2012 – 2013

LEGISLATIVE UPDATE

A SUMMARY OF NEW LAWS AFFECTING STUDENT SERVICES PRACTITIONERS

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Please note that language from the amended or added sections of the different codes were not provided for all the bills included in this publication; some only contain the portion of the section(s) that were affected by the bills. The italicized text within the codes indicate where amendments were generally made. Entire sections that will be added into law were not italicized. For more information on any of the bills, please visit the following website: www.leginfo.ca.gov.
ASSEMBLY
BILL
CONTROLLED SUBSTANCES: OVERDOSE: PUNISHMENT

AB 472  
Ch. 338  
Ammiano  
Effective January 1, 2013  

An act to add Section 11376.5 to the Health and Safety Code, relating to controlled substances.

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law generally provides punishment for the unauthorized use, possession, and sale of controlled substances.

This bill would provide that it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel. The bill would provide that its provisions shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs, or laws prohibiting the forcible administration of drugs against a person’s will. The bill would provide that it shall not affect liability for any offense that involves activities made dangerous by the consumption of controlled substances, including, but not limited to, driving under the influence.

* * * * *

HSC 11376.5. (a) Notwithstanding any other law, it shall not be a crime for a person to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if that person, in good faith, seeks medical assistance for another person experiencing a drug-related overdose that is related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia of the person seeking medical assistance, and that person does not obstruct medical or law enforcement personnel. No other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.
(b) Notwithstanding any other law, it shall not be a crime for a person who experiences a drug-related overdose and who is in need of medical assistance to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if the person or one or more other persons at the scene of the overdose, in good faith, seek medical assistance for the person experiencing the overdose. No other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.
(c) This section shall not affect laws prohibiting the selling, providing, giving, or exchanging of drugs, or laws prohibiting the forcible administration of drugs against a person’s will.
SCHOOLS: AVERAGE DAILY ATTENDANCE: ONLINE INSTRUCTION

AB 644  Blumenfield
Ch. 579  Effective July 1, 2014

Board Policy: Maybe
Notification: No
Approval: No
Mandated Cost: No

An act to add and repeal Section 46300.8 of the Education Code, relating to schools.

Existing law establishes the public elementary and secondary school system in this state, and further establishes a funding system pursuant to which the state apports funds to local educational agencies based on, among other factors, the average daily attendance of pupils at the schools operated by those agencies. Numerous statutes and regulations govern the calculation and reporting of average daily attendance.

This bill, commencing with the 2014–15 school year, would authorize, for purposes of computing average daily attendance, the inclusion of pupils in grades 9 to 12, inclusive, under the immediate supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction, as defined, provided that this instruction meets specified criteria. The bill would require, if a school district or county office of education elects to offer synchronous, online instruction, that the school district or county office of education provide all pupils who choose to enroll in an online course access to the computer hardware or software necessary for the pupil to participate in the course. The bill would require the Superintendent of Public Instruction to establish rules and regulations for purposes of implementing these provisions and require those rules and regulations to, at a minimum, address specified matters. The bill would also authorize the Superintendent to provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction. The bill would make all of these provisions inoperative on July 1, 2019, and repeal them on January 1, 2020.

* * * * *

EC 46300.8. (a) Commencing with the 2014–15 school year, attendance of pupils in grades 9 to 12, inclusive, under the immediate supervision and control of a certificated employee of the school district or county office of education who is delivering synchronous, online instruction shall be included in computing average daily attendance, provided that all of the following occur:
(1) The certificated employee providing the instruction confirms pupil attendance through visual recognition during the class period. A pupil logon, without any other pupil identification, is not sufficient to confirm pupil attendance.
(2) The class has regularly scheduled starting and ending times, and the pupil is scheduled to attend the entire class period. Average daily attendance shall be counted only for attendance in classes held at the regularly scheduled time.
(3) An individual with exceptional needs, as defined in Section 56026, may participate in synchronous, online instruction only if his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.
(4) If a school district or county office of education elects to offer synchronous, online instruction pursuant to this paragraph, the school district or county office of education shall not deny enrollment to a pupil based solely on the pupil’s lack of access to the computer hardware or software necessary to participate in the synchronous, online course. If a pupil chooses to enroll in a synchronous, online course and does not have access to the necessary equipment, the school district or county office of education shall provide, for each pupil who chooses to enroll in a synchronous, online course, access to the computer hardware or software necessary to participate in the synchronous, online course.
(5) The ratio of average daily attendance for synchronous, online pupils who are 18 years of age or younger to school district full-time equivalent certificated employees responsible for synchronous, online instruction, calculated as specified by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district, unless a higher or lower ratio is negotiated in a collective bargaining agreement.

(6) The ratio of average daily attendance for synchronous, online pupils who are 18 years of age or younger to county office of education full-time equivalent certificated employees who provide synchronous, online instruction, to be calculated in a manner prescribed by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the greatest average daily attendance of pupils in that county, unless a higher or lower ratio is provided for in a collective bargaining agreement. The computation of the ratios specified in paragraph (5) and this paragraph shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(b) The Superintendent shall establish rules and regulations for purposes of implementing this section that, at a minimum, address all of the following:

(1) How school districts and county offices of education include pupil attendance in online courses in the calculation of average daily attendance pursuant to Section 46300.

(2) How to ensure a pupil meets minimum instructional time requirements pursuant to the following:

(A) Section 46141 and Section 46201, 46201.5, or 46202, as applicable, for pupils enrolled in a noncharter school in a school district or county office of education.

(B) Section 46170, for pupils enrolled in a continuation school.

(C) Section 46180, for pupils enrolled in an opportunity school.

(3) Require statewide testing results for online pupils to be reported and assigned to the school in which the pupil is enrolled for regular classroom courses, and to any school district or county office of education within which that school’s testing results are aggregated.

(4) Require attendance accounted for pursuant to this section to be subject to the audit conducted pursuant to Section 41020.

(c) The Superintendent may provide guidance regarding the ability of a school district or county office of education to provide synchronous, online instruction.

(d) For purposes of this section, “synchronous, online instruction” means a class or course in which the pupil and the certificated employee who is providing instruction are online at the same time and use real-time, Internet-based collaborative software that combines audio, video, file sharing, and other forms of interaction.

(e) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.
PUPIL RECORDS: PRIVACY RIGHTS

AB 733 Ma
Ch. 388 Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Sections 49076 and 49076.5 of the Education Code, relating to pupil records.

Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order, except as provided.

This bill would make various changes to these pupil record provisions to conform them to federal law, except as specified.

* * * * *

EC 49076. (a) A school district shall not permit access to pupil records to a person without written parental consent or under judicial order except as set forth in this section and as permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations.

(1) Access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(A) School officials and employees of the school district, members of a school attendance review board appointed pursuant to Section 48321 who are authorized representatives of the school district, and any volunteer aide, 18 years of age or older, who has been investigated, selected, and trained by a school attendance review board for the purpose of providing followup services to pupils referred to the school attendance review board, provided that the person has a legitimate educational interest to inspect a record.

(B) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided or where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 49068.

(C) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, and state and local educational authorities, or the United States Department of Education’s Office for Civil Rights, if the information is necessary to audit or evaluate a state or federally supported education program, or in connection with the enforcement of, or compliance with, the federal legal requirements that relate to such a program. Records released pursuant to this section shall comply with the requirements of Section 99.35 of Title 34 of the Code of Federal Regulations.

(D) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law adopted before November 19, 1974.

(E) Parents of a pupil 18 years of age or older who is a dependent as defined in Section 152 of Title 26 of the United States Code.

(F) A pupil 16 years of age or older or having completed the 10th grade who requests access.

(G) A district attorney who is participating in or conducting a truancy mediation program pursuant to Section 48263.5, or Section 601.3 of the Welfare and Institutions Code, or participating in the presentation of evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code.

(H) A district attorney’s office for consideration against a parent or guardian for failure to comply with the Compulsory Education Law (Chapter 2 (commencing with Section 48200)) or with Compulsory Continuation Education (Chapter 3 (commencing with Section 48400)).

(I) (i) A probation officer, district attorney, or counsel of record for a minor for purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

(ii) For purposes of this subparagraph, a probation officer, district attorney, and counsel of record for a minor shall be deemed to be local officials for purposes of Section 99.31(a)(5)(i) of Title 34 of the Code of Federal Regulations.
(iii) Pupil records obtained pursuant to this subparagraph shall be subject to the evidentiary rules described in Section 701 of the Welfare and Institutions Code.

(J) A judge or probation officer for the purpose of conducting a truancy mediation program for a pupil, or for purposes of presenting evidence in a truancy petition pursuant to Section 681 of the Welfare and Institutions Code. The judge or probation officer shall certify in writing to the school district that the information will be used only for truancy purposes. A school district releasing pupil information to a judge or probation officer pursuant to this subparagraph shall inform, or provide written notification to, the parent or guardian of the pupil within 24 hours of the release of the information.

(K) A county placing agency when acting as an authorized representative of a state or local educational agency pursuant to subparagraph (C). School districts, county offices of education, and county placing agencies may develop cooperative agreements to facilitate confidential access to and exchange of the pupil information by email, facsimile, electronic format, or other secure means, provided the agreement complies with the requirements set forth in Section 99.35 of Title 34 of the Code of Federal Regulations.

(2) School districts may release information from pupil records to the following:

(A) Appropriate persons in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of a pupil or other persons. Schools or school districts releasing information pursuant to this section shall comply with the requirements set forth in Section 99.32(a)(5) of Title 34 of the Code of Federal Regulations.

(B) Agencies or organizations in connection with the application of a pupil for, or receipt of, financial aid. However, information permitting the personal identification of a pupil or his or her parent may be disclosed only as may be necessary for purposes as to determine the eligibility of the pupil for financial aid, to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(C) Pursuant to Section 99.37 of Title 34 of the Code of Federal Regulations, a county elections official, for the purpose of identifying pupils eligible to register to vote, or for conducting programs to offer pupils an opportunity to register to vote. The information shall not be used for any other purpose or given or transferred to any other person or agency.

(D) Accrediting associations in order to carry out their accrediting functions.

(E) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering tests, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents or persons other than representatives of the organization, the information will be destroyed when no longer needed for the purpose for which it is obtained, and the organization enters into a written agreement with the educational agency or institution that complies with Section 99.31(a)(6) of Title 34 of the Code of Federal Regulations.

(F) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 49068 and in compliance with the requirements in Section 99.34 of Title 34 of the Code of Federal Regulations. This information shall be in addition to the pupil’s permanent record transferred pursuant to Section 49068.

(G) (i) A contractor or consultant with a legitimate educational interest who has a formal written agreement or contract with the school district regarding the provision of outsourced institutional services or functions by the contractor or consultant.

(ii) Notwithstanding Section 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations, a disclosure pursuant to this paragraph shall not be permitted to a volunteer or other party.

(3) A person, persons, agency, or organization permitted access to pupil records pursuant to this section shall not permit access to any information obtained from those records by another person, persons, agency, or organization, except for allowable exceptions contained within the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g) and state law, without the written consent of the pupil’s parent. This paragraph does not require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency, or organization obtaining access, so long as those persons have a legitimate educational interest in the information pursuant to Section 99.31(a)(1)(i)(A) of Title 34 of the Code of Federal Regulations.
(4) Notwithstanding any other provision of law, a school district, including a county office of education or county superintendent of schools, may participate in an interagency data information system that permits access to a computerized database system within and between governmental agencies or school districts as to information or records that are nonprivileged, and where release is authorized as to the requesting agency under state or federal law or regulation, if each of the following requirements are met...

EC 49076.5. (a) Notwithstanding Section 49076, each school district shall release the information it has specific to a particular pupil’s identity and location that relates to the transfer of that pupil’s records to another school district within this state or any other state or to a private school in this state to a designated peace officer, upon his or her request, when a proper police purpose exists for the use of that information. As permitted by Part 99 (commencing with Section 99.1) of Title 34 of the Code of Federal Regulations, the designated peace officer or law enforcement agency shall show the school district that the peace officer or law enforcement agency has obtained prior written consent from one parent, or provide information indicating that there is an emergency in which the information is necessary to protect the health or safety of the pupil or other individuals, or that the peace officer or law enforcement agency has obtained a lawfully issued subpoena or a court order...
CHILD ABUSE REPORTING: MANDATED REPORTERS

AB 1434    Feuer
Ch. 519    Effective January 1, 2013

Board Policy:    No
Notification:    No
Appropriation:    No
Mandated Cost:    No

An act to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to $1,000, or by both that imprisonment and fine.

This bill would add employees and administrators of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution’s premises or at an official activity of, or program conducted by, the institution, to the list of individuals who are mandated reporters.

By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1435, AB 1713, AB 1817, and SB 1264, to be operative only if AB 1435, AB 1713, AB 1817, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

* * * * *

(Includes all changes specified under AB 1434, AB 1435, AB 1713, AB 1817 and SB 1264).

PC 11165.7. (a) As used in this article, “mandated reporter” is defined as any of the following:
(1) A teacher.
(2) An instructional aide.
(3) A teacher’s aide or teacher’s assistant employed by a public or private school.
(4) A classified employee of a public school.
(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
(6) An administrator of a public or private day camp.
(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.
(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
(11) A Head Start program teacher.
(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
(13) A public assistance worker.
(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
(15) A social worker, probation officer, or parole officer.
(16) An employee of a school district police or security department.
(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
(20) A firefighter, except for volunteer firefighters.
(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
(24) A marriage and family therapist trainee, as defined in subdivision (e) of Section 4980.03 of the Business and Professions Code.
(25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.
(26) A state or county public health employee who treats a minor for venereal disease or any other condition.
(27) A coroner.
(28) A medical examiner or other person who performs autopsies.
(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disk, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.
(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.
(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
(A) “Animal control officer” means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
(B) “Humane society officer” means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, “commercial computer technician” means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and
neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.
CHILD ABUSE REPORTING: ATHLETIC PERSONNEL

AB 1435    Dickinson
Ch. 520    Effective January 1, 2013
Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to amend Section 11165.7 of the Penal Code, relating to child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of up to $1,000, or by both that imprisonment and fine.

This bill would add athletic coaches, athletic administrators, and athletic directors employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive, to the list of individuals who are mandated reporters.

By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1713, AB 1817, and SB 1264, to be operative only if AB 1434, AB 1713, AB 1817, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

Please see AB 1434 for the complete text of PC 11165.7.
HIGH SCHOOL ATHLETICS:
CALIFORNIA HIGH SCHOOL COACHING EDUCATION AND TRAINING PROGRAM

AB 1451 Hayashi
Ch. 173 Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 35179.1 of the Education Code, relating to high school athletics.

Existing law states the intent of the Legislature to establish a California High School Coaching Education and Training Program, administered by school districts, that emphasizes specified components, including, among other things, training, which is described as certification in cardiopulmonary resuscitation and first aid.

This bill would include a basic understanding of the signs and symptoms of concussions and the appropriate response to concussions within the description of training. The bill would authorize concussion training to be fulfilled through entities offering free, online, or other types of training courses.

* * * * *

EC 35179.1 (a) This section shall be known and may be cited as the 1998 California High School Coaching Education and Training Program.
(b) The Legislature finds and declares all of the following:
(1) The exploding demand in girls athletics, and an increase in the number of pupils participating in both boys and girls athletics, are causing an increase in the number of coaches needed statewide.
(2) Well-trained coaches are vital to the success of the experience of a pupil in sports and interscholastic athletic activities.
(3) Improvement in coaching is a primary need identified by hundreds of principals, superintendents, and school board members who participated in the development of a strategic plan for the California Interscholastic Federation (CIF) in 1993 and 1994.
(4) There are many concerns about safety, training, organization, philosophy, communications, and general management in coaching that need to be addressed.
(5) It is a conservative estimate that at least 25,000 coaches annually need training and an orientation just to meet current coaching regulations contained in Title 5 of the California Code of Regulations, including basic safety and CPR requirements.
(6) School districts, in conjunction with the California Interscholastic Federation, have taken the initial first steps toward building a statewide coaching education program by assembling a faculty of statewide trainers composed of school district administrators, coaches, and athletic directors using a national program being used in several states.
(c) It is, therefore, the intent of the Legislature to establish a California High School Coaching Education and Training Program. It is the intent of the Legislature that the program be administered by school districts and emphasize the following components:
(1) Development of coaching philosophies consistent with school, school district, and governing board of a school district goals.
(2) Sport psychology: emphasizing communication, reinforcement of the efforts of pupils, effective delivery of coaching regarding technique and motivation of the pupil athlete.
(3) Sport pedagogy: how pupil athletes learn, and how to teach sport skills.
(4) Sport physiology: principles of training, fitness for sport, development of a training program, nutrition for athletes, and the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents.
(5) Sport management: team management, risk management, and working within the context of an entire school program.

(6) Training: certification in CPR and first aid, including, but not limited to, a basic understanding of the signs and symptoms of concussions and the appropriate response to concussions. Concussion training may be fulfilled through entities offering free, online, or other types of training courses.

(7) Knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination.

(8) Sound planning and goal setting.

(d) This section does not endorse a particular coaching education or training program.
SCHOOL ACCOUNTABILITY: ACADEMIC PERFORMANCE INDEX: GRADUATION RATES

AB 1458  Steinberg
Ch. 577   Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 52052 of, and to add Section 52052.9 to, the Education Code, relating to school accountability.

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) that measures the performance of schools and the academic performance of pupils. Under existing law, the API consists of a variety of indicators, including graduation rates for pupils in secondary schools, and is used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. Existing law requires the Superintendent to determine the accuracy of high school graduation rate data before including that data in the API, and to provide an annual report to the Legislature on graduation and dropout rates, as specified.

This bill would authorize the Superintendent to develop and implement a specified program of school quality review to complement the API, if an appropriation for this purpose is made in the annual Budget Act. The bill would require the Superintendent to annually provide to local educational agencies and the public an explanation of the individual components of the API and their relative values, as specified, and would prohibit an additional element from being incorporated into the API until at least one full school year after the state board’s decision to include the element into the API. The bill would also require the Superintendent to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates.

The bill would authorize the Superintendent to incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school and matriculate from middle school to high school, as well as pupil preparedness for postsecondary education and career. The bill would delete the requirement that the API be used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. To the extent this bill would require school districts to report additional data for would impose a state-mandated local program.

Existing law provides that pupil scores from certain standards-based achievement tests and the high school exit examination be incorporated into the API, as specified. Under existing law, the results of these tests constitute at least 60% of the value of the index.

This bill would instead require that these test results constitute no more than 60% of the value of the index for secondary schools, commencing with the baseline API calculation in 2016, and for each year thereafter.

This bill would require the Superintendent, on or before October 1, 2013, to report to the Legislature a method for increasing emphasis on pupil mastery of standards in science and social science through the system of public school accountability or by other means and an alternative method or methods, in place of decile rank, for determining eligibility, preferences, or priorities for any statutory program that uses decile rank as a determining factor.

This bill would incorporate additional changes in Section 52052 of the Education Code, proposed by AB 1668, to be operative only if AB 1668 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.
SCHOOL ATTENDANCE: RESIDENCY REQUIREMENTS: FOSTER CHILDREN

AB 1573  Brownley
Ch. 93  Effective January 1, 2013

Board Policy:  Yes
Notification:  Yes
Appropriation:  No
Mandated Cost:  Yes

An act to amend Section 48204 of the Education Code, relating to school attendance.

Existing law requires persons between the ages of 6 and 18 to attend a public school within the school district in which the pupil’s parent or legal guardian resides, unless otherwise exempted.

Under existing law, a pupil is deemed to have complied with that residency requirement if the pupil attends a public school within the school district in which his or her foster home is located. Existing law also requires a local educational agency serving a foster child to allow the child to remain in his or her school of origin, as defined, for the duration of the jurisdiction of the juvenile court.

This bill would deem a pupil who is a foster child who remains in his or her school of origin to have met the residency requirements for school attendance in that school district. To the extent that this bill would impose additional duties on a school district of origin, this bill would impose a state-mandated local program.

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EC 48204. (a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is any of the following:

(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed children’s institution, or a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code.

(B) An agency placing a pupil in a home or institution described in subparagraph (A) shall provide evidence to the school that the placement or commitment is pursuant to law.

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (d) and (e) of Section 48853.5.

(3) A pupil for whom interdistrict attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a caregiving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(b) A school district may deem a pupil to have complied with the residency requirements for school attendance in the district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that district for a minimum of 10 hours during the school week...

(c) This section shall become inoperative on July 1, 2017, and as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.
PUPIL FEES

AB 1575  Lara
Ch. 776  Effective March 1, 2013

Board Policy:  Yes
Notification:  Yes
Appropriation:  No
Mandated Cost:  Yes

An act to add Article 5.5 (commencing with Section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 905 of the Government Code, relating to pupil fees.

(1) Existing law requires the Legislature to provide for a system of common schools by which a free school is required to be kept up and supported in each district. Existing law prohibits a pupil enrolled in school from being required to pay a fee, deposit, or other charge not specifically authorized by law.

This bill would prohibit a pupil enrolled in a public school from being required to pay a pupil fee, as defined, for participation in an educational activity, as defined, as specified. The bill would provide that this prohibition is not to be interpreted to prohibit solicitation of voluntary donations, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities. The bill would specify that these provisions apply to all public schools, including, but not limited to, charter schools and alternative schools, are declarative of existing law, and should not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

The bill would require the State Department of Education, commencing with the 2014-15 fiscal year, and every 3 years thereafter, to develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools.

The bill would require the department to post the guidance on its Internet Web site and would provide that the guidance does not constitute a regulation subject to specified law.

(2) Existing regulations establish uniform complaint procedures that require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints regarding violations of state and federal laws and regulations governing educational programs.

This bill would authorize a complaint of noncompliance with the provisions of this bill to be filed with the principal of a school under those uniform complaint procedures. The bill would authorize a complaint to be filed anonymously if specified circumstances exist. The bill would authorize a complainant not satisfied with a public school’s decision to appeal that decision to the State Department of Education and receive a written appeal decision within 60 days of the department’s receipt of the appeal. If merit is found in either the complaint or appeal, the bill would require the public school to provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement. The bill would require information regarding the requirements of this bill to be included in a specified annual notification.

The bill would require public schools to establish local policies and procedures to implement these complaint procedures by March 1, 2013. By imposing new requirements on local educational agencies, the bill would impose a state-mandated local program.

(3) Existing law excepts certain claims from the requirement that all claims for money or damages against local public entities be presented in accordance with specified law.

This bill would additionally except specified claims for reimbursement of pupil fees for participation in educational activities.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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Article 5.5. Pupil Fees

EC 49010. For purposes of this article, the following terms have the following meanings:
(a) "Educational activity" means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.
(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

EC 49011. (a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
(b) All of the following requirements apply to the prohibition identified in subdivision (a):
(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
(2) A fee waiver policy shall not make a pupil fee permissible.
(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil’s parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil’s parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
(c) This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
(d) This article applies to all public schools, including, but not limited to, charter schools and alternative schools.
(e) This article is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.
EC 49012. (a) Commencing with the 2014–15 fiscal year, and every three years thereafter, the department shall develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools. The department shall post the guidance on the department’s Internet Web site.
(b) The guidance developed pursuant to subdivision (a) shall not constitute a regulation subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

EC 49013. (a) A complaint of noncompliance with the requirements of this article may be filed with the principal of a school under the Uniform 4600) of Division 1 of Title 5 of the California Code of Regulations.
(b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
(c) A complainant not satisfied with the decision of a public school may appeal the decision to the department and shall receive a written appeal decision within 60 days of the department’s receipt of the appeal.
(d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
(e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.
(f) Public schools shall establish local policies and procedures to implement the provisions of this section on or before March 1, 2013.

GC 905. There shall be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) all claims for money or damages against local public entities except any of the following...
(o) Claims made pursuant to Section 49013 of the Education Code for reimbursement of pupil fees for participation in educational activities.
CALWORKS BENEFITS: PREGNANT MOTHERS

AB 1640       Mitchell
Ch. 778       Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to amend Section 11450 of the Welfare and Institutions Code, relating to public social services.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families.

Under existing law, for a family that does not include a needy child qualified for CalWORKs benefits, a pregnant mother is eligible for aid for the month in which the birth is anticipated, and the 3 months immediately prior to that month. However, CalWORKs aid is required to be paid to a pregnant woman who is also eligible for the Cal-Learn Program, as specified, at any time after verification of pregnancy.

This bill would require CalWORKs aid to be paid to a pregnant mother who is 18 years of age or younger at any time after verification of pregnancy, when the Cal-Learn Program is operative, regardless of whether she is eligible for the Cal-Learn Program. The bill would provide that CalWORKs aid would otherwise be paid to a pregnant mother in the month in which the birth is anticipated, and the 3 months immediately prior to that month. Because the bill would expand eligibility for CalWORKs aid under some circumstances, the bill would increase the duties of counties in administering the program, thus imposing a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.
An act to add Section 768.6 to the Public Utilities Code, relating to public utilities.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and water corporations, as defined.

Existing law, the California Emergency Services Act, authorizes local governments to create disaster councils by ordinance to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.

This bill would require the commission to establish standards for disaster and emergency preparedness plans within an existing proceeding, as specified. The bill would require an electrical corporation to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would authorize every city, county, or city and county within the electrical corporation’s service area to designate a point of contact for the electrical corporation to consult with on emergency and disaster preparedness plans. The bill would require a water company regulated by the commission to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would find and declare that county and city participation in the preparation of electrical corporations’ emergency and disaster preparedness plans is critical to a statewide emergency response and, thus, is an issue of statewide concern.

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PUC 768.6. (a) The commission shall establish standards for disaster and emergency preparedness plans within an existing proceeding, including, but not limited to, use of weather reports to preposition manpower and equipment before anticipated severe weather, methods of improving communications between governmental agencies and the public, and methods of working to control and mitigate an emergency or disaster and its aftereffects. The commission, when establishing standards pursuant to this subdivision, may make requirements for small water corporations similar to those imposed on class A water corporations under paragraph (2) of subdivision (f).

(b) An electrical corporation, as defined in Section 218, providing service in California shall develop, adopt, and update an emergency and disaster preparedness plan in compliance with the standards established by the commission pursuant to subdivision (a).

(1) (A) In developing and adopting an emergency and disaster preparedness plan, an electrical corporation providing service in California shall invite appropriate representatives of every city, county, or city and county within that electrical corporation’s service area in California to meet with, and provide consultation to, the electrical corporation.

(B) Every city, county, or city and county within the electrical corporation’s service area in California may designate a point of contact for the electrical corporation to consult with on emergency and disaster preparedness plans.

(C) The electrical corporation shall provide the point of contact designated pursuant to subparagraph (B) with an opportunity to comment on draft emergency and disaster preparedness plans.

(2) For the purposes of best preparing an electrical corporation for future emergencies or disasters, an emergency and disaster preparedness plan shall address recent emergencies and disasters associated with the electrical corporation or similarly situated corporations, and shall address remedial actions for possible emergencies or disasters that may involve that corporation’s provision of service.
(3) Every two years, in order to update and improve that electrical corporation’s emergency and disaster preparedness plan, an electrical corporation providing service in California shall invite appropriate representatives of every city, county, or city and county within that electrical corporation’s service area to meet with, and provide consultation to, the electrical corporation.

(4) For the purposes of best preparing an electrical corporation for future emergencies or disasters, an electrical corporation updating its emergency and disaster preparedness plan shall review the disasters and emergencies that have affected similarly situated corporations since the adoption of the plan, remedial actions taken during those emergencies or disasters, and proposed changes to the plan. The electrical corporation shall adopt in its plan the changes that will best ensure the electrical corporation is reasonably prepared to deal with a disaster or emergency.

(c) A meeting pursuant to subdivision (b) shall be noticed and shall be conducted in a public meeting that allows for the participation of appropriate representatives of counties and cities within the electrical corporation’s service area.

(1) A county participating in a meeting pursuant to subdivision (b) may inform each city within the county of the time and place of the meeting.

(2) An electrical corporation holding a meeting pursuant to subdivision (b) shall provide participating counties and cities with the opportunity to provide written and verbal input regarding the corporation’s emergency and disaster preparedness plan. For purposes of this public meeting, an electrical corporation may convene a closed meeting with representatives from every city, county, or city and county within that electrical corporation’s service area to discuss sensitive security-related information in the electrical corporation’s emergency and disaster preparedness plan and to solicit comment.

(3) An electrical corporation shall notify the commission of the date, time, and location of a meeting pursuant to subdivision (b).

(d) An electrical corporation shall conduct a meeting pursuant to subdivision (b) no later than April 1, 2013, and every two years thereafter.

(e) An electrical corporation shall memorialize a meeting pursuant to subdivision (b), and shall submit its records of the meeting to the commission.

(f) (1) A water company regulated by the commission shall develop, adopt, and update an emergency and disaster preparedness plan in compliance with the standards established by the commission pursuant to subdivision (a). This requirement shall be deemed fulfilled when the water company files an emergency and disaster preparedness plan pursuant to another state statutory requirement.

(2) A water company developing, adopting, or updating an emergency and disaster preparedness plan pursuant to paragraph (1) shall hold meetings with representatives from each city, county, or city and county in the water company’s service area regarding the emergency and disaster preparedness plan.

(g) An electrical corporation or a water corporation may fulfill a meeting requirement imposed by this section by making a presentation regarding its emergency and disaster preparedness plan at a regularly scheduled public meeting of each disaster council created pursuant to Article 10 (commencing with Section 8610) of Chapter 7 of Division 1 of Title 2 of the Government Code within the corporation’s service area, or at a regularly scheduled public meeting of the governing body of each city, county, or city and county within the service area.
SCHOOL ACCOUNTABILITY: ACADEMIC PERFORMANCE:
DROPOUT RECOVERY HIGH SCHOOLS

AB 1668 Carter Board Policy: Maybe
Ch. 424 Effective January 1, 2013 Notification: No

An act to amend Sections 52052 and 52052.3 of the Education Code, relating to school accountability.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. Existing law requires the Superintendent, with approval of the state board, to develop an alternative accountability system for specified types of schools and allows these schools to receive an API score, but prohibits them from being included in the API rankings of schools. Existing law requires the Superintendent and the state board, as part of the alternative accountability system for schools, or any successor system, to allow no more than 10 dropout recovery high schools to report the results of an individual pupil growth model, as specified, instead of reporting other indicators, and requires the Superintendent to review the individual pupil growth model proposed by a dropout recovery high school and certify that model if it meets specified criteria. Existing law defines a dropout recovery high school as a school offering instruction in any of grades 9 to 12, inclusive, in which 50% or more of its pupils are designated as dropouts, as specified, and the school provides specified instruction.

This bill would change the definition of a dropout recovery high school to mean a school offering instruction in any of grades 9 to 12, inclusive, in which 50% or more of its pupils are either designated as dropouts, as specified, or left a school and were not otherwise enrolled in a school for a period of at least 180 days and the school provides specified instruction. The bill also would require a dropout recovery high school to submit to the Superintendent a certification that the high school meets the definition of a dropout recovery high school, as defined, and provide specified data in support of that designation.

Existing law prohibits graduation rates for pupils in dropout recovery high schools, as defined, from being included in the API.

This bill would revise the definition of dropout recovery high school for purposes of this provision to also include a high school in which 50% or more of its pupils left a school and were not otherwise enrolled in a school for a period of at least 180 days.
PUPIL ASSESSMENT: HIGH SCHOOL EXIT EXAMINATION:  
ELIGIBLE PUPILS WITH DISABILITIES

AB 1705  Silva  
Ch. 192  Effective January 1, 2013

Board Policy: Yes  
Notification: Yes  
Appropriation: No  
Mandated Cost: No

An act to amend Sections 60852.1 and 60852.2 of the Education Code, relating to pupil assessment.

Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires by October 1, 2010, that the State Board of Education, taking into consideration specified findings and recommendations, adopt regulations for alternative means by which eligible pupils with disabilities, as defined, may demonstrate that they have achieved the same level of academic achievement in the content standards required for passage of the high school exit examination.

Existing law defines an eligible pupil with a disability as a pupil who has, among other things, an anticipated graduation date and is scheduled to receive a high school diploma on or after January 1, 2011, and the school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after January 1, 2011. Existing law (1) authorizes an eligible pupil with a disability, commencing January 1, 2011, to participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted by the state board, and (2) authorizes the state board, by regulation, to extend the January 1, 2011, date by up to 2 years, as specified.

This bill would instead define an eligible pupil with a disability as a pupil who has, among other things, an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2015, and the school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2015. The bill would instead (1) authorize an eligible pupil with a disability, commencing July 1, 2015, to participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted by the state board, and (2) authorize the state board, by regulation, to extend the July 1, 2015, date by up to one year, as specified. The bill would also make conforming and nonsubstantive changes.

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EC 60852.2. (a) For purposes of this chapter, “eligible pupil with a disability” means a pupil who meets all of the following criteria:

(1) The pupil has an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates that the pupil has an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2015.

(2) The pupil has not passed the high school exit examination.

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2015.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, including at least once during the current enrollment of the pupil in grade 12, with the accommodations or modifications, if any, specified in the individualized education program.
adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or the plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) of the pupil.

(b) Commencing July 1, 2015, an eligible pupil with a disability may participate in the alternative means of demonstrating the level of academic achievement in the content standards required for passage of the high school exit examination in the manner prescribed by the regulations adopted pursuant to Section 60852.1. The state board may, by regulation, extend this date by up to one year if it determines that an extension is necessary for the appropriate implementation of the regulations adopted pursuant to Section 60852.1.

(c) An eligible pupil with a disability shall be deemed to have satisfied the requirements of Section 60851 for those parts of the high school exit examination that the eligible pupil with a disability has not passed if the school district in which the eligible pupil with a disability is enrolled is notified that the eligible pupil with a disability has successfully demonstrated the same level of academic achievement in the statewide content standards as the level of academic achievement that is necessary to pass the high school exit examination through one or more of the alternative means prescribed in the regulations adopted pursuant to Section 60852.1.
PUPIL RIGHTS: SUSPENSION OR EXPULSION:
ALTERNATIVES AND OTHER MEANS OF CORRECTION

AB 1729
Ch. 425
Ammiano
Effective January 1, 2013

Board Policy: Yes
Notification: Yes
 Appropriation: No
Mandated Cost: No

An act to amend Sections 48900 and 48900.5 of the Education Code, relating to pupil rights.

Existing law provides that a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed a specified act. Existing law also authorizes a superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this provision.

This bill would instead authorize a superintendent of the school district or principal of the school to use alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior, as specified.

Existing law requires the imposition of suspension only when other means of correction fail to bring about proper conduct but authorizes the suspension of a pupil, including an individual with exceptional needs, upon a first offense if the principal or superintendent of schools determines that specified offenses were committed or that the pupil’s presence causes a danger to persons or property or threatens to disrupt the instructional process.

This bill would authorize a school district to document the other means of correction used and place that documentation in the pupil’s record. The bill would also specify that other means of correction include, but are not limited to, among other things, a positive behavior support approach with tiered interventions that occur during the schoolday on campus, a conference between school personnel, the pupil’s parent or guardian, and the pupil, participation in a restorative justice program, and after-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors.

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EC 48900. (v) For a pupil subject to discipline under this section, a superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil’s specific misbehavior as specified in Section 48900.5.

EC 48900.5. (a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil’s record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil’s presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:
(1) A conference between school personnel, the pupil’s parent or guardian, and the pupil.
(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

(3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.

(4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).

(5) Enrollment in a program for teaching prosocial behavior or anger management.

(6) Participation in a restorative justice program.

(7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.

(8) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.

(9) Any of the alternatives described in Section 48900.6.
PUPIL RIGHTS: SUSPENSION OR EXPULSION: BULLYING: IMPERSONATION

AB 1732  Campos  Board Policy: Yes
Ch. 157  Effective January 1, 2013  Notification: Yes
                        Appropriation: No
                        Mandated Cost: No

An act to amend Section 48900 of the Education Code, relating to pupils.

Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the school district superintendent or the school principal determines that the pupil has committed any of various specified acts, including, but not limited to, bullying. Existing law defines bullying as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, which includes, among other things, a post on a social network Internet Web site, and including one or more acts, as specified, committed by a pupil or group of pupils, directed toward one or more pupils that has or can be reasonably predicted to have one or more specified effects.

This bill would identify specific conduct that would constitute a post on a social network Internet Web site, including posting to or creating a burn page, as defined, creating a credible impersonation of a pupil, as defined and as specified, and creating a false profile, as defined and as specified.

The bill also would provide that an electronic act does not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

* * * * *

EC 48900. (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
(1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
(2) (A) “Electronic act” means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
(i) A message, text, sound, or image.
(ii) A post on a social network Internet Web site, including, but not limited to:
(I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.
## PUPIL RECORDS: PUPIL TRANSFERS

**AB 1799**  
Ch. 369  
**Bradford**  
Effective January 1, 2013

| Board Policy: | Yes |
| Notification: | No |
| Appropriation: | No |
| Mandated Cost: | Yes |

An act to amend Section 49068 of the Education Code, relating to pupil records.

Existing law requires a pupil’s former school district, as defined, or private school to transfer the pupil’s permanent record, or a copy thereof, upon a request from the school district, as defined, or private school where the pupil intends to enroll.

This bill would instead require the former public school or private school to perform the transfer of the pupil’s permanent record or copy of it no later than 10 schooldays, as defined, following the date the request is received. The bill would state legislative findings and declarations regarding the importance of the academic record of a transferring pupil and the accuracy of those records. The bill would provide that it does not supersede any other provisions governing the transfer of pupil records for specific pupil populations, including, but not limited to, provisions governing the transfer of pupil records for (1) pupils in foster care and (2) individuals with exceptional needs. By imposing a new requirement on public schools to transfer records within 10 schooldays, this bill would impose a state-mandated local program.

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**EC 49068.** (a) The Legislature finds and declares that the academic record of a transferring pupil is essential to the pupil’s placement, academic success, and timely graduation. The Legislature further finds and declares that an accurate, updated pupil record enhances school safety, academic achievement, and pupil welfare when the record of a transferring pupil includes transcripts, immunization records, and, when applicable, suspension notices, expulsion records, and individualized education programs.

(b) If a pupil transfers from one public school to another or to a private school, or transfers from a private school to a public school within the state, the pupil’s permanent record or a copy of it shall be transferred by the former public school or private school no later than 10 schooldays following the date the request is received from the public school or private school where the pupil intends to enroll.

(c) As used in this section, "schoolday" means a day upon which the school is in session or nonholiday weekdays during the summer break.

(d) A public school requesting a transfer of a record pursuant to this section shall notify the parent of his or her right to receive a copy of the record and a right to a hearing to challenge the content of the record.

(e) The state board may adopt rules and regulations concerning the transfer of records.

(f) Nothing in this section shall supersede any other state or federal law governing the transfer of pupil records for specific pupil populations, including, but not limited to, Sections 49069.5 and 56043.
CHILD ABUSE REPORTING

AB 1817 Atkins
Ch. 521 Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to add Sections 11165.7, 11166, and 11172 of the Penal Code, relating to child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to $1,000, or by both that imprisonment and fine.

Existing law requires any commercial film and photographic print processor who has knowledge of or observed in his or her professional capacity or employment any film, photograph, videotape, negative, or slide depicting a child under 16 years of age engaging in an act of sexual conduct to report the instance of suspected child abuse to a law enforcement agency, as specified.

This bill would make these provisions apply to a commercial computer technician, as provided. The bill would provide that an employer who provides an electronic communications service or a remote computing service to the public would comply with this article by complying with a specified provision of existing federal law. The bill would provide that any commercial computer technician who provides a computer or computer component to an investigating law enforcement agency pursuant to a warrant shall have immunity from civil or criminal liability for providing that computer or computer component, as specified.

The bill would also make technical, nonsubstantive changes and would update a cross-reference. This bill would make conforming changes.

This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1435, AB 1713, and SB 1264, to be operative only if AB 1434, AB 1435, AB 1713, or SB 1264 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

The bill would incorporate additional changes in Section 11166 of the Penal Code, proposed by AB 1713, to be operative only if AB 1713 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

Please see AB 1434 for the complete text of PC 11165.7.
POSTSECONDARY EDUCATION BENEFITS: CRIME VICTIMS

AB 1899
Ch. 509
Mitchell
Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to add Sections 68122, 69504.5, and 76301 to the Education Code, relating to postsecondary education.

Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of the public and independent institutions of higher education. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, make them applicable. Existing law exempts specified students from paying nonresident tuition at the California State University and the California Community Colleges and establishes financial aid programs for students, as specified. Existing law requires the governing board of each community college district to charge resident students a fee of $46 per unit per semester and to waive that fee for specified students.

This bill would require students who are victims of trafficking, domestic violence, and other serious crimes who have been granted a specified status under federal law, to be exempt from paying nonresident tuition at the California State University and the California Community Colleges, and to be eligible to apply for, and participate in, all student financial aid programs and scholarships administered by a public postsecondary educational institution or the State of California, to the same extent as individuals who are admitted to the United States as refugees under specified federal law. The bill would request the University of California to adopt policies that are consistent with those provisions. The bill would also require community college districts to waive the fees of those students to the same extent as individuals who are admitted to the United States as refugees under specified federal law.
An act to amend Sections 48853.5, 48911, and 48915.5 of, and to add Section 48918.1 to, the Education Code, and to amend Sections 317 and 16010 of the Welfare and Institutions Code, relating to foster children.

(1) Existing law requires each local educational agency to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would require the educational liaison, if designated by the superintendent of the local educational agency, to notify the foster child’s attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations, as specified.

This bill would authorize the foster child’s caregiver or other person holding the right to make educational decisions for the child to provide the contact information of the child’s attorney to the child’s school district when the child has been placed outside of the county of jurisdiction for the child.

(2) Existing law authorizes the district superintendent of schools or other person designated by the district superintendent of schools in writing to extend the suspension of a pupil until the governing board of the school district has rendered a decision in a case where expulsion from any school or suspension from the balance of the semester from continuation school is being processed by the governing board of the school district. Existing law requires that before such an extension is granted that the district superintendent of schools or the district superintendent’s designee determine, following a meeting in which the pupil and the pupil’s parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process.

This bill would require, if the pupil is a foster child, as defined, the district superintendent of schools or the district superintendent’s designee to invite the pupil’s attorney and the appropriate representative of the county child welfare agency to that meeting.

(3) Existing law authorizes the suspension or expulsion of an individual with exceptional needs in accordance with specified provisions.

This bill would require, if the individual with exceptional needs is a foster child, as defined, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and the appropriate representative of the county child welfare agency to be invited to participate in the individualized education program team meeting that makes a manifestation determination. The bill would authorize that invitation to be made using the most cost-effective method possible.
(4) Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils and requires these procedures to include, but not necessarily be limited to, a hearing to determine whether the pupil should be expelled, and a written notice of the hearing forwarded to the pupil at least 10 calendar days prior to the date of the hearing.

This bill would require, if the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined, the governing board of the school district also to provide notice of the hearing to the pupil’s attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The bill would authorize, if a recommendation of expulsion is required and the pupil is a foster child, the governing board of the school district also to provide the notice of the hearing to the pupil’s attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The bill would authorize these notices to be made using the most cost-effective method possible.

(5) Existing law requires a juvenile court to hold a detention hearing to determine whether a minor should be further detained when a minor has been taken into custody pursuant to specified provisions. Existing law also requires a court to appoint counsel for the child if the child is not represented by counsel, unless the court finds that the child would not benefit from the appointment of counsel. Existing law requires counsel appointed for the child to be charged in general with the representation of the child’s interests.

This bill would, at least once every year and if the list of educational liaisons is available on the Internet Web site of the State Department of Education, (A) require counsel appointed for the child to provide his or her contact information to the educational liaison of each local educational agency serving counsel’s foster child clients in the county of jurisdiction, and (B) if counsel is part of a firm or organization, authorize the firm or organization to provide its contact information in lieu of contact information for the individual counsel. The bill would authorize the child’s caregiver or to provide the contact information of the child’s attorney to the child’s local educational agency.

(6) Existing law requires, when a child is placed in foster care, the case plan for each child to include a summary of the health and education information or records of the child. Existing law requires the health and education summary to include, but not be limited to, among other things, the names and addresses of the child’s health, dental, and education providers.

This bill would authorize the health and education summary also to include the name and contact information for the educational liaison of the child’s local educational agency.

(7) This bill would also make various nonsubstantive changes to the above provisions.

(8) This bill would incorporate additional changes in Section 48853.5 of the Education Code, proposed by SB 1568, to be operative only if SB 1568 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

(9) This bill would incorporate additional changes in Sections 317 and 16010 of the Welfare and Institutions Code, proposed by AB 1712, to be operative only if AB 1712 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

* * * * *

EC 48853.5. (a) This section applies to a foster child. “Foster child” means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

(b) Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program pursuant to Chapter 11.3
(commencing with Section 42920) of Part 24 of Division 3, the educational liaison shall be affiliated with the local foster children services program. The educational liaison shall do all of the following:
(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.
(2) Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades.
(c) If so designated by the superintendent of the local educational agency, the educational liaison shall notify a foster child’s attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations pursuant to Section 1415(k) of Title 20 of the United States Code if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.
(d) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of school of origin...

EC 48911. (g) In a case where expulsion from a school or suspension for the balance of the semester from continuation school is being processed by the governing board of the school district, the district superintendent of schools, or other person designated by the district superintendent of schools in writing, may extend the suspension until the governing board of the school district has rendered a decision in the action. However, an extension may be granted only if the district superintendent of schools or the district superintendent’s designee has determined, following a meeting in which the pupil and the pupil’s parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil is a foster child, as defined in Section 48853.5, the district superintendent of schools or the district superintendent’s designee, including, but not limited to, the educational liaison for the school district, shall also invite the pupil’s attorney and an appropriate representative of the county child welfare agency to participate in the meeting. If the pupil or the pupil’s parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

EC 48915.5. (d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.
EC 48918.1. (a) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(b) If a recommendation of expulsion is required and the pupil is a foster child, as defined in Section 48853.5, the governing board of the school district may provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. The notice may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.
SAFE ROUTES TO SCHOOL

AB 1915 Alejo
Ch. 640 Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 2333.5 of the Streets and Highways Code, relating to transportation.

Existing law requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to establish and administer a “Safe Routes to School” program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law sets forth various factors to be used to rate proposals submitted by applicants for these funds.

This bill would provide that up to 10% of program funds may be used to assist eligible recipients in making infrastructure improvements, other than schoolbus shelters, that create safe routes to schoolbus stops located outside of the vicinity of schools.

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SHC 2333.5. (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a “Safe Routes to School” construction program for construction of bicycle and pedestrian safety and traffic calming projects.
(b) The department shall award grants to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:
(1) Demonstrated needs of the applicant.
(2) Potential of the proposal for reducing child injuries and fatalities.
(3) Potential of the proposal for encouraging increased walking and bicycling among students.
(4) Identification of safety hazards.
(5) Identification of current and potential walking and bicycling routes to school.
(6) Use of a public participation process, including, but not limited to, a public meeting that satisfies all of the following:
(A) Involves the public, schools, parents, teachers, local agencies, the business community, key professionals, and others.
(B) Identifies community priorities and gathers community input to guide the development of projects included in the proposal.
(C) Ensures that community priorities are reflected in the proposal.
(D) Secures support for the proposal by relevant stakeholders.
(7) Benefit to a low-income school, defined for purposes of this section to mean a school where at least 75 percent of students are eligible to receive free or reduced-price meals under the National School Lunch Program.
(c) Any annual budget allocation to fund grants described in subdivision (b) shall be in addition to any federal funding received by the state that is designated for “Safe Routes to School” projects pursuant to Section 1404 of SAFETEA-LU or any similar program funded through a subsequent transportation act.
(d) Any federal funding received by the state that is designated for “Safe Routes to School” projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.
(c) Prior to the award of any construction grant or the department’s use of those funds for a “Safe Routes to School” construction project encompassing a freeway, state highway, or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the “Safe Routes to School” proposal complements the California Highway Patrol’s Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(f) The department is encouraged to coordinate with law enforcement agencies’ community policing efforts in establishing and maintaining the “Safe Routes to School” construction program.

(g) In the development of guidelines and procedures governing this program, the department shall fully consider the needs of low-income schools.

(h) Up to 10 percent of program funds may be used to assist eligible recipients in making infrastructure improvements, other than schoolbus shelters, that create safe routes to schoolbus stops that are located outside the vicinity of schools.
JUVENILE OFFENDERS: TATTOO REMOVAL

AB 1956  Portantino  Board Policy:  No
Ch. 746  Effective January 1, 2013  Notification:  No

An act to amend Sections 1915 and 1916 of the Welfare and Institutions Code, relating to juveniles.

The Youth Authority Act provides for the detention and confinement of youthful offenders by the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation. Existing law establishes a pilot program requiring the Division of Juvenile Facilities to purchase 2 medical laser devices for the removal of tattoos, as specified, from eligible participants who are at-risk youth, ex-offenders, and current or former gang members, as specified. Existing law further establishes the California Voluntary Tattoo Removal Program, which serves individuals between 14 and 24 years of age, inclusive, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified.

This bill would expand these tattoo removal programs to serve individuals who were tattooed for identification in trafficking or prostitution and are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a specified community-based organization. The bill would also express the intent of the Legislature to encourage the Board of State and Community Corrections to extend current federal funding, if available, to programs serving individuals from 14 and 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.
PUPIL INSTRUCTION: INDEPENDENT STUDY: LEADERSHIP COURSE

AB 1987  Davis
Ch. 175  Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 51745 of the Education Code, relating to pupil instruction.

Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils. Existing law specifies certain educational opportunities that may be offered through independent study, including, among others, volunteer community service activities that support and strengthen pupil achievement.

This bill would include leadership opportunities within the educational opportunities that may be offered through independent study and would make several technical, nonsubstantive changes.

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EC 51745. (a) Commencing with the 1990–91 school year, the governing board of a school district or a county office of education may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.
(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.
(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.
(4) Continuing and special study during travel.
(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of his or her children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.
COMMUNICABLE DISEASE: VACCINATIONS

AB 2009  Galgiani
Ch. 443  Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to add Section 120392.3 to, and to repeal Section 104900 of, the Health and Safety Code, relating to communicable disease.

Under existing law, the State Department of Public Health administers various programs for the protection of public health. The department provides a biennial report to the Legislature on the immunization status of young children in California.

Existing law requires the State Department of Public Health to provide appropriate flu vaccine to local governmental or private nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations in the order of priority first for all persons 60 years of age or older in this state and then to any other high-risk groups identified by the United States Public Health Service. The department and the California Department of Aging are required to prepare, publish, and disseminate information regarding the availability of the vaccine and the effectiveness of the vaccine in protecting the health of older persons.

This bill would eliminate the priority order described above. The bill would allow the department to provide guidance to local agencies as to whether one or more population groups are to have priority for the flu vaccine offered through this program, as specified. The bill would exempt these provisions from the Administrative Procedure Act. The bill would require, in the absence of department guidance, local agencies to be guided by the influenza recommendations of the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices. This bill would authorize the department to also provide appropriate vaccine that prevents other respiratory infections to local government or private nonprofit agencies. The bill would eliminate provisions requiring the vaccine to be administered by physicians and nurses, as specified. The bill would make findings and declarations regarding the transmission of influenza by children to adults and the elderly.

Existing law immunizes a private, nonprofit volunteer agency whose involvement with the above-described immunization program is limited to the provision of a clinic site or promotional and logistical support, as specified, or any employee or member thereof, from liability for any injury caused by an act or omission in the administration of the vaccine or other immunizing agent to certain persons, if specified conditions are met.

This bill would extend the immunity provided to a private, nonprofit volunteer agency, as described above, to circumstances when the vaccine or other immunizing agent is administered to any person.

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HSC 120392.3. (a) The department shall provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations. The department and the California Department of Aging shall prepare, publish, and disseminate information regarding the availability of the vaccine and the effectiveness of the vaccine in protecting the health of older persons.

(b) In administering this section, the department may provide guidance to local agencies as to whether one or more population groups shall have priority for the flu vaccine offered through this program. In developing this guidance, the department shall consider the influenza recommendations of the federal Centers for Disease Control and Prevention’s Advisory Committee on Immunization Practices (ACIP) or
other criteria in order to ensure that the vaccination program is efficient and effective in meeting public health goals. Any guidance issued pursuant to this subdivision shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). In the absence of guidance from the department, local agencies shall be guided by the influenza recommendations of the ACIP.

(c) The department may provide appropriate vaccine that prevents other respiratory infections to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations for groups identified as high risk by the ACIP.

(d) The program shall be designed to use voluntary assistance from public or private sectors in administering the vaccines. However, local governmental or private, nonprofit agencies may charge and retain a fee not exceeding two dollars ($2) per person to offset administrative operating costs.

(e) Except when the department determines that it is not feasible to use federal funds due to excessive administrative costs, the department shall seek and use available federal funds to the maximum extent possible for the cost of the vaccine, the cost of administering the vaccine, and the minimal fee charged under this section, including reimbursement under the Medi-Cal program for persons eligible therefor to the extent permitted by federal law.

(f) A private, nonprofit volunteer agency whose involvement with an immunization program governed by this section is limited to the provision of a clinic site or promotional and logistical support pursuant to subdivision (c), or any employee or member thereof, shall not be liable for any injury caused by an act or omission in the administration of the vaccine or other immunizing agent, if the immunization is performed pursuant to this section in conformity with applicable federal, state, or local governmental standards and the act or omission does not constitute willful misconduct or gross negligence. As used in this subdivision, “injury” includes the residual effects of the vaccine or other immunizing agent. It is the intent of the Legislature in adding this subdivision to affect only the liability of private, nonprofit volunteer agencies and their members that are not health facilities, as defined in Section 1250.

(g) This section shall not be construed to require the physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized.
VEHICLES: DRIVING UNDER THE INFLUENCE: CHEMICAL TESTS

AB 2020     Pan                                      Board Policy:  No
Ch. 196      Effective January 1, 2013               Notification:  No
                                          Appropriation:  No
                                          Mandated Cost:  Yes

An act to amend Section 23612 of the Vehicle Code, relating to vehicles.

Existing law provides that a person who is lawfully arrested for driving under the influence of a drug or the combined influence of an alcoholic beverage and drug has a choice of whether a chemical test to determine his or her drug or drug and alcohol level shall be a blood, breath, or urine test. If the person chooses to submit to a breath test, he or she may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was driving under the influence of a drug or the combined influence of an alcoholic beverage and a drug and if the officer has a clear indication that a blood or urine test will reveal evidence of the person being under the influence. Existing law exempts a person who is afflicted with hemophilia, or a heart condition and is using an anticoagulant, from the blood test.

This bill would revise these provisions to delete the person’s option to choose a chemical test of his or her urine for the purpose of determining the drug content of his or her blood. The bill would require that if a blood test is unavailable, then the person is deemed to have given his or her consent to a urine test. The bill would also require that if the person is lawfully arrested for driving under the influence of a drug or the combined influence of an alcoholic beverage and any drug, the person only has the choice of either a blood or breath test. The bill would delete the option of a urine test, except as required as an additional test. The bill would require those persons exempted from the blood test to submit to, and complete, a urine test.

Because this bill would change the definition of an existing crime, it would impose a state-mandated local program.
An act to add Section 1203.47 to the Penal Code, relating to prostitution.

Existing law authorizes the court, upon petition from a person who has reached 18 years of age, to seal all records relating to the person’s case in the custody of a juvenile court if the person has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, and if rehabilitation has been attained to the satisfaction of the court.

This bill would provide that a person who was adjudicated a ward of the court for the commission of a violation of specified provisions prohibiting prostitution may petition a court to have his or her records sealed as these records pertain to the prostitution offenses without showing that he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, or that rehabilitation has been attained, as provided. The bill would specify that the relief provided by the bill would not apply to a person who paid money, or attempted to pay money, to any person for the purposes of prostitution, and would also specify that the provisions of the bill apply to convictions and adjudications that occurred before and after the effective date of the bill.

* * * * *

PC 1203.47. (a) A person who was found to be a person described in Section 602 of the Welfare and Institutions Code by reason of the commission of an offense described in subdivision (b) of Section 647 or in Section 653.22 may, upon reaching 18 years of age, petition the court to have his or her records sealed, as provided in Section 781 of the Welfare and Institutions Code, except that, as pertains to any records regarding the commission of an offense described in subdivision (b) of Section 647 or in Section 653.22, it shall not be a requirement in granting the petition for the person to show that he or she has not been convicted of a felony or of any misdemeanor involving moral turpitude, or that rehabilitation has been attained to the satisfaction of the court. Upon granting the petition, all records relating to the violation or violations of subdivision (b) of Section 647 or of Section 653.22, or both, shall be sealed pursuant to Section 781 of the Welfare and Institutions Code.

(b) The relief provided by this section does not apply to a person convicted pursuant to subdivision (b) of Section 647 or of Section 653.22 who paid money or any other valuable thing, or attempted to pay money or any other valuable thing, to any person for the purpose of prostitution as defined in subdivision (b) of Section 647.

(c) This section applies to convictions and adjudications that occurred before, as well as those that occur after, the effective date of this section.

(d) A petition granted pursuant to this section does not authorize the sealing of any part of a person’s record that is unrelated to a violation of subdivision (b) of Section 647, Section 653.22, or both.
JUVENILES: EDUCATIONAL DECISIONS

AB 2060  Bonilla  
Ch. 176  Effective January 1, 2013

Board Policy:  No  
Notification:  No  
Appropriation:  No  
Mandated Cost:  Yes

An act to amend Sections 319, 361, and 726 of the Welfare and Institutions Code, relating to juveniles.

Existing law authorizes the court to limit the right of a parent to make educational decisions for a dependent child or ward of the court under specific circumstances. If the court limits a parent’s right to make educational decisions for his or her child, existing law authorizes the court to temporarily appoint a responsible adult to make educational decisions for the child. Under existing law, if the court cannot identify a responsible adult to fulfill that role while dependency proceedings are pending, the court may make educational decisions for the child, except as specified. After a child has been adjudged a dependent child or a ward of the juvenile court, if the court cannot identify a responsible adult to make educational decisions for the child, the court is required to refer the child to the local educational agency for appointment of a surrogate parent if the child has special education needs. If appointment of a surrogate parent is not warranted because the child does not have special education needs, and the child does not have a foster parent, the court may make educational decisions for the child.

This bill would require the court, after limiting a parent’s educational rights in dependency or wardship proceedings, to determine if there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child’s educational representative before appointing an educational representative or surrogate who is not known to the child. This bill would also require an appointed educational representative or surrogate parent to meet with the child, investigate the child’s educational needs and whether those needs are being met, and present recommendations to the court or attend court to participate in any portion of a hearing that concerns the child’s education. By requiring a higher level of service by local educational agencies in the appointment and performance of surrogate parents, this bill would impose a state-mandated local program.
COMMUNICABLE DISEASE: IMMUNIZATION EXEMPTION

AB 2109       Pan
Ch. 821       Effective January 1, 2014

Board Policy: Yes
Notification: Yes
Appropriation: No
Mandated Cost: Yes

An act to amend Section 120365 of the Health and Safety Code, relating to communicable disease.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, as specified.

Existing law exempts a person from the above-described immunization requirement if the parent or guardian or other specified persons file with the governing authority a letter or affidavit stating that the immunization is contrary to his or her beliefs.

This bill would instead require this letter or affidavit to document which required immunizations have been given and which have not been given on the basis that they are contrary to the parent or guardian's or other specified person's beliefs. The bill would require, on and after January 1, 2014, the letter or affidavit to be accompanied by a form prescribed by the State Department of Public Health that includes a signed attestation from a health care practitioner, as defined, that indicates that the health care practitioner provided the parent or guardian of the person, the adult who has assumed responsibility for the care and custody of the person, or the person, if an emancipated minor, who is subject to the immunization requirements with information regarding the benefits and risks of the immunization and the health risks of specified communicable diseases. The bill would require the form to include a written statement by the parent, guardian, other specified persons, or person, if an emancipated minor, that indicates that he or she received the information from the health care practitioner.

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HSC 120365. (a) Immunization of a person shall not be required for admission to a school or other institution listed in Section 120335 if the parent or guardian or adult who has assumed responsibility for his or her care and custody in the case of a minor, or the person seeking admission if an emancipated minor, files with the governing authority a letter or affidavit that documents which immunizations required by Section 120355 have been given, and which immunizations have not been given on the basis that they are contrary to his or her beliefs.

(b) On and after January 1, 2014, a form prescribed by the State Department of Public Health shall accompany the letter or affidavit filed pursuant to subdivision (a). The form shall include both of the following:

(1) A signed attestation from the health care practitioner that indicates that the health care practitioner provided the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, with information regarding the benefits and risks of the immunization and the health risks of the communicable diseases listed in Section 120335 to the person and to the community. This attestation shall be signed not more than six months prior to the date when the person first becomes subject to the immunization requirement for which exemption is being sought.

(2) A written statement signed by the parent or guardian of the person who is subject to the immunization requirements of this chapter, the adult who has assumed responsibility for the care and custody of the person, or the person if an emancipated minor, that indicates that the signer has received the information provided by the health care practitioner pursuant to paragraph (1). This statement shall be signed not
more than six months prior to the date when the person first becomes subject to the immunization requirements as a condition of admittance to a school or institution pursuant to Section 120335.

(c) The following shall be accepted in lieu of the original form:
(1) A photocopy of the signed form.
(2) A letter signed by a health care practitioner that includes all information and attestations included on the form.

(d) Issuance and revision of the form shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) When there is good cause to believe that the person has been exposed to one of the communicable diseases listed in subdivision (a) of Section 120325, that person may be temporarily excluded from the school or institution until the local health officer is satisfied that the person is no longer at risk of developing the disease.

(f) For purposes of this section, "health care practitioner" means any of the following:
(1) A physician and surgeon, licensed pursuant to Section 2050 of the Business and Professions Code.
(2) A nurse practitioner who is authorized to furnish drugs pursuant to Section 2836.1 of the Business and Professions Code.
(3) A physician assistant who is authorized to administer or provide medication pursuant to Section 3502.1 of the Business and Professions Code.
(4) An osteopathic physician and surgeon, as defined in the Osteopathic Initiative Act.
(5) A naturopathic doctor who is authorized to furnish or order drugs under a physician and surgeon's supervision pursuant to Section 3640.5 of the Business and Professions Code.
(6) A credentialed school nurse, as described in Section 49426 of the Education Code.
SWIMMING POOL SAFETY

AB 2114  Smyth
Ch. 579  Effective January 1, 2013

Board Policy:  No
Notification:  No
Appropriation:  No
Mandated Cost:  Yes

An act to amend Sections 115921, 115928, 115928.5, 116064, and 116064.2 of the Health and Safety Code, relating to public safety.

(1) The Swimming Pool Safety Act generally requires, whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa to be equipped with specified safety features, including that the swimming pool or spa have at least 2 circulation drains per pump that are hydraulically balanced, and symmetrically plumbed through one or more “T” fittings, and that are separated by a distance of at least 3 feet in any dimension between the drains. Existing law also requires a public wading pool to have at least 2 circulation drains per pump, as specified, that are separated by a distance of at least 3 feet in any dimension between the drains.

This bill would instead require a swimming pool, spa, or public wading pool that is subject to the above safety provisions to have at least 2 circulation suction outlets, as defined, per pump, and be separated by a distance of at least 3 feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump. The bill would also require the circulation system to have the capacity to provide a complete turnover of pool water, as specified.

(2) Existing law requires a building permit issued for the remodel or modification of an existing swimming pool, toddler pool, or spa to require the suction outlet of the pool or spa to be upgraded with an antientrapment cover meeting ASTM or ASME standards.

This bill would instead require those building permits to require all outlets for a swimming pool, toddler pool, or spa to be upgraded with an antientrapment cover meeting ANSI/APSP performance standards, as defined.

(3) Existing law requires public swimming pools, as defined, to be equipped with antientrapment devices or systems that meet ASME/ANSI or ASTM performance standards, as defined. Existing law further requires every public swimming pool with a single main drain that is not an unblockable drain to be equipped with at least one or more safety devices designed to prevent physical entrapment by pool drains. Existing law also requires public wading pool main drain suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified.

This bill would instead require every public swimming pool with a single suction outlet, as defined, that is not an unblockable suction outlet to be equipped with at least one or more safety devices that meet ANSI/APSP performance standards. The bill would also require all public wading pool suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified. The bill would additionally require a public swimming pool that has a suction outlet in any location other than on the bottom of the pool to be designed so that the recirculation system has a capacity to provide a complete turnover of pool water within prescribed times based on the pool type, as specified.

(4) Existing law requires the State Department of Public Health to issue a form for use by an owner of a public swimming pool to indicate compliance with specified safety provisions. Under existing law, the form is required to be completed by the owner of a public swimming pool prior to filing the form with the appropriate city, county, or city and county department of environmental health, and is required to include specified information. This information includes a statement of whether the pool operates with a single or split main drain.
This bill would require that form to instead include a statement of whether the pool operates with a single suction outlet or multiple suction outlets. The bill would make other related changes. By imposing new duties on local government officials, the bill would impose a state-mandated local program.

Under existing law, violation of these swimming pool safety requirements constitutes a misdemeanor. This bill, by expanding the definition of an existing crime, would impose a state-mandated local program.

(5) This bill would incorporate additional changes to Section 116064 of the Health and Safety Code proposed by SB 1099, that would become operative only if SB 1099 and this bill are both enacted, both bills become effective on or before January 1, 2012 and this bill is enacted last.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.
VEHICLES: DRIVER'S LICENSES

AB 2189    Cedillo
Ch. 862    Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to add Section 1936.5 to the Civil Code, and to amend Sections 12801 and 14608 of, and to add Section 12801.6 to, the Vehicle Code, relating to vehicles.

(1) Existing law requires the Department of Motor Vehicles to issue driver's licenses to applicants who meet specified criteria and provide the department with the required information. Existing law requires the department to establish that the applicant's presence in the United States is authorized under federal law.

Under existing federal law, the Secretary of the Department of Homeland Security has issued a directive allowing certain undocumented individuals who meet several key criteria for relief from removal from the United States or from entering into removal proceedings to be eligible to receive deferred action for a period of 2 years, subject to renewal, and who will be eligible to apply for work authorization.

This bill would allow persons who provide satisfactory proof, as described, that their presence in the United States is authorized under federal law, but who are not eligible for a social security account number, to receive an original driver's license from the Department of Motor Vehicles if they meet all other qualifications for licensure.

(2) Existing law prohibits a person from renting a motor vehicle to another unless the person to whom the vehicle is rented is a validly licensed driver, as specified, and the person renting to that driver has inspected the person's driver's license and compared the signature on the license with the signature of the driver written in his or her presence.

This bill would delete the requirement that the signature of the driver be written in his or her presence and would allow the person renting the vehicle to instead compare the photograph on the driver's license of the person with the person to whom the vehicle is to be rented.

The bill would also exempt, a "rental company," as defined, from these requirements if the rental is subject to the terms of a membership agreement that allows the renter to gain physical access to a car without a key through use of a code, key card, or by other means that allow the car to be accessed at a remote location or at a business location of the rental company outside of that location's regular hours of operation.
LONG-TERM ENGLISH LEARNERS

AB 2193 Lara
Ch. 427 Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to add Sections 313.1 and 313.2 to the Education Code, relating to English learners.

Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine the pupil’s level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

This bill would define “long-term English learner” and “English learner at risk of becoming a long-term English learner” and would require the department to annually ascertain and provide to school districts and schools the number of pupils in each school district and school, as specified, who are, or are at risk of becoming, long-term English learners.

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EC 313.1. For purposes of this article, the following terms have the following meanings:
(a) “Long-term English learner” means an English learner who is enrolled in any of grades 6 to 12, inclusive, has been enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores far below basic or below basic on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.
(b) “English learner at risk of becoming a long-term English learner” means an English learner who is enrolled in any of grades 5 to 11, inclusive, in schools in the United States for four years, scores at the intermediate level or below on the English language development test identified or developed pursuant to Section 60810, or any successor test, and scores in the fourth year at the below basic or far below basic level on the English language arts standards-based achievement test administered pursuant to Section 60640, or any successor test.

EC313.2. (a) The department shall annually ascertain the number of pupils in each school district and school, including a school that is within the jurisdiction of a county office of education and a charter school, who are, or are at risk of becoming, long-term English learners, as those terms are defined in Section 313.1.
(b) The department shall annually provide the information described in subdivision (a) to school districts and schools.
An act to amend Sections 361.2, 366, and 16010.6 of the Welfare and Institutions Code, relating to juveniles.

(1) Existing law provides for the removal of children who are unable to remain in the custody and care of their parent or parents. When a court orders the removal of a child, under existing law, the court is required to order the care, custody, control, and conduct of the child to be under the supervision of a social worker who may make certain placements for the child. Existing law requires the status of dependent children to be periodically reviewed, and requires the court to consider the safety of the child and make certain determinations, including the continuing necessity and appropriateness of a dependent child’s placement. Existing law requires a placing agency to notify a dependent child’s attorney, and to provide specified information, as soon as possible after making a decision with respect to the placement or change in placement of a dependent child.

This bill would prohibit the placement of any dependent child with any person who is not a parent, outside the United States prior to a judicial finding that the placement, by clear and convincing evidence, is in the best interest of the child, except as required by federal law or treaty. The bill would require the party or agency requesting the placement of the child outside the United States to carry the burden of proof. The bill would also specify certain factors to be considered by the court when determining the best interest of the dependent child, including placement with a relative, placement of siblings in the same home, and the social, cultural, and educational needs of the dependent child.

By increasing the duties of social workers and county placing agencies, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.
SCHOOL DISTRICTS: GOVERNING BOARDS:
NOTIFICATION: PARENT RIGHTS AND RESPONSIBILITIES

AB 2262  Bradford  Board Policy: Yes
Ch. 17  Effective January 1, 2013  Notification: Yes

An act to amend Sections 48981 and 48982 of the Education Code, relating to school districts.

Existing law requires the governing board of a school district, at the beginning of the first semester or quarter of each school year, to notify parents or guardians of minor pupils of specified rights and responsibilities of the parent or guardian and of specified school district policies and procedures. Existing law provides that the notice may be sent by regular mail or by any other method normally used to communicate with parents or guardians in writing. Existing law requires the notice to be signed by the parent or guardian and returned to the school. Existing law requires that, if 15% or more of the pupils enrolled in a public school speak a single primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of such pupil be written in English and that primary language, as specified.

This bill would authorize the governing board of a school district to provide this notification to a parent or guardian who requests to receive the notice in electronic format by providing access to the notice electronically, and would require the notice provided in electronic format to conform to the primary language requirements described above. The bill would also require the parent or guardian, if the notice is provided in electronic format, to submit to the school a signed acknowledgment of receipt of the notice.

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**EC 48981.** The notice shall be provided at the time of registration for the first semester or quarter of the regular school term. The notice may be provided using any of the following methods:
(a) By regular mail.
(b) If a parent or guardian requests to receive the notice in electronic format, by providing access to the notice electronically. Notice provided in electronic format shall conform to the requirements of Section 48985.
(c) By any other method normally used to communicate with the parents or guardians in writing.

**EC 48982.** (a) The notice shall be signed by the parent or guardian and returned to the school. Signature of the notice is an acknowledgment by the parent or guardian that he or she has been informed of his or her rights but does not indicate that consent to participate in any particular program has either been given or withheld.
(b) If the notice is provided in electronic format pursuant to subdivision (b) of Section 48981, the parent or guardian shall submit to the school a signed acknowledgment of receipt of the notice.
PUPIL INSTRUCTION: LABOR HISTORY MONTH

AB 2269  Swanson
Ch. 584  Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 51009 of the Education Code, relating to pupil instruction.

Existing law deems the first week of April to be Labor History Week and encourages school districts to commemorate that week with appropriate educational exercises that make pupils aware of the role that the labor movement has played in shaping California and the United States.

This bill would instead deem the month of May to be Labor History Month and encourage school districts to commemorate that month with appropriate educational exercises, as specified.

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EC 51009. The month of May is hereby deemed to be Labor History Month throughout the public schools, and school districts are encouraged to commemorate this month with appropriate educational exercises that make pupils aware of the role the labor movement has played in shaping California and the United States.
SCHOOL GARDENS: SALE OF PRODUCE

AB 2367  Bonilla
Ch. 428  Effective January 1, 2013
Board Policy:  Maybe
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to add Section 51798 to the Education Code, relating to school gardens.

Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens. Under existing law, a school district, charter school, or county office of education may apply to the Superintendent of Public Instruction for funding for a 3-year grant in order to develop and maintain an instructional school garden. Existing law limits the grants to a maximum of $2,500 per schoolsite, except as provided.

This bill would authorize a school district, charter school, or county office of education to sell produce grown in a school garden, regardless of whether the school participates in the Instructional School Gardens Program, if the school district, charter school, or county office of education complies with applicable federal, state, and local health and safety requirements for the production, processing, and distribution of the produce.

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EC 51798. A school district, charter school, or county office of education that is operating a school garden may sell produce grown in the school garden, regardless of whether the school participates in the Instructional School Gardens Program, if the school district, charter school, or county office of education complies with applicable federal, state, and local health and safety requirements for the production, processing, and distribution of the produce.
SCHOOL SECURITY: SECURITY DEPARTMENTS:
SCHOOL POLICE DEPARTMENTS

AB 2368       Block
Ch. 146       Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 38000 of the Education Code, relating to school security

Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security, or a police department under the supervision of a chief of police, and authorizes the governing board to employ personnel to enforce the law to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. Existing law expresses the intention of the Legislature that a school district police or security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

This bill would authorize the governing board of a school district to establish a school police department under the supervision of a school chief of police, and would authorize the employment of peace officers, as defined, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district. The bill would also express the intent of the Legislature that only a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

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EC 38000. (a) The governing board of a school district may establish a security department under the supervision of a chief of security as designated by, and under the direction of, the superintendent of the school district. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board of a school district may employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. It is the intent of the Legislature in enacting this section that a school district security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

(b) The governing board of a school district may establish a school police department under the supervision of a school chief of police and, in accordance with Chapter 5 (commencing with Section 45100) of Part 25, may employ peace officers, as defined by subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district.

(c) The governing board of a school district that establishes a security department or a police department shall set minimum qualifications of employment for the chief of security or school chief of police, respectively, including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or school chief of police shall comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date one year subsequent to the initial employment of the chief of security or school chief of police by the school district, whichever occurs later. This subdivision shall not be construed to require the employment by a school district of additional personnel.

(d) A school district may assign a school police reserve officer who is deputized pursuant to Section 35021.5 to a schoolsite to supplement the duties of school police officer pursuant to this section.
MENTAL RETARDATION: CHANGE OF TERM TO INTELLECTUAL DISABILITIES

AB 2370  Mansoor
Ch. 448  Effective January 1, 2013

Board Policy: Maybe
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Sections 4502 and 17206.1 of the Business and Professions Code, to amend Section 1761 of the Civil Code, to amend Sections 8769, 16191, 16195, 16196, 16200, 41306, 41401, and 51765 of the Education Code, to amend Sections 854.2, 6514, 12428, 12926, 14670.1, 14670.2, 14670.3, 14670.5, 14672.1, 14672.92, 16813, 16814, and 16816 of the Government Code, to amend Sections 1275.5, 1337.1, 1337.3, 13113, 51312, 110403, 123935, 125000, 127260, and 129395 of the Health and Safety Code, to amend Sections 10118, 10124, and 10203.4 of the Insurance Code, to amend Sections 1001.20, 1346, 1370.1, 1376, and 2962 of the Penal Code, to amend Section 1420 of the Probate Code, to amend Section 25276 of the Vehicle Code, and to amend Sections 4417, 4426, 4512, 4801, 5002, 5008, 5325, 5585.25, 6250, 6505, 6513, 6551, 6715, 6717, 6740, 6741, 7275, 7351, and 11014 of, to amend the heading of Article 2 (commencing with Section 6500) of Chapter 2 of, to amend the heading of Article 4 (commencing with Section 6715) of Chapter 3 of, and to amend the heading of Article 4 (commencing with Section 6740) of Chapter 4 of, Part 2 of Division 6 of, the Welfare and Institutions Code, relating to intellectual disabilities.

Existing federal Medicaid provisions require a state to describe its Medicaid program in its state plan, which is required by federal law to provide for, among other things, a public process for determination of rates of payment under the plan for hospital services, nursing facility services, and services of intermediate care facilities for the mentally retarded.

Under existing law, various state statutes refer to mentally retarded persons in provisions relating to, among other things, services, commitment to state facilities, and criminal punishment.

This bill, which would be known as the Shriver “R-Word” Act, would revise various statutes to, instead, refer to a person with an intellectual disability. The bill would also state the intent of the Legislature that the bill not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions of the bill.
PUPIL INSTRUCTION: GIFTED AND TALENTED PUPIL PROGRAM:
STANDARD FOR PUPIL IDENTIFICATION

AB 2491  Blumenfield  
Ch. 588   Pending SBE Action

Board Policy:  Yes
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to amend Section 52203 of the Education Code, relating to pupil instruction.

Existing law states the intent of the Legislature to improve the quality of existing programs for gifted and talented pupils, and to ensure that pupils from economically disadvantaged and varying cultural backgrounds be provided with full participation in gifted and talented education (GATE) programs. Existing law requires the State Board of Education to review criteria, as specified, for programs for gifted and talented pupils proposed by applicant school districts.

This bill would, upon the next revision of the specified criteria, require the state board to adopt a standard for pupil identification to ensure the identification procedures of an applicant school district provide economically disadvantaged pupils and pupils of varying cultural backgrounds with full participation in GATE programs, and would make other nonsubstantive changes.

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EC 52203. (a) The state board shall maintain regulations governing the following areas:
(1) Procedures that school district governing boards shall use in identifying gifted and talented pupils who are eligible for the program and in providing programs pursuant to this chapter.
(2) Definitions of special day classes, part-time grouping, enrichment activities, cluster grouping, independent study, acceleration, postsecondary education opportunities, and other programs that the state board deems appropriate.
(3) Establishment of allowable indirect cost expenditures that may be funded by gifted and talented program funds.
(4) Other areas that the state board deems necessary to implement fully the intent and provisions of this chapter.
(b) Upon the next revision of the criteria adopted pursuant to Section 52212, the state board shall adopt a standard for pupil identification to ensure the identification procedures of an applicant school district provide economically disadvantaged pupils and pupils of varying cultural backgrounds with full participation in the programs pursuant to this chapter.
PUPIL DISCIPLINE: SUSPENSIONS AND EXPULSIONS

AB 2537    Manuel Pérez
Ch. 431    Effective January 1, 2013

Board Policy: Yes
Notification: Yes
Appropriation: No
Mandated Cost: No

An act to amend Sections 48902 and 48915 of the Education Code, relating to pupil discipline.

Existing law requires the principal of a school or the principal’s designee to notify the appropriate law enforcement agencies of the county or city in which the school is situated of certain unlawful acts committed by a pupil that may result in suspension, expulsion, or criminal liability of the pupil, as specified. Existing law provides that a willful failure to make a report required by these provisions is an infraction punishable by a fine of not more than $500.

This bill would delete the provision making a violation of that reporting requirement an infraction.

Under existing law, the principal or the superintendent of schools is required to recommend the expulsion of a pupil for certain acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance. These acts include, among others, the unlawful possession of certain controlled substances, except for the first offense for the possession of marijuana, as specified. For these acts, the governing board of the school district is authorized, but not required, to order the expulsion of the pupil.

This bill would instead require the principal or superintendent of schools to make that recommendation unless he or she determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct. The bill would encourage the principal or superintendent of schools to make that determination as quickly as possible to ensure that the pupil does not lose instructional time. The bill would include the act of possessing an over-the-counter medication or medication prescribed for the pupil by a physician as an additional exception to the act of possessing a controlled substance for purposes of the expulsion provisions described above.

Under existing law, the principal or superintendent of schools is required to immediately suspend, and to recommend expulsion of, a pupil that he or she determines has committed certain acts at school or at a school activity off school grounds, including, among others, the possession of a firearm, and the governing board of the school district is required to order a pupil expelled upon the finding that the pupil did commit one of these acts.

This bill would specify that the act of possessing an imitation firearm, as defined, is not an offense for which suspension or expulsion is mandatory, but is an offense for which suspension or expulsion may be imposed.

This bill would declare the intent of the Legislature that the acts enumerated in specified provisions form the exclusive bases for the imposition of suspension or expulsion.

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EC 48902. (c) Notwithstanding subdivision (b), the principal of a school or the principal’s designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code. The principal of a school or the principal’s designee shall report any act specified in paragraph (1) or (5) of subdivision (c) of Section 48915 committed by a pupil or nonpupil on a schoolsite to the city police or county sheriff with jurisdiction over the school and the school security department or the school police department, as applicable.
(c) The principal of a school or the principal’s designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in Section 1415(6)(k) of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil’s special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

EC 48915. (a) (1) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct:
(A) Causing serious physical injury to another person, except in self-defense.
(B) Possession of any knife or other dangerous object of no reasonable use to the pupil.
(C) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for either of the following:
(i) The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
(ii) The possession of over-the-counter medication for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
(D) Robbery or extortion.
(E) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
(2) If the principal or the superintendent of schools makes a determination as described in paragraph (1), he or she is encouraged to do so as quickly as possible to ensure that the pupil does not lose instructional time.
(b) Upon recommendation by the principal or the superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board of a school district may order a pupil expelled upon finding that the pupil committed an act listed in paragraph (1) of subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel a pupil for any of those acts shall be based on a finding of one or both of the following:
(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if possessing an imitation firearm, as defined in subdivision (m) of Section 48900, is not an offense for which suspension or expulsion is mandatory pursuant to this subdivision and subdivision (d), but it is an offense for which suspension, or expulsion pursuant to subdivision (e), may be imposed.
(2) Brandishing a knife at another person.
(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
(5) Possession of an explosive…
An act to amend Section 49548 of the Education Code, relating to pupil nutrition.

Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except as specified. Existing law requires the State Board of Education to grant a one-year waiver from that requirement during a summer school session if specified conditions exist. Existing law requires an application for a waiver to be submitted no later than 30 days prior to the last regular meeting of the state board before the commencement of the summer school session for which the waiver is sought.

This bill would change the waiver submission deadline to no later than 60 days before the last regular meeting of the state board before the commencement of the summer school session.
SCHOOL DISTRICTS: TRUANCY

AB 2616 Carter
Ch. 432 Effective January 1, 2013

Board Policy: Yes
Notification: Yes
Appropriation: No
Mandated Cost: No

An act to amend Sections 48260 and 48264.5 of the Education Code, relating to school districts.

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof. Existing law specifies that a pupil who is required to be reported as a truant is subject to specified penalties for the first through 4th instances that a truancy report is issued to a pupil.

This bill would identify specific reasons that constitute a valid excuse for which a pupil may be absent from school for purposes of being classified as a truant. The bill would revise certain penalties resulting from the issuance of specified truancy reports and would specify that the first time a truancy report is issued, the pupil and, as appropriate, the pupil’s parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance. The bill would specify that the 2nd time a truancy report is issued, the pupil may be personally given a written warning by a peace officer, as specified, and that the 4th time a truancy report is issued, a pupil who is adjudged a ward of the court may instead be required to pay a fine of not more than $50, as specified. The bill also would make nonsubstantive changes to these provisions.

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EC 48260. (a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil’s circumstances, are deemed to constitute a valid excuse.

EC 48264.5. A minor who is classified as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil’s attendance.

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers.
from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil’s school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency’s policies and procedures. The pupil may also be assigned by the school to an after-school or weekend study program located within the same county as the pupil’s school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

(c) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the school district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district’s attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy is issued within the same school year, the pupil may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil’s hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than fifty dollars ($50) for which a parent or legal guardian of the pupil may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.

(3) Attendance of a court-approved truancy prevention program.

(4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subdivision shall apply only to a pupil who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program pursuant to subdivision (c).
SENATE

BILLS
PUPILS: FOSTER CHILDREN: SPECIAL EDUCATION

SB 121        Liu
Ch. 571  Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to amend Sections 48853, 56155.7, 56157, 56342.1, and 56366.9 of the Education Code, relating to pupils.

Existing law requires a pupil who is placed in a licensed children’s institution or foster family home to attend programs operated by the local educational agency unless the pupil is entitled to remain in his or her school of origin, the pupil has an individualized education program requiring placement elsewhere, or the pupil’s parent or guardian, or other person holding the right to make educational decisions for the pupil, determines that it is in the best interests of the pupil to be placed in another educational program.

This bill would require that, if the pupil’s parent or guardian, or other person holding the right to make educational decisions for the pupil, makes that determination, he or she shall provide a written statement to that effect to the local educational agency, as specified. The bill would authorize a local educational agency to provide a parent, guardian, or other person holding the right to make educational decisions for the pupil with specified information, including, among other things, that the pupil has the right to attend a regular public school in the least restrictive environment.

Existing law provides that no local educational agency shall refer an individual with exceptional needs residing in a licensed children’s institution or foster family home to a nonpublic, nonsectarian school unless the services required by the individualized education program of the pupil can be assured, and that before a local educational agency places an individual with exceptional needs in, or refers such an individual to, a nonpublic, nonsectarian school, the school district, special education local plan area, or county office of education shall initiate and conduct a meeting to develop an individualized education program for the pupil.

This bill would specify that these pupils shall not be referred to, or placed in, a nonpublic, nonsectarian school unless their individualized education programs specify that the placement is appropriate. The bill would also specify that the meeting that is required to take place to develop an individualized education program shall be conducted pursuant to specified provisions. To the extent this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program.

Existing law prohibits a licensed children’s institution from requiring as a condition of residential placement that it provide the appropriate educational programs to individuals with exceptional needs residing there through a nonpublic, nonsectarian school or agency owned, operated by, or associated with, it.

This bill would also prohibit a licensed children’s institution from referring or placing a pupil in a nonpublic, nonsectarian school.

This bill would prohibit a licensed children’s institution from requiring that a child be identified as an individual with exceptional needs as a condition of admission or residency.
INTERNET CRIMES: DATA COLLECTION

SB 561 Corbett
Ch. 308 Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to add and repeal Section 13023.5 of the Penal Code, relating to Internet crime statistics.

Existing law requires specified local entities, including district attorneys and sheriffs, to install and maintain records needed for the correct reporting of statistical data and to report that data to the Attorney General at those times, and in a manner, prescribed by the Attorney General.

This bill would, until January 1, 2015, require the Alameda County District Attorney’s Office and the Los Angeles County Sheriff’s Department to collect statistical data on arrests or prosecutions involving private information, as defined, gathered from the Internet that was used in furtherance of a crime within each participating entity’s jurisdiction. The bill would require the reporting of the statistical information to the Department of Justice in a prescribed manner on or before July 1, 2013, and January 1, 2014. The bill would require the Department of Justice to publish the information reported to it on the department’s Internet Web site. This bill would make legislative findings and declarations as to the necessity of a special statute for the Alameda County District Attorney and the Los Angeles County Sheriff’s Department.

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PC 13023.5. (a) The Alameda County District Attorney’s Office and the Los Angeles County Sheriff’s Department shall collect statistical data on arrests or prosecutions involving private information gathered from the Internet that was used in furtherance of a crime within each participating entity’s jurisdiction. The information may be gathered in a manner that the participating entity deems appropriate and may focus the statistical data on crimes the victim of which is a minor.

(b) The Alameda County District Attorney’s Office and the Los Angeles County Sheriff’s Department shall electronically report the statistical data collected pursuant to subdivision (a) to the Department of Justice in portable document format, also known as PDF, in two installments. The first installment shall be reported to the department on or before July 1, 2013, and shall be comprised of all information collected prior to that date. The second installment shall be reported to the department on or before January 1, 2014, and shall be comprised of all information collected on and after July 1, 2013. The department shall publish the information reported pursuant to this section in a timely manner on the department’s Internet Web site.

(c) For purposes of this section, “private information” means any information that identifies or describes an individual, including, but not limited to, his or her name, social security number, account numbers, passwords, personal identification numbers, physical description, physical location, home address, home telephone number, education, financial matters, and medical or employment history. Private information includes statements made by, or attributed to, the individual.

(d) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.
IMMUNIZATIONS: DISCLOSURE OF INFORMATION: TUBERCULOSIS SCREENING

SB 659    Negrete McLeod               Board Policy: No
Ch. 267    Effective January 1, 2013    Notification: No
                                                Appropriation: No
                                                Mandated Cost: No

An act to amend Section 120440 of the Health and Safety Code, relating to public health.

Existing law regulates the sharing of a patient’s or client’s immunization information between a health
care provider, local health department, the State Department of Public Health, and other agencies.
Existing law prescribes the process by which a patient or client, or parent or guardian of a patient or
client, may refuse to allow the information to be shared and requires the health care provider
administering the immunization to provide the patient with designated notice. Existing law permits local
health departments and the department to share the name of a patient or client, or parent or guardian of a
patient or client, with a state, local health department, health care provider, immunization information
system, or any representative of an entity designated by federal or state law to receive this information,
and authorizes the department to enter into written agreements to share this information with other states
for specified purposes, unless the patient or client, or parent or guardian of the patient or client, refuses to
allow the information to be shared. Under existing law, the patient or client, or parent or guardian of the
patient or client, has the right to examine shared immunization-related information and to correct errors in
it.

Under existing law, if the patient or client, or parent or guardian of a patient or client, refuses the sharing
of immunization information, the patient’s or client’s physician is allowed to maintain access to this
information for the purpose of patient care or protecting the public health. Existing law also allows the
local health department and the department to maintain access to this information for the purpose of
protecting the public health.

This bill would include tuberculosis screening, as defined, in the above immunization information
provisions.
SCHOOL FUNDING: ECONOMIC IMPACT AID

SB 754 De León
Ch. 573 Effective January 1, 2013

Board Policy: No
Notification: Maybe
Appropriation: No
Mandated Cost: No

An act to add Section 54029 to the Education Code, relating to school funding.

Existing law provides economic impact aid funding to school districts based on the number of economically disadvantaged pupils and English learners enrolled in the school district. Existing law requires the Superintendent of Public Instruction to perform specified calculations to determine the amount of economic impact aid a school district receives for a fiscal year and further requires each school district to expend these funds for specified programs and activities.

This bill would require a school district, as a condition of the receipt of economic impact aid funds, to post in an easily accessible location on its Internet Web site data related to its economic impact aid funding and expenditures, as specified.

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EC 54029. As a condition of the receipt of economic impact aid funds, a school district shall post in an easily accessible location on its Internet Web site data related to economic impact aid funding, for purposes of budget transparency, including all of the following:
(a) The amount of economic impact aid allocated to the school district in that fiscal year.
(b) The amount of economic impact aid used by the school district for administrative costs in that fiscal year.
(c) The amount of economic impact aid expended for limited-English-proficient pupils in that fiscal year and the prior fiscal year by the school district and by each school within the district.
(d) The amount of economic impact aid expended for state compensatory education in that fiscal year and the prior fiscal year by the school district and by each school within the district.
(e) The amount of unexpended economic impact aid and an explanation of why these funds have not been expended.
SCHOOL CURRICULUM: SOCIAL SCIENCES: BRACERO PROGRAM

SB 993  De León
Ch. 211  Effective January 1, 2013

Board Policy:  Maybe
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to amend Section 51221.3 of the Education Code, relating to school curriculum.

Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include instruction in social sciences, and authorizes that instruction to include instruction on World War II and the roles of Americans and Filipinos in that war.

This bill would authorize instruction in social sciences for grades 7 to 12, inclusive, to include instruction on the Bracero program, and would authorize that instruction to include a component drawn from personal testimony, as provided. The bill would specify that this instruction shall be carried out in a manner that does not result in new duties or programs being imposed on school districts.

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EC 51221.3. (d) (1) Instruction in the area of social sciences, as required pursuant to subdivision (b) of Section 51220, may include instruction on the Bracero program.
(2) The instruction described in paragraph (1) may include a component drawn from personal testimony, especially in the form of oral or video histories of individuals who were involved with the Bracero program. Oral histories used as part of the instruction regarding the Bracero program may do all of the following:
(A) Exemplify the economic and cultural effects of the Bracero program during and after World War II, including, but not limited to, its effects on the railroad system, agriculture, and immigration in California and the United States of America.
(B) Contain the views and comments of their subjects regarding the reasons for their participation in the Bracero program and their immigrant story, generally.
(3) This subdivision shall be carried out in a manner that does not result in new duties or programs being imposed on a school district. In that regard, the Legislature finds and declares that this subdivision does not mandate costs to local agencies or school districts and that materials used to comply with this subdivision shall be part of normal curriculum materials purchased by school districts in their normal course of business and purchasing cycles.
CHILD CUSTODY: IMMIGRATION

SB 1064  De León  Board Policy:  No
Ch. 845  Effective January 1, 2013  Notification:  No

An act to amend Section 3040 of the Family Code, to amend Sections 1510 and 1514 of the Probate Code, and to amend Sections 309, 361, 361.2, 361.3, 361.4, 361.5, 366.21, 366.215, 366.22, 366.25, 366.27, 388, and 16501.1 of, and to add Sections 10609.95 and 10609.97 to, the Welfare and Institutions Code, relating to child custody.

(1) Under existing law, a child who is removed from the physical custody of his or her parent or parents in dissolution, dependency, or probate guardianship proceedings may be placed with a parent, relative, legal guardian, or other specified persons or in specified placement homes or facilities. When a child is placed with his or her relative during dependency proceedings and the relative is not a licensed or certified foster parent, existing law requires a county social worker to visit the relative’s home, prior to placing the child in that home, to ascerant the appropriateness of the placement. Existing law also requires the court or county social worker to initiate a state and federal criminal records check of the relative through the California Law Enforcement Telecommunications System as part of the assessment.

This bill would permit a court to place a child in any of those proceedings with a parent, legal guardian, or relative regardless of the immigration status of the parent, legal guardian, or relative. This bill would also permit a relative’s foreign consulate identification card or foreign passport to be used for initiating the criminal records and fingerprint clearance checks. To the extent this bill would impose additional duties on county welfare departments, this bill would create a state-mandated local program.

(2) Existing law sets forth the procedure for terminating the parental rights of a dependent child, including regular review hearings before a court may order a hearing to terminate parental rights. Under existing law, a court may continue these review hearings if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian.

This bill would authorize a court to extend the review hearing periods following consideration of the parent’s circumstances if a parent has been arrested and issued an immigration hold, detained by the United States Department of Homeland Security, or deported to his or her country of origin, and, under these circumstances would authorize a court to continue the case only if the court finds that there is a substantial probability, as defined, that the child will be returned to the physical custody of his or her parent and safely maintained in the home within the extended time period or that reasonable services have not been provided to the parent or guardian.

(3) Existing law establishes the State Department of Social Services, which oversees the administration of county public social services, including child welfare services.

This bill would require the State Department of Social Services to provide guidance on best practices and to facilitate an exchange of information and best practices among counties on an annual basis, beginning no later than January 1, 2014, on establishing memoranda of understanding with foreign consulates in juvenile court cases, including procedures for contacting a consulate, accessing a child’s documentation, locating a detained parent, assisting in family reunification after a parent has been deported, aiding the safe transfer of a child to the parent’s country of origin, and communicating with relevant departments and services in a parent’s country of origin, and procedures to assist children in juvenile court cases who are eligible for special immigrant juvenile status and other specified visas.
(4) The bill would change references in the above-described provisions from the United States Immigration and Customs Enforcement to the United States Department of Homeland Security, and would make other technical, nonsubstantive changes.
CAREER TECHNICAL EDUCATION PATHWAYS PROGRAM

SB 1070    Steinberg
Ch. 433    Effective January 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to add and repeal Part 52 (commencing with Section 88530) of Division 7 of Title 3 of the Education Code, relating to community colleges.

Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law requires the Board of Governors of the California Community Colleges, as part of the program, to assist economic and workforce regional development centers and consortia to improve, among other things, career-technical education pathways between high schools and community colleges, as specified.

This bill would establish the Career Technical Education Pathways Program until June 30, 2015, which would require the Chancellor of the California Community Colleges and the Superintendent of Public Instruction to assist economic and workforce regional development centers and consortia, community colleges, middle schools, high schools, and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges to accomplish specified objectives. This assistance would be required to be provided in the form of contracts and competitive grants administered jointly by the chancellor and the Superintendent for programs and initiatives that demonstrate a plan for close collaboration among regional institutions and entities to jointly accomplish specified goals.

The bill would require the chancellor and the Superintendent to grant first and 2nd priority for contracts and grants to specified applicants. The bill would require the chancellor and the Superintendent to agree upon an outcome-based evaluation for specified programs and initiatives, and to require applicants granted a contract or grant to submit annual outcome-based data, as specified, and report that data to the Governor and specified committees of the Legislature by March 1 of each year.

The bill would reauthorize a community college district to enroll a high school pupil who is not a resident of that community college district in a program that is developed and implemented by the community college district pursuant to the Career Technical Education Pathways Program, as specified.

The bill would require the chancellor and the Superintendent to develop an implementation strategy for the objectives of the Career Technical Education Pathways Program as a part of an annual expenditure plan, and to submit that strategy and plan to specified committees of the Legislature and the Department of Finance at least 30 days before taking an action to implement the expenditure plan.

The bill would require and authorize the chancellor and the Superintendent to perform other specified functions relating to the administration of the Career Technical Education Pathways Program, and would make specified findings and declarations.

The bill would require its provisions to be operative only in fiscal years for which funds have been appropriated by the Legislature expressly for purposes of the Career Technical Education Pathways Program.

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PART 52. CAREER TECHNICAL EDUCATION PATHWAYS PROGRAM
Chapter 1. General Provisions

EC 88530. This part shall be known and may be cited as the Career Technical Education Pathways Program.

EC 88532. (a) The chancellor and the Superintendent shall assist economic and workforce regional development centers and consortia, community colleges, middle schools, high schools, and regional occupational centers and programs to improve linkages and career technical education pathways between high schools and community colleges to accomplish both of the following objectives:
(1) Increase the readiness of middle school and high school pupils for, and their access to, postsecondary education and careers in high-need, high-growth, or emerging regional economic sectors.
(2) Increase student success in postsecondary education and training for careers in high-need, high-growth, or emerging regional economic sectors.
(b) The assistance provided in subdivision (a) shall be provided in the form of contracts and competitive grants administered jointly by the chancellor and the Superintendent for programs and initiatives that demonstrate a plan for close collaboration among regional institutions and entities, including, but not limited to, school districts, public postsecondary educational institutions, regional occupational centers and programs, local workforce investment boards, and business or industry to jointly accomplish the following:
(1) Align existing postsecondary technical preparation programs with high school career technical education curriculum to ensure seamless transitions for pupils.
(2) Increase attainment of industry-recognized certificates through community college and high school career technical education programs in high-need, high-growth, or emerging regional economic sectors.
(3) Promote productive partnerships, such as those described in Article 5 (commencing with Section 54690) and Article 5.5 (commencing with Section 54698) of Chapter 9 of Part 29 of Division 4 of Title 2, between high school career technical education programs, postsecondary educational institutions, and emerging or growing regional businesses and industries, and labor organizations connected to those businesses and industries, preferably by building upon existing regional structures. These partnerships may include, but shall not be limited to, the provision of employee expertise, in-kind and other resources, equipment, and opportunities for pupil internships and teacher externships.
(4) Promote and track the participation of middle school and high school pupils and college students in articulated courses, such as those described in Section 66205.6, between high schools, community colleges, and, where appropriate, four-year postsecondary educational institutions, including a plan to disseminate or make available any new courses to interested schools and public postsecondary educational institutions statewide.
(5) Provide professional development to middle and high school teachers and community college faculty to improve their delivery of career-oriented academic and technical education, such as the method described in paragraph (8) of subdivision (a) of Section 99200, earning a recognition of study in linked learning, as defined in Section 44257.3, or other assistance to teachers and faculty that prepare them to deliver the curriculum described in paragraph (4).
(6) Expand middle and high school pupil and college student opportunities for paid work opportunities, paid or unpaid internships, and participation in career technical student organizations, and expand teacher and faculty opportunities for externships in high-need, high-growth, or emerging regional job sectors.
(7) Support a districtwide linked learning program pursuant to Section 52372.7.
(8) Validate, or establish and validate, reliable and stable measures of pupil readiness for postsecondary education and career.
(c) The chancellor and the Superintendent shall award first priority for contracts and grants to applicants that can demonstrate comprehensive regional collaboration to create new pathways or course sequences that begin with foundational preparation or exploration in middle school, continue with high school level courses that combine rigorous academics with career education, and are articulated with local community
colleges and four-year public postsecondary educational institutions, with meaningful involvement, where appropriate, from regional industry and labor organizations, professional trade associations, and local workforce investment boards. Where practicable, these applicants shall demonstrate that they can leverage additional financial and in-kind public and private resources to support their efforts.

(d) The chancellor and the Superintendent shall grant second priority for contracts and grants to applicants that can display statewide benefit, through dissemination of courses, best practices, or other means.

(e) It is the intent of the Legislature that applicants from rural regions of the state, where traditional articulation and collaboration among segments and public postsecondary educational institutions may not be practicable due to geography, also be considered for contracts and grants.

(f) (1) For the programs and initiatives described in paragraphs (2), (3), (4), (6), and (7) of subdivision (b), the chancellor and the Superintendent shall require applicants granted a contract or grant, pursuant to this article, to submit annual outcome-based data for evaluation, including, but not limited to, research-based indicators and measurable pupil and student outcomes for academic performance, attendance, graduation, certificates or other credentials earned, direct transitions from high school to postsecondary education and training, college eligibility, college preparedness, wages of graduates or certificate recipients, and other indicators as appropriate. The outcome-based data shall specifically identify the impact of the Career Technical Education Pathways Program on the success of participants in achieving the goals described in paragraphs (1) and (2) of subdivision (a).

(2) For the programs and initiatives described in paragraphs (1), (5), and (8) of subdivision (b), the chancellor and the Superintendent shall agree upon an outcome-based evaluation that assesses the systemic impact of the specific assistance provided pursuant to this article, and require applicants granted a contract or grant, pursuant to this article, to submit annual data for that outcome-based evaluation.

(3) The chancellor and the Superintendent shall do both of the following:

(A) Develop standardized procedures and tools to collect the outcome-based data submitted pursuant to paragraphs (1) and (2), and share that data, as appropriate, for the purposes of this article in compliance with applicable state and federal law.

(B) Submit a report to the Governor and the appropriate policy and fiscal committees of the Legislature on or before March 1 of each year. The report shall include the outcome-based data submitted pursuant to paragraphs (1) and (2). The report shall include the number of pupils and students served by the Career Technical Education Pathways Program and sufficient information to ensure an understanding of the expenditure of funding by type, industry, and region.

(g) (1) The chancellor and the Superintendent shall consider the outcome-based data submitted pursuant to paragraphs (1) and (2) of subdivision (f) when determining eligibility for contract and grant renewal.

(2) The chancellor and the Superintendent may terminate or rescind contracts and grants from grantees that fail to provide outcome-based data pursuant to paragraphs (1) and (2) of subdivision (f).

(3) The chancellor and the Superintendent shall consider past performance of grantees prior to awarding additional funds to those reapplying for contracts and grants, and shall deny applications from grantees that exhibited unsatisfactory performance.

(h) The chancellor and the Superintendent shall provide notice to economic and workforce regional development centers and consortia, community colleges and other public postsecondary educational institutions, county offices of education, local educational agencies, middle schools, high schools, and regional occupational centers and programs eligible for contracts and grants under this section of the availability of contracts and grants and the process for submitting an application.

(i) Notwithstanding any other law, a community college district may enroll a high school pupil who is not a resident of that community college district in a program that is developed and implemented by the community college district pursuant to this section, and the district shall not be subject to any other geographic limitations for these purposes if the program is designed to serve high school pupils or involves multiple school districts or community college districts, or both, and the program is not offered at the pupil’s high school.
(j) The chancellor and the Superintendent shall develop an implementation strategy for the program objectives listed in subdivision (a) as a part of an annual expenditure plan. The chancellor and the Superintendent shall provide the implementation strategy and annual expenditure plan to the appropriate policy and fiscal committees of the Legislature and to the Department of Finance at least 30 days before taking an action to implement the expenditure plan.

(k) This section shall be operative only in fiscal years for which funds have been appropriated by the Legislature expressly for purposes of this section.

EC 88540. This part shall remain in effect only until June 30, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2015, deletes or extends that date.
PROTECTION OF VICTIMS: ADDRESS CONFIDENTIALITY

SB 1082  Corbett  Board Policy:  No
Ch. 270  Effective January 1, 2013  Notification:  No

An act to amend Sections 6205.5, 6206, 6206.5, 6206.7, 6207, 6215.1, 6215.2, 6215.3, 6215.4, and 6215.5 of the Government Code, relating to the protection of victims.

Existing law authorizes victims of domestic violence or stalking and reproductive health care providers, employees, volunteers, and patients, as defined, to complete an application to be approved by the Secretary of State for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant’s residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Existing law requires applicants to be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date. Existing law requires the Secretary of State to establish a renewal procedure. Existing law authorizes the Secretary of State to cancel a program participant’s certification and authorizes a program participant to withdraw from program participation, as specified.

This bill would require victims of domestic violence or stalking and reproductive health care providers, employees, and volunteers, as defined, to be domiciled in California, as specified, in order to apply for the program. This bill would authorize a minor program participant, who reaches 18 years of age during his or her enrollment, to renew as an adult, as specified. This bill would authorize the Secretary of State to refuse to renew a program participant’s certification if the adult program participant or the parent or guardian acting on behalf of a minor or incapacitated person has abandoned his or her domicile in this state. This bill would modify the Secretary of State’s authority to terminate a program participant’s certification, as specified. This bill would authorize the office of the Secretary of State to refuse to handle or forward packages for program participants, as specified.

This bill would incorporate additional changes to Section 6206 of the Government Code, as proposed by AB 2483, to be operative only if AB 2483 and this bill are both chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.
PUPILS: READMISSION

SB 1088 Price
Ch. 381 Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 48645.5 of the Education Code, relating to pupils.

Existing law requires each school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. If a pupil completes the graduation requirements of his or her school district of residence while being detained in a juvenile facility, as specified, the school district of residence is required to issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools is authorized to issue the diploma.

This bill would prohibit a public school from denying enrollment or readmission to a pupil solely on the basis that he or she has had contact with the juvenile justice system, as specified.

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EC 48645.5. (a) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

(1) Arrest.
(2) Adjudication by a juvenile court.
(3) Formal or informal supervision by a probation officer.
(4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.
ENGLISH LEARNERS: RECLASSIFICATION

SB 1108 Padilla
Ch. 434 By January 1, 2014

An act to add Section 313.5 to the Education Code, relating to English learners.

Existing law requires each school district that has one or more pupils who are English learners, and to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the State Department of Education, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

Existing law requires the Superintendent of Public Instruction to apportion funds appropriated for purposes of assessing the English language development of pupils whose primary language is a language other than English to enable school districts to use the California English language development test to identify pupils who are limited English proficient, determine the level of English language proficiency of those pupils, and to assess the progress of those pupils in acquiring the skills of listening, reading, speaking, and writing in English.

This bill would require the department, by January 1, 2014, to review and analyze the criteria, policies, and practices that a sampling of school districts that represent the geographic, socioeconomic, and demographic diversity of school districts in the state use to reclassify English learners and recommend to the Legislature and state board any guideline, regulatory, or statutory changes that the department determines are necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency.

The bill would require the department, by January 1, 2014, to issue a report on its findings, research, analysis, recommendations, and best practices, and by January 1, 2017, to issue an updated report that reflects any changes in analysis and recommendations as a result of the adoption by the state board of the common core standards and related English language development standards.

The bill would make implementation of these provisions contingent on an appropriation of federal or state funds or on the availability of private funding.
HUMAN TRAFFICKING: PUBLIC POSTING REQUIREMENTS

SB 1193    Steinberg
Ch. 515    Effective April 1, 2013

Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to add Section 52.6 to the Civil Code, relating to human trafficking.

Existing law authorizes a victim of human trafficking, as defined, to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief within 5 years of the date on which the trafficking victim was freed from the trafficking situation, or if the victim was a minor when the act of human trafficking against the victim occurred, within 8 years after the date the plaintiff attains the age of majority.

This bill would require specified businesses and other establishments, upon the availability of a model notice developed by the Department of Justice, to post a notice, as specified, that contains information related to slavery and human trafficking, including information related to specified nonprofit organizations that provide services in support of the elimination of slavery and human trafficking. The bill would require the establishments to post the notice in a conspicuous place near the entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted. The bill also would require the establishments to print the notice in English, Spanish, and in one other language that is the most widely spoken language in the county where the establishment is located and for which translation is mandated by the federal Voting Rights Act. The bill would require the Department of Justice, on or before April 1, 2013, to develop a model notice that complies with the above requirements and make the model notice available for download on the department’s Internet Web site. The bill would provide that a business or establishment that fails to comply with these requirements is liable for a civil penalty of $500 for a first offense and $1,000 for each subsequent offense. The bill would authorize the Attorney General and local prosecutorial agencies, as specified, to bring an action to impose one of these civil penalties against a business or establishment if a local or state agency with authority to regulate that business or establishment has provided notice of the violation to the business or establishment, which informs the business or establishment that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the business or establishment, and verified that the violation was not corrected within that 30-day period.

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Civil C 52.6. (a) Each of the following businesses and other establishments shall, upon the availability of the model notice described in subdivision (d), post a notice that complies with the requirements of this section in a conspicuous place near the public entrance of the establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted:
(1) On-sale general public premises licensees under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code).
(2) Adult or sexually oriented businesses, as defined in subdivision (a) of Section 318.5 of the Penal Code.
(3) Primary airports, as defined in Section 47102(16) of Title 49 of the United States Code.
(4) Intercity passenger rail or light rail stations.
(5) Bus stations.
(6) Truck stops. For purposes of this section, “truck stop” means a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.
(7) Emergency rooms within general acute care hospitals.

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(8) Urgent care centers.
(9) Farm labor contractors, as defined in subdivision (b) of Section 1682 of the Labor Code.
(10) Privately operated job recruitment centers.
(11) Roadside rest areas.
(12) Businesses or establishments that offer massage or bodywork services for compensation and are not described in paragraph (1) of subdivision (b) of Section 4612 of the Business and Professions Code.

(b) The notice to be posted pursuant to subdivision (a) shall be at least eight and one-half inches by 11 inches in size, written in a 16-point font, and shall state the following:

“If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity—call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:
· Available 24 hours a day, 7 days a week.
· Toll-free.
· Operated by nonprofit, nongovernmental organizations.
· Anonymous and confidential.
· Accessible in more than 160 languages.
· Able to provide help, referral to services, training, and general information.”

(c) The notice to be posted pursuant to subdivision (a) shall be printed in English, Spanish, and in one other language that is the most widely spoken language in the county where the establishment is located and for which translation is mandated by the federal Voting Rights Act (42 U.S.C. Sec. 1973 et seq.), as applicable. This section does not require a business or other establishment in a county where a language other than English or Spanish is the most widely spoken language to print the notice in more than one language in addition to English and Spanish.

(d) On or before April 1, 2013, the Department of Justice shall develop a model notice that complies with the requirements of this section and make the model notice available for download on the department’s Internet Web site.

(e) A business or establishment that fails to comply with the requirements of this section is liable for a civil penalty of five hundred dollars ($500) for a first offense and one thousand dollars ($1,000) for each subsequent offense. A government entity identified in Section 17204 of the Business and Professions Code may bring an action to impose a civil penalty pursuant to this subdivision against a business or establishment if a local or state agency with authority to regulate that business or establishment has satisfied both of the following:

(1) Provided the business or establishment with reasonable notice of noncompliance, which informs the business or establishment that it is subject to a civil penalty if it does not correct the violation within 30 days from the date the notice is sent to the business or establishment.

(2) Verified that the violation was not corrected within the 30-day period described in paragraph (1).
An act to amend Section 60605.85 of, and to add Sections 60605.10 and 60605.11 to, the Education Code, relating to academic content standards.

Existing law requires the State Board of Education to adopt statewide content and performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science, as specified. Existing law authorizes the state board to modify any proposed content standards or performance standards prior to adoption, and to adopt content and performance standards in individual core curriculum areas as those standards are submitted to the state board.

Existing law, until July 1, 2014, establishes the Academic Content Standards Commission and requires the commission to develop internationally benchmarked academic content standards, at least 85% of which are required to be the common core academic standards developed by the Common Core State Standards Initiative consortium or another specified interstate collaboration. Existing law requires the commission to present its recommended academic content standards to the state board and requires the state board by August 2, 2010, to either adopt the standards proposed by the commission or reject them.

This bill, until July 1, 2014, would authorize the Superintendent of Public Instruction to recommend and the state board to adopt the college and career readiness anchor standards developed by the Common Core State Standards Initiative consortium. The bill would also authorize the state board to take action to resolve any technical issues in the English language arts standards it adopted pursuant to the above-described provisions.

The bill would further authorize the Superintendent to recommend to the state board, and the state board to adopt, reject, or modify, modifications to the common core academic content standards for mathematics by March 30, 2013. The bill would require the state board to explain, in writing, to the Governor and the Legislature the reasons for modifying the standards. The bill would require the Superintendent, in consultation with the state board, to consult a specified group of experts in mathematics for purposes of developing the recommendations. The bill would require the Superintendent and the state board to hold a minimum of 2 public hearings in order for the public to provide input on the Superintendent’s recommendations. The bill would require that modifications to the common core academic content standards in mathematics be incorporated into the curriculum framework and the evaluation criteria for mathematics for the purpose of adopting specified instructional materials in mathematics, but this provision would become operative only if AB 1246 of the 2011–12 Regular Session is enacted.

Existing law, until July 1, 2014, requires the state board to adopt science content standards, and requires the Superintendent to convene a group of science experts with whom the Superintendent would be required to recommend science content standards for adoption to the state board.

Existing law requires the Superintendent to present the recommended science content standards to the state board by March 30, 2013, and requires the state board to adopt, reject, or modify those standards by July 30, 2013.

This bill would extend those dates to July 31, 2013, and November 30, 2013, respectively.
An act to amend Sections 2040 and 3134.5 of the Family Code, relating to child abduction prevention.

(1) Existing law requires, upon the commencement of proceedings for dissolution or nullity of marriage or legal separation of the parties, that the summons contain a temporary restraining order restraining both parties from, among other things, removing the minor child or children of the parties, if any, from the state without the prior written consent of the other party or an order of the court.

This bill would, additionally, provide that the temporary restraining order restrain the parties from applying for a new or replacement passport for the minor child or children of the parties without the prior written consent of the other party or an order of the court.

(2) Existing law authorizes the court, upon request of the district attorney, to issue a protective custody warrant to secure the recovery of an unlawfully detained or concealed child. The protective custody warrant for the child is required to contain an order that the arresting agency shall place the child in protective custody, or return the child as directed by the court.

This bill would authorize the court to also include within the protective custody warrant for the child an order to freeze the California assets, as defined, of the party alleged to be in possession of the child. The bill would provide that, upon noticed motion, any order to freeze assets pursuant to these provisions may be terminated, modified, or vacated by the court upon a finding that the release of the assets will not jeopardize the safety or best interest of the child. The bill would also require that if an asset freeze order is entered pursuant to these provisions, and the court subsequently dismisses the protective custody warrant for the child, notice of the dismissal be immediately served on specified entities.
An act to amend Sections 11165.7 and 11166.5 of the Penal Code, and to amend Section 355 of the Welfare and Institutions Code, relating to child abuse reporting.

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of $1,000, or by both.

This bill would include in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution.

By imposing the mandated reporting requirement on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 11165.7 of the Penal Code, proposed by AB 1434, AB 1435, AB 1713, and AB 1817, to be operative only if AB 1434, AB 1435, AB 1713, or AB 1817 and this bill are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

Please see AB 1434 for the complete text of PC 11165.7.
SCHOOL EMPLOYEES: PRINCIPALS: EVALUATION

SB 1292  Liu  Board Policy:  Maybe
Ch. 435  Effective January 1, 2013  Notification:  No

An act to add Article 13 (commencing with Section 44670) to Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code, relating to school employees.

Existing law establishes the Administrator Training Program, to be administered by the Superintendent of Public Instruction, with the approval of the State Board of Education. Existing law requires the Superintendent to award incentive funding from funds appropriated for that purpose, to provide instruction and training to school administrators in various areas, including, among others, school financial and personnel management, instructional leadership and management strategies, and the use of state and local pupil assessments. Existing law states the intent of the Legislature that local educational agencies give highest priority to training school administrators assigned to, and practicing in, high-priority or hard-to-staff schools.

This bill would authorize a school district to evaluate a principal annually for the principal’s first and second year of employment as a new principal and authorize additional evaluations, as specified. The bill would authorize the governing board of a school district to identify who will conduct the evaluation of each school principal. The bill would authorize the criteria for school principal evaluations to be based upon the California Professional Standards for Educational Leaders and to include evidence of, among other things, pupil academic growth, effective and comprehensive teacher evaluations, culturally responsive instructional strategies, the ability to analyze quality instructional strategies and provide effective feedback, and effective school management.

The bill would authorize the use of specified federal carryover funds and certain other funds to implement this act.

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Article 13. Principal Evaluation System

EC 44670. (a) The governing board of a school district may identify who will conduct the evaluation of each school principal.
(b) A school principal may be evaluated annually for the first and second year of employment as a new principal in a school district. The governing board may determine the frequency at regular intervals of evaluations after this period.
(c) Additional evaluations that occur outside of the regular intervals determined by the governing board may be agreed upon between the evaluator and the principal.
(d) Evaluators and principals may review school success and progress throughout the year. This review should include goals that are defined by the school district.

EC 44671. (a) Criteria for effective school principal evaluations may be based upon the California Professional Standards for Educational Leaders. These standards identify a school administrator as being an educational leader who promotes the success of all pupils through leadership that fosters all of the following:
(1) A shared vision.
(2) Effective teaching and learning.
(3) Management and safety.
(4) Parent, family, and community involvement.
(5) Professional and ethical leadership.
(6) Contextual awareness.
(b) A school principal evaluation may include, but not be limited to, evidence of all of the following:
(1) Academic growth of pupils based on multiple measures that may include pupil work as well as pupil and school longitudinal data that demonstrates pupil academic growth over time. Assessments used for this purpose must be valid and reliable and used for the purposes intended and for the appropriate pupil populations. Local and state academic assessments include, but are not limited to, state standardized assessments, formative, summative, benchmark, end of chapter, end of course, advanced placement, international baccalaureate, college entrance, and performance assessments. For career and technical education, authentic performance assessment is a strong indicator of effective teaching and learning.
(2) Effective and comprehensive teacher evaluations, including, but not limited to, curricular and management leadership, ongoing professional development, teacher-principal teamwork, and professional learning communities.
(3) Culturally responsive instructional strategies to address and eliminate the achievement gap.
(4) The ability to analyze quality instructional strategies and provide effective feedback that leads to instructional improvement.
(5) High expectations for all pupils and leadership to ensure active pupil engagement and learning.
(6) Collaborative professional practices for improving instructional strategies.
(7) Effective school management, including personnel and resource management, organizational leadership, sound fiscal practices, a safe campus environment, and appropriate pupil behavior.
(8) Meaningful self-assessment to improve as a professional educator. Self-assessment may include, but not be limited to, a self-assessment on state professional standards for educational leaders and the identification of areas of strengths and areas for professional growth to engage in activities to foster professional growth.
(9) Consistent and effective relationships with pupils, parents, teachers, staff, and other administrators.
IMITATION FIREARMS: REGULATION: COUNTY OF LOS ANGELES

SB 1315  De León  Board Policy: No
Ch. 214  Effective January 1, 2013  Notification: No
                      Appropriation: No
                      Mandated Cost: No

An act to amend Section 53071.5 of the Government Code, relating to imitation firearms.

Existing law provides that the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined, and that those provisions shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles, as specified. Existing law defines "imitation firearm" as any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

This bill would provide an exception to those provisions by authorizing the County of Los Angeles, or any city within the County of Los Angeles, to enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm and that expels a projectile that is no more than 16 millimeters in diameter.

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GC 53071.5. (a) By the enactment of this section, the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined in subdivision (a) of Section 16700 of the Penal Code, and that subdivision shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles described in Section 16250 of the Penal Code.

(b) Notwithstanding subdivision (a), the County of Los Angeles, and any city within the County of Los Angeles, may enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that meets both of the following requirements:

1) The device is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

2) The device expels a projectile that is no more than 16 millimeters in diameter.
SOCIAL MEDIA PRIVACY: POSTSECONDARY EDUCATION

SB 1349  Yee
Ch. 619  Effective January 1, 2013

Board Policy:  No
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to add Chapter 2.5 (commencing with Section 99120) to Part 65 of Division 14 of Title 3 of the Education Code, relating to social media privacy.

Existing law establishes and sets forth the missions and functions of the public and independent institutions of postsecondary education in the state.

This bill would prohibit public and private postsecondary educational institutions, and their employees and representatives, from requiring or requesting a student, prospective student, or student group to disclose, access, or divulge personal social media, as defined, information, as specified. The bill would prohibit a public or private postsecondary educational institution from threatening a student, prospective student, or student group with or taking specified pecuniary actions for refusing to comply with a request or demand that violates that prohibition. The bill would require a private nonprofit or for-profit postsecondary educational institution to post its social media privacy policy on the institution’s Internet Web site.

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Chapter 2.5. Social Media Privacy

EC 99120. As used in this chapter, "social media" means an electronic service or account, or electronic content, including, but not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.

EC 99121. (a) Public and private postsecondary educational institutions, and their employees and representatives, shall not require or request a student, prospective student, or student group to do any of the following:

(1) Disclose a user name or password for accessing personal social media.
(2) Access personal social media in the presence of the institution’s employee or representative.
(3) Divulge any personal social media information.

(b) A public or private postsecondary educational institution shall not suspend, expel, discipline, threaten to take any of those actions, or otherwise penalize a student, prospective student, or student group in any way for refusing to comply with a request or demand that violates this section.

(c) This section shall not do either of the following:

(1) Affect a public or private postsecondary educational institution’s existing rights and obligations to protect against and investigate alleged student misconduct or violations of applicable laws and regulations.
(2) Prohibit a public or private postsecondary educational institution from taking any adverse action against a student, prospective student, or student group for any lawful reason.

EC 99122. A private nonprofit or for-profit postsecondary educational institution shall post its social media privacy policy on the institution’s Internet Web site.
MENTAL RETARDATION: CHANGE OF TERM TO INTELLECTUAL DISABILITY

SB 1381    Pavley
Ch. 157    Effective January 1, 2013

Board Policy:    Maybe
Notification:    No
Appropriation:   No
Mandated Cost:   No

An act to amend Sections 4502 and 17206.1 of the Business and Professions Code, to amend Section 1761 of the Civil Code, to amend Sections 8769, 16191, 16195, 16196, 16200, 41306, 41401, and 51765 of the Education Code, to amend Sections 854.2, 6514, 12428, 12926, 14670.1, 14670.2, 14670.3, 14670.5, 14672.1, 14672.92, 16813, 16814, and 16816 of the Government Code, to amend Sections 1275.5, 1337.1, 1337.3, 13113, 51312, 110403, 123935, 125000, 127260, and 129395 of the Health and Safety Code, to amend Sections 10118, 10124, and 10203.4 of the Insurance Code, to amend Sections 1001.20, 1346, 1370.1, 1376, and 2962 of the Penal Code, to amend Section 1420 of the Probate Code, to amend Section 25276 of the Vehicle Code, and to amend Sections 4417, 4426, 4512, 4801, 5002, 5008, 5325, 5585.25, 6250, 6505, 6513, 6551, 6715, 6717, 6740, 6741, 7275, 7351, and 11014 of, to amend the heading of Article 2 (commencing with Section 6500) of Chapter 2 of, to amend the heading of Article 4 (commencing with Section 6715) of Chapter 3 of, and to amend the heading of Article 4 (commencing with Section 6740) of Chapter 4 of, Part 2 of Division 6 of, the Welfare and Institutions Code, relating to intellectual disabilities.

Existing law refers to mental retardation or a mentally retarded person in provisions relating to, among other things, educational and social services, commitment to state facilities, and criminal punishment.

This bill would revise these provisions to refer instead to intellectual disability or a person with an intellectual disability. This bill would provide that it is the intent of the Legislature that the bill not be construed to change the coverage, eligibility, rights, responsibilities, or substantive definitions referred to in the amended provisions of the bill. This bill would make related and technical changes.
SCHOOL PROPERTY: CIVIC CENTER ACT

SB 1404       Hancock
Ch. 764       Effective January 1, 2013

Board Policy:  No
Notification:  No
Appropriation: No
Mandated Cost: No

An act to amend, repeal, and add Section 38134 of the Education Code, relating to school property.

Existing law, known as the Civic Center Act, authorizes a school district governing board to grant the use of school facilities or grounds as a civic center, for specified purposes, upon terms and conditions deemed proper by the governing board. Existing law authorizes a school district governing board to charge a fee, not to exceed the school district’s direct costs, as defined, for use of the school facilities or grounds by entities that promote youth and school activities or that arrange for and supervise sports league activities for youths.

This bill, until January 1, 2020, would expand the definition of direct costs that a school district governing board may charge an entity for the use of school facilities or grounds to include a specified share of the operating and maintenance costs proportional to the entity’s use of the school facilities or grounds under this provision and a share of the costs for maintenance, repair, restoration, and refurbishment of the school facilities or grounds proportional to that entity’s use of school facilities or grounds, as specified. The bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, regulations to be used by a school district in determining the proportionate share and the specific allowable costs that a school district may include as direct costs for the use of its school facilities or grounds. The bill would make other related changes.
PUPILS: FOSTER CHILDREN: EDUCATIONAL PLACEMENT

SB 1568 DeSaulnier
Ch. 578 Effective January 1, 2013

Board Policy: Yes
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to amend Section 48853.5 of the Education Code, relating to pupils.

(1) Existing law requires a local educational agency serving a foster child to allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court over the child. Existing law requires the local educational agency to allow a foster child to continue in the school of origin through the duration of the academic school year if the jurisdiction of the court is terminated before the end of the school year.

This bill would impose a state-mandated local program by also requiring a local educational agency to allow a former foster child to continue his or her education in the school of origin through graduation if the jurisdiction of the court is terminated while the foster child is in high school. The bill would provide that a school district is not required to provide transportation to a former foster child who has an individualized education program that does not require transportation as a related service and who changes residence but remains in his or her school of origin, unless the individualized education program team determines that transportation is a necessary related service. The bill also would make conforming, clarifying, and nonsubstantive changes.

The bill would incorporate additional changes in Section 48853.5 of the Education Code, proposed by AB 1909, to be operative only if AB 1909 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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EC 48853.5. (e) (1) At the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court.
(2) If the jurisdiction of the court is terminated before the end of an academic year, the local educational agency shall allow a former foster child who is in kindergarten or any of grades 1 to 8, inclusive, to continue his or her education in the school of origin through the duration of the academic school year.
(3) (A) If the jurisdiction of the court is terminated while a foster child is in high school, the local educational agency shall allow the former foster child to continue his or her education in the school of origin through graduation...