

PRIVATE EDUCATION LEGISLATIVE ROUNDUP

News and developments in education law, employment law and labor relations for California Independent and Private Schools, Colleges and Universities.



2017

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Private Education Legislative Roundup is published annually for the benefit of the clients of Liebert Cassidy Whitmore. The information in *Private Education Legislative Roundup* should not be acted on without professional advice.

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The Private Education Legislative Roundup is a compilation of bills, presented by subject, which were signed into law and have an impact on the employment and student related issues of our clients. Unless the bills were considered urgency legislation (which means they went into effect the day they were signed into law), bills are effective on January 1, 2018, unless otherwise noted. Urgency legislation will be identified as such. Several of the bills summarized below apply directly to independent and private schools. Bills that do not directly apply to independent and private schools are presented either because they indirectly apply, may set new standards that apply or would generally be of interest to our school clients.

STUDENTS

BILLS APPLICABLE TO K-12 SCHOOL STUDENTS

EMPLOYEE/STUDENT CODE OF CONDUCT

AB 500 – Requires K-12 Schools to Provide Copies of their Policies on Employee Interactions with Students to all Parents/Guardians of Enrolled Students.

AB 500 requires local educational agencies and K-12 private schools that maintain policies on employee interactions with students in its employee code of conduct to, commencing July 1, 2018, provide a written copy of those policies to the parent or guardian of each enrolled student at the beginning of each school year. AB 500 further requires that as of January 1, 2018, local educational agencies and K-12 private schools must post their policies on employee interactions with students, or provide a link to it, on each of its schools' Internet websites, or, if a school of a local educational agency does not have its own Internet website, on the local educational agency's Internet website, in a publicly accessible manner. This bill does not require a private school to create an Internet website if it does not have one.

Schools should already have policies in place addressing employee interactions with students, but pursuant to this new law, these policies need to be accessible to parents and guardians on the School's website by January 1, 2018, and beginning on July 1, 2018, written copies of these policies will need to be provided to parents and guardians at the beginning of each school year. We recommend that schools' policies on employee interactions with students be reviewed and updated in light of this new law.

(AB 500 adds Section 44050 to the Education Code.)

STUDENT RECORDS

SB 233 – Provides a Foster Family Agency, Short-Term Residential Treatment Program, or Caregiver a Right of Access to Student Records.

The Education Code provides parents of currently enrolled or former students with an absolute right of access to all student records that are maintained by school districts or private schools. School districts and private schools are prohibited from permitting

a third party access to student records unless written parental consent is provided or by a court order, unless as otherwise specified by state and federal law. Foster family agencies with jurisdiction over currently enrolled or former students currently do have access to records of grades and transcripts, and any individualized education plans. SB 233 also permits foster family agencies to access current and recent records of attendance, discipline, online communication on platforms established by schools for students and parents, and any plan adopted pursuant to federal law.

SB 233 also authorizes short-term residential treatment program staff responsible for the education or case management of a student and a caregiver who has direct responsibility for the care of the student, including a certified or licensed foster parent, an approved relative or non-related extended family member, or a resource family, the same access to student records set forth above.

SB 233 further requires that a caregiver who is not the student's educational rights holder to notify the educational rights holder, and, in specified instances, the student's social worker, of any educational needs of the student that require the educational rights holder's consent or participation. If direct communication between a caregiver and an educational rights holder is inappropriate, SB 233 requires the caregiver to communicate that information with the student's social worker or attorney.

(SB 233 amends Sections 49069.3 and 49076 of the Education Code, and Sections 361, 361.5, 366.1, 366.21, 366.22, 16010, and 16010.4 of the Welfare and Institutions Code, and adds Sections 16501.16 and 16519.7 of the Welfare and Institutions Code.)

BILLS APPLICABLE TO COLLEGES AND UNIVERSITIES THAT ACCEPT STATE AND/OR FEDERAL FINANCIAL AID FOR STUDENTS

FOSTER YOUTH

AB 12 – Requires Expanded Support for Foster Youth Pursuing Higher Education.

Existing law establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. Existing law authorizes the commission to enter into an agreement with a public agency of a state other than California, or a private entity related to an agency of another state, to assist the other agency or entity in implementing financial aid programs, including assistance

with processing grants, fellowships, and loans through the use of automated information systems.

AB 12 requires the Student Aid Commission to work cooperatively with the State Department of Social Services to develop an automated system to verify a student's status as a foster youth to aid in the processing of applications for federal financial aid.

AB 12 also requires for a foster youth who is 16 years of age or older, the child's case plan identify the person responsible for assisting the foster youth with applications for postsecondary education and related financial aid, unless the child states that he or she does not want to pursue postsecondary education, including career or technical education. This person can be the child's high school counselor, Court Appointed Special Advocate, guardian, or other adult. If the child later decides to pursue postsecondary education, the case plan must be updated to identify an adult individual responsible for providing assistance with applications for postsecondary education and related financial aid.

(AB 12 amends Sections 79220, 79221, and 79226 of and adds Section 69516 to the Education Code and amends Section 16501.1 of the Welfare and Institutions Code)

EMPLOYEES

BILLS APPLICABLE TO K-12 SCHOOL, COLLEGE & UNIVERSITY EMPLOYEES

BENEFITS & LEAVES OF ABSENCE

SB 63 – Requires More Employers to Provide Unpaid Parental Leave.

Current law, under the California Family Rights Act ("CFRA"), requires employers with at least 50 employees to provide unpaid leave for baby bonding purposes. SB 63 requires private employers with 20 or more employees within a 75 mile radius, and all public employers, to allow an employee who has worked at least 1,250 hours in the prior 12 months to take up to 12 weeks of unpaid parental leave to bond with a new child. The bill further requires the employer to maintain medical coverage for any employee on unpaid parental leave. And when both parents work for the same employer, the employer may allow both parents' leave to run concurrently.

To avoid conflicts with other leave laws, SB 63 leave is not available to employees who are covered by both the California Family Rights Act (CFRA) and the federal

Family and Medical Leave Act (FMLA), which applies to employers with 50 or more employees. SB 63 also authorizes the Department of Fair Employment and Housing (DFEH) to create a parental leave mediation pilot program, subject to funding by the Legislature.

Smaller employers whose employees are not subject to both CFRA and FMLA (20-49 employees) must incorporate these leave requirements into their policies. Schools who have questions about compliance with SB 63 should seek advice from trusted employment counsel.

(SB 63 adds Section 12945.6 to the Government Code.)

DISCRIMINATION, HARASSMENT AND RETALIATION

AB 450 – Prohibits Employers from Voluntarily Consenting to Inspections by Federal Immigration Agents.

AB 450 places significant limitations on an employer's ability to cooperate with federal immigration authorities and imposes fines for violating those limitations. The bill prohibits an employer from giving voluntary consent for an immigration enforcement agent to enter nonpublic areas of the workplace, except as required by federal law or a judicial warrant. AB 450 also prohibits an employer from giving voluntary consent for an immigration enforcement agent to access, review, or obtain employee records, except as required by federal law or a subpoena or court order.

AB 450 requires employers to post a notice to employees when federal immigration authorities have given notice of an inspection of I-9 Employment Eligibility Verification forms, and to provide the inspection notice to individual employees or their authorized representative upon request. The bill also requires the employer to provide an affected employee and the employee's authorized representative with the written results of the inspection and written notice of the employer's and employee's resulting obligations. Finally, AB 450 prohibits an employer from reverifying a current employee's employment eligibility at a time or in a manner not required by federal law.

AB 450's prohibitions may be enforced by the Labor Commissioner or the state Attorney General. A first violation subjects the employer to a fine of \$2000 to \$5000; the fine for a second violation is \$5000 to \$10,000.

While AB 450 does not otherwise limit an employer's obligation to comply with mandatory actions taken by federal immigration authorities, it is part of the Legislature's recent trend to prohibit employers from voluntarily participating with federal immigration

authorities or taking related actions that go beyond what is otherwise required under federal law.

(AB 450 adds Sections 7285.1 through 7285.3 to the Government Code, and Sections 90.2 and 1019.2 to the Labor Code.)

SB 396 – Anti-Harassment Training and Postings Must Include Gender Identity, Gender Expression, and Sexual Orientation.

Existing law requires employers with 50 or more employees to provide supervisors with at least two hours of training every two years on prevention of sexual harassment and abusive conduct (commonly referred to as "AB 1825 Supervisor Harassment training"). SB 396 requires such training to include harassment based on gender identity, gender expression, and sexual orientation. The bill also requires employers to post a poster from the DFEH on transgender rights, and adds "transgender and gender nonconforming individuals" to the Unemployment Insurance Code's definition of "individual with employment barriers."

Employers should update their AB 1825 training materials to add examples of harassment based on gender identity, gender expression, and sexual orientation. SB 396 does not require supervisors to be trained immediately on these issues, but they must be included in the next regularly scheduled AB 1825 training.

(SB 396 amends Sections 12950 and 12950.1 of the Government Code and Sections 14005 and 14012 of the Unemployment Insurance Code.)

SB 306 – Expands the Labor Commissioner's Authority to Investigate and Remedy Retaliation Claims and Makes Injunctive Relief Available during an Investigation.

Existing law allows a person who believes he or she has been discharged or discriminated against in violation of any law under the Labor Commissioner's jurisdiction to file a complaint with the Division of Labor Standards Enforcement (DLSE). SB 306 now allows the DLSE to initiate a discrimination investigation without a complaint being filed when the evidence in a proceeding before the Labor Commissioner reveals possible discrimination.

SB 306 authorizes the Labor Commissioner to petition a court for temporary injunctive relief when it has reasonable cause to believe an employer has retaliated or discriminated against an employee or applicant in violation of the laws under the Commissioner's jurisdiction. The bill also allows an employee who has filed a retaliation complaint with the DLSE or in court to seek temporary injunctive relief. In deciding the injunction

petition, the court must consider the chilling effect the employer's alleged conduct may have on other employees seeking to assert their rights. If granted, the temporary restraining order stays in effect until the retaliation complaint has been adjudicated.

Finally, SB 306 gives the Labor Commissioner authority to issue a citation to a person responsible for a violation. The citation may order the person to take action necessary to remedy the violation, including rehiring or reinstatement, back pay with interest, and posting a notice. The bill also gives the person who receives the citation the right to an appeal hearing, resulting in a written decision that can be reviewed by a court.

(SB 306 amends Section 98.7 and adds Sections 98.74, 1102.61 and 1102.62 to the Labor Code.)

SB 179 – Creates “Nonbinary” Gender Designation on State Identification Documents.

This bill creates the “Gender Recognition Act”, which includes a comprehensive set of new or amended procedures related to the issuance of birth certificates, driver's licenses, and other court-issued documents related to an individual's gender identity to add the new gender designation of “nonbinary”. “Nonbinary” is a gender designation for an individual who does not otherwise identify with the male or female gender. The implementation of these procedures varies between January 1, 2018, September 1, 2018 and January 1, 2019.

While these new laws do not mandate employers to take any specific action with respect to this new gender designation of “nonbinary,” employers should begin examining any documentation or records currently kept to identify employees by gender to be modified to incorporate the new “nonbinary” gender designation. Although not expressly noted in this new legislation, an employer's failure to acknowledge an employee's “nonbinary” gender designation may create liability for gender identity discrimination under California's Fair Employment and Housing Act (FEHA).

(SB 179 amends, repeals, and adds Sections 1277 and 1278 of, and to add Section 1277.5 to, the Code of Civil Procedure, to amend Sections 103426 and 103440 of, and to amend, repeal, and add Sections 103425 and 103430 of, the Health and Safety Code, and to amend Section 13005 of, and to amend, repeal, and add Section 12800 of the Vehicle Code, relating to gender identity.)

AB 1556 – Adds Gender Neutral Language to Discrimination Prohibitions.

AB 1556 revises the California Fair Employment and Housing Act by deleting gender specific personal pronouns, such as “he,” “she,” “female person,” and “female employee,” and referring instead to “person” and “employee” and by making other conforming changes.

(AB 1556 amends Sections 12904, 12905, 12926, 12930, 12932, 12940, 12940.1, 12942, 12943, 12945, 12945.2, 12956.2, 12960, 12962, 12965, 12980, and 12986 of the Government Code, relating to employment.)

AB 1615 - Prohibits Gender Discrimination in Pricing Services.

AB 1615 enacts the Small Business Gender Discrimination in Services Compliance Act, which prohibits “gender discrimination in pricing services” and provides that a person may bring a civil action for gender discrimination in pricing services against a business establishment, including, but not limited to, a claim brought under the Unruh Civil Rights Act or the Gender Tax Repeal Act of 1995, based on an alleged price difference charged for services of similar or like kind against a person because of the person's gender.

AB 1615 requires an attorney, with each demand letter or complaint alleging gender discrimination in pricing services, to provide the defendant or potential defendant with a copy of informational materials pertaining to the prohibition against discrimination in pricing of services.

(AB 1615 adds Part 2.55 (commencing with Section 55.61) to Division 1 of the Civil Code, relating to gender discrimination.)

AB 1710 – Prohibits Discrimination Against Service Members.

Existing law prohibits various types of discrimination against an officer, warrant officer, or enlisted member of the military or naval forces of the state or of the United States because of his or her membership or service, including, among others, discrimination with respect to his or her employment. Existing law provides criminal penalties and civil remedies for violations of these prohibitions.

AB 1710 expands these protections by stating that, within these prohibitions, employers are prohibited from discrimination in terms, conditions, or privileges of employment. This legislation is consistent with federal law, the Uniformed Services Employment and Reemployment Rights Act (USERRA) which protects service members from discrimination in the workplace.

(AB 1710 amends Section 394 of the Military and Veterans Code.)

HIRING

AB 1008 –Delays Review of Applicant’s Criminal History Until After Conditional Offer for Employees Who Do Not Have Contact with Minors.

Since 2014, California’s “Ban The Box” law has prohibited public employers from requesting or considering an applicant’s criminal history until after it has determined the applicant meets the minimum qualifications for the job, subject to specified exemptions.

AB 1008 extends “Ban The Box” to all California employers and adds additional limitations and processes. However, the law exempts any position where an employer is required by law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history. Both Education Code §44237 and Penal Code § 11105.3 explicitly states that background checks are required for positions in which an applicant will be in contact with minors. Therefore, many positions at schools, are exempt from the requirements of this new law.

Employers will need to comply with AB 1008 for those positions that do not involve contact with minors. Pursuant to AB 1008 an employer may not request or consider an applicant’s criminal history until after a conditional offer of employment is made. The employer must then make an individualized assessment of whether the applicant’s criminal history has a direct and adverse relationship to the specific job duties the applicant would perform. The employer must consider:

1. The nature and gravity of the offense,
2. How long ago the offense occurred and
3. The nature of the job.

If the conditional employment offer is withdrawn because of the applicant’s criminal history, the employer must notify the applicant in writing, stating which convictions were relied on, attach a copy of the conviction report, and give the applicant five business days to respond before its withdrawal becomes final. Once the decision is final, the employer must send another written notice to the applicant.

Employers should review all employment applications and make sure that any applications that ask about conviction history are for positions for employees who will be in contact with minors. For any positions where

the employer needs to conduct a background check, the employer may still ask about convictions on the initial application.

(AB 1008 adds Section 12952 to the Government Code and repeals Section 432.9 of the Labor Code.)

AB 168 – Prohibits an Employer from Seeking an Applicant’s Salary History Information.

AB 168 is another effort by the California Legislature to address gender-based pay inequities. According to the bill’s sponsors, females are more likely to have a lower starting salary in their first job than males, and also are more likely to take extended time off from work during their career. The pay inequity that results from these conditions is perpetuated, said the bill’s sponsors, by basing hiring and compensation decisions on an applicant’s prior salary.

To break this cycle, AB 168 prohibits an employer from seeking, either directly or indirectly, information about a job applicant’s salary (including compensation and benefits) in prior employment. The employer cannot include such a question on a job application nor ask one in a job interview. Additionally, the employer may not ask the applicant’s former employer, references, or a background investigator for the applicant’s past salary history information.

AB 168 also makes it illegal for an employer to rely on an applicant’s past salary history when deciding whether to hire the applicant. Specifically, the bill says that past compensation cannot be a factor in the hiring decision. Thus, even if past salary is not the determinative factor, the mere fact that it was considered makes the hiring decision illegal.

AB 168 includes two important exceptions:

1. An employer may seek and use salary history that is disclosable under state and federal public records laws. Thus, if the applicant formerly held a position with a federal, state, or local government employer whose salary is public record, the prospective employer may ask about and consider the applicant’s salary history with the public employer.
2. If the applicant voluntarily provides compensation history, an employer may use that information to determine what salary to offer the applicant, but may not use it to decide whether to hire the applicant.

AB 168 also requires an employer to provide an applicant, “upon reasonable request,” the pay scale for the position sought. And, unlike other Labor Code sections prohibiting

certain inquiries of applicants, a violation of AB 168's prohibitions is not a misdemeanor.

Employers should review their employment applications and interview procedures to ensure they do not ask about or consider an applicant's salary history from prior private employment. Employers may also want to look at using alternative methods to determine the salary placement of new employees that do not include the use of prior salary history. Employers are advised to work with their legal counsel to determine compliance with this new law.

(AB 168 adds Section 432.3 to the Labor Code.)

WORKERS' COMPENSATION

AB 44 – Adds Requirements for Victims of Domestic Terrorism.

AB 44 requires employers to provide immediate nurse case manager support to employees who are injured on the job by an act of domestic terrorism, but only when the Governor declares a state of emergency. Once the Governor does so, the employer must notify employees who have filed claims of their right to a nurse case manager. If a claim is filed after the declaration of emergency, the employer must provide notice within three days of filing.

(AB 44 adds Section 4600.05 to the Labor Code.)

BILLS APPLICABLE TO K-12 SCHOOL EMPLOYEES

WAGE & HOUR

SB 621 - Permits the Salary-Basis Test for Part-Time Teachers at Private Schools to be Pro-Rated and Permits Private Schools to Use Public School District Salary Data in Effect from the Prior School Year.

On July 1, 2017, legislation took effect which lowered the minimum salary necessary for teachers at K-12 private schools to qualify as exempt from overtime and other wage and hour requirements (AB 2230; Labor Code §515.8). Rather than require that teachers earn at least twice the state minimum wage, which is the standard for other exempt employees, the new law tied the minimum salary requirement for teachers to the earnings of public school teachers at state and local school districts and

county offices of education. SB 621, which takes effect January 1, 2018, amends the law in two significant ways.

1. SB 621 Permits Private Schools to Pro-Rate The Minimum Salary Required For Part-Time Teachers to be Exempt

The salary-basis test for private school teachers may now be pro-rated. Thus, once a school calculates the minimum salary that must be paid for its full-time teachers to be exempt from overtime, the school may reduce that salary amount to correspond to the instructional schedule worked by a part-time teacher. For example, a teacher working half the instructional schedule of a full-time teacher would only need to earn half the minimum salary of a full-time teacher. This change to the law will greatly increase the number of teachers who qualify as exempt.

2. SB 621 Permits Private Schools to Use Salary Data from the Prior School Year to Calculate the Minimum Salary Necessary for Exempt Status

Previously, the Labor Code required schools to calculate the minimum salary for teachers based on current contracts at public schools and the county office of education. That salary information was often hard to find and, when it was available, was often for prior school years. The new law attempts to remedy this issue by permitting private schools to use salary data in effect "for up to 12 months prior to the start of the school year." Though schools will still need to gather information to calculate the appropriate minimum salary for exempt status, the one-year look-back provision should make it easier for schools to find reliable information to use to set salaries for the upcoming school year.

The new law does not revise any of the other requirements that teachers at private schools need to meet to be exempt. The levels of education and requisite duties have not changed. Moreover, those specifically excluded under the Labor Code, and therefore unable to be exempt from overtime and other wage and hour requirements, such as teaching assistants, must still be classified as non-exempt employees.

(SB 621 amends Section 515.8 of the Labor Code, relating to employment).

POSSESSION OF WEAPONS ON CAMPUS

AB 424 - Removes the Authority of a School District Superintendent, or Equivalent Authority Such as a Head of School at a Private School to Provide Permission for a Person to Possess a Firearm Within a School Zone.

The Gun-Free School Zone Act of 1995 provides that it is a crime to possess a firearm in a school zone, which is defined as within 1,000 feet of a K-12 public or private school. Current law, however, authorizes a school district superintendent, his or her designee, or equivalent school authority to provide written permission for a person to possess a firearm within a school zone. AB 424 deletes this authority. AB 424 does provide an exception that schools are permitted to have a program involving shooting sports or activities if those are sanctioned by the school or to engage in activities of a certified hunter educational program. AB 424 does not alter current exceptions to this law, such as for a school security guard who is authorized to carry a loaded firearm, and for peace officers who are carrying out official duties.

(AB 424 amends Sections 626.9, 26370, and 26405 of the Penal Code, relating to firearms.)

CHILDCARE AND PRESCHOOLS

AB 752 – Limits the Expulsion of Children from California State Preschool Programs.

Pursuant to the Child Care and Developmental Services Act, the Superintendent of Public Instruction is authorized to enter into and execute local contractual agreements with public and private entities for the delivery of child care and development services.

AB 752 prohibits a private school that is contracted with the State Preschool Program to provide child care and development services from expelling or unenrolling a child because of the child's behavior except when the school has pursued and documented reasonable steps to maintain the child's safe participation in the program and determined the child's continued enrollment would present a serious safety threat to the child or other enrolled children.

Before expelling or un-enrolling a child, under this new law a private school that contracts with the State Preschool Program must consult with the child's parents or legal guardians and teacher. For a child with an individualized family service plan (IFSP) or

individualized education program (IEP), with written parental consent, the school must contact the agency responsible for the IFSP or IEP to seek consultation on serving the child. For a child who does not have an IFSP or IEP, the school must consider, if appropriate, completing a universal screening of the child, including, but not limited to, screening the child's social and emotional development, referring the child's parents or legal guardians to community resources, and implementing behavior supports within the program prior to referring the parents or legal guardians to the local agency responsible for implementing the Individuals with Disabilities Education Act (IDEA).

A private school that is contracted with the State Preschool Program must complete the process of pursuing and documenting reasonable steps to maintain a child's safe participation in the program within 180 days. If a school does expel or unenroll a child, it must refer the children's parents or legal guardians to other resources or placements.

Independent of this new law, private secular schools must provide reasonable accommodations to students with disabilities pursuant to the ADA. The documentation and process required by AB 752 for expelling or unenrolling a preschool child for reasons related to the child's behavior is consistent with ADA compliance as well. This law does not affect a contracting school's ability to expel or unenroll a preschool child for reasons unrelated to the child's behavior, such as parent conduct, or the family's breach of the terms of the tuition agreement.

(AB 752 adds Section 8239.1 to the Education Code and adds Section 1596.893c to the Health and Safety Code.)

AB 603 – Requires Alternative Payment Programs to Establish a Program of Electronic Banking for Child Care Providers and Provide Notice of Changes in Service.

State law requires the California Department of Education to contract with local contracting agencies to provide for alternative payment programs (APPs) and authorizes alternative payments to be made for child care services provided under the Child Care and Development Services Act. AB 603 requires an alternative payment program to establish a program of electronic banking for payments made to providers on or before July 1, 2019. Starting July 1, 2019, alternative payment programs must provide notice to a provider of any changes to specified factors related to child care services and rates at least 14 calendar days before the effective date of the intended action.

APPs that have a program of electronic banking before the deadline may require child care centers and family

day care homes to accept the electronic payment before the July 1, 2019 deadline.

(AB 603 adds Section 8227.2 and 8227.7 to the Education Code.)

BUSINESS & FACILITIES

AB 522 - Permits Nonprofit Corporations Registered with the DOJ to Conduct a Raffle to Offer, Provide, or Award Alcoholic Beverages as a Prize in the Raffle.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, prohibits any licensee from giving any premium, gift, or free goods in connection with the sale or distribution of any alcoholic beverage, but permits alcoholic beverages to be provided in consumer contests and sweepstakes subject to specified conditions. Existing law permits the department to issue a special temporary on-sale or off-sale beer or wine license to certain nonprofit corporations that entitles the licensee to sell beer or wine. Existing law generally makes it a misdemeanor for a person to sell chances in a lottery, but exempts from this prohibition a charitable organization that has been registered with the Department of Justice that conducts a raffle pursuant to certain requirements.

This law authorizes a nonprofit corporation issued a special temporary on-sale or off-sale beer or wine license and that also obtains a raffle registration with the Department of Justice to offer, provide, or award alcoholic beverages as a prize in a raffle.

(AB 522 amends Section 24045.6 of the Business and Professions Code, relating to alcoholic beverages.)

COMMUNITY BASED ORGANIZATIONS

AB 868 - Exempts Community-Based Organizations from the California Private Postsecondary Education Act.

The California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts an institution from its provisions, if any, of a list of specific criteria are met.

AB 868 additionally exempts from the act an institution owned, controlled, operated, and maintained by a community-based organization, that meets specified conditions, including having programs on, or applying for some or all of its programs to be on, the Eligible Training Provider List established and maintained by the California Workforce Development Board. For purposes of this law, a community-based organization is defined by federal law as a public or private nonprofit organization of demonstrated effectiveness that is representative of a community or significant segments of a community, and provides educational or related services to individuals in the community.

(Amends Section 94874 of the Education Code, relating to private postsecondary education).

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If you have any questions, call Sherron Pearson at 310.981.2753.

NINE LCW ATTORNEYS HONORED BY THE NORTHERN CALIFORNIA SUPER LAWYERS

2017 NORTHERN CALIFORNIA SUPER LAWYERS



Shelline Bennett, Managing Partner Fresno and Sacramento offices of LCW, is receiving this honor for the 11th time. Having represented public sector management in labor and employment law matters for over 20 years, Shelline has an extensive background in litigation and labor relations. Her practice also includes representing public agencies in collective bargaining.

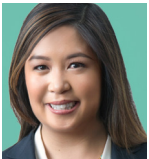


This is the eighth time that **Richard (Rick) Bolanos** has been selected to this list. As a Partner in the San Francisco office of LCW, he represents California cities, counties and special districts in labor relations and negotiations. In addition, Rick provides special counsel to public agencies concerning public safety departments.

2017 NORTHERN CALIFORNIA RISING STARS



Lisa Charbonneau, Associate in the San Francisco office of LCW, has been selected to this list for the sixth consecutive year. Lisa represents employers in litigation and provides advice and counsel in matters pertaining to labor and employment law, especially in the area of wage and hour law. She also works with the Firm's school clients on various education law matters.



For the second consecutive year, **Joy Chen** has been named a "Rising Star." Joy, Associate in the San Francisco office of LCW, represents and advises public sector agencies in all aspects of labor, employment, and education law. She is experienced in defending employers in various litigation matters before federal and California state courts.



Gage C. Dungy, Partner in the Sacramento office of LCW, is receiving this honor of the ninth consecutive year. Gage provides management-side representation and legal counsel to clients in all matters pertaining to labor and employment law. He also serves as chief negotiator for public sector agencies in labor negotiations with their employee organizations.



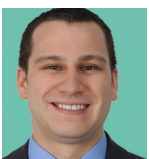
For the fifth year in the row, **Che I. Johnson**, Partner in the Fresno office of LCW, has been selected to this list. Che counsels and represents clients in all aspects of labor relations and employment law, including complex negotiations and collective bargaining issues, wage and hour disputes, employee discipline, claims of discrimination and harassment.



Juliana Kresse, Associate in the San Francisco office of LCW, is receiving this honor for the fifth consecutive year. Juliana assists the Firm's clients with a wide-range of employment and education law matters. She has represented employers in California State and federal courts and is well-versed in all aspects of the litigation process.

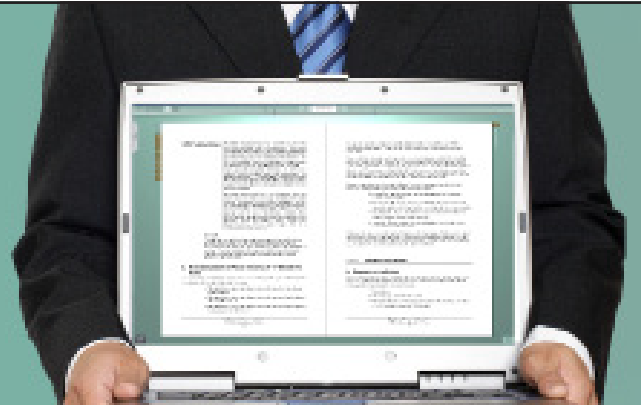


This is the first time that **Erin Kunze**, Associate in the San Francisco office of LCW, has received this honor. Erin provides representation and legal counsel to clients on a variety of employment and education law matters, including retirement, labor relations in the public and private nonprofit sectors, public safety, and safety planning in schools.



Michael Youril, Associate in the Fresno office of LCW, has been selected to this list for the first time. Michael provides representation and legal counsel to clients in matters pertaining to employment and labor law. He has extensive experience with CalPERS, the '37 Act, and local retirement systems.

Liebert Cassidy Whitmore congratulates them for being honored in their work!

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