



EDUCATION LEGISLATIVE ROUNDUP

Yearly developments in education, labor and employment law.

2017

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Education Legislative Roundup is a compilation of bills, presented by subject, which were signed into law and have an impact on the legal issues our clients are facing. 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. Many of the bills summarized below apply directly to public education districts. Bills that do not directly apply to public education districts are presented either because they indirectly apply, may set new standards that apply or would generally be of interest to our school clients.

If you have any questions about your districts's obligations under the new or amended laws as outlined below, please contact our Los Angeles, San Francisco, Fresno, San Diego or Sacramento office and an attorney will be happy to answer your questions.

BENEFITS

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

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

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

AB 1339 – Expands Required Disclosure of Employment Information for Law Enforcement Agency Applicants.

Existing law requires an employer to provide employment information, upon proper request, to a law enforcement agency that is conducting a background investigation of a first-time applicant for a peace officer position under Government Code section 1031.1. AB 1339 expands this requirement to all applicants to a law enforcement agency, not just those applying for sworn officer positions.

Human Resources personnel should be made aware of this new requirement and be prepared to provide employment information, including job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire, when requested by an applicant to a law enforcement agency.

(AB 1339 amends Section 1031.1 of the Government Code.)

BUDGET AND FINANCE

AB 99 – Provides \$2.8 Billion for K-14 Education Programs.

AB 99 provides for statutory changes necessary to enact the K-12 statutory provisions of the Budget Act of 2017. This bill appropriates funding for K-14 education programs, totaling approximately \$2.8 billion.

For K-12 education, AB 99:

1. Provides approximately \$1.362 billion for continued implementation of the Local Control Funding Formula (LCFF), which provides base funding per student to school districts and charter schools and additional funding per student for enrollment of low-income, English learner, and foster youth students.
2. Provides \$876.6 million in discretionary one-

time Proposition 98 funding for 2017-18, to be distributed to local educational agencies (LEAs) on a per-average daily attendance (ADA) basis. The Legislature noted that these funds should be prioritized for deferred maintenance, professional development, beginning teacher induction programs, instructional materials, technology infrastructure, and any other investments necessary to support implementation of state academic standards.

3. Provides \$25 million in one-time Proposition 98 funding for the Commission on Teacher Credentialing to fund a second cohort of the California Classified School Employee Teacher Credentialing Program. This funding will provide for up to 1,250 grants per year, for five years and up to \$4,000 per participant per year.
4. Provides \$10 million in one-time Proposition 98 funding for the Department of Social Services to allocate grants to school districts impacted by significant numbers of refugee students.
5. Provides \$5 million in one-time Proposition 98 funding for the San Francisco Unified School District to create free online curriculum resources aligned with the new History-Social Science Framework by July 1, 2019.
6. Provides \$5 million in in one-time Proposition 98 funds to create the Bilingual Teacher Professional Development Program to provide grants to LEAs for professional development services for specified teachers and paraprofessional employees who seek to obtain the authorizations necessary to provide bilingual instruction.
7. Provides \$4 million in one-time Proposition 98 funding to the Southern California Regional Occupational Center with the intent to provide additional funding in the following three years.
8. Provides \$2.5 million in one-time Proposition 98 funding for the Department of Education (CDE) to establish the California Equity Performance and Improvement Program to promote equity in California's public schools.
9. Provides \$1.5 million in one-time Proposition 98 funding for the CDE to establish the California-Grown Fresh School Meals Grant Program to

- incentivize schools to purchase California-grown food and expand the number of freshly prepared meals. AB 99 requires CDE to allocate grants to LEAs to purchase equipment and provide professional development to food services employees regarding implementing healthy school meals.
10. Requires LEAs that receive state school facilities bond funding to include the use of those funds in their annual financial audits and to repay any disallowed expenditures using any local fund source, with the collection agency to be the CDE.
 11. Requires the Imperial County Office of Education as the lead agency for the High Speed Network, to develop a methodology for selecting and implementing network upgrade projects.
 12. Extends the District of Choice Program through the 2022-2023 fiscal year and amends the law to address program equity and accessibility, increase transparency and reporting requirements, and make other minor program changes. In addition, the Superintendent of Public Education must provide specified information on the program to the Legislature, Legislative Analyst's Office, and the Department of Finance each year. The Legislative Analyst's Office is then required to provide an evaluation of the program by January 31, 2021.
 13. Extends the date for LEAs to encumber funds received under Proposition 39 for clean energy projects by one year, until June 30, 2019.
 14. Authorizes the California Collaborative for Educational Excellence (CCEE) to contract with an LEA to act as its fiscal agent.
 15. Adds language to clarify that employees working with schools under the CCEE are considered employees of the fiscal agent for purposes of participating in the State Teachers' Retirement System of the Public Employees' Retirement System. AB 99 also re-appropriates any remaining one-time funding provided in the 2016 Budget Act for the CCEE from the Riverside County Office of Education to the Marin County Office of Education due to a change in the fiscal agent for the CCEE.
 16. Replaces the existing authority for the Superintendent of Public Instruction (SPI) to assign the CCEE to assist a charter school, with authority for the CCEE to assist such a school after consulting with the SPI.
 17. Provides \$7 million in ongoing Proposition 98 funding to county offices of education that are funded at their LCFF target amount for workload related to Local Control and Accountability Plans (LCAPs) and support of school districts.
 18. Requires county superintendents of schools to provide a summary of how the superintendent will support school districts and schools within the county in completing and implementing LCAPs and present the summary to the county board of education. In addition, the SPI is required to provide technical assistance to the county technical assistance to the county superintendent of schools focused on improving the county superintendent of school's review and approval of LCAPs, if the superintendent determines that a complaint related to this process has merit. These changes add additional accountability reporting on the role of county office of education in the LCAP process.
 19. Redirects \$11 million in federal Title II local assistance funding to create the California Educator Development (CaED) program designed to enhance the state's efforts to address teacher recruitment and retention issues. Specifically, the CaED program requires the Commission on Teacher Credentialing to develop a competitive grant program to assist LEAs with the recruitment and retention of effective educators and school leaders.
 20. Authorizes early college high schools and middle college high schools to schedule classes so as to meet state instructional minute requirements over a period of five or ten school days rather than on a day-by-day basis.
 21. Requires funds allocated to the CDE pursuant to Proposition 56 be allocated to support programs that prevent and reduce the use of tobacco and nicotine products by young people.
 22. Amends state law authorizing the CDE to charge fees for school bus driver training by

- allowing fees to be charged for training on all vehicle types.
23. Extends the data by which the State Board of Education (SBE) may revise the local control and accountability plan (LCAP) template under the terms of the state's open meeting law rather than through the formal regulatory process from January 31 to December 31, 2018.
 24. Authorizes the Governor to select the members of the computer science implementation advisory panel and makes minor amendments to existing statute including extending statutory deadlines for related workload by six months.
 25. Amends state law to authorize the CDE to charge publisher fees sufficient to cover the costs of reviewing materials submitted for potential state adoption, and prohibits use of General Fund to support these activities.
 26. Authorizes the CDE to pay student testing contractors on a per-test-administration basis, rather than a fiscal year basis.
 27. Adds the California Assessment of Student Performance and Progress mandate and the Training for School Employee Mandated Reporters mandate to the K-12 mandates block grant, and makes minor and technical changes to related statute.
 28. Increases the maximum charter school grant under the Charter School Facilities Grant Program from \$750 per unit of ADA or up to 75 percent of a school's annual rent and lease costs, to \$1,117 per ADA or up to 75 percent of its annual rent and lease costs. AB 99 also applies a cost-of-living-adjustment to the per ADA rate in future years.
 29. Repeals language prohibiting the State Allocation Board from approving allocations of school facilities bond funding for career technical education projects on or after January 1, 2015.
 30. Repeals obsolete language relative to the emergency repair program, which no longer exists, and requires any unspent Emergency Repair Program funds as of July 1, 2018, to revert to the Proposition 98 reversion account. Additionally, AB 99 corrects language authorizing transfers of unspent funds from the State School Deferred Maintenance Fund, which no longer exists.
 31. Applies a cost-of-living-adjustment to per-meal reimbursements for child nutrition, and authorizes members of the Child Nutrition Advisory Council to be appointed by the SPI, rather than the SBE.
 32. Requires the CDE to finalize adjustments to the amounts of funding in lieu of property taxes allocated to charter schools at the third recertification of its annual apportionments to schools. AB 99 aligns the statutory authorization for county charter program schools to seek in-lieu property tax reimbursement from their students' districts of residence to the department's current practice.
 33. Waives penalties associated with excess administrative employees for 2016-17 and 2017-18 for a school district with enrollment of more than 400,000 K-12 students.
 34. Extends the deadline for the CDE to develop a manual providing guidance to LEAs on identifying, supporting, and reclassifying English language learner students with exceptional needs by six months, to January 1, 2019.
 35. Requires the CDE to adjust funding rates for Special Education Local Plan Area reorganizations to ensure that overall funding neither increases nor decreases from the pre-reorganization levels.
 36. Extends the authority of the SPI, with approval of the SBE, to suspend calculation of the Academic Performance Index for the 2016-17 fiscal year
 37. Reflects anticipated changes in funding for the Out-of-Home Care program for foster students with exceptional needs.
 38. Revises the fund source for 2017-18 Career Technical Education Incentive Grant program to use one-time, rather than ongoing, Proposition 98 funds. Under current law, this program will be funded at \$200 million in 2017-18, and at zero in subsequent years.
 39. Authorizes an unspecified appropriation for special education programs as necessary to hold

them harmless if expected 2017-18 local property tax revenue from redevelopment agencies fails to materialize.

40. Provides \$400,000 to the SPI to contract with the San Joaquin County Office of Education for support and development of an electronic template for the LCAP, including a mobile application for the California School Dashboard.
41. Requires the Legislative Analyst's Office to submit a report to the Legislature by March 1, 2018, on recommended options for incentivizing full-day kindergarten programs, including options for providing differentiated funding rates for full-day and part-day kindergarten.

For both K-12 education and community colleges, AB 99:

1. Provides \$603 million in Proposition 98 one-time settle up funding that counts toward the 2009-10 Proposition 98 minimum guarantee. Of this, up to \$513.6 million is allocated to K-12 LEAs for the purpose of funding 2016-17 expenditures for school districts and community colleges, \$86.3 million is provided to community colleges for the Community Colleges Guided Pathways program in 2017-18, and \$3.3 million is provided for the Career Technical Education Incentive Grant Program in 2017-18.
2. Stays the statutory requirement to provide a supplemental appropriation on top of the Proposition 98 minimum guarantee from 2016-17 through 2020-21. Known as the "Test 3B" supplement, this provision normally applies when Test 3 is operative and state revenue is growing relatively slowly. This is an effort to offset the over-appropriation of the Proposition 98 guarantee in 2015-16 and 2016-17 by slowing the growth of the guarantee in subsequent years.
3. Suspends the Proposition 98 split between K-12 education and the California Community Colleges.

For child care and development and early childhood education, AB 99:

1. Increases the standard reimbursement rate (SRR).
2. Authorizes future cost-of-living adjustments to the SRR.
3. Updates, effective, July 1, 2017, the regional market rate (RMR), which is the reimbursement for providers who accept vouchers, to the 75th percentile of the 2016 RMR survey. This includes a temporary hold harmless provision so no provider receives less in 2017-18 than it receives under current rates.
4. Amends income eligibility rules to use the most recent calculation of state median income based on census data and adjusted for family size for determining initial and ongoing eligibility for subsidized child care services.
5. Requires the Legislative Analyst's Office to provide recommendations on existing health and safety requirements currently required under various state laws by March 15, 2018.
6. Authorizes school districts to run transitional kindergarten classes for varying lengths of time, conforming to the authority they currently have for kindergarten classes.
7. Authorizes state preschool providers to enroll children with exceptional needs who do not meet income qualifications if space is available after all qualifying low-income children are served.
8. Authorizes the CDE to enter into a contract with the California Child Care Resource and Referral Network to administer trustline program duties.
9. Conforms the state's definition of "homeless" child or youth with that used by the federal government and authorizes child care providers to use digital forms.

AB 99 is effective immediately.

(AB 99 amends Sections 2572, 2576, 8208, 8235, 8263, 8263.1, 8265, 8273.1, 8357, 11800, 17224,

17592.71, 33050, 37202, 40090, 41203.1, 41203.5, 46160, 47607.3, 47614.5, 47635, 47662, 48301, 48302, 48306, 48307, 48308, 48310, 48311, 48312, 48313, 48314, 48315, 48316 49430.5, 49533, 52052, 52064, 52066, 52070, 52070.5, 52074, 52075, 53310, 53311, 53313, 56305, 56836.165, 60643, and 17080 of, adds Sections 2575.1, 8227.6, 8262.2, 41024, 41207.43, 41207.44, 48317, 56836.29, and 60213 to, adds Article 5 (commencing with Section 52200) to Chapter 7 of Part 28 of Division 4 of Title 2 of, and repeals Sections 2558.2, 17078.73, 53312, 60209, and 60211 of the Education Code, amends Section 17581.6 of and adds Section 17581.96 to the Government Code, amends Sections 1596.64 and 1596.792 of the Health and Safety Code, amends Section 26233 of the Public Resources Code, amends Section 11323.2 of the Welfare and Institutions Code, and amends Section 52 of Chapter 13 of the Statutes of 2015.)

AB 341 – Permits School District Funds to be Used to Cover the Expenses of Students Participating in Field Trips or Excursions to Other States, the District of Columbia, or a Foreign Country.

Current law prohibits school districts from using school district funds to pay for expenses of elementary or secondary students participating in field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country.

AB 341 deletes this prohibition on using district funds to pay the expenses of students participating in field trips to and from places in the state, any other state, the District of Columbia, or a foreign country. This bill takes effect January 1, 2018, and after this time school districts will not have to apply for a waiver from this policy from the State Board of Education.

(AB 341 amends Section 35330 of the Education Code.)

AB 760 – Makes Permanent the Funding Formula for the School Districts with Pupils Attending the Center for Advanced Research and Technology.

Existing law established, beginning with the 2008–09 fiscal year, 180 minutes as the minimum school-day for a student concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement established before January 1, 2008. AB 760 repeals the sunset date to extend the law indefinitely, which makes permanent the funding formula for these types of education programs. However, AB 760 has limited effect and only applies to the Center for Advanced Research and Technology, a linked-learning career technical education center that is a partnership between the Clovis and Fresno Unified School Districts.

This bill took effect upon the governor’s signature on July 10, 2017.

(AB 760 amends and renumbers Section 42238.20 of the Education Code.)

AB 1354 – Deletes Provisions of the Education Code Rendered Inoperative or Obsolete by Adoption of the Local Control Funding Formula.

The enactment of the Local Control Funding Formula resulted in the elimination of nearly all K-12 categorical programs. The purpose of this bill is to “clean up” the Education Code by repealing provisions related to extinct programs.

Specifically, AB 1354 repeals statutory provisions related to the following programs: the California International Studies Program, the Reading First Plan, the Early Warning Program, the No Child Left Behind Liaison Team, the Education Technology Grant Act of 2002, the Educational Improvement Act of 1969, the School Improvement Act of 1970, the Education Incentive Improvement Program, the Demonstration of Restructuring in Public Education, the State Instructional Materials Fund, and the Evaluation and Sunsetting of Programs.

(AB 1354 repeals Section 62000.1 of, repeals Article 11 (commencing with Section 280) of Chapter 2 of Part 1 of Division 1 of Title 1 of, repeals Article 4 (commencing with Section 8750) of Chapter 4 of Part 6 of Division 1 of Title 1 of, repeals Article 1 (commencing with Section 51700) of Chapter 5 of Part 28 of Division 4 of Title 2 of, repeals Article 3.1 (commencing with Section 52055.57) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, repeals Article 4.1 (commencing with Section 52058.1) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, repeals Article 1 (commencing with Section 54600) of Chapter 9 of Part 29 of Division 4 of Title 2 of, repeals Article 2 (commencing with Section 54630) of Chapter 9 of Part 29 of Division 4 of Title 2 of, repeals Article 2.5 (commencing with Section 54650) of Chapter 9 of Part 29 of Division 4 of Title 2 of, repeals Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of Division 4 of Title 2 of, repeals Chapter 3.7 (commencing with Section 44780) of Part 25 of Division 3 of Title 2 of, repeals Chapter 8.9 (commencing with Section 52295.10) of Part 28 of Division 4 of Title 2 of, and repeals Chapter 9 (commencing with Section 58900) of Part 31 of Division 4 of Title 2 of the Education Code.)

AB 1550 – Authorizes Two or More Small School Districts that have had the Issuance of Bonds Authorized by the Voters to Form a Joint Powers Authority (JPA).

AB 1550 authorizes two or more small school districts that have voter-approved authority to issue bonds to form a joint powers authority (JPA) pursuant to the Joint Exercise of Powers Act for the purpose of issuing or selling those bonds to raise money for the purposes authorized. The law authorizes the JPA to exercise the authority granted to a school district for the issuing and selling of those bonds.

(AB 1550 adds Sections 15100.3, 15267, and 15302 to the Education Code.)

SB 85 – Makes Statutory Changes Necessary to Implement the Postsecondary Education-Related Provisions of the Budget Act of 2017.

This bill makes the following statutory changes to implement the Budget Act of 2017.

1. Establishes the Community College Completion Grant Program to assist community college students in the completion of an associate degree, certificate program, or transfer to a four-year university in a timely manner.
2. Establishes the California Community College (CCC) Guided Pathways Program, which seeks to integrate existing student-success programs and services, builds capacity of colleges for data analysis and planning, and develop clearly structured programs and paths for all entering students to improve student outcomes and reduce time to degree.
3. Provides \$2.5 million one-time Proposition 98 General Fund for community college districts to comply with state and federal requirements to prevent and address sexual harassment, including sexual violence, involving a student both on and off campus.
4. Requires the University of California (UC) to use UC employees to operate all new buildings built with state funding.
5. Creates the “Hunger-Free Campus” program, which incentivizes UC, California State University (CSU), and CCC campuses to develop programs to reduce food insecurity among students. SB 85 also appropriates \$2.5 million one-time Proposition 98 General Fund to support Hunger-Free Campus projects at community colleges.
6. Provides an annual cost-of-living adjustment for the CCC mandate block grant.
7. Requires faculty and non-represented employees of CSU to work for CSU for at least 10 years before becoming eligible for retiree health benefits.
8. Creates the Every Kid Counts Act, which provides state matching funds of up to \$200 for low-income families who open and contribute to a college savings account for any dependent age 14 or younger.

9. Exempts the CCC Chancellor's Office from a competitive bidding process for any Proposition 98 General Fund contract with a community college district with a value of \$20 million Proposition 98 General Fund or less for state-wide technical assistance.
10. Extends the reporting dates for the Legislative Analyst's Office (LAO) review of the community college Student Success Act to September 30, 2019 and its report on CSU Early Start Program from January 1, 2018, to January 1, 2019.
11. Extends the deadline for the LAO to submit a report to the Legislature on the outcomes of the Cal Grant C program from April 1, 2018, to April 1, 2019. Additionally, SB 85 extends the reporting deadline for the California Student Aid Commission to report on Cal Grant C program from April 1, 2020, to April 1, 2021.
12. Modifies CCC enrollment targets and funding from the 2015 Budget Act to reflect actual numbers.
13. Extends the encumbrance date for 2015 appropriation of the Apprenticeship Innovation Program until June 30, 2018. SB 85 also provides the Chancellor of the community colleges the authority to audit apprenticeship programs, including verifying if the hours related and supplemental instruction reported to each local educational agency by a participating apprenticeship program sponsor are eligible for reimbursement.
14. Appropriates \$5 million one-time Proposition 98 General Fund to the CCC Board of Governors to support veterans resource centers. Additionally, SB 85 appropriates \$2 million one-time Proposition 98 General Fund to Norco Community College to expand the veterans resource center and establish a program to award course credit for military experience. SB 85 also modifies eligibility requirements for the exemption from paying nonresident tuition for students who meet the requirements to qualify for education benefits under either the federal Montgomery GI Bill or Post 9/11 GI Bill program, to align with federal law.
15. Appropriates \$11.3 million one-time Proposition 98 General Fund to Compton Community College District to support costs associated with regaining accreditation. SB 85 also provides the Compton Community College District with additional funding for four fiscal years as the college transitions from a center to an accredited district.
16. Appropriates \$4.5 million one-time Proposition 98 General Fund to support mental health services and training CCCs.
17. Appropriates \$8 million one-time Proposition 98 General Fund to the CCC Chancellor's Office to support grants to colleges in high unemployment areas. The grants are intended to create or expand projects that accelerate workforce development.
18. Appropriates \$1 million one-time Proposition 98 General Fund to be allocated to the CCC Academic Senate to support a course identification numbering system. SB 85 also allows the Board of Governors of the community colleges to enter into a direct contract with the Academic Senate of the CCC to support statewide initiatives, projects and programs.
19. Establishes the Chancellor's Higher Education Innovation Awards Program, which awards grants to colleges that seek innovations to improve student success for students that are underrepresented in higher education, targets former or current members of the Armed Forces, current or formerly incarcerated adults, underemployed adults and programs that incorporate technology to improve instruction and support services.
20. Delays the reduction in the Cal Grant for private non-profit and accredited for-profit postsecondary educational institutions.
21. Repeals the CCC Chancellor's Office authority to allocate excess local revenue.
22. Creates a separate Adult Education Fund for program funds received by participating school districts to be deposited and expended only for adult education purposes.
23. Extends the sunset date for the Economic Workforce Development Program (EWDP) from January 1, 2018, to January 1, 2023.
24. Modifies the CSU and UC's existing report on academic performance to also include a report on three year goals for various academic performance measures.

25. Modifies the UC's capital outlay authority to allow the cost of deferred maintenance of academic facilities and related infrastructure as an eligible capital expenditure for UC's capital outlay process.

SB 85 went into effect upon the governor's signature on June 27, 2017.

(SB 85 amends Sections 68075.7, 69432, 69439, 70901, 79149.3, 88651, 89007.7, 89295, 92493, 92495, and 92675 of, adds Sections 8152.5, 84750.7, 84914.1, Article 2.7 (commencing with Section 66010.98) to Chapter 2 of Part 40 of Division 5 of Title 3, and Part 54.8 (commencing with Section 88910) and Part 54.81 (commencing with Section 88920) to Division 7 of Title 3 of, adds and repeals Section 66027.8 of, and repeals Section 84751.5 of the Education Code, amends Section 17581.7 of, adds Sections 22874.6 and 22958.3, and Title 19 (commencing with Section 99100) to the Government Code, amends, repeals, and adds Section 20662 of the Public Contract Code, amends Section 13 of Chapter 624 of the Statutes of 2012, and amends Item 6870-101-0001 of Section 2.00 of the Budget Act of 2015 (Chapters 10 and 11 of the Statutes of 2015).)

BUSINESS & FACILITIES

AB 111 – Implements Changes Relating to the Budget.

This general government trailer bill contains various provisions relating to the 2017-2018 budget. Among other things, the bill authorizes the Department of General Services to adjust the amount of filing fees to maintain a reasonable working balance in Public School Planning, Design, and Construction Review Revolving Fund. Specifically, the bill raises filing fees from 0.7% to 1.25% of estimated costs up to \$1 million dollars and from 0.6% to 1% of estimated costs for all costs in excess of \$1 million.

(AB 111 amends Sections 17267, 17300, 17301, 17319, 81133, and 81133.1 of the Education Code, amends Section 17202 of the Family Code, amends Sections

905.2, 3515.7, 14659.10, 16304, 16304.1, 30035.5, and 99010 of, adds Sections 210.6, 1044, 8880.43, and 16401.5 to, adds Chapter 13 (commencing with Section 14985) to Part 5.5 of Division 3 of Title 2 of, repeals Chapter 3.7 (commencing with Section 8299) of Division 1 of Title 2 of, the Government Code, amends Section 50676 of the Health and Safety Code, amends Section 11105 of the Penal Code, amends Section 10187.5 of the Public Contract Code, adds Section 18874 to the Revenue and Taxation Code, amends Section 1973 of the Welfare and Institutions Code, repeals Section 15 of Chapter 6 of the Statutes of 2017, and repeals Section 9 of Chapter 7 of the Statutes of 2017.)

AB 129 – Makes Budgetary Changes to K12 and Higher Education Programs.

This bill is the K-12 and higher education clean-up budget trailer bill. Among other things, the bill extends the California-Grown Fresh School Meals Account to be open until July 1, 2021 and requires the Superintendent of Public Instruction to report annually on the funds received and grants awarded from the account. For higher education, the bill amends the Middle Class Scholarship to appropriate \$96 million for the program. The appropriation will rise to \$117 million in 2018-2019. The bill also clarifies the Community College Completion Grant to ensure that students pursuing a bachelor's degree can qualify for the grant. The bill also amends the Every Kid Counts College Savings Program to best incentivize families to participate in college savings programs. The bill also adjusts the University of California Innovation and Entrepreneurship Initiative to ensure state funding can support research and development of new energy technologies and storage.

(AB 129 amends Sections 8263.1, 8273, 8447, 48307, 66010.99, 70023, 88912, and 92965 of, and repeals Section 8273.2 of, the Education Code, amends Sections 99102 and 99109 of, repeals Sections 99103, 99105, and 99107 of, and repeals and adds Section 99104 of, the Government Code, amends Sections 26205.5, 26227.2, and 26235 of the Public Resources Code, adds Section 19548.3 to the Revenue and Taxation Code, amends Section 86 of Chapter 15 of the Statutes of 2017, and

repeals Section 78 of Chapter 15 of the Statutes of 2017.)

AB 203 – Aims to Provide Flexibility to School Districts in the Design of Facilities and to Assist Small School Districts in the Construction and Funding of Facilities.

Existing law requires the California Department of Education to take specified actions relating to the construction of school facilities, including the establishment of standards to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.

This bill requires those standards to also ensure that the design and construction of school facilities provide school districts with flexibility in designing instructional facilities. The bill also requires the Department of Education to develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. The bill requires the Department of Education, the Division of the State Architect, and the Office of Public School Construction to, on or before July 1, 2018, submit a report to the Legislature relating to the construction of school facilities that addresses the feasibility of streamlining their application processes. The bill further requires the Department of Education and the Office of Public School Construction to each develop regulations that provide local educational agencies with flexibility in the design of instructional facilities for consideration by the State Board of Education and the State Allocation Board.

(AB 203 amends Section 17251 of, adds Section 17256 to, and adds and repeals Section 17254 of, the Education Code.)

AB 591 - Requires County Boards of Education to Comply with the Same Requirements as School Districts in Using Lease-Leaseback or Lease-to-Own Contracting Methods.

This bill clarifies that county boards of education, county offices of education, and county superinten-

dents of schools that use lease-leaseback and lease-to-own contracting methods must comply with all of the requirements currently placed on school districts using these methods, including competitive selections, bidder prequalification, and ensuring the entity and its subcontractors have a skilled and trained workforce.

(AB 591 adds Sections 1048 and 17407.7 to the Education Code.)

AB 618 – Authorizes Job Order Contracting for Community College Districts.

This bill authorizes community college districts to enter into job order contracts, an alternative construction contracting method currently available to school districts, until January 1, 2022.

Job order contracting is a procedure that allows for the awarding of contracts based on prices for specific construction tasks rather than bids for a specific project. A catalog or book identifies all work that could be performed and the unit prices for each of those tasks. The tasks are based on accepted industry standards and prices include the cost of materials, labor, and equipment for performing the work, but exclude overhead and profit. A contractor, rather than bid a total price for the project, will bid an adjustment factor to the pre-set unit prices. The selection of contractors is based on the lowest responsible bidder.

Job order contracting is intended to reduce costs and accelerate completion of smaller projects; it is not generally viewed as an appropriate method of contracting for large, complex construction projects that require extensive or innovative design or are likely to encounter changes and revisions during constructions.

(AB 618 amends Sections 20219.21, 20919.23, and 20919.24 of, and adds and repeals Article 41.5 (commencing with Section 20665.20) of Chapter 1 of Part 3 of Division 2 of, the Public Contract Code.)

AB 1157 – Aims to Increase School District Employee Housing.

This bill exempts school districts from convening a specified district advisory committee related to surplus property and exempts certain requirements relating to the sale or lease of real property if the sale or lease is for the construction, reconstruction or renovation of rental housing facilities for school district employees. Specifically, this bill exempts a school district from the requirement to appoint a specified school district advisory committee if the sale, lease or rental of excess real property is to be used for teacher or school district employee housing. The bill also specifies that the construction, reconstruction, or renovation of rental housing facilities for school district employees constitutes a permissible capital outlay expenditure for satisfying the requirements that apply to the sale or lease of real property by a school district.

This bill also clarifies a taxation exemption for property used to house employees of school and community college districts.

(AB 1157 amends Sections 17391 and 17456 of the Education Code, and amends Section 202 of the Revenue and Taxation Code.)

AB 1343 - Aims to Implement Water Conservation Measures at Schools.

This bill authorizes school districts to enter into a “Go Low Flow Water Conservation Partnership” with a public water system to reduce water use and water pollution at schools and establish educational opportunities in water conservation. The bill also authorizes a public water system to offer, as part of the partnership, a water rebate for schools that implement water-saving measures.

(AB 1343 is currently uncodified.)

SB 110 – Re-appropriates Budget to Improve Energy Efficiency at Educational Agencies.

This budget trailer bill makes various changes to implement the 2017-2018 budget. Specifically, this bill re-appropriates the remaining funds in the Clean Energy Job Creation Fund for the following programs: (a) the first \$75 million for school districts and county offices of education for grants or loans for school bus retrofits or replacements; (2) the next \$100 million for low and no-interest revolving loans for eligible projects and technical assistance to improve energy efficiency and expand clean energy generation; and (3) any remaining funds for school districts, charter schools, and county offices of education for projects to improve energy efficiency and expand clean energy generation.

(SB 110 amends Sections 26211, 26212, 26213, 26214, 26215, 26216, 26217, 26227, 26233, and 26240 of, and adds Sections 26205.5 and 26227.2 to, the Public Resources Code.)

SB 541 – Aims to Implement Best Practices for Storm Water and Dry Weather Runoff Capture for Public Schools.

This bill requires the State Water Resources Control Board (SWRCB), in consultation with the regional water quality control boards, and the Division of the State Architect, to recommend best practices for storm water and dry weather runoff capture practices that can generally be applied to all new, reconstructed, or altered public schools, including school grounds. The bill requires the SWRCB to submit these recommendations to the Governor and the Legislature on or before January 1, 2019, and requires the SWRCB the Department of Education to post the recommendations on their respective Internet websites.

(SB 541 adds Section 189.3 to the Water Code.)

SB 751 – Modifies Provisions Related to Local School District Budget Reserve Cap.

This bill increases the cap on school district reserves, adds a minimum fund balance in the Public School System Stabilization Account (“PSSSA”) to the conditions that must be met for the cap on school district reserves to be triggered, and exempts small and basic aid school districts from the reserve cap requirement. Specifically, this bill raises the cap from two times the minimum reserve requirement (6% for most districts) to 10% for all districts. The bill provides that the cap shall be in effect when the amount of moneys in the PSSSA is equal to or exceeds 3% of the prior year’s allocation. The bill exempts basic aid and small school districts from the cap.

(SB 751 amends Section 42127.01 of the Education Code.)

CHILDCARE AND PRESCHOOLS

AB 273 – Expands Eligibility Requirements for State Subsidized Childcare.

Certain eligibility and prioritization rules apply to subsidized childcare in California. Families are eligible for subsidized child care if they meet at least one requirement in each of two areas: eligibility and need. First, they must meet one of the eligibility criteria, which are: currently receiving aid, being income-eligible, being homeless, or having children who are recipients of protective services or who have been identified as being, or at risk of being, abused, neglected, or exploited. Secondly, the family must meet one of the need requirements: either the child has to have been identified by a legal, medical, or social services agency or emergency shelter as being a recipient of protective services or being (or at risk of being) abused, neglected or exploited, or the parents need to be employed or seeking employment, engaged in vocational training, seeking permanent housing for family stability, or incapacitated.

AB 273 adds an additional method for establishing the need requirement: parents are engaged in an educational program for English learners or to attain a high school diploma or general educational development certificate.

(AB 273 amends Section 8263 of the Education 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.)

CONTRACTS

AB 848 – Prohibits the University of California (UC) and the California State University (CSU) from Contracting for Services Performed by Workers Outside of the United States that Would Displace a UC or CSU Employee.

AB 848 prohibits, on or after July 1, 2017, the University of California (UC) and the California State University (CSU) from contracting for services with a contractor or subcontractor unless that contractor or subcontractor certifies, under penalty of perjury, in his or her bid for that contract that the contract and any subcontract will be performed solely with workers within the United States or describes in the bid any parts of the work performed by workers outside of the United States. If the UC or CSU enter into a contract with a contractor whose work will be performed outside of the United States, the UC or CSU cannot displace an employee performing that specific work. AB 848 also prohibits the UC and the CSU from training contract employees in foreign countries or those who plan to relocate abroad as part of the contract if it would displace an employment position.

The UC or CSU must terminate the contract if the contractor or subcontractor uses workers outside of the United States and does not describe this work in the bid. AB 848 also sets a method for calculating penalties in this event.

This law does not prohibit the UC or CSU from contracting with a contractor or subcontractor that utilizes workers in offshore operations in circumstances that do not directly result in the displacement of an employee of the UC or CSU. Additionally, this law does not apply to contracts relating to study abroad programs, international teaching, research, or public service activities and projects conducted by the UC or CSU.

(AB 848 adds Chapter 3.9 (commencing with Section 12147) to Part 2 of Division 2 of the Public Contract Code.)

AB 949 – Requires School Districts Contracting with a Sole Proprietor for Specified Services to Prepare and Submit the Individual's Fingerprints to the Department of Justice.

While school districts are required to obtain fingerprints and perform background checks on individuals that may interact with pupils, current law does not contemplate individuals that are neither potential school district employees nor employees of an entity authorized to conduct background checks (e.g. sole proprietors). School districts that currently conduct background checks on sole proprietors in the safety interest of their teachers, faculty, staff, and students do not have explicit authority to do so because the individual being checked is not considered a school district employee.

AB 949 states that an individual operating as a sole proprietor of an entity that has a contract with a school district is considered an employee of that entity. School districts must prepare and submit the sole proprietor's fingerprints to the Department of Justice, which will determine whether the individual has been arrested or convicted of any crime.

(AB 949 amends Section 45125.1 of the Education Code.)

SB 544 – Requires School Districts to Award Contracts for the Provision of Child Nutrition Program Supplies to the Most Responsive and Responsible Party and Requires Price to be the Primary Consideration.

SB 544 requires procurement bid solicitations and awards made by a school district for purchases in support of federal nonprofit child nutrition programs to be consistent with certain federal procurement standards. Additionally, SB 544 requires awards to be let to the most responsive and responsible party and requires price to be the primary consideration, but not the only determining factor.

(SB 544 amends Section 20111 of the Public Contract Code.)

SB 228 – Permits the Sale, Possession, or Consumption of Beer on Public School Grounds in Certain Circumstances.

Existing law generally prohibits the sale, possession, or consumption of alcoholic beverages on the grounds of a public school, but numerous legislative exceptions have been granted to allow for the possession and use of alcoholic beverages on school grounds. SB 228 permits the sale, possession, or consumption of beer on the grounds of a public school for beer that is produced by a brewery owned or operated as part of an instructional program in brewing if a license has been issued by the Department of Alcoholic Beverage Control.

(SB 228 amends Section 25608 of the Business and Professions Code.)

DISCRIMINATION, HARASSMENT, AND RETALIATION

AB 1008 – Extends “Ban the Box” to All Employers and Delays Review of Applicant’s Criminal History until after Conditional Offer.

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. The prohibition is subject to certain exceptions, such as applicants for jobs with a criminal justice agency or where a background check is required by law.

AB 1008 extends “Ban the Box” to all California employers and adds additional limitations and processes. However, AB 1008’s prohibition does not apply to agencies required by law to conduct a background check, any position with a criminal justice agency, or any employee working for a

criminal justice agency on a contract or loan basis. School and community college districts are such employers. Thus, LCW recommends that school and community college districts not change their current practices, as districts must know about sex and controlled substance offenses. There may be litigation in the future, but currently we do not recommend a change.

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

AB 46 – Clarifies that the Fair Pay Act Applies to Public Employers.

Labor Code section 1197.5 prohibits an employer from paying an employee a wage rate less than the rate paid to employees of the opposite sex, or to employees of a different race or ethnicity, who perform substantially similar work under similar working conditions. Nevertheless, wage differentials are permissible where payment is pursuant to one or more of the following factors: a seniority system, a merit system, a system that measures earnings by quality or quantity of product, or a differential based on a bona fide factor other than sex, race, or ethnicity.

AB 46 clarifies that the prohibition on sex, race, and ethnicity-based wage differential found in Labor Code 1197.5 applies to public employers. It also grants the Division of Labor Standards Enforcement (DLSE) authority to enforce this prohibition against public employers. This means a public employee has two or three years (depending on whether the violation is willful) to file a wage discrimination claim with the DLSE. Because an employee is not required to exhaust administrative remedies before filing in court, the employee may forego the DLSE complaint process altogether and file a wage discrimination complaint directly in superior court.

School and community college districts should examine their current salary practices to identify any salary discrepancies based on an employee’s gender, race, or ethnicity for job positions that

perform substantially similar work. If districts find discrepancies, the district should examine whether there are any permissible factors for the wage differential, or look to remedy the issue to ensure compliance with this law.

(AB 46 amends Section 1197.5 of the Labor Code.)

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 \$2,000 to \$5,000; the fine for a second violation is \$5,000 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 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 an employee filing a complaint 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 may have minimal impact on public employers because many provisions of the Labor Code do not apply to them. However, if a public employer is the subject of a retaliation complaint, it could have to participate in an injunction proceeding and may want an appeal hearing if a citation issues. These new procedures could impose substantial costs on a public employer.

(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 as 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 a public employer 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.)

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 this 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.)

EMPLOYMENT

BILLS UNIQUE TO K-12 EMPLOYEES

AB 872 – Updates the Definition Sex Offenses.

Current state law prohibits school districts from employing or retaining in employment persons convicted of specified sex offenses.

AB 872 would revise the list of crimes included in the definition of “sex offense,” by including specified crimes, which require a person to register as a sex offender under the Sex Offender Registration Act.

(AB 872 amends Section 44010 of the Education Code.)

CERTIFICATES AND CREDENTIALS

AB 170 – Allows the Commission on Teacher Credentialing to Issue Multiple Subject Preliminary Teaching Credentials to Individuals with Baccalaureate Degree in Professional Education.

Under current law, the only subject teachers cannot major in during college is education. AB 170 removes this prohibition for elementary and middle school teachers seeking a multiple subject teaching credential. This bill allows institutions of higher education in California to design education majors for prospective teachers and gives faculty the flexibility to design and offer an education major if, in their professional opinion, such a program would strengthen their teachers’ preparation for the classroom. Teachers are still required to pass a subject matter competency examination to earn their credential, and the major will still need to meet the subject matter standards of undergraduate preparation established by the Commission on Teacher Credentialing.

(AB 170 amends Sections 44225 and 44259 of the Education Code.)

AB 226 – Expedites Review of an Application for Teaching Credentials for Spouses of Active Duty Military Members.

AB 226 requires the Commission on Teacher Credentialing (CTC) to grant or deny a completed application for a credential within seven days of receipt if the applicant holds a valid teaching credential in another state and is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California. Under state law, the CTC must process all credential applications within 50 business days of receipt, so AB 226 decreases the amount of processing time for this type of applicant alleviating delays these applicants might encounter after a military directed move to California.

The seven-day processing time does not apply to an application subject to a fitness review by the CTC pursuant to Article 3 (commencing with Section 44240).

(AB 226 adds Section 44343.5 to the Education Code.)

AB 681 – Authorizes the Commission on Teacher Credentialing to Determine Whether the Credential Standards in Foreign Countries is Equivalent to California to Expedite the Processing Time and Prohibits School Districts and County Offices of Education From Issuing a Temporary Certificate Authorizing Classroom Service Until Proof the Individual Obtained a Credential, Certificate or Permit.

AB 681 allows the Commission on Teacher Credentialing (CTC) to determine whether a foreign country has academic and credentialing standards equivalent to those of regionally accredited institutions in the United States, and allows applicants from those countries to forego a foreign transcript evaluation by the CTC or an approved evaluator.

Additionally, AB 681 specifies that a school district or county office of education cannot issue a temporary permit authorizing classroom service without the credentialed employee first having obtained a credential, certificate or permit authorizing the performance of services in the public schools from the CTC.

(AB 681 adds Section 51514 to the Education Code and amends Section 8310.8 of the Government Code.)

COLLECTIVE BARGAINING

SB 550 – Requires an Employer that Rejects an Employee Organization’s Settlement Offer to Pay the Reasonable Attorney Fees and Expenses if the Employer Fails to Obtain a More Favorable Judgment.

SB 550 authorizes an employee organization to make an offer to settle a dispute alleging an employer’s failure to provide wages, benefits, or working conditions required by state law in accordance with specified procedural requirements and would require the employer, if the employer does not accept the offer and fails to obtain a more favorable judgment or award, to pay the employee organization’s attorney’s fees and expenses incurred after the offer was made, subject to specified exceptions.

(SB 550 amends Section 3543.8 of the Government Code.)

EMPLOYMENT CLASSIFICATIONS

AB 670 – Changes Employment Classification of Playground Positions.

Current state law prohibits part-time playground positions from being part of the classified service when the employee was not otherwise employed in the same school district in a classified position. AB 670 places part-time playground aides into the classified service, allowing them to receive the same statutory rights and protections under the Education Code as classified employees.

(AB 670 amends Section 45103 of the Education Code.)

EMPLOYMENT SURVEYS

AB 677 – Expands the List of State Entities Required to Collect Voluntary Self-Identification Information on Sexual Orientation and Gender Identity to Include Various Education and Employment-Related State Agencies.

Existing state law directs various state health and social services entities to collect voluntary self-identification information on sexual orientation and gender identity beginning no later than July 1, 2018. AB 677 requires an additional seven state entities to collect this information: the State Department of Education and the Superintendent of Public Instruction (California Longitudinal Pupil Achievement Data System), the Commission on Teacher Credentialing, the Department of Fair Employment and Housing, the Labor and Workforce Development Agency, the Department of Industrial Relations, the Employment Training Panel, the Employment Development Department (except the unemployment insurance program within the department). These added entities must comply no later than July 1, 2019.

Additionally, if a local educational agency administers a voluntary survey that already includes questions pertaining to sexual orientation and gender identity, AB 677 also prohibits the local educational agency from removing those questions.

(AB 677 adds Section 51514 to the Education Code and amends Section 8310.8 of the Government Code.)

LEAVES

SB 731 – Grants Additional, Pre-Banked Paid Leave to School Employees who are Former Active Duty Members of the United States Armed Forces and have a Qualifying Service-Connected Disability.

A certificated employee hired on or after January 1, 2017, who is a military veteran with a military service-connected disability rated at 30% or more by the United States Department of Veterans Affairs is entitled to a leave of absence for illness or injury with pay of up to 10 days for the purpose of undergoing medical treatment for his or her military service-connected disability. A classified employee who meets these requirements is entitled to a leave of absence for illness or injury with pay of up to 12 days for the same purpose.

SB 731 expands these requirements to include a certificated or classified employee who is a former active duty member of the Armed Forces of the United States or a former or current member of the California National Guard or a federal reserve component, who was hired on or after, or employed on or after, January 1, 2017, with a service-connected disability rated at 30% or more by the United States Department of Veterans Affairs that was incurred during the active duty recently completed.

The new law requires credit for leave of absence under this provision to be credited to a qualifying certificated or classified employee on the effective date of the employee's disability rating decision from the United States Department of Veterans Affairs, or on the first day the qualifying certificated employee begins, or returns to, employment after active duty, whichever is later.

(SB 731 amends Sections 44978.2 and 45191.5 of the Education Code.)

BILLS UNIQUE TO COLLEGE EMPLOYEES

COLLECTIVE BARGAINING

SB 201 – Amends the Higher Education Employer-Employee Relations Act (HEERA) to Provide Collective Bargaining Rights to Student Employees at the University of California, California State University, and Hastings College of Law, Whose Employment is Contingent on Their Status as Students.

The HEERA defines "employee" or "higher education employee" as any employee of the Regents of the University of California (UC), the Directors of the Hastings College of the Law, or the Trustees of the California State University. Under this act, student employees whose employment is contingent on their status as students are employees only if the services they provide are unrelated to their educational objectives or those educational objectives are subordinate to the services they perform.

SB 201 makes student employees whose employment is contingent upon their status as students "employees" and "higher education employees" under HEERA.

SB 201 also limits the scope of representation for which a recognized employee organization can represent UC student employees to work that does not include work required for students to achieve satisfactory progress toward their degrees.

(SB 201 amends Section 3562 of the Government Code.)

LEAVES

AB 1651 – Requires Academic Employees of the California Community Colleges to be Provided with Information on all Relevant Complaints or Allegations Against Them Before Being Placed on Administrative Leave.

AB 1651 requires a community college provide specific information to an academic employee at least two business days prior to placing the employee on involuntary paid administrative leave related to an allegation or allegations of misconduct. The employee must receive written notification of the general nature of the allegation or allegations of misconduct upon which the decision to place the employee on involuntary paid administrative leave is based.

This new law does provide an exception to the advance notice requirement and allows for placing an academic employee on administrative leave immediately when necessary due to a risk of physical danger or related risk as determined by district officials. If an academic employee is placed on paid administrative leave without advance notice, the community college district must notify the employee within five business days of the general nature of the allegations made against him or her.

AB 1651 states the employer should complete its investigation of the accused misconduct and initiate disciplinary proceedings against, or reinstate the academic employee within 90 days of placing the employee on involuntary paid administrative leave. The law allows the California Community Colleges' Board of Governors to specify a required amount of time in which a community college district is expected to comply with investigating and initiating disciplinary proceedings, so a required time limit for complying with this portion may be forthcoming.

AB 1651 does not supersede the rights of labor organizations or employees under the Educational Employment Relations Act.

(AB 1651 adds Section 87623 to the Education Code.)

GRANTS AND FINANCIAL AID

AB 491 – Expands the Purpose of Grants Made Through the California Civil Liberties Public Education Grant Program and Amends Eligibility Criteria for Projects and Applicants.

The California Civil Liberties Public Education Program, established in 1998, sponsors educational activities and the development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry will be remembered and so that the causes and circumstances of this and similar events may be illuminated and understood. The program received \$1 million in annual funding until 2011 which allowed 366 grant awards. In 2016, after a one-time funding allocation in the Budget Act, more than \$922,000 was awarded to 29 organizations ranging from community groups to the California State University system.

AB 491 amends state law to expand the scope of the grant program to include content linking the exclusion, forced removal, and internment of citizens and permanent residents of Japanese ancestry to current civil liberties challenges. The bill revises the criteria that a project is required to meet, and criteria that applicants are encouraged to meet, in order to be awarded a grant. AB 491 also revises the list of the entities that are eligible to apply for a grant. Funding for the grant program is subject to an appropriation in the annual Budget Act or other measure.

(AB 491 amends Sections 13000, 13015, 13020, 13025, and 13030 of the Education Code.)

AB 766 – Enables Foster Youth to Receive Payments Directly When Living in a Dormitory and Prohibits These Payments from Being Considered for Financial Aid Purposes by California State University and California Community Colleges.

Existing state law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. In order to be eligible for AFDC-FC, a child or nonminor dependent (a current or former foster youth who is between 18 and 21 years old) must be placed in one of several specified placements including a supervised independent living setting. A nonminor dependent may receive all of his or her AFDC-FC payment directly if he or she is living in a supervised independent living placement and complies with other requirements.

AB 766 adds a dormitory or other designated housing of a postsecondary educational institution in which a minor dependent who is enrolled at the postsecondary institution is living as an allowable placement for AFDC-FC benefits and enabled the student to directly receive AFDC-FC payments. AB 766 prohibits California State University and the California Community Colleges from considering a student's directly-paid AFDC-FC payments from being considered when determining eligibility for financial aid and fee waivers.

(AB 766 adds Section 66021.5 to the Education Code, and to amend Section 11402 of, and to add Section 11402.7 to, the Welfare and Institutions Code.)

AB 1533 – Removes the Sunset Date on the Long Beach College Promise Partnership Act.

Previous law established the College Promise Partnership Act and authorized the Long Beach Community College District and the Long Beach Unified School District to enter into a partnership to provide participating students with an aligned sequence of rigorous high school and college

coursework leading to capstone college courses. However, the law sunset on June 30, 2017, and would be repealed on January 1, 2018.

AB 1533 extends the operation of the act indefinitely. The law took effect immediately upon the governor's signature on October 13, 2017.

(AB 1533 amends Sections 48811 and 76003 and repeals Section 48814 of the Education Code.)

AB 1567 – Requires the California Department of Social Services and County Welfare Departments to Share Information Regarding Foster Youth at a California State University and the California Community Colleges, and Requires Campuses to Communicate Eligibility for Financial Aid and Campus Supports with Applicants and Enrolled Students Who are Current or Former Foster Youth.

Existing law establishes the Higher Education Outreach and Assistance Act for Emancipated Foster Youth. The act imposes various requirements on the Trustees of the California State University and the Board of Governors of the California Community Colleges relating to outreach and retention services for foster youth in order to encourage their enrollment and retention at a campus.

AB 1567 changes the name of the act to the Higher Education Outreach and Assistance Act for Foster Youth. The new law also requires the California Department of Social Services and county welfare departments, in coordination with the California State University and the California Community Colleges, to coordinate with staff of several designated entities to verify eligibility of foster youth for participation in programs and other benefits.

AB 1567 also requires each campus of the California Community Colleges upon admission of a foster youth, and each campus of the California State University upon determination through receipt of the Free Application for Federal Student

Aid or through another means, that a student enrolled at or applying to that campus is a current or former foster youth and is eligible for financial aid, to notify that student about appropriate campus support programs and eligibility for financial aid and provide that student with instructions for accessing the benefits. The law permits a campus to notify the student by including information in the letters of acceptance sent to foster youth who have been admitted to those campuses.

(AB 1567 amends Sections 89340, 89341, 89342, 89344, 89345, 89346 and the heading of Article 5 (commencing with Section 89340) of Chapter 3 of Part 55 of Division 8 of Title 3 of the Education Code of the Education Code.)

AB 1604 – Permits a California Work Opportunity and Responsibility to Kids (CalWORKs) Recipient to Participate in a High School Equivalency Program Prior to Participation in Other Specified CalWORKs Activities.

Under the California Work Opportunity and Responsibility to Kids (CalWORKs) program, counties provide cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Recipients of CalWORKs must participate in welfare-to-work activities, and the county must assign a recipient who lacks a high school diploma or its equivalent to participate in adult basic education if the recipient completed job search activities but did not find employment and the education is needed to become employed. Under existing law, county must perform an assessment and develop a welfare-to-work plan that includes participation in the educational activity in order for a recipient to engage in adult basic education in satisfaction of welfare-to-work requirements.

AB 1604 instead provides that after the county determines that a recipient has received services, but has not received his or her high school diploma or its equivalent, the recipient may participate in a high school equivalency program without

participating in the assessment. AB 1604 requires a county offer recipient who has not received a school diploma or its equivalent a welfare-to-work plan to participate in a high school education program or high school equivalency program. If the recipient declines to participate and chooses instead to participate in job club or job search activities, the recipient must make that election in writing on the welfare-to-work plan.

(AB 1604 amends Section 11320.1 of and adds Section 11325.3 to the Welfare and Institutions Code.)

AB 990 – Requires Each Campus of the California State University and Requests Each Campus of the University of California Annually Publish Information About the Cost of Housing Surrounding the Campus.

AB 990 requires each campus of the California State University and requests each campus of the University of California to post on its Web site, by February 1 of each year, information about the market cost of a one-bedroom apartment in the areas surrounding that campus where its students commonly reside. This information must be posted in the same location on the institution's Web site where the housing cost estimates for off-campus students are posted.

Campuses must exercise due diligence and consult bona fide and reliable sources of current information about local housing market costs when creating this information.

(AB 990 adds Section 66014.2 to the Education Code.)

HEALTH AND SAFETY

AB 746 – Requires Drinking Water to be Tested for Lead at Schools.

AB 746 requires a community water system that serves a school of a local educational agency with a building constructed before January 1, 2010, to test for lead in the potable water system of the

school before January 1, 2019. The community water system must report its findings to the school, and, if the school's lead level exceeds a certain level, test a water sample from the point at which the school connects to the community water system's supply network. If the lead level exceeds the specified level at a school, the local educational agency must notify the parents and guardians of the students who attend the school or preschool. The local educational agency must immediately shut down all fountains and faucets where excess lead levels may exist and ensure that a potable source of drinking water is provided. A community water system must prepare a sampling plan for each school where lead sampling is required under these provisions. AB 746 also establishes a sunset date of July 1, 2019.

(AB 746 adds and repeals Section 116277 of the Health and Safety Code.)

HIGHER EDUCATION

AB 1299 – Enacts Provisions Related to the Transition of the El Camino College Compton Center (ECCCC) to the Compton Community College District (Compton CCD), Upon the Latter Receiving Accreditation to Operate as a District.

AB 1299 applies all of the following provisions to students enrolled at ECCCC six months before the change in control of that institution from the El Camino Community College District to the Compton CCD:

- A. Requires the Compton CCD to ensure that any student of ECCCC who, by the end of the spring term immediately preceding the change in control of the institution, has completed at least 75% of the courses required for the degree or certificate that he or she is pursuing shall be able to complete that program at Compton College;
- B. Requires the Compton CCD to consider each student of ECCCC who enrolls for classes at Compton College to be a continuing student

for purposes of enrollment priorities; and

- C. Exempts these students from regulations of the Board of Governors of the California Community Colleges relating to minimum residence at a community college granting a degree shall.

Additionally, AB 1299 exempts, for academic years 2018–19 to 2021–22, the Compton CCD from state law that requires California community college districts to expend, during each fiscal year, 50% of the district's current expense of education for payment of classroom instructors' salaries.

(AB 957 adds Section 74295.5 to the Education Code.)

IMMIGRATION

AB 21 – Protects Students and Employees of Postsecondary Education Institutions from Federal Immigration Enforcement Activities on Campus.

AB 21 is the California Legislature's attempt to ensure that college and university students potentially affected by changes in federal immigration policy are made to feel safe and protected to the fullest extent via the campuses they attend. The bill requires the California State University (CSU), California Community Colleges (CCC) and each Cal Grant eligible independent institution of higher education and requests the University of California (UC) establish various policies and actions to be implemented by postsecondary education institutions in California that safeguard against immigration enforcement activities on campuses.

The bill requires the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, and requests the UC Regents adopt and implement, by March 1, 2019, the model policy developed by the California Attorney General or an equivalent policy, limiting assistance with immigration enforcement to the fullest extent

possible consistent with federal and state law. Additionally, the law requires the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and requests the UC Regents to post on its website and provide via email quarterly or each semester updates to all students, faculty, and staff a copy of the adopted policy and guidance informing them of their rights.

AB 21 requires the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, and requests the UC Regents refrain from disclosing personal information about students, faculty, and staff except: a) with the consent of the person identified, or if the person is under 18 years of age, with the consent of the parent or guardian of the person identified; b) as may legally be disclosed under state and federal privacy laws; c) for the programmatic purpose for which the information was obtained; d) as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or, e) in response to a judicial warrant, court order, or subpoena.

AB 12 requires the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, and requests the UC Regents to comply with a request from an immigration officer for access to nonpublic areas of the campus only after receiving a judicial warrant. Immigration officer is defined in the bill as any state, local, or federal law enforcement officer who seeks to enforce immigration law. However, AB 12 does not apply to an immigration officer's request for access or information related to the operation of international student, staff, or faculty programs, employment verification efforts, or other non-enforcement activities.

The new law also requires the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, and requests the UC Regents advise all students, faculty, and staff to notify the office of the chancellor or president, or his or her designee,

as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order, and advise all students, faculty, and staff responding to or having contact with an immigration officer executing a federal immigration order, to refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

AB 21 requires the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, and requests the UC Regents designate an employee to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. Unless the disclosure is permitted by state and federal education privacy law, this employee is prohibited from discussing the personal information, including immigration status information, of any student, faculty, or staff person with anyone, or revealing that personal information to anyone. However, AB 21 does not require institutions to hire staff to fulfill this requirement.

Under this bill, the CSU Trustees, governing board of each community college district, each eligible independent institution of higher education, are required and the UC Regents is requested to maintain a contact list of legal services providers who provide legal immigration representation, and provide this list free of charge to any students who request it. The list shall include the organization's name and contact information.

AB 21 requires the CSU Trustees, governing board of each CCC district, each eligible independent institution of higher education, and requests the UC Regents to ensure that if there is reason to suspect a student, faculty, or staff person has been taken into custody as a result of an immigration enforcement action, the college or university, as soon as possible, notify the person's emergency contact that the person has been taken into custody.

If an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university must make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits he or she has been awarded or received. If an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university should reenroll the student if and when the student is able to return to the college or university. Colleges and universities should make staff available to assist undocumented students, and other students, faculty, and staff who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions.

(AB 21 adds Article 11 (commencing with Section 66093) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code.)

AB 699 – Requires the Attorney General to Publish Model Policies Limiting Assistance with Immigration Enforcement at Public Schools, Requires Local Educational Agencies to Adopt the Model Policies, and Provides Education and Support to Immigrant Students and Their Families.

State law prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid. Under current law, the California Department of Education must assess whether local educational

agencies have taken certain actions related to educational equity, including adopting a policy that prohibits, and adopting a process for receiving and investigating complaints of, discrimination, harassment, intimidation, and bullying based on those actual or perceived specified characteristics. AB 699 expressly includes immigration status in the specified characteristics for purposes of those provisions.

Specifically, AB 699 prohibits school officials and employees of a school district, county office of education, or charter school, except as required by state or federal law or as required to administer a state or federally supported educational program, from collecting information or documents regarding citizenship or immigration status of students or their family members.

The superintendent of a school district, the superintendent of a county office of education, and the principal of a charter school must report to the respective governing board or body of the local educational agency in a timely manner any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.

When an employee of the school is aware that a student's parent or guardian is not available to care for the student, the school should work with parents or guardians to update the emergency contact information and not contact Child Protective Services to arrange for the student's care unless the school is unable to arrange for care through the use of emergency contact information or instructions provided by the student's parent or guardian.

Under AB 699, the governing board or body of a local educational agency must perform specified actions relating to pupils and immigration status, including, among others, providing information to parents and guardians regarding their children's right to a free public education, regardless

of immigration status or religious beliefs.

By April 1, 2018, the California Attorney General must publish model policies limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents, regardless of immigration status. Subsequently, all local educational agencies must adopt the model policies, or equivalent policies, by July 1, 2018.

(AB 699 amends Sections 200, 220, and 234.1 of and adds Article 5.7 (commencing with Section 234.7) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code.)

MIGRANT EDUCATION

AB 192 – Changes the Reporting and Meeting Requirements of the Statewide Parent Advisory Council of the Migrant Education Program.

Existing law required the State Board of Education to adopt a state master plan for services to migrant children and required the Superintendent of Public Instruction (SPI) to establish a statewide parent advisory council that participated in the planning, operation, and evaluation of the state migrant education program. This advisory council was previously required to meet annually and prepare and submit a report regarding the status of the migrant education program.

AB 192 amends the advisory council's responsibilities and decreases the reporting cycle to once every three years and meeting requirements to once every two years. The SPI is also authorized to sponsor regional conferences in lieu of the statewide conference if regional conferences will increase parent participation.

The Legislature hopes this will improve the quality of the existing evaluation process and boost parent attendance and participation in the conferences.

(AB 172 amends Section 54444.2 of the Education Code.)

HIRING

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 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 or 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. Unlike other Labor Code sections prohibiting certain inquiries of applicants, a violation of these prohibitions is not a misdemeanor.

Districts 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. Districts 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 their legal counsel to determine compliance with this new law.

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

LABOR RELATIONS

AB 119 – Requires Public Employers to Give Unions Access to New Employee Orientation and Provide Unions with Employees’ Personal Contact Information.

AB 119, a trailer bill to the 2017-18 state budget, imposes two new requirements on public employers with regard to union access to employees:

1. The bill requires a public employer to give a union that currently represents its employees notice regarding a new employee orientation of new employees of that unit at least 10 days prior to the orientation unless there is an unforeseeable urgent need requiring a shorter notice period. If a union requests access to

such new employee orientation, the “*structure, time, and manner*” of such access are subject to negotiation before access to the orientation is provided. If the union and employer do not reach agreement within either 45 days of the first negotiation or 60 days from the initial request to negotiate, either party may demand interest arbitration, whereby a third-party arbitrator will establish the terms of access to such new employee orientations with the cost of the arbitrator split between the parties.

2. The bill also requires the employer to provide a union representing its employees with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the employer, and home address of new employees within 30 days of hire or the first pay period of the month after hire. The employer must provide each union with this information for all employees it represents at least every 120 days. Employees have the ability to opt out in writing of the disclosure of their home address, home telephone number, personal cellular telephone number and personal email address on file with the employer

AB 119 grants the Public Employment Relations Board jurisdiction over alleged violations of these provisions.

AB 119 was an urgency statute that took effect on June 27, 2017. While many districts have already been addressing the requirements of AB 119, those districts who have not yet implemented its provisions should seek legal counsel to ensure compliance with these provisions.

(AB 119 adds Sections 3555-3559 to the Government Code.)

SB 285 – Prohibits Public Employers from Deterring or Discouraging Union Membership.

SB 285 says that a “*public employer shall not deter or discourage public employees from becoming or*

remaining members of an employee organization.” According to the author, this bill closes a loophole in existing labor relations statutes that allowed public employers to use unfair tactics to convince or coerce employees to withdraw from union membership. SB 285 gives the Public Employment Relations Board jurisdiction over alleged violations of this prohibition.

It is difficult to determine from the statute’s broad language what conduct would constitute deterring or discouraging union membership. What conduct is prohibited likely will be determined over time through litigation before PERB. In the meantime, districts should make sure managers and supervisors are aware of this new law and urge caution if the subject of union membership comes up in the workplace. Districts with questions about compliance with SB 285 should seek advice from labor counsel.

(SB 285 adds Sections 3550-3552 to the Government Code.)

MANDATED REPORTERS

AB 575 – Adds “Substance Use Disorder Counselor” to List of Mandated Reporters.

AB 575 adds “Substance Use Disorder Counselor” to the list of health practitioners required by law to serve as a mandated reporter of any elder and dependent adult abuse. A “Substance Use Disorder Counselor” is defined as a person providing counseling services in an alcoholism or drug abuse recovery and treatment program that is licensed, certified, or funded under Health & Safety Code sections 11760, *et. seq.*

Employers who employ substance abuse counselors should determine if they are covered under this new provision and provide appropriate training and notice to such employees in order to comply with their mandatory reporter requirements.

(AB 575 amends Section 15610.37 of the Welfare and Institutions Code.)

POLITICAL REFORM ACT

SB 45 – Prohibits Certain Types of “Mass Mailings.”

The Political Reform Act prohibits sending a mass mailing of over 200 similar pieces of mail at public expense. The Fair Political Practices Commission has adopted regulations defining which mass mailings are prohibited and which are permissible.

SB 45 puts the content of the FPPC regulations into the Political Reform Act itself. The bill also prohibits a mass mailing from being sent within 60 days of an election by or on behalf of a candidate who will appear on the ballot.

Agency executives and elected officials should be reminded that public funds cannot be used to send mass mailings during an election.

(SB 45 adds Sections 89002 and 89003 to the Government Code.)

PUBLIC RECORDS ACT

AB 459 – Limits the Disclosure of Police Body Camera Recordings.

AB 459 provides that the California Public Records Act does not require disclosure of a video or audio recording created during the commission or investigation of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of the victim. The agency in possession of the recording must, however, justify withholding the recording by showing that the interest in withholding the recording outweighs the interest in its disclosure. In balancing these interests, the public agency must consider:

1. The victim’s constitutional privacy rights and
2. Whether potential harm to the victim can be mitigated by obscuring or distorting identi-

fyng characteristics without impairing the ability to see or hear the events captured on the recording.

AB 459 also requires public agencies to permit the victim or the victim's authorized representative to obtain a copy of the recording. Disclosure to the victim or representative does not constitute a waiver of exemptions for any other member of the public.

(AB 459 adds Section 6254.4.5 to the Government Code.)

PUPILS

BILLS UNIQUE TO K-12 PUPILS

ATTENDANCE AND ENROLLMENT

SB 257 – Allows a Student to meet Residency Requirements for School Attendance in a School District if the Student's Parent was a California Resident and Departed Against Their Will.

This bill seeks to remove barriers for children of parents who departed California for another country or state against his or her will, including being removed pursuant to an immigration order and who are otherwise eligible for admission and meet specified requirements, to continue their education in U.S. schools. Specifically, SB 257 deems that a student meets residency requirements for school attendance in a school district if he or she is a student whose parent(s), were residents of California and have departed California against their will.

A school district serving a student enrolled under this law cannot charge admission, attendance, or other fees to be paid by the student, or the parents or guardian.

(SB 257 amends Sections 48050 and 48052 of and adds Section 48204.4 to the Education Code.)

SB 344 - Extends the Sunset Date on the Extended Timeline Provided to County Boards Of Education in Class 1 and Class 2 Counties to Determine Whether a Student who has filed an Interdistrict Appeal Should be Permitted to Attend in the District in Which the Student Desires to Attend.

Existing law authorizes the governing boards of two or more school districts to enter into an agreement for the interdistrict attendance of students who are residents of the school districts. If the governing board of either school district fails to approve a request within a specified time period or fails or refuses to enter into an agreement, the student may appeal to the county board of education. Within 30 calendar days, the county board of education must determine whether the student should be permitted to attend the school in which the student desires to attend. However, if the county board of education is located in a class 1 or class 2 county, it has 40 schooldays to make this determination, but this authority was set to expire July 1, 2018.

SB 344 instead requires the county board of education in a class 1 county, until July 1, 2023, to make the determination within 60 calendar days and the county board of education in a class 2 county, until July 1, 2019, to make the determination within 45 calendar days.

The 2014 classification of counties shows the following counties are considered Class 1 or Class 2 counties and would qualify for the timeline extension: Alameda, Contra Costa, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, and Santa Clara.

(SB 344 amends and repeals Section 46601 of the Education Code.)

SB 455 - Amends the Residency Requirements for Dependents of Active-Duty Military Personnel for Attending A Public School.

SB 455 bill amends the residency requirements for dependents of active-duty military personnel by specifying that dependents of military personnel meet the residency requirement for attending a school if the parent is transferred or pending transfer to any military installation in California instead of only within the boundaries of the school district as current law requires.

(SB 455 amends Section 48204.3 of the Education Code.)

DISCIPLINE

AB 667 – Requires Schools to Inform Suspended Student of Prior Means of Correction.

AB 667 requires the principal, his or her designee, or the district superintendent of schools inform a student who is being suspended of the other means of correction that were attempted prior to the suspension during the mandatory informal conference.

(AB 667 amends Section 48911 of the Education Code.)

AB 1360 – Places Additional Requirements on Charter Schools when Involuntarily Removing Students, Admitting Students, and Providing Notice to Parents About Acceptance and Continued Enrollment.

Current law requires the petition for the establishment of a charter school to contain comprehensive descriptions of various procedures, including the charter school's admission, suspension, and expulsion procedures. AB 1360 requires the petition to also contain a comprehensive description of procedures by which a student can be suspended, expelled, or otherwise involuntarily removed from the charter school. This description

must also include an explanation of how the charter school will comply with specified federal and state constitutional due process requirements.

AB 1360 also requires a school district to provide certain information to a charter school in which a student was enrolled and who was expelled or left the charter school if the student is subsequently expelled or leaves the school district.

Current law requires a charter school to use a random drawing for admission if the number of students who wish to attend the school exceeds capacity. Admission preferences can be extended to students currently attending the school and students who reside in the school district or county, depending on the applicable chartering authority. Other admissions preferences are permitted by a chartering authority on an individual school basis. AB 1360 requires other preferences to be approved by the chartering authority at a public hearing and requires the preferences to comply with specified other requirements.

Under AB 1360, a charter school may encourage parental involvement, but the school must notify parents and guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to or continued enrollment at the school.

(AB 1360 amends Sections 47605 and 47605.6 of the Education Code.)

ENGLISH LEARNERS

AB 81 – Requires Local Education Agencies to Provide Additional Information to Parents of English Learners.

Under current law, school districts or charter schools must notify parents of a student's English proficiency within 30 days of the start of school, but no information is currently provided to parents regarding students who are classified as a long term English learner (LTEL) or at risk of becoming a LTEL (ARLTEL).

AB 81 modifies the contents of the required parent notice by requiring the school district or charter school provide information on how English learners will benefit from the program for English language development instruction and develop English proficiency. The bill also requires the notification to include information on whether the student is a long-term English learner or at risk of becoming one. This notice would go out to all parents of roughly 1.4 million designated English learner students in the state.

(AB 81 amends Section 313.2 of the Education Code.)

GRADUATION REQUIREMENTS

AB 24 – Creates a State Seal of Civic Engagement.

AB 24 creates a State Seal of Civic Engagement that can be affixed to the diploma of qualifying high school graduates who demonstrate excellence in civics education and participation.

The bill directs the State Superintendent of Public Instruction (SPI) to develop criteria, in consultation with other stakeholders, for awarding the seal to students who demonstrate an understanding of the United States Constitution, the California Constitution, and the democratic system of government. The SPI must develop these criteria by January 1, 2019, and the State Board of Education must adopt, reject, or modify the criteria by January 31, 2021.

School districts are not required to participate in this program. If a school district chooses to participate, it must maintain appropriate records in order to identify students who earned the seal and affix the insignia to the students' diplomas.

(AB 24 adds Article 7 (commencing with Section 51470) of Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code.)

AB 365 – Extends to Students from Military Families Certain Rights Regarding Exemptions from Local Graduation Requirements and Acceptance of Partial Credit Which are Currently Afforded to Other Groups of Highly Mobile Students.

AB 365 extends to students from military families certain rights regarding exemptions from local graduation requirements and acceptance of partial credit. AB 365 exempts a child from a military family who transfers between schools any time after the completion of the student's second year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements specified in Section 51225.3, unless the school district finds the student is reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the student's fourth year of high school.

If the school district determines the student is reasonably able to complete the school district's graduation requirements within the pupil's fifth year of high school, the school district shall do all of the following:

1. Inform the student of his or her option to remain in school for a fifth year to complete the school district's graduation requirements.
2. Inform the student, and the student's parent or guardian, about how remaining in school for a fifth year to complete the school district's graduation requirements will affect the student's ability to gain admission to a post-secondary educational institution.
3. Provide information to the student about transfer opportunities available through the California Community Colleges.
4. Permit the student to stay in school for a fifth year to complete the school district's graduation requirements upon agreement with the student, if the student is 18 years of age or older, or, if the student is under 18 years of age, upon agreement with the student's parent or guardian.

To determine whether a student is in the third or fourth year of high school, either the number of credits the student has earned to the date of transfer or the length of the student's school enrollment may be used, whichever will qualify the student for the exemption.

Within 30 calendar days of the date that a student who is a child of a military family who may qualify for the exemption from local graduation requirements transfers into a school, the school district must notify the student and the student's parent or guardian of the availability of the exemption and whether the student qualifies for then exemption. If the school district fails to provide timely notice, the student remains eligible for the exemption once notified, even if that notification occurs after the student no longer meets the definition of "children of military families" under Section 49701.

A student who is eligible for the exemption is not be required to accept the exemption and cannot be denied enrollment in, or the ability to complete, courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements. This includes not preventing a student who is a child of a military family from retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. Additionally, a school district or county office of education cannot require a student who is a child of a military family to retake a course if the student satisfactorily completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the student did not complete the entire course, the school district or county office of education cannot require the student to retake the portion of the course the student completed unless the school district or county office of education finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the student must be enrolled in the same or equivalent course so that

the student may continue and complete the entire course.

If a student who is a child of a military family is not exempted or previously declined the exemption, a school district must exempt the student at any time if an exemption is requested by the student and the student qualifies for the exemption. A school district cannot revoke the exemption, and the exemption continues to apply after the pupil no longer meets the definition of "children of military families" under Section 49701 while he or she is enrolled in school or if the student transfers to another school or school district. A school district cannot require or request a student who is a child of a military family to transfer schools in order to qualify the pupil for an exemption pursuant to this section. Likewise, a student who is a child of a military family, or the pupil's parent or guardian, cannot request a transfer solely to qualify the pupil for an exemption.

Students, parents, or guardians who think a school district is not complying with this law may file a complaint with the local education agency under the Uniform Complaint Procedures set forth in Title 5 of the California Code of Regulations.

(AB 365 amends Sections 51225.1 and 51225.2 of the Education Code.)

AB 1124 – Permits Students Enrolled in Juvenile Court Schools to Voluntarily Defer or Decline the Issuance of a Diploma for Meeting State Graduation Requirements and Take Additional Coursework at the Juvenile Court School or, Once Released, at a School Operated by A Local Educational Agency.

Current state law provides that if a student completes the statewide coursework requirements for graduation while attending a juvenile court school, a county office of education must issue a diploma of graduation to the student and not require additional coursework or other requirements.

AB 1124 allows the student to take coursework or other requirements adopted by the governing board of the county office of education and defers the granting of the diploma until the student is released from the juvenile detention facility. When a student becomes entitled to a diploma, the county office of education must notify the student and the student's social worker or probation officer of the student's option to decline the diploma and take additional coursework in addition to provided other specified information. Upon the student's release, the student may decline the issuance of the diploma and enroll in a school operated by a local educational agency or charter school to take additional coursework.

Students, parents, or guardians who think the county office of education, local educational agency or charter school is not complying with this law may file a complaint with the local education agency under the Uniform Complaint Procedures set forth in Title 5 of the California Code of Regulations.

(AB 1124 amends 48645.3 of and adds Section 48645.7 to the Education Code.)

HEALTH AND SAFETY

SB 379 - Changes the Current Oral Health Assessment Requirement for Students in Public School.

Current state law requires all students initially enrolled in kindergarten or first grade to provide proof of a current oral health assessment to the student's school district no later than May 31 of the school year. Parents or guardians must provide this proof via a standardized form and may be excused from providing the proof in a limited number of circumstances. School districts must then report this information to the county office of education in the county in which the school district is located by December 31 of the school year.

SB 379 requires that the California Department of Education (CDE) consult with the state dental director to develop and revise the standardized form required of parents and guardians. The law also directs the CDE to make specific changes to the standardized form.

SB 379 also extends the annual deadline for a school district to make the required report to the county office of education to July 1 of each year. These reports must now include data on the number of students with cavities. SB 379 encourages school districts to submit the report to a system designated by the state dental director in addition to the current requirement to submit the report to the county office of education. Finally, SB 379 requires the Office of Oral Health of the Chronic Disease Control Branch of the State Department of Public Health (CDPH) to conduct periodic evaluations of the oral health assessment requirements for public schools.

(SB 379 amends Section 49452.8 of the Education Code.)

MEAL SERVICE

AB 691 – Adds Almond Milk to the List of Beverages Excluded From the Definition Of Non-Nutritious Beverages and Adds Almond Milk to The List of Beverages that May be Sold to Students During the School Day.

Existing state law prohibits the governing board of a school district from entering into a contract that grants exclusive or nonexclusive advertising or grants the right to the exclusive or nonexclusive sale of carbonated beverages, non-nutritious beverages, or non-nutritious food within the school district to a person, business, or corporation unless the governing board of the school district has adopted a policy after a public hearing to ensure that the school district has internal controls in place regarding the expenditure of the public funds. Existing law defines "non-nutritious beverages," for purposes of that provision, to exclude milk, including, but not limited

to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk. Current law also permits the sale in public schools of fruit-based and vegetable-based drinks, plain water, certain types of milk and nondairy milk and other similar nondairy milk, and, in high schools, electrolyte replacement beverages.

AB 691 specifies, for purposes of exclusion from the definition of “non-nutritious beverages,” that milk also includes almond milk. Additionally, the bill classifies almond milk as nondairy milk authorized to be sold to students at public schools.

(AB 691 amends Sections 35182.5 and 49431.5 of the Education Code.)

AB 841 – Prohibits All Public Schools Participating in the National School Lunch Program or School Breakfast Program From Advertising Food or Beverages That Do Not Meet Specified Nutritional Standards and From Participating in Corporate Student Incentive Programs Involving Non-Compliant Food and Beverages.

Existing state law prohibits a school or school district from selling or serving a food item that contains artificial trans fat as a condition of receiving funds for free and reduced-price meals for students. The only competitive snack foods that may be sold to students are fruit, vegetable, dairy, protein, or whole grain-rich food item. State law also imposes other nutritional standards on competitive foods, snacks, and beverages that may be sold to students.

AB 841 prohibits a school, school district, or charter school from advertising food or beverages during the school day and from participating in a corporate incentive program that rewards students with free or discounted foods or beverages that do not comply with those nutritional standards. The governing body of a school district and a charter school should annually review their compliance with this section.

(AB 841 adds Section 49431.9 to the Education Code.)

AB 1502 – Authorizes the California Department of Education to Conduct the Required Data Match of Local School Records to Determine Program Eligibility for the National School Lunch Program and the School Breakfast Program.

Direct Certification (DC) is the federally-mandated process that districts operating School Nutrition Programs (SNPs) must use to certify school-age CalFresh recipients as eligible for free school meals without the completion of a meal application. The Healthy, Hunger-Free Kids Act of 2010 established DC percentage benchmarks for states to meet, which is currently at ninety-five percent. California’s DC match rate is approximately 63 percent.

Currently, the DHCS is the only agency authorized to perform the DC match using California Department of Education (CDE) and California Department of Social Services (CDSS) data. Under this method, the CDE is unable to evaluate what may be causing a student that receives public assistance not to receive DC, and thus limits the CDE’s ability to continuously improve matches through software remedies or automation and other process improvements.

AB 1502 grants CDE the authority to conduct the data match of local school records to determine program eligibility.

(AB 1502 amends Section 49561 of the Education Code.)

SB 138 – Requires School Districts and County Offices of Education with High Poverty Schools and High Poverty Charter Schools to Provide Breakfast and Lunch Free of Charge to All Students at Those Schools and Requires the California Department of Education to Share Relevant Data.

SB 138 require a school district or county superintendent of schools that has a very high poverty school in its jurisdiction to apply on or before September 1, 2018, to operate a federal universal meal

service and begin providing breakfast and lunch free of charge through the universal meal service to all students at the very high poverty school upon state approval. A school district or county superintendent of schools may stop providing the universal free meal service at a school if the school ceases to be a very high poverty school. High poverty charter schools are required to comply with the requirements. A school district, county superintendent of schools, or charter school is exempt from these provisions if the governing board of the school district or county office of education, or the governing body of the charter school, adopts a resolution stating it is unable to comply and demonstrates the reasons why it is unable to comply with the requirements of these provisions due to fiscal hardship.

Current law requires the California Department of Education (CDE) in consultation with the California Department of Health Care Services, to develop and implement a process to use participation data from the Medi-Cal program to verify income to directly certify children whose families meet the applicable income criteria into the school meal program. SB 138 requires the CDE to share that data with local educational agencies that may use that data, commencing with the data of students in the 2017–18 school year, to directly certify students eligible for free and reduced-price school meals. A school district or county superintendent of schools may determine a student's eligibility for free and reduced-price school meals based on the data including the direct certification match and alternative measures of poverty.

(SB 138 amends Section 49562 of and adds Sections 49564 and 49564.5 to the Education Code.)

SB 250 – Prohibits a Local Educational Agency (LEA) From Treating a Student Differently for Having Unpaid Meal Fees and Requires a LEA to Directly Certify a Family for the Free and Reduced Lunch Program.

SB 250 enacts the Child Hunger Prevention and Fair Treatment Act of 2017. Under the act, local educational agencies that provide school meals through the federal National School Lunch Program or the federal School Breakfast Program cannot shame, treated differently, or serve a different meal to student whose parent or guardian has unpaid school meal fees.

Additionally, school personnel and volunteers at a local educational agency are prohibited from taking any disciplinary action against a student that results in the denial or delay of a nutritionally adequate meal to that student.

If a student's school meal account reaches a negative balance, a local educational agency must notify a parent or guardian with 10 days. However, before sending this notification, the local educational agency must exhaust all options and methods to directly certify the student for free or reduced-price meals. A local educational agency must reimburse school meal fees paid by a student's parent or guardian when fees were paid or unpaid fees debt accrued when a student would have been determined to be eligible for free or reduced-price school meals.

(SB 250 adds Section 49557.5 to the Education Code.)

SB 557 – Allows School Districts to Provide Sharing Tables for Unwanted Food Items and Makes the Food Available to Students or for Donation to a Nonprofit.

SB 557 permits a local educational agency to provide sharing tables where faculty, staff and students can place prepackaged, non-potentially hazardous food items, uncut produce, unopened bags of sliced fruit, and unopened containers of milk that are maintained at 41 degrees Fahrenheit

or below and make those food items available to students during the course of a regular school meal time. The law will also allow food placed on sharing tables that is not taken by a student during the course of a regular school meal time to be donated to a food bank or any other nonprofit charitable organization.

(SB 557 adds Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code and amends Section 114079 of the Health and Safety Code.)

SB 730 – Requires the California Department of Education (CDE) to Monitor Compliance with the Federal Buy American Provisions for the National School Lunch Program.

The CDE and local educational agencies participating in the National School Lunch Act must comply with a provision, known as the Buy American provision, which requires school food authorities to purchase, to the maximum extent possible, domestic commodities or products. Federal regulations establish procedures for administrative review and compliance with the Buy American provision. SB 730 requires the CDE to take certain actions to monitor and support school food authorities' compliance with the Buy American provision.

(SB 730 adds Section 49563 to the Education Code.)

SCHOOL BOARD GOVERNANCE

AB 261 – Requires Student Members of School Boards to Have Preferential Voting Rights.

Under current law, school boards may appoint one or more high school student members to the governing board in either a non-voting or preferential voting position and must appoint one or more non-voting or preferential voting student members to the governing board if it receives a petition signed by at least 500 high school students enrolled in the district or ten percent of the

number of high school students enrolled in the district, whichever is less. AB 261 changes current law to require student members of the governing board of a school district have preferential voting rights. A preferential vote is advisory only and does not count in determining the outcome of a vote.

(AB 261 amends Section 35012 of the Education Code.)

SB 468 – Modifies Requirements of School District Governing Boards to Ensure Student Members Receive Meeting Materials and Staff Briefings.

For governing boards of school districts that include a student member, SB 468 requires a student member to receive all open meeting materials presented to the board members at the same time the materials are presented to the board members. Additionally, a student member must be invited to staff briefings of board members or provided a separate staff briefing within the same timeframe as the staff briefing of board members.

(SB 468 amends Section 35012 of the Education Code.)

SINGLE SEX EDUCATION

AB 23 – Allows LAUSD And Authorized Charters to Maintain Single Sex Schools and Classes.

This bill authorizes a school district with at least 400,000 average daily attendance (ADA) as of July 1, 2017, to maintain single gender schools or classes, subject to specified requirements. Additionally, a charter school authorized by a district with an ADA of 400,000 or more as of July 1, 2017, may also maintain a single gender school or classes as authorized by this bill. Only one district, the Los Angeles Unified School District, meets this definition. Furthermore, LAUSD is only authorized to maintain existing single gender schools, not establish new ones.

This bill takes effect immediately, and authorizes single gender schools and classes until January 1, 2025.

(AB 23 adds Article 4.5 (commencing with Section 232) of Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code.)

STANDARDS, INSTRUCTION, AND ASSESSMENT

AB 37 – Identifies Media Arts as Visual and Performing Arts Discipline and Instructs State to Develop Standards, Framework, and Evaluation Criteria.

AB 37 identifies media arts as an additional visual and performing arts discipline, which integrates digital technologies with traditional forms of artistic expression, and includes categories such as animation, video production, digital sound production, imaging design, and interactive design, as well as virtual and augmented reality design.

Under AB 37, the State Superintendent of Public Instruction must develop VAPA standards for media arts and present these standards to the State Board of Education (SBE) by November 30, 2018. The SBE must adopt, reject, or modify the criteria by January 31, 2019.

If the SBE adopts the media arts content standards by January 31, 2019, it must consider the adoption of a curriculum framework and evaluation criteria for instructional by July 31, 2020, and may adopt instructional materials for kindergarten and grades 1 to 8 by November 30, 2021.

(AB 37 amends Section 60605.13 of the Education Code.)

AB 643 – Requires Additional Content Areas for Instruction Under the California Healthy Youth Act.

Existing law, the California Healthy Youth Act, requires school districts to ensure that all students in grades 7 to 12 receive comprehensive sexual health education and human immunodeficiency virus prevention education. Under this act, this instruction includes information about adolescent relationship abuse and intimate partner violence.

AB 643 requires the instruction also include information about the early warning signs of adolescent relationship abuse and intimate partner violence. The law also requires instruction on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.

(AB 643 amends Section 51934 of the Education Code.)

AB 1035 – Ensures Teachers Have Access to All Functions and Information Relating to Interim Assessments and Student Performance.

Current state law requires the state to provide interim assessments to school districts at no cost, for their voluntary use. California teachers have access to the interim assessments provided through the Smarter Balanced Assessment Consortium, but interim assessments have been of limited use to teachers in informing instruction due to their limited functionality. AB 1035 requires that teachers be given full access to the assessments and student performance on them, and prohibits data from these assessments from being used for high-stakes purposes.

(AB 1035 amends Sections 60603 and 60642.6 of and adds Section 60642.7 to the Education Code.)

AB 1176 – Eliminates the Existing One Hour Per Schoolday Limit on a General Educational Development Test Preparation Program for People Confined to a Hospital or Correctional Facility.

Under current state law, a county office of education can provide, after obtaining a waiver from the Superintendent of Public Instruction (SPI), a general educational development test preparation program for no more than one hour per schoolday as part of any other instructional program to a person who is at least 17 years of age, has accumulated insufficient units of high school credit to graduate from high school by 18 years of age, and is confined to a state or county hospital or to an institution maintained by a state or county correction agency. The one hour limitation was added to law to address concerns that juvenile court schools would shift the focus from high school diplomas to high school equivalency.

AB 1176 eliminates the restriction on juvenile court schools providing the general educational development test preparation for no more than one hour each schoolday. Additionally, AB 1176 replaces all references in the Education Code of the “general educational development test” to a “high school equivalency test.”

AB 1176 bill does not change the requirement for juvenile court schools to provide a full course of study, nor does it eliminate the requirement for a county office of education to obtain a waiver from the SPI to provide a high school equivalency test preparation program.

(AB 1176 amends Sections 51420, 51421, 51422, and 51423 of the Education Code.)

AB 1227 – Establishes the Human Trafficking Prevention Education and Training Act, Which Allows Schools to Provide Training on Human Trafficking and Changes the Commercially Sexually Exploited Children Program by Including Educational Entities.

AB 1227 expands the topics of instruction a school district provides to all students in grades 7 to 12 under the California Healthy Youth Act to include sexual abuse and human trafficking including information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.

Further, AB 1227 makes training for school district personnel required, rather than permissive. The training should be available and conducted to enable school district personnel to learn about new developments in the understanding of abuse, including sexual abuse, human trafficking, and to receive instruction on current prevention efforts and methods. School districts are encouraged to include training on early identification of abuse, including sexual abuse and human trafficking of students and other minors.

Current state law also established the Commercially Sexually Exploited Children Program in order to create a multidisciplinary team approach to case management, service planning, and provision of services to commercially sexually exploited youth. When applying for funding under this program, AB 1227 requires counties to collaborate with additional entities including local education agencies, the county office of education, and the county sheriff’s department when creating a plan detailing how it intends to use funds. Counties that developed a plan prior to AB 1227 should revise the plan to reflect input by these entities.

(AB 1227 amends Sections 51934 and 51950 of the Education Code and Sections 16524.6, 16524.7, 16524.8, and 16524.9 of the Welfare and Institutions Code.)

SUMMER ENRICHMENT

AB 616 – Extends Existing Law Related To Tuition and Financial Aid for the California State Summer School for Mathematics and Science.

The California State Summer School for Mathematics and Science (COSMOS), operated by the University of California (UC), provides intensive educational enrichment for students who have demonstrated academic excellence in mathematics and science and meet other program criteria. Current law set tuition rates and increases and provided financial aid information until January 1, 2018. Without the authority to increase tuition and fees, UC would likely decrease the number of participants in future years. AB 616 extends the sunset date to January 1, 2023.

(AB 616 repeals and amends Section 8669 of the Education Code.)

BILLS UNIQUE TO COLLEGE STUDENTS

COURSE PLACEMENT

AB 705 – Requires California Community Colleges to Use Multiple Measures When Assessing English, Math, and English-as-a-Second Language Course Placements.

Under AB 705, California Community Colleges (CCCs) must use multiple measures when assessing English and math course placement decisions for students to maximize the probability that a student will enter and complete coursework in math and English within one year. These measures must include one or more of the following: high school coursework, high school grades, or high school grade point average. Additionally, CCCs must use evidence-based multiple measures for placing students into English-as-a-second-language (ESL) coursework. For students placed into credit ESL coursework, their place-

ment should maximize the probability that they will complete degree and transfer requirements in English within three years.

AB 705 allows the CCC Board of Governors (BOG) to establish regulations governing the use of the measures, instruments, and placement models to ensure the methods selected by a CCC will achieve the goal of maximizing the student's probability of success within the appropriate timeframe. For students who seek a goal other than transfer, and who are in certificate or degree programs with specific requirements that are not met with transfer-level coursework, the BOG's regulations should create the probability that a student will enter and complete the required college-level coursework in English and mathematics within one year.

(AB 705 amends Sections 78213 of the Education Code.)

ENROLLMENT, FEES, AND TUITION

AB 19 – Creates California College Promise to Waive Student Fees at Community Colleges.

AB 19 creates the California College Promise program administered by the Chancellor of the California Community Colleges. Community colleges interested in participating in the College Promise program must meet the following requirements:

- A) Partner with one or more local educational agencies to establish an Early Commitment to College Program (*See California Education Code § 54710 et seq.*);
- B) Partner with one or more local educational agencies to support and improve high school student preparation for college and reduce postsecondary remediation;
- C) Utilize evidence-based assessment and placement practices at the community college to improve outcomes for underprepared students;

- D) Participate in the California Community College Guided Pathways Grant Program. (See California Education Code § 88920 et seq.)
- E) Maximize student access to need-based financial aid by leveraging the California Promise Grant, ensuring students complete the Free Application for Federal Student Aid (FAFSA), Cal Grant application, or Dream Act application, and participate in a federal loan program authorized under Title IV of the federal Higher Education Act of 1965. On or before January 1, 2018, a community college that does not participate in the federal loan program will be provisionally eligible to participate in the California College Promise for one calendar year. To continue participation in the California College Promise program after January 1, 2019, the community college must comply with the federal loan participation requirements.

Community colleges certified by the chancellor as meeting the above requirements will receive funding under the program. The funding may be used to waive some or all of the fees for first-time community college students who enrolled at the college full time (twelve or more semester units or the equivalent), and complete and submit either a FAFSA or a California Dream Act application. Students may only receive a fee waiver under this program for one academic year, and the community college may only waive the fees for the summer term and each semester or quarter of that year in which the student maintains full-time status. Fee waivers under the California College Promise program are not available to students charged a nonresident tuition under California Education Code § 76140.

Under AB 19, the Chancellor of the California Community Colleges will establish a funding formula that considers the number of full-time equivalent students at a community college, the number of students at a community college who satisfy the requirements to receive federal Pell Grants and California college grants. The Legislature intends the funding to waive all student fees for eligible students.

(AB 19 adds Article 3 (commencing with Section 76396) to Chapter 2 of Part 47 of Division 7 of Title 3 of the Education Code.)

AB 172 – Allows Dependents of Armed Services Members to Maintain In-State Residency Classification at the Time of Admission.

Current state law grants in-state residency classification for the purpose of determining the amount of tuition and fees at a public postsecondary institution to a student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in California on active duty. Before the passage of AB 172, this classification was granted at the time the student attended class. Under this method of classification, some students lost residency status between the time he or she applied, was accepted, and committed to attending the school and the time the student commenced classes.

AB 172 allows these students to gain residency status at the time of their admission to a public postsecondary institution and prohibits the student from losing the resident classification even if the Armed Forces member is transferred on military orders to a place outside California or retires as an active member of the Armed Forces, as long as the student remains continuously enrolled at that institution.

AB 172 also requests the University of California (UC) to establish these same residency benefits for UC enrolled students.

(AB 172 amends Section 68074 of the Education Code.)

AB 343 – Exempts Community College Students Who Are Refugees or Special Immigrant Visa Holders from Paying Nonresident Student Fees.

Under current state law, individuals must reside in California for one year before becoming eligible for resident tuition rates at California Community

Colleges. AB 343 waives this one-year residency requirement for refugees and individuals holding a special immigrant visa. These individuals are now eligible to pay resident fees and not be subject to additional nonresident fee charges.

These students are already eligible for California's student financial aid programs and federal financial aid programs. Prior legislation in 2012 granted this exemption to students who are victims of trafficking, domestic violence, and other serious crimes, who have been granted a "T" or "U" visa under specified federal law.

(AB 343 adds Section 68075.6 to the Education Code.)

SB 68 – Expands And Modifies Eligibility for the Exemption from Paying Nonresident Tuition at California's Public Postsecondary Institutions.

SB 68 exempts a student, other than a nonimmigrant alien, from nonresident tuition at the California State University and the California Community Colleges if the student has a total of three or more years of attendance, or attainment of equivalent credits earned while in California, California high schools, California adult schools, campuses of the California Community Colleges, or a combination of those schools, or the student completes three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools. To be eligible for the exemption, the student must graduate from a California high school or attain the equivalent, attain an associate degree from a campus of the California Community Colleges, or fulfill minimum transfer requirements established for the University of California or the California State University for students transferring from campuses of the California Community Colleges.

SB 68 also requests the Regents of the University of California to enact equivalent exemptions.

(SB 68 amends Section 68130.5 of the Education Code.)

SB 164 – Requires Each California Community College District that Administers a Priority Enrollment System to Grant Priority Registration for Enrollment to a Student who is a Recipient of Aid Under the Tribal Temporary Assistance for Needy Families (TANF) program.

Existing law requires each community college district that administers a priority enrollment system to grant priority in that system for registration for enrollment to a variety of students including current or former foster youth or any student who is a recipient of aid under the CalWORKs program. SB 164 requires each community college district that administers a priority enrollment system to also grant priority in that system to any student who is a recipient of aid under the Tribal TANF program.

(SB 164 amends Section 66025.92 of the Education Code.)

ONLINE EDUCATION

AB 637 – Authorizes a California Community College Student to Enroll in an Online Course Provided By Another Community College Through the Online Education Initiative Consortium And Authorizes a Participating Community College District to Accept the Determination of a Student's Residency Classification.

The Online Education Initiative (OEI) Course Exchange provides students who are enrolled at a California Community College (CCC) and cannot find the courses they need to complete their degree or transfer, the opportunity to find and take that course at a different CCC through the OEI. The OEI Consortium is available to all CCCs, but participation is not required.

Currently, students selecting courses encounter delays when attempting to enroll due to the requirement that each community college verify student residency prior to enrollment. Colleges offering courses in the OEI Course Exchange are at risk of failing to comply with residency determination requirements if they allow a student to enroll prior to verifying student residency. AB 637 seeks to remove administrative barriers for students seeking to enroll in courses through the OEI Course Exchange.

Specifically, AB 637 allows a CCC student who meets the following requirements to enroll without formal admission in a course provided entirely online by a CCC: (1) Be enrolled at a CCC that is part of the OEI Consortium; (2) achieve at least a 2.0 grade point average (GPA) on a 4-point scale for completed coursework; (3) Pay the appropriate fees and tuition required by the student's home college; and, (4) Have no outstanding tuition fees to be paid at the teaching college.

AB 637 authorizes nonresident or international students who met the requirements to cross-enroll, but these students must pay nonresident tuition at the teaching college. The teaching college is required to charge the appropriate course enrollment fees for residents.

Online courses must be accepted for credit at the home campus on the same basis as that for a matriculated student at the teaching campus. The teaching college must inform each online student of the necessary technical or any prerequisite course requirements and any materials, skills, knowledge or other elements to ensure a student has an opportunity to succeed.

Teaching campus may count a cross-enrolled student in the calculation of headcount or full-time equivalent student enrollment, but may count the cross-enrolled student only for those units in which the student is enrolled at each respective campus;

Additionally, AB 637 requires the CCC Chancellor's Office (CCCCO) to establish an online meth-

odology to allow students to be informed of the online cross-enrollment option, to simultaneously enroll in both home and teaching colleges, and provide consent to transfer relevant enrollment data to the teaching college.

AB 637 also allows a community college district (CCD) to accept the student's residency classification determination of another CCD in the OEI Consortium when the student is cross-enrolling in a course available through the OEI Consortium and the home college certifies the CCD's residency classification determination.

(AB 637 adds Section 68101 and Chapter 9.7 (commencing with Section 66770) to Part 40 of Division 5 of Title 3 of the Education Code.)

STUDENT EQUITY PLANS

AB 504 and 1018 – Modifies Criteria for a Community College's Student Equity Plan, Expands the Categories of Students the Plan Addresses, and Orders the Chancellor to Establish a Standard Methodology to Measure Student Equity.

Under existing state law, California Community Colleges must maintain a student equity plan in order to receive Student Success and Support Program funding. The student equity plan must include, for each community college in the community college district, campus-based research about the extent of student equity by gender and several specified categories of students. The student equity plan must also include whether significant underrepresentation of any of these categories of students is found to exist in terms of access to, and completion of, basic skills, career technical education and workforce training, and transfer courses.

AB 504 instead requires the student equity plan to include whether that significant underrepresentation of any of these categories of students is found to exist in terms of access and retention, degree and certificate completion, English as a Second Language and basic skills completion, and transfer.

AB 1081 adds three categories of students the research must include: homeless students; lesbian, gay, bisexual, or transgender students; and additional categories of students determined by the governing board of the community college district.

AB 504 also requires the Chancellor of the California Community Colleges (CCCC) establish a standard methodology for measurement of student equity and disproportionate impact for disaggregated subgroups of the student population of the California Community Colleges.

Additionally, existing state law requires the CCCC to establish a list of eligible and ineligible expenditures and activities to ensure that Student Success and Support Program funding is used to support the implementation of student equity plan goals and the coordination of services for the targeted student populations. AB 504 requires Student Success and Support Program funding be used to support the implementation of student equity plan goals and the coordination of services for the targeted student population through evidence-based practices.

(AB 504 amends Sections 78220 and 78221 of the Education Code. AB 1018 amends Sections 78220 and 78221 of the Education Code.)

RETIREMENT

AB 590 – Provides Flexibility in Permitting a CalPERS Member Who Becomes Employed In a CalSTRS Covered Position to Retain CalPERS Membership.

Currently, a CalPERS member who becomes employed in a CalSTRS covered position may elect to retain CalPERS membership rather than begin coverage in CalSTRS if the member has five years of service in CalPERS (i.e., is vested) or if the member is currently employed by a school employer, the Board of Governors of the California Community Colleges, or the State Department of Education.

Before AB 590, CalPERS determined that any break in service by a non-vested employee eliminates the ability of the employee to elect to remain in CalPERS because the employee is no longer a member of CalPERS after the break in service.

AB 590 creates a 120-day window from the time the employee switched positions so the employee retains eligibility to elect to remain in CalPERS either when starting a position at a different school employer or when starting a new position with the same school employer.

Under a related program in which CalSTRS members can retain CalSTRS membership when moving into CalPERS covered employment, the member does not have the same break in service issue.

(AB 590 amends Section 20309 of the Government Code.)

WORKFORCE DEVELOPMENT

AB 957 – Requires the California State University and Requests the University of California to Participate in Regional Conversations Pursuant to the Federal Workforce Innovation and Opportunity Act.

The Workforce Innovation and Opportunities Act (WIOA) was signed into law on July 22, 2014, by President Obama. The Act helps job seekers and workers access employment, education, training, and support services to succeed in the labor market and matches employers with skilled workers they need to compete in the global economy. Current law, as directed by WIOA, requires community colleges that receive federal funding to participate in regional workforce development conversations.

AB 957 requires the California State University (CSU) and requests the University of California (UC) to also participate in these regional conversations. The CSU must and the UC is requested

to submit a report to the Legislature on or before May 1, 2019, that contains a summary of recommendations made, partnerships developed, activities undertaken by individual campuses, programs, or the university system that have substantively included local and regional workforce partners and that were designed to increase the number of degrees or other forms of workforce preparation in high-demand occupations and industry sectors within one or more regions in the state and barriers to addressing regional workforce demands and recommendations to overcome these barriers.

(AB 957 adds Chapter 1.7 (commencing with Section 99070) to Part 65 of Division 14 of Title 3 of the Education Code, and amends Section 14012 of the Unemployment Insurance Code.)

RETIREMENT

AB 1309 – Allows CalPERS to Assess Fees for Failing to Promptly Enroll Retired Annuitants and Report their Pay and Hours.

The Public Employees' Retirement Law allows a person receiving pension benefits from the California Public Employees Retirement System to work for an employer in the system provided certain conditions are met. AB 1309 allows CalPERS to assess a \$200 fee per retired member per month when an employer:

1. Fails to enroll a retired annuitant in CalPERS' recordkeeping system within 30 days of hire; or
2. Fails to report an annuitant's pay rate and hours worked within 30 days of the end of the pay period in which the annuitant worked.

The district cannot pass the cost of any such fees on to the annuitant.

Districts who contract with CalPERS should review their employment procedures for annuitants

to ensure that hiring, pay rate, and hours are promptly reported to CalPERS.

(AB 1309 amends Section 21220 of the Government Code.)

AB 1487 – Limits Out-Of-Class Appointments to 960 Hours per Fiscal Year.

AB 1487 prohibits a local agency or school district that contracts with CalPERS for retirement benefits from keeping an employee in an out-of-class appointment for more than 960 hours in a fiscal year. This limitation applies only to employees working out-of-class in a vacant position during recruitment for a permanent employee to fill the position; it does not apply to employees working out-of-class to fill in for an employee who is on temporary leave.

AB 1487 requires the employer to report the hours worked by the employee in the out-of-class appointment to CalPERS no later than 30 days after the end of the fiscal year. The compensation for the out-of-class appointment must be set in a collective bargaining agreement or publicly available pay schedule.

An employer who violates these requirements must pay a penalty of three times the amount of employee and employer contributions for the additional out-of-class pay for all hours worked out-of-class, not just those above 960 hours. The employer must also reimburse CalPERS for the administrative expenses of dealing with the violation.

Districts that contract with CalPERS should review their personnel policies, collective bargaining agreements, and any other personnel rules to ensure that employees do not work out-of-class in a vacant position for more than 960 hours per fiscal year. As AB 1487 may have significant impacts on how districts out of class assignments, districts should consult with legal counsel on how best to comply with this new law.

(AB 1487 adds Section 20480 to the Government Code.)

SB 525 – Annual CalPERS “Housekeeping” Bill.

SB 525 provides the following clean-up provisions to the Public Employees Retirement Law (PERL):

- Clarifies that “disability” and “incapacity for performance of duty” mean a disability that is expected to last at least 12 months or result in death;
- Clarifies that a local agency’s election of one-year final compensation applies only to service credit accrued with that agency, not to any service credit an employee accrued at another agency
- Authorizes CalPERS members who should have been classified as members of CalSTRS to continue accruing CalPERS service credit or make a one-time election to transfer to CalSTRS
- Clarifies that employers must report special compensation separately from an employee’s pay rate

(SB 525 amends Sections 20026, 20042, 20138, 20636, 20636.1, 21261, 21337, 21409, 21424, 21454, 21459, 21462, 21473, 21475.5, 21476.5, 21477, 21481, 75071, 75071.5, and 75571.5, adds Section 20309.7 to, and repeals Section 21228, of the Government 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.)

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