Racial Segregation in the San Francisco Bay Area, Part 5](#) (Aug. 11, 2020) Othering & Belonging Institute.

I. 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.¹⁷³ As a result, the construction of public infrastructure disproportionately displaced and fractured African American communities.¹⁷⁴ 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 1968.¹⁷⁵ Other examples of unjust takings include, but are not limited to, the Freeway 210 construction in Pasadena,¹⁷⁶ construction of the 10 Freeway in Santa Monica,¹⁷⁷ construction of Interstate 980 in Oakland,¹⁷⁸ construction of Interstate 5 in San Diego,¹⁷⁹ Burgess family land in Coloma that now comprises the Marshall Gold Discovery State Historic Park,¹⁸⁰ Bruce's Beach in Manhattan Beach,¹⁸¹ Russell City in Alameda County,¹⁸² the Fillmore District/Western Addition in San Francisco,¹⁸³ Sugar Hill in Los Angeles,¹⁸⁴ and Section 14 in Palm Springs.¹⁸⁵

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;

¹⁷³ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 171-176.

¹⁷⁴ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 171.

¹⁷⁵ Mohl, [The Interstates and the Cities: Highways, Housing, and the Freeway Revolt](#) (2002) Poverty and Race Research Action Council, p. 25.

¹⁷⁶ *Ibid.*

¹⁷⁷ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 171-176.

¹⁷⁸ *Id.* at p. 176.

¹⁷⁹ *Ibid.*

¹⁸⁰ California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Jon Burgess](#) (Sept. 23, 2021).

¹⁸¹ 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).

¹⁸² California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 175-176.

¹⁸³ California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

¹⁸⁴ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) p. 176.

¹⁸⁵ Rode, [Palm Springs City Council Apologizes for Section 14, Moves to Remove Bogert Statue](#), Desert Sun (Sept. 30 2021) (as of Jan. 10, 2023).

- 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.¹⁸⁶

J. 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.

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

¹⁸⁶ [Assem. Bill No. 889](#) (2021-2022 Reg. Sess.).

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

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 Local Control Funding Formula (“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.¹⁸⁷ 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.

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%).”¹⁸⁸ The LCFF does not focus specifically on African American students or require schools to ensure that funds are spent on high-needs students.¹⁸⁹ 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.¹⁹⁰

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

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.¹⁹¹ 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

¹⁸⁷ 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).)

¹⁸⁸ 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).

¹⁸⁹ California Reparations Task Force Interim Report at p. 224.

¹⁹⁰ *Ibid.*

¹⁹¹ [COVID-19 Relief and School Reopening Grants](#) (as of Nov. 27, 2022) Cal. Dept. of Ed.

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.¹⁹² A related proposal for this chapter of the Interim Report is set forth herein.

- 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.¹⁹³ Schools could also use existing resources such as the “Whole Child Policy Toolkit,” produced by the Learning Policy Institute.¹⁹⁴
- Increase Staffing and Community-Based Partnerships to Address Students’ Individualized Learning and Mental Health Needs:
 - 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.¹⁹⁵ 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.¹⁹⁶ Related proposals for this chapter are set forth herein.

¹⁹² [Reimagine and Rebuild: Restarting School with Equity at the Center](#) (Apr. 2021) (as of Nov. 27, 2022) (hereinafter “Reimagine and Rebuild Brief”).

¹⁹³ *Id.* at p. 5.

¹⁹⁴ See, e.g., [Whole Child Policy Toolkit](#), Learning Policy Institute.

¹⁹⁵ Reimagine and Rebuild Brief, *supra*, at p. 6.

¹⁹⁶ *Id.* at pp. 7, 9.

(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 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.¹⁹⁷

During the pandemic, African American and Latinx adults disproportionately faced increased health risks and economic disruptions, impacting their families and students in particular.¹⁹⁸ 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.¹⁹⁹ 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 even further behind in math and reading.²⁰⁰ The evidence also shows that the academic growth gap has continued to widen for many African American students.²⁰¹

C. Systematic Review of School Discipline Data

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

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

¹⁹⁷ 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”).

¹⁹⁸ [*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”).

¹⁹⁹ *Id.* at p. 13.

²⁰⁰ *Id.* at p. 15; Impact of the COVID-19 Pandemic, *supra*, at p. 8.

²⁰¹ Education in a Pandemic, *supra*, at pp. 15–17.

- Reporting on the status of implementation to CDE as part of the local control and accountability plan (“LCAP”) or on a more frequent basis.

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.²⁰² 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.²⁰³ 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.”²⁰⁴

D. Improved Access to Educational Opportunities for All Incarcerated People

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.

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.²⁰⁵ These positive impacts also include racial equity,

²⁰² 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).

²⁰³ *Ibid.*

²⁰⁴ 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).

²⁰⁵ 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

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.”²⁰⁶ 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[.]”²⁰⁷

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.”²⁰⁸ 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.”²⁰⁹

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

This proposal recommends:

- The adoption of mandatory curriculum for teacher credentialing and trainings for school personnel that include culturally responsive pedagogy,²¹⁰ anti-bias training, and restorative practices;²¹¹ 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.

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.²¹² Culturally responsive instruction helps students feel valued and empowered, and builds students’ sense of belonging and self-confidence.²¹³ A number of studies on brain science

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).

²⁰⁶ Second Chance Pell, *supra*.

²⁰⁷ Delaney and Montagnet, [Second Chance Pell: A Snapshot of the First Three Years](#) (April 2020) Vera Institute of Justice.

²⁰⁸ Gibbons and Ray, [The societal benefits of postsecondary prison education](#) (Aug. 20, 2021) The Brookings Institute.

²⁰⁹ *Ibid*.

²¹⁰ 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”).)

²¹¹ This could be modeled on California Government Code § 12950.1, which requires employers to provide sexual harassment training and education to employees.

²¹² [Teaching Credentials Requirements](#) (as of Jan. 20, 2023) Cal. Com. on Teacher Credentialing.

²¹³ Understanding Culturally Responsive Teaching, *supra*.

demonstrate that positive relationships in the classroom build motivation, create safe spaces for learning, build new pathways for learning, and improve student behavior.²¹⁴

F. Strategies to Recruit African American Teachers

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;²¹⁵
- 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 programs²¹⁶ 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.

Studies have established the importance of students having at least one teacher who looks like them.²¹⁷ 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 2021-2022.²¹⁸ African American men comprise only one percent of teachers in California.²¹⁹

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

²¹⁴ Kaufman, [Building positive relationships with students: What brain science says](#) (as of Nov. 23, 2022) Understood.

²¹⁵ 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.

²¹⁶ 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”).)

²¹⁷ 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).

²¹⁸ [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).

²¹⁹ 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).

these residency programs shows a real focus by the state to remove this barrier.²²⁰ Studies have also found that Grow Your Own teacher programs lead to positive outcomes for diverse student populations.²²¹

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

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.

The United States has seen opposition from elected officials to discussing the truth about slavery and critical race theory in public K-12 schools.²²² Opponents contend these subjects divide Americans and place the blame on white Americans for current and historical harm to African Americans and nonwhite Americans.²²³ However, curriculum that includes African American history and experiences is important. Erasure of African American history and dehumanization of African Americans in school textbooks contribute to cultural and social alienation.²²⁴ 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.²²⁵

H. Advance the Timeline for Ethnic Studies Classes

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).

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.²²⁶ The benefits for students who took

²²⁰ Tadayon, [How California districts seek to recruit, retain Black teachers amid shortage](#) (Jan. 25, 2022) Lake County Record-Bee (as of Jan. 20, 2023).

²²¹ Grow Your Own, *supra*.

²²² 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").

²²³ What is Critical Race Theory, *supra*.

²²⁴ 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.

²²⁵ Richardson, *Tomorrow's Super Teacher* (2021) p. 13.

²²⁶ Fensterwald, [Research finds ethnic studies in San Francisco had enduring impact](#), EdSource (Sept. 7, 2021) (as of Jan. 20, 2023).

an ethnic studies course in ninth grade lasted throughout high school and resulted in higher attendance, higher graduation rates, and increased enrollment in college.²²⁷ 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.”²²⁸

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 African American lives, fully represents contributions of African American 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.²²⁹ 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.²³⁰

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

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ Press Release, [Board of Education Approves K-12 Black Studies Curriculum](#) (Oct. 20, 2020) SFUSD (as of Jan. 20, 2023).

²³⁰ 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.)

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 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.²³¹ CDF is a nonprofit organization that works to prevent child poverty, abuse, and neglect, and to increase access to health care and education.²³² 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.²³³

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.²³⁴

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

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,

²³¹ Assem. Com. on Ed., Analysis of Assem. Bill 2498 (2021-2022 Reg. Sess.) as amended Apr. 18, 2022, p. 5.

²³² *Ibid.*

²³³ *Ibid.*

²³⁴ *Ibid.*

but less than three percent enrolling in STEM courses due to systemic barriers.²³⁵ 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).²³⁶ 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.²³⁷

The proposal adopts and directly incorporates the recommendations listed in reports published by The Education Trust and Kapor Center.²³⁸ 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*;²³⁹ (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 opt out;²⁴⁰ (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);²⁴¹

(2) Eliminat[e] longstanding barriers to accessing advanced coursework opportunities by: (i) covering the cost of exams, transportation, books, and other

²³⁵ 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”).

²³⁶ *Id.* at pp. 7, 14–15.

²³⁷ *See id.*

²³⁸ 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”).

²³⁹ 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.

²⁴⁰ 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.*)

²⁴¹ Shut Out of AP STEM Courses, *supra*.

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 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.²⁴²

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

²⁴² Shut Out of AP STEM Courses, *supra*.

(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.²⁴³

Finally, this proposal would additionally:

(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.²⁴⁴ High quality Career Technical Education (“CTE”) programs — which combine academic education with occupational training to prepare students for careers in

²⁴³ Computer Science in California Schools, *supra*.

²⁴⁴ 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.

current or emerging professions²⁴⁵ — offer an essential tool to remedy these persisting barriers.²⁴⁶

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;²⁴⁷ (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.²⁴⁸

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, including outreach, mentorship, equity-focused training for instructors, and providing potential students with access to adequate technology and software to access online CTE courses.²⁴⁹ 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.

²⁴⁵ 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).

²⁴⁶ 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).

²⁴⁷ 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).

²⁴⁸ 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.

²⁴⁹ Anderson et al., [Racial and Ethnic Equity Gaps in Postsecondary Career and Technical Education](#) (Mar. 2021) Urban Institute (as of Jan. 4, 2023).

M. Reduce K-12 Public School Segregation by Enabling Students to Attend Schools from Other Districts

California schools remain in a state of segregation.²⁵⁰ To address school segregation, this proposal recommends that the Legislature advance the integration of K-12 public schools by: (1) permitting students to transfer to public schools within their district or between neighboring districts if doing so would improve racial integration (and other diversity measurements, such as socioeconomic status); and (2) funding free public transportation for students who participate in this school transfer program.²⁵¹

The proposal would follow the model of the Berkeley Unified School District's (BUSD) intra-district public elementary school admissions process.²⁵² Under the BUSD system, parents complete a parent preference form in which parents rank the elementary schools they wish their child to attend.²⁵³ BUSD assigns students based on their parents' preferences but assignments are made within the constraints of six priority categories.²⁵⁴ 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.²⁵⁵

Within a given priority category, BUSD uses diversity categories to make assignments with the aim of ensuring that the student body at each elementary school reflects the racial and socioeconomic diversity of the total elementary school population in the attendance zone. 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.²⁵⁶ 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.

Though the BUSD system is a system for *intra*-district transfers (i.e., within the same district), this proposal would apply that model to permit *inter*-district transfers as well in order to further remedy segregation between school districts (as opposed to segregation solely within school districts).²⁵⁷

²⁵⁰ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, *Interim Report* (June 2022) pp. 206-233.

²⁵¹ 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).

²⁵² Berkeley Public Schools, *Information on Berkeley Unified's Student Assignment Plan* (as of Dec. 1, 2022).

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*

²⁵⁵ See *ibid.*; *Am. C.R. Found. v. Berkeley Unified Sch. Dist.* (2009) 172 Cal.App.4th 207, 213.

²⁵⁶ *Am. C.R. Found., supra*, 172 Cal.App.4th at p. 213.

²⁵⁷ 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).)

A 2009 study of the BUSD school transfer policy concluded that racial “integration across the district is fairly high” and that “BUSD has substantially integrated schools . . . within the confines of the Supreme Court’s guidance on voluntary integration plans[.]”²⁵⁸ 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 would be especially effective at integrating elementary schools, small schools, and schools in relatively more segregated districts with less diverse neighborhoods.²⁵⁹

N. Fund Free Tuition to California Public Colleges and Universities

Colleges play a critical role in the socioeconomic mobility of Californians.²⁶⁰ But the costs of attending college have grown exponentially over the last several decades,²⁶¹ and that rising cost excludes many Descendants from the promise of higher education,²⁶² reinforcing the ongoing history of discrimination against Descendants in education.²⁶³ Thus, this proposal recommends that the Legislature fund California public colleges and universities to ensure free tuition for all California residents who are Descendants.

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.”²⁶⁴ 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.²⁶⁵

California’s community colleges already waive or fund tuition, through its Promise program, for approximately 50 percent of its students — nearly one million students.²⁶⁶ 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-

²⁵⁸ 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.

²⁵⁹ 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.

²⁶⁰ See Johnson, [Higher Education as a Driver of Economic Mobility](#) (Dec. 2018) Pub. Policy Institute of Cal. (as of Nov. 15, 2022).

²⁶¹ 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.”).

²⁶² 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.

²⁶³ See California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 206-233.

²⁶⁴ Bates and Siqueiros, [State of Higher Education for Black Californians](#) (Feb. 2019) The Campaign for College Opportunity, p. 27 (as of Dec. 1, 2022).

²⁶⁵ Cook and Jackson, [Keeping College Affordable for California Students](#) (Dec. 2021) Pub. Policy Institute of Cal. (as of Nov. 28, 2022).

²⁶⁶ Replogle, [What California’s Free Tuition Programs Can Teach the Nation](#) (May 19, 2021) LAist (as of Nov. 15, 2022).

free.²⁶⁷ 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.²⁶⁸

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.²⁶⁹ 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,²⁷⁰ or reflect the inequities that African Americans experience throughout their education.²⁷¹

To remedy the discriminatory effect of standardized testing in education, this proposal recommends eliminating standardized testing for admission to the graduate programs within the University of California and California State University systems until racial bias is eliminated in the administration of standardized testing for admission.²⁷²

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.”²⁷³ 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

²⁶⁷ Winograd and Lubin, [Tuition-Free College is Critical to Our Economy](#), EdSource (Nov. 2, 2020) (as of Nov. 15, 2022).

²⁶⁸ 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).

²⁶⁹ 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).

²⁷⁰ 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).

²⁷¹ 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).

²⁷² 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.

²⁷³ 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).

courses . . . , and graduate employment.”²⁷⁴ 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.²⁷⁵

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.²⁷⁶

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 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.”²⁷⁷ However, there appears to be no provision in the education code chapter governing the CAASPP requiring a review or assessment for such bias.²⁷⁸

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,”²⁷⁹ and the Education Code requires the Commission on Teacher Credentialing to “analyze possible sources of bias on the assessment.”²⁸⁰ Consequently, the Commission has a Bias Review Committee “which reviews all test content and questions for potential bias, making changes,

²⁷⁴ 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).

²⁷⁵ 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).

²⁷⁶ 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”).

²⁷⁷ 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.

²⁷⁸ See generally Ed. Code §§ 60600-60659.

²⁷⁹ Ed. Code § 44283(b).

²⁸⁰ *Id.* § 44283(d).

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.”²⁸¹

VII. RACISM IN ENVIRONMENT AND INFRASTRUCTURE

Proposals to address the harms discussed in this chapter are set forth in Chapter 12, Mental and Physical Harm and Neglect.

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
- Policies to Address Disproportionate Homelessness Among Black Californians

Additional recommendations are in development.

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.²⁸² Another report indicated that, in 2021, California investigated one-half of all Black children.²⁸³ 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.²⁸⁴

²⁸¹ 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).

²⁸² [Children in Foster Care, by Race/Ethnicity - Kidsdata.org](#) (as of Nov. 29, 2022).

²⁸³ Lurie, [Child Protective Services Investigates Half of All Black Children in California](#), Mother Jones (April 26, 2021) (as of Nov. 29, 2022).

²⁸⁴ Children’s Bureau: [Child Welfare Practice to Address Racial Disproportionality and Disparity](#) (2021) p. 6 (as of Nov. 29, 2022).

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 relative to have the child placed with them.²⁸⁵ 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.²⁸⁶ Being black is a predictive factor of a child’s placement in congregate care setting.²⁸⁷

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.²⁸⁸ 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.²⁸⁹ Lack of resources can also lead a social worker to exclude relatives from placement consideration.²⁹⁰

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.²⁹¹
- 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

²⁸⁵ Welf. & Inst. Code, § 361.3, subd. (a).

²⁸⁶ 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).

²⁸⁷ 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).

²⁸⁸ 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).

²⁸⁹ *Id.* at pp. 22-23.

²⁹⁰ See Welf. & Inst. Code, § 361.3, subd. (a)(7).

²⁹¹ [Child Welfare Practice to Address Racial Disproportionality and Disparity](#), *supra*, fn. 245, at p. 16.

parents ameliorate or eliminate the conditions that caused the agency to investigate the family.²⁹²

- 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.²⁹³ 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.²⁹⁴
 - Because existing law acknowledges that substance abuse issues, without more, do not require separating a child from their parent,²⁹⁵ 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 services²⁹⁶ 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

²⁹² “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).

²⁹³ [Child Welfare Practice to Address Racial Disproportionality and Disparity](#), *supra*, fn. 252, at p. 6.

²⁹⁴ See Welf. & Inst. Code, § 361.2, subd. (a).

²⁹⁵ 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.”).)

²⁹⁶ 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).

dependent children to stay with their parents and placing the child with the noncustodial parent would not be detrimental to the child.²⁹⁷

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.²⁹⁸ 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,²⁹⁹ so that relatives can receive the same financial support and access to resources from the state as foster parents.³⁰⁰ 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.

²⁹⁷ 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.

²⁹⁸ 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).)

²⁹⁹ 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.*)

³⁰⁰ [The Road to Safety for Our Children: Final Report of the Los Angeles Blue Ribbon Commission on Child Protection](#), *supra*, fn. 249, at p. 22.

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 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,³⁰¹ 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.³⁰² 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

³⁰¹ 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).

³⁰² 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).

Black women face disproportionately higher rates of IPV, these challenges result in the neediest populations receiving the least support.³⁰³

This proposal would establish and fund early intervention programs that address intimate partner violence (IPV) within the African American community. These programs would be 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.³⁰⁴
 - 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.³⁰⁵ 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.³⁰⁶

³⁰³ 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).

³⁰⁴ The Family Violence Prevention Act prohibits direct cash assistance. (42 U.S.C. §10408, subsection (d)).

³⁰⁵ 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).

³⁰⁶ 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).

- 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

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.³⁰⁷ Under current law, California charges 10 percent interest on back child support, which is more than 3.5 times greater than the national average.³⁰⁸ The 10 percent interest rate quickly increases the amount of the child support debt owed.³⁰⁹ 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,³¹⁰ and find employment if their professional licenses and/or driver’s licenses have been suspended because of failure to pay child support debt.³¹¹

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.³¹² The same study showed that child support debtors had lower incomes than the typical California worker.³¹³ 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.³¹⁴ In 2020, the Governor vetoed a bill, AB 1092,³¹⁵ which would have terminated interest on child support arrears owed to the state prospectively.³¹⁶

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

³⁰⁷ 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).

³⁰⁸ 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.

³⁰⁹ 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).

³¹⁰ Cimini, *California Keeps Millions in Child Support While Parents Drown in Debt* Cal Matters (2021) (as of Nov. 29, 2022).

³¹¹ Hahn et al, *Relief from Government-Owed Child Support Debt*, *supra*, fn. 270, at p. VIII.

³¹² Sorensen et al., Executive Summary, *Examining Child Support Arrears in California: The Collectability Study* (2003) Urban Institute p. 18 (as of Nov. 29, 2022).

³¹³ *Id.* at Report 2, p. 14.

³¹⁴ *Id.* at Report 3, pp. 11-13.

³¹⁵ Assem. Bill No. 1092 (2019-2020 Reg. Sess.) [Child Support: Enforcement](#)

³¹⁶ Cimini, *California Keeps Millions in Child Support While Parents Drown in Debt*, *supra*, fn. 271.

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”³¹⁷ 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 Needy Families (TANF).³¹⁸ 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.³¹⁹ These same student populations are disproportionately referred to law enforcement, arrested, and become justice-system involved at higher rates than their similarly situated peers.³²⁰ 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

³¹⁷ 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.

³¹⁸ 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.”

³¹⁹ 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).

³²⁰ 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).

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

Under current law, county sheriffs may charge inmates per-minute fees and associated charges for telephone calls.³²¹ Although the profits from these fees ostensibly go toward services and resources for inmates, the funds are often mismanaged and/or misdirected.³²² 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.³²³ 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.”³²⁴ 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.”³²⁵

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

³²¹ California Public Utilities Commission, [CPUC Caps Phone Rates for Those Incarcerated](#) (Aug. 19, 2021) (as of Jan. 20, 2023) (setting interim rate cap).

³²² Lau & Stuhldreher, [Justice is Calling](#) (Feb. 18, 2021) The Financial Justice Project, San Francisco at p. 4 (as of Jan. 20, 2023).

³²³ Davalos and Kimberlin, [Who is Experiencing Homelessness in California?](#) (Feb. 2022) California Budget & Policy Center (as of Jan. 24, 2023) (hereinafter “Homelessness in California”).

³²⁴ 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”).

³²⁵ *Ibid.*

PSH and ELI housing are critical components to solving the homelessness crisis.³²⁶ 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 guideline, or 30% of their area median income.³²⁷ Unfortunately, the cost and delays associated with PSH developments have severely impacted their feasibility in many communities.³²⁸ 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.³²⁹

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.³³⁰ 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.³³¹

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.³³² 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.

³²⁶ Resnikoff, [Housing Abundance as a Condition for Ending Homelessness](#) (Dec. 2022) California YIMBY (as of Jan. 10, 2023) (hereinafter "Housing Abundance").

³²⁷ [Extremely Low-Income Housing Needs](#), California Department of Housing and Community Development (as of Jan. 10, 2023).

³²⁸ See, e.g., Streever, [Homelessness in California: Causes and Policy Considerations](#) (May 2022) Stanford Institute for Economic Policy Research (as of Jan. 10, 2022).

³²⁹ See Housing Abundance, *supra*, at p. 52.

³³⁰ Homelessness in California at pp. 24, 32.

³³¹ 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).

³³² 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).

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 higher rates of unsheltered homelessness than white or Hispanic men.”³³³ 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.³³⁴ 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

³³³ Coulole, [Nowhere to Go: Homelessness Among Formerly Incarcerated People](#) (Aug. 2018) Prison Policy Initiative (as of Jan. 10, 2023).

³³⁴ 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).

Front-line workers staff the myriad of programs and services that support the unhoused community. Unfortunately, wages for these workers are frequently extremely low.³³⁵ 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.”³³⁶ The end-result is a 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.³³⁷ 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.³³⁸

8. Enact civil rights protections to guard against housing and employment discrimination³³⁹

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 protections³⁴⁰

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 homeowners³⁴¹

This proposal recommends that the Legislature fund and advance the implementation of targeted efforts (particularly to Black seniors) to prevent loss of homeownership, including

³³⁵ Housing Abundance, *supra*, at p. 17.

³³⁶ *Id.*

³³⁷ *Id.*

³³⁸ 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).

³³⁹ This proposal is modeled after Recommendation 8 from the Ad Hoc Committee Report, *supra*.

³⁴⁰ This proposal is modeled after Recommendation 58 from the Ad Hoc Committee Report, *supra*.

³⁴¹ This proposal is modeled after Recommendation 64 from the Ad Hoc Committee Report, *supra*.

education around financial literacy and investment, education to protect against scams, and access to resources to prevent foreclosure.

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
- 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.³⁴²

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

³⁴² 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.

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.³⁴³

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.³⁴⁴

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 depictions of discrimination and African Americans (Descendants) integrating in white society.³⁴⁵

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).³⁴⁶

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.³⁴⁷ 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. Further

³⁴³ *Id.* at pp. 298-302, 305-306, 308-311.

³⁴⁴ *Id.* at pp. 300-301, 312-313.

³⁴⁵ *Id.* at pp. 302-304, 306-307.

³⁴⁶ *Id.* at pp. 298, 300, 312-313.

³⁴⁷ Assem. Conc. Res. No. 176 (2021-2022 Reg. Sess.).

work and study would be needed to examine the effectiveness and utility of curfew laws in recognition of their anti-Black history.³⁴⁸

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.³⁴⁹ The aim of this proposal is to address the disparity in the University of California system, which has some of the lowest graduation rates for Black male student athletes.³⁵⁰ 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.³⁵¹

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.³⁵² 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.³⁵³ 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

³⁴⁸ 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.

³⁴⁹ Demas, *Integrating the Gridiron: Black Civil Rights and American College Football* (2010) Rutgers University Press JSTOR (as of Dec. 1, 2022).

³⁵⁰ 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).

³⁵¹ 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.

³⁵² Dart, *College athletes are unpaid. What if injury ruins their chance of turning pro?* (Sept. 6, 2021) The Guardian (as of Jan. 12, 2023).

³⁵³ 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.

jeopardizing their NCAA eligibility.³⁵⁴ 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.³⁵⁵

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 Code and Education Code such that the definition of race now also includes traits historically associated with race, including hair texture and protective hairstyles.³⁵⁶ 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

³⁵⁴ 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).

³⁵⁵ Hosick, [*DI Board of Directors adopts student-athlete benefit legislation*](#) (Aug. 3, 2022) NCAA (as of Dec. 1, 2022).

³⁵⁶ Sen. Bill No. 188 (2019-2020 Reg. Sess.).

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. 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.³⁵⁷ 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, including 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;
- 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 or educational or legal services initiatives would be localized to areas predominately occupied by Descendants or spaces where Descendants have traditionally gathered for recreation.

³⁵⁷ 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.

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.³⁵⁸ 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. . .”³⁵⁹

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.³⁶⁰ 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.³⁶¹ 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

³⁵⁸ 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.

³⁵⁹ Spross, [Why your salary should be public knowledge](#) (Aug. 7, 2015) The Week (as of Dec. 1, 2022).

³⁶⁰ 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.).

³⁶¹ *Ibid.*

down by gender, race, and ethnicity.³⁶² 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.³⁶³ 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

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.

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.

³⁶² *Ibid.*

³⁶³ Sen. Bill No. 973 (2019-2020 Reg. Sess.).

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 paycheck³⁶⁴ and more than half of Americans cannot afford a \$1,000 emergency.³⁶⁵ 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.³⁶⁶ 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.³⁶⁷

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).³⁶⁸ This is the first state-funded guaranteed income program in the United States.³⁶⁹ 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.³⁷⁰ 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.³⁷¹ 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.³⁷²

C. Licensure for People with Criminal Records

One of the root causes of high recidivism rates is the inability of formerly incarcerated persons to obtain gainful employment.³⁷³ Nearly 30 percent of jobs require licensure, certification, or clearance by an oversight board/agency.³⁷⁴ California law makes it more difficult for a person with a criminal record to obtain an occupational license after their release from incarceration.³⁷⁵

³⁶⁴ 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).

³⁶⁵ Reinicke, [56% of Americans can’t cover a \\$1,000 emergency expense with savings](#) CNBC (Jan. 19, 2022) (as of Jan. 20, 2023).

³⁶⁶ West et al., [Stockton Economic Empowerment Demonstration](#) (2021) (as of Jan. 20, 2023).

³⁶⁷ 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).

³⁶⁸ California Department of Social Services, [Guaranteed Income Pilot Program](#) (2021-2022) (as of Jan. 20, 2023).

³⁶⁹ Beam, [California approves 1st state-funded guaranteed income plan](#) The Associated Press (July 15, 2021) (as of Jan. 20, 2023).

³⁷⁰ *Ibid.*

³⁷¹ *Ibid.*

³⁷² California Department of Social Services, [Press Release: California Announces First State-Funded Guaranteed Income Program](#) (Nov. 21, 2022) (as of Jan. 20, 2023).

³⁷³ Business and Professions Committee, [Bill Analysis of AB 2138](#) (Aug. 28, 2018) (as of Jan. 25, 2023).

³⁷⁴ *Ibid.*

³⁷⁵ Assem. Bill No. 2138 (2017-2018 Reg. Sess.).

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.³⁷⁶

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.³⁷⁷ 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,³⁷⁸ 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.³⁷⁹

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.³⁸⁰ The proposal 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.³⁸¹ The measure fell short because it failed to garner enough verified signatures by the deadline.³⁸² While the measure failed to get on the ballot in 2022, it is believed that it will qualify for the ballot in 2024.³⁸³

³⁷⁶ Sibilla, [Barred from Working: A Nationwide Study of Occupational Licensing Barriers for Ex-Offenders](#) Institute for Justice (August 2020) (as of Jan. 20, 2023).

³⁷⁷ Assem. Bill No. 2138 (2017-2018 Reg. Sess.).

³⁷⁸ 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).

³⁷⁹ Nadeau, [Living Wage Calculation for California](#) Massachusetts Institute of Technology (2021-2022) (as of Jan. 20, 2023).

³⁸⁰ Kuang, [Proposal to boost state minimum wage to \\$18 won't go on ballot](#) CalMatters (July 1, 2022) (as of Jan. 20, 2023).

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ *Ibid.*

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.³⁸⁴ 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.³⁸⁵ 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.³⁸⁶ 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 2000.³⁸⁷ Black women average \$0.63 for every dollar White men earn.³⁸⁸ 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.³⁸⁹ African American workers are chronically underrepresented compared with Whites in high-salary jobs in technology, business, life sciences, architecture and engineering, among other areas.³⁹⁰

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. 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,

³⁸⁴ U.S. Department of Labor, [Office of Federal Contract Compliance Programs: Earnings Disparities by Race and Ethnicity](#) (July 2020) (as of Jan. 20, 2023).

³⁸⁵ Sen. Bill No. 973 (2019-2020 Reg. Sess.).

³⁸⁶ Sen. Bill No. 1162 (2021-2022 Reg. Sess.).

³⁸⁷ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 323.

³⁸⁸ JFFLabs, [Purpose-Built to Advance Equity: Expanding Opportunities in Tech for Black Americans](#) (Feb. 2022), at p. 3 (as of Jan. 1, 2023).

³⁸⁹ *Ibid.*

³⁹⁰ Salsberg and Kastanis, [AP analysis: Blacks largely left out of high-paying jobs](#) The Associated Press (April 2, 2018) (as of Jan. 20, 2023).

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.³⁹¹ Apprenticeship is an earn-and-learn model for individuals to upskill or reskill into a new career or new level of their career.³⁹²

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, 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.

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.³⁹³ African Americans face many systemic barriers when seeking the social and financial capital necessary to start their own

³⁹¹ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 332.

³⁹² California Department of Industrial Relations, [Advancing Apprenticeship in California](#) (July 2022) at p. 3 (as of Jan. 20, 2023).

³⁹³ California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) at p. 469.

businesses that make it increasingly difficult for Black entrepreneurs to secure the financial capital necessary to launch or grow their own businesses.³⁹⁴

This has led to what the Association for Enterprise Opportunity (AEO) calls “the wealth gap, the credit gap, and the trust gap.”³⁹⁵ 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.”³⁹⁶ 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.³⁹⁷ 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.

XI. AN UNJUST LEGAL SYSTEM

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

³⁹⁴ 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).

³⁹⁵ *Ibid.*

³⁹⁶ *Ibid.*

³⁹⁷ Association for Enterprise Opportunity, [*Mending the Tapestry: Building Trust and Strengthening Black Business Ownership in America*](#) (2022) (as of January 20, 2023).

- 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

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;³⁹⁸
- 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.*];
- 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,³⁹⁹ 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.

³⁹⁸ 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.

³⁹⁹ 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).

The California Constitution prohibits slavery but permits involuntary servitude as a form of criminal punishment.⁴⁰⁰ 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.⁴⁰¹

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.⁴⁰² [*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.⁴⁰³

⁴⁰⁰ See Cal. Const. art. I, § 6

⁴⁰¹ 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).

⁴⁰² See [2023 Annual Report](#), *supra*, fn. 281, 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).

⁴⁰³ See [2023 Annual Report](#), *supra*, fn. 281, at p. 132 (discussing California Department of Education’s analysis regarding unmet mental health needs of California students).

[*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.⁴⁰⁴
- 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.
 - 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.⁴⁰⁵
- 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.

⁴⁰⁴ See [2023 Annual Report](#), *supra*, fn. 281, at p. 108 (noting that youth of color are less likely to be diverted than White youth.)

⁴⁰⁵ See, e.g., Cal. Pen. Code §§ 667(d)(3)(A), 1192.7(c)(18), (24), (28); § 460; § 667.5(a)(21); § 186.22; § 594.

Moreover, youth of color are significantly more likely than white youth to be prosecuted in adult court.⁴⁰⁶

- Abate racially disparate discipline, expulsion, suspensions⁴⁰⁷ [*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.

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.⁴⁰⁸ 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,

⁴⁰⁶ Ridolfi et al., [The Prosecution of Youth as Adults](#) (2016) p. 11, (as of Jan. 17, 2023); see Cal. Welf. & Inst. Code, § 707.

⁴⁰⁷ See [2023 Annual Report](#), *supra*, fn. 281, 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”).

⁴⁰⁸ See Sen. Bill No. 882 (2015-2016 Reg. Sess.) and Sen. Bill No. 1320 (2009-2010 Reg. Sess.)

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. 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.⁴⁰⁹ Unfortunately, these stops are often pretextual: the stop is ostensibly to address a minor traffic 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.⁴¹⁰ Pretext stops are nevertheless constitutional.⁴¹¹ Several localities, and at least one state, have enacted reforms to curtail or prohibit pretext stops.⁴¹²

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.⁴¹³ 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.⁴¹⁴

K. 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.

L. Mandate Policies and Training on Bias-Free Policing

⁴⁰⁹ 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).

⁴¹⁰ See, e.g., California Racial Identity and Profiling Advisory Board [2022 Annual Report](#) (2022) p. 8, (as of Jan. 20, 2023).

⁴¹¹ *Whren v. United States* (1966) 517 U.S. 806

⁴¹² 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.

⁴¹³ A two-thirds vote of the Legislature would likely be required to enforce these restrictions with a suppression remedy for violations.

⁴¹⁴ 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).

Existing law prohibits a peace officer from engaging in racial or identity profiling,⁴¹⁵ 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 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.⁴¹⁶ This proposal recommends that the RJA be further strengthened in the following ways:

- 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

⁴¹⁵ Pen. Code, § 13519.4, subd. (f)

⁴¹⁶ See Assem. Bill No. 2542 (2019-2020 Reg. Sess.) and Assem. Bill 256 (2021-2022 Reg. Sess.)

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 collection and reporting *prospectively*, it does not make such data available to those litigating RJA claims for past convictions.
- 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 Law⁴¹⁷ 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.⁴¹⁸ Moreover, 80% of those sentenced under Three Strikes are people of color.⁴¹⁹ Given the disparities associated with Three Strikes, and the fact that the law has not appreciably improved public safety,⁴²⁰ this proposal would recommend that the Legislature take steps needed to repeal the Three Strikes law.

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
- Evaluate Recently-Passed Health Care Laws
- Address Anti-Black Discrimination in Health Care

⁴¹⁷ Pen. Code, §§ 667, 667.5, 1170.12

⁴¹⁸ See California Committee on Revision of the Penal Code, [Annual Report and Recommendations](#) (Dec. 2021) p. 40, (as of Jan. 11, 2023).

⁴¹⁹ *Id.*

⁴²⁰ *Id.* at p. 48.

- Mandate Standardized Data Collection
- Provide Medical Social Workers/Health Care Advocates
- Remedy the Higher Rates of Injury and Death among Black Birthing People
- Advance the Study of the Intergenerational, Direct, and Indirect Impacts of Racism
- Remedy the High Rates of Mental Health Issues/Suicide among Black Youth
- 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
- Test For and Eliminate Toxicity in Descendant Communities
- Increase Trees in Redlined Communities
- Develop Climate Resilience Hubs in Redlined Communities
- Remove Lead in Drinking Water
- Prevent Highway Expansion and Mitigate Transportation Pollution

A. Address Health Inequities Among Black Californians

1. California Health Equity and Racial Justice Fund

This proposal would authorize and provide 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 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)⁴²¹ 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.

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

⁴²¹ AB 1038 was introduced in the 2021-2022 Regular Session of the Legislature, but ultimately was not chaptered into law.

and economic disadvantages.”⁴²² 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.⁴²³ 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.⁴²⁴ 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.”⁴²⁵

2. Single-Payer or Increases to Medi-Cal Reimbursement Rates

A proposal to close the health coverage gaps for African American residents could be modified to include 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.⁴²⁶ For the time being, however, many Black Californians remain on Medi-Cal. For these individuals, this proposal recommends measures that would bring about greater access to high-quality care. These measures could include increases to the Medi-Cal reimbursement rates to achieve parity with the reimbursement rates of private insurance.

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).⁴²⁷ 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.⁴²⁸ At least some experts have identified low reimbursement rates for providers who accept Medi-Cal as a racial justice issue.⁴²⁹

B. Evaluate the Efficacy of Health Care Laws, Including Recent Enactments

⁴²² 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).

⁴²³ *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).

⁴²⁴ Bedayn, *Community Groups Renew Push for Health Equity and Racial Justice Fund*, Cal Matters (Feb. 9, 2022) (as of Jan. 20, 2023).

⁴²⁵ *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).

⁴²⁶ 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.).)

⁴²⁷ 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).

⁴²⁸ *Ibid.*

⁴²⁹ See *Medicaid Reimbursement Rates are a Racial Justice Issue* (Jun. 16, 2022) The Commonwealth Fund (as of Jan. 20, 2023).

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 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[.]”⁴³⁰

C. Address Anti-Black Discrimination in Health Care

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.

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.⁴³¹ African Americans receive fewer procedures and poorer-quality medical care across almost every type of diagnostic and treatment intervention than do white Americans.⁴³² 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.⁴³³

A book, *Just Medicine: A Cure for Racial Inequality in American Health Care*, takes note of the evidence that implicit biases are malleable.⁴³⁴ 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.⁴³⁵

⁴³⁰ 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.

⁴³¹ 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).

⁴³² *Ibid.*

⁴³³ Forde et al., *The Weathering Hypothesis as an Explanation for Racial Disparities in Health: A Systematic Review* (2013) 7 *Sociology Compass* 630, 630–643.

⁴³⁴ Matthew, *Just Medicine: A Cure for Racial Inequality in American Health Care* (2018) pp. 155–158.

⁴³⁵ *Id.* at p. 176.

D. Mandate Standardized Data Collection

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.⁴³⁶ 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.”⁴³⁷

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.⁴³⁸

E. Provide Medical Social Workers/Health Care Advocates

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 would be situated within trusted community-based organizations, which may be achieved through a state-funded grant-making program.

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.⁴³⁹ Black Californians agree that one way to remedy racism in health care is to expand community-based resources.⁴⁴⁰ 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.⁴⁴¹ And 77 percent of

⁴³⁶ [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.

⁴³⁷ Sen. Bill No. 1033 (2021-2022 Reg. Sess.).

⁴³⁸ 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).

⁴³⁹ 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).

⁴⁴⁰ *Ibid.*

⁴⁴¹ *Ibid.*

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.⁴⁴²

F. Remedy the Higher Rates of Injury and Death Among Black Birthing People

This proposal recommends that the Legislature enact the measures set forth in AB 2258 (Reyes): Doula care: Medi-Cal pilot program, a bill that was introduced during the 2019-20 Regular Session of the California State Legislature but was not enacted into law, and focuses on improvements to the provision of doula care. It would require the California Department of Health Care Services (“DHCS”) to provide additional support for doula services (which is a covered benefit, effective January 1, 2023)⁴⁴³ 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;⁴⁴⁴
- 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.

⁴⁴² *Ibid.*

⁴⁴³ 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.

⁴⁴⁴ 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.

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.⁴⁴⁵ 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.⁴⁴⁶ 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.⁴⁴⁷

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.⁴⁴⁸ 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.”⁴⁴⁹ 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.⁴⁵⁰ 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; (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.⁴⁵¹

G. Advance the Study of the Intergenerational, Direct, and Indirect Impacts of Racism

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:

⁴⁴⁵ 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).

⁴⁴⁶ 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).

⁴⁴⁷ 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).

⁴⁴⁸ [Doula Care](#), California Preterm Birth Initiative, University of California, San Francisco (as of Jan. 20, 2023).

⁴⁴⁹ *Ibid.*

⁴⁵⁰ [Routes to Success for Medicaid Coverage of Doula Care](#) (Dec. 11, 2018) California Preterm Birth Initiative (as of Jan. 20, 2023).

⁴⁵¹ *Ibid.*

- (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.⁴⁵²

This study could be facilitated through grants to fund the research of established and emerging experts.

A growing body of research has begun to document racism’s impact on health,⁴⁵³ 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.⁴⁵⁴ 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.⁴⁵⁵ 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 to subsequent generations.”⁴⁵⁶ 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.⁴⁵⁷

H. Remedy the High Rates of Mental Health Issues/Suicide Among Black Youth

⁴⁵² 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”).

⁴⁵³ 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).

⁴⁵⁴ Racism on Child and Adolescent Health, *supra*.

⁴⁵⁵ 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).

⁴⁵⁶ *Ibid.*

⁴⁵⁷ *Ibid.*

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.⁴⁵⁸ 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 percent of urban superintendents stated they were able to continue meeting student mental health needs at pre-pandemic levels.⁴⁵⁹ 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.⁴⁶⁰

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.⁴⁶¹ This proposal would require implementation of the UCSF HEARTS program or an equivalent program at high-need schools.

I. Fund and Expand the UC PRIME-LEAD-ABC Program to be Available at All UC Medical Campuses

To address inequities in healthcare⁴⁶² 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.⁴⁶³ 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.⁴⁶⁴ For Black medical students, specifically, from 1990 to 2019, the number of

⁴⁵⁸ Kamleiter, [Helping African American Kids and Teens with Mental Health](#) (Sept. 23, 2020) Children’s Minnesota (as of Jan. 20, 2023).

⁴⁵⁹ 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”).

⁴⁶⁰ Grills et al., *Black Child Suicide: A Report* (Oct. 15, 2019) National Cares Mentoring Movement, p. 10.

⁴⁶¹ Mental Health Support for Students of Color, *supra*459.

⁴⁶² See generally California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 406-436.

⁴⁶³ See University of Cal., Office of the President, [UC Programs in Medical Education](#) (UC PRIME) (as of Nov. 28, 2022).

⁴⁶⁴ See generally Johnson et al., University of California Programs in Medical Education (Sept. 2022) Mathematica.

Black medical students in California rose from 63 to 121 students, with “[p]ublic medical schools account[ing] for most of this increase.”⁴⁶⁵ Additionally, care by Black physicians can address the discriminatory treatment that Black patients might otherwise receive when seeking healthcare.⁴⁶⁶

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.

J. 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,⁴⁶⁷ 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. 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.⁴⁶⁸

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.⁴⁶⁹ 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.⁴⁷⁰

⁴⁶⁵ 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).

⁴⁶⁶ 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).

⁴⁶⁷ See California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 422-426.

⁴⁶⁸ Cal. Future Health Workforce Commission, [Meeting the Demand for Health](#) (Feb. 2019) p. 30 (as of Nov. 10, 2022).

⁴⁶⁹ See generally Johnson et al., *supra*.

⁴⁷⁰ 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](#)

K. 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,⁴⁷¹ 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.⁴⁷² 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.⁴⁷³ 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.⁴⁷⁴

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.⁴⁷⁵

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.⁴⁷⁶ Because “literature that describes or evaluates nursing pathway programs” or other health care professions “is scarce,”⁴⁷⁷ 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.

[Newsom's Desk](#), Wendy Carrillo, Assemblywoman, District 51 (Sept. 7, 2021) (as of Nov. 29, 2022); Cal. Health 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).

⁴⁷¹ See generally California Task Force to Study and Develop Reparation Proposals for African Americans, [Interim Report](#) (June 2022) pp. 406-436.

⁴⁷² 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).

⁴⁷³ *Ibid.*

⁴⁷⁴ *Ibid.*

⁴⁷⁵ 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).

⁴⁷⁶ See Cal. Future Health Workforce Commission, *supra*, at pp. 7-8.

⁴⁷⁷ Taylor et al., *supra*, at pp. 54-55.

L. 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.⁴⁷⁸ 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.⁴⁷⁹
- (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).

M. Address Food Injustice

African Americans disproportionately experience food insecurity.⁴⁸⁰ African American communities also disproportionately face the problem of having highly limited access to affordable, nutritious food, often while being inundated with unhealthy options like processed

⁴⁷⁸ 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).

⁴⁷⁹ Medical Bd. of Cal., [Committees, Panels, and Task Forces](#) (as of Nov. 29, 2022).

⁴⁸⁰ 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.⁴⁸¹ The resulting health harms are stark.⁴⁸² Redlining, bolstered by other government and government-enabled discrimination, is a central cause of this food injustice.⁴⁸³

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.⁴⁸⁴ 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.⁴⁸⁵ 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 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;⁴⁸⁶

⁴⁸¹ 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).

⁴⁸² 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).

⁴⁸³ 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.

⁴⁸⁴ Harvard Univ. T.H. Chan School of Public Health, [Improving Food in the Neighborhood](#) (citing experts' recommendations).

⁴⁸⁵ *Ibid.*

⁴⁸⁶ Assem. Bill No. 889 (2021-2022 Reg. Sess.).

- Prohibit covenants and lease provisions that prevent the operation of grocery stores;⁴⁸⁷ 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.⁴⁸⁸

2. Support and Expand Farmers Markets and Community Gardens

- Increase access to farmers markets in low-income communities and other communities lacking adequate access;⁴⁸⁹
 - Use zoning/land use policies to create new space for farmers markets;⁴⁹⁰
 - Provide government subsidies or create public/private partnerships to develop new farmers markets;⁴⁹¹
 - Provide financial support for marketing of and transportation to farmers markets;⁴⁹²
- Promote community gardens through zoning policy and grants or other financial support;⁴⁹³
- 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);⁴⁹⁴
- Increase farm-to-school and farm-to-institution programs;⁴⁹⁵ and
- Develop government procurement processes that support local farmers.⁴⁹⁶

3. Enhance Healthy Food Retailing and Curtail Consumption of Fast Food

- Enact standards that will lead to zoning restrictions limiting the number of fast food restaurants per neighborhood;⁴⁹⁷
- Support enactment of zoning laws that create buffer zones restricting fast food around schools and recreation areas;⁴⁹⁸

⁴⁸⁷ Food Empowerment Project, [Shame on Safeway and Albertsons: Blocking Access to Healthy Food](#) (as of Jan. 24, 2023).

⁴⁸⁸ Harvard Univ. T.H. Chan School of Public Health, [Improving Food in the Neighborhood](#) (citing experts' recommendations).

⁴⁸⁹ *Ibid.*

⁴⁹⁰ *Ibid.*

⁴⁹¹ *Ibid.*

⁴⁹² *Ibid.*

⁴⁹³ *Ibid.*

⁴⁹⁴ *Ibid.*

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

⁴⁹⁷ *Ibid.*

⁴⁹⁸ *Ibid.*

- 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;⁴⁹⁹
- Incentivize restaurants to reformulate menu items to provide healthier options;⁵⁰⁰
- Enact legislation to facilitate the provision of permits and incentives to healthy mobile vending carts;⁵⁰¹
- Provide funding and other supports to improve the mobile (healthy) food vendor environment;⁵⁰²
- Limit mobile vending of unhealthy foods through legislation or health department regulations;⁵⁰³ and
- Limit mobile vending access to schools and recreation areas frequented by children.⁵⁰⁴

To complement the foregoing, this proposal also recommends that the Legislature:

- Further extend AB 581,⁵⁰⁵ previously extended until July 1, 2023 by AB 2635;⁵⁰⁶
- Create a statewide task force or regional task forces to assess further opportunities for innovations and partnerships to increase access to affordable nutritious food;
- 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;⁵⁰⁷
- 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.

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 African American communities, formerly redlined neighborhoods, and other neighborhood with significant numbers of African American families who lack adequate and equitable access to affordable,

⁴⁹⁹ *Ibid.*

⁵⁰⁰ *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.

⁵⁰¹ Harvard Univ. T.H. Chan School of Public Health, [Improving Food in the Neighborhood](#) (citing experts' recommendations).

⁵⁰² *Ibid.*

⁵⁰³ *Ibid.*

⁵⁰⁴ *Ibid.*

⁵⁰⁵ Assem. Bill No. 581 (2011-2012 Reg. Sess.).

⁵⁰⁶ Assem. Bill No. 2635 (2016-2017 Reg. Sess.).

⁵⁰⁷ E.g., Food Policy Networks, [About Us](#) (as of Jan. 19, 2023).

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. A complementary expansion of this proposal would add funding support to increase the availability and accessibility of safe, well-equipped and well-maintained spaces for indoor and outdoor recreation. 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.⁵⁰⁸

N. 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.⁵⁰⁹ Communities that live in federally assisted housing are disproportionately Black.⁵¹⁰ Proximity to a contaminated site during flooding events can expose nearby residents to hazardous pollutants and groundwater contamination.⁵¹¹ Disproportionately Black and brown, disadvantaged communities⁵¹² face greater risks from sea-level rise and subsequent climate change flooding than the general population.⁵¹³ In California, they are five times more likely to live within half a mile of a toxic site that could flood by 2050.⁵¹⁴

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.⁵¹⁵ The statewide biomonitoring program, California

⁵⁰⁸ See, e.g., Aminetzah et al., [Black Farmers in the US: The Opportunity for Addressing Racial Disparities in Farming](#) (Nov. 10, 2021) McKinsey & Co.

⁵⁰⁹ 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).

⁵¹⁰ Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 15.

⁵¹¹ *Ibid.*

⁵¹² Communities with CalEnviroScreen 4.0 scores in the top 25th percentile as designated by the CalEPA.

⁵¹³ UC-Berkeley and UCLA, [Toxic Tides Project](#) (2021).

⁵¹⁴ *Ibid.*

⁵¹⁵ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

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.⁵¹⁶
- Offer informational sessions for community members about the exposure risks, potential health harms, and opportunities for screening and care.⁵¹⁷ 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.⁵¹⁸

O. Increase Trees in Redlined Communities

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.⁵¹⁹ 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.”⁵²⁰ 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.⁵²¹ Without trees, communities suffer from increased health and environmental hazards.⁵²²

This proposal recommends requiring local governments to identify redlined communities within their jurisdiction and make plans to increase tree canopy coverage and access to green space to limit pollution exposure, ameliorate heat island effects and improve air quality. 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

⁵¹⁶ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 60.

⁵¹⁷ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

⁵¹⁸ See Shriver Center on Poverty Law and Earthjustice, *supra*, at p. 67.

⁵¹⁹ 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).

⁵²⁰ *Id.* at p. 4.

⁵²¹ *Ibid.*

⁵²² EPA, [Learn About Heat Islands](#) (as of Dec. 2, 2022).

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.⁵²³
- 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.⁵²⁴ Developing resilient community infrastructure can lead to increased property values and spur cycles of gentrification that make the now-improved communities unaffordable for their original residents.⁵²⁵

P. 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.⁵²⁶ 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,⁵²⁷ who are more likely to live in redlined areas.⁵²⁸ 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 existing programming and funding from 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.⁵²⁹ This policy recommends:

⁵²³ SB 1000 requires that environmental justice policies be adopted when two or more general plan elements are adopted. Gov. Code, § 65302, subd. (h)(2).

⁵²⁴ See CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 17 (as of Dec. 2, 2022).

⁵²⁵ *Ibid.*; See also California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

⁵²⁶ EPA, [Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts](#) (2021) (as of Nov. 22, 2022).

⁵²⁷ 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).

⁵²⁸ 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).

⁵²⁹ See California Strategic Growth Council, [Vision](#) (as of Dec. 2, 2022).

- 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.⁵³⁰
- Develop accessible warning/alert systems and climate shelters for unhoused residents.⁵³¹
- 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.⁵³² Developing resilient community infrastructure can lead to increased property values and spur cycles of gentrification that make the now-improved communities unaffordable for their original residents.⁵³³

Q. Remove Lead in Drinking Water

Lead pollution is disproportionately high in Black communities that were officially segregated through federal redlining.⁵³⁴ One major lead pollution source is lead service lines (LSL) that deliver drinking water to homes.⁵³⁵

Replacing LSLs can be prohibitively expensive, costing thousands of dollars.⁵³⁶ 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.⁵³⁷

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.

⁵³⁰ See also CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 14 (as of Nov. 22, 2022).

⁵³¹ See also *Id.* at p. 12.

⁵³² See CEJA, [Environmental and Housing Justice Policy Platform](#) (2021) p. 17 (as of Dec. 2, 2022).

⁵³³ *Ibid.*; See also California Task Force to Study and Develop Reparation Proposals for African Americans, [Testimony of Helen H. Kang](#) (Oct. 12, 2021).

⁵³⁴ Muller et al., [Environmental Inequality: The Social Causes and Consequences of Lead Exposure](#) (2018) 44 Annual Review of Sociology pp. 266-68.

⁵³⁵ See [Comments of the Attorneys General](#) of California, Oregon, Minnesota, Connecticut, Pennsylvania, Wisconsin, Illinois, Maryland, New York, and New Jersey, 3 (Feb. 12, 2020).

⁵³⁶ [Comments of the Attorneys General](#) of California, Oregon, Minnesota, Connecticut, Pennsylvania, Wisconsin, Illinois, Maryland, New York, and New Jersey, 3 (Feb. 12, 2020).

⁵³⁷ EPA, [Lead and Copper Rule Revisions White Paper](#) (October 2016) p. 9.

- Require the State Water Resources Control Board’s Division of Drinking Water (DDW) to track IJA fund distribution to ensure money reaches disadvantaged communities.

R. 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.⁵³⁸ These highways destroyed Black communities or otherwise suffocated their economic vitality by cutting off their access to the rest of the city.⁵³⁹ Today, Black communities are disproportionately located near highways and subsequently suffer more from on-road sources of carcinogenic pollution.⁵⁴⁰ This proposal recommends reducing the pollution burden of Black communities by ending highway expansion in areas with high levels of pollution.

XIII. THE WEALTH GAP

Proposals for this chapter are addressed separately.

⁵³⁸ Mohl, [The Interstates and the Cities: Highways, Housing, and the Freeway Revolt](#) (2002) Poverty and Race Research Action Council p. 3.

⁵³⁹ *Ibid.*

⁵⁴⁰ 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.