2013 – 2014

LEGISLATIVE UPDATE

A SUMMARY OF NEW LAWS AFFECTING
STUDENT SERVICES PRACTITIONERS

Prepared by:
Maria Hwang de Bravo, Project Director III
Child Welfare and Attendance Unit
Division of Student Support Services
Los Angeles County Office of Education

Under the direction of:
Dr. Victor C. Thompson, Director II
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ASSEMBLY
BILLs
OBSCENE MATTER: MINORS

AB 20  Waldron
Ch. 143 Effective January 1, 2014
Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 1203.4 of, and to add Section 311.12 to, the Penal Code, relating to obscene matter.

Existing law generally prohibits the production, distribution, and production of any representation of information, data, or image, as specified, of any obscene matter that depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, as defined. Violations of these provisions are crimes.

This bill would provide that every person who is convicted of a violation of specified offenses relating to obscene matter involving minors, as specified, in which the violation is committed on, or via, a government-owned computer or via a government-owned computer network, or in which the production, transportation, or distribution of which involves the use, possession, or control of government-owned property shall, in addition to any imprisonment of fine imposed for the commission of the underlying offense, be punished by a fine not exceeding $2,000, unless the court determines that the defendant does not have the ability to pay. The bill would provide that revenue from any fines collected would be transferred for deposit into a county fund established for that purpose and allocated for sexual assault investigator training, public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking, and multidisciplinary teams involved in the prosecution of child abuse cases, as specified.

Existing law allows for the release from all penalties and disabilities resulting from an offense for which the person was convicted if specified criteria are met. Existing law excludes certain sex offenses from these provisions.

This bill would additionally exclude specified offenses relating to obscene matter involving minors from these provisions.

* * * * *

PC 311.12. (a) (1) Every person who is convicted of a violation of Section 311.1, 311.2, 311.3, 311.10, or 311.11 in which the offense involves the production, use, possession, control, or advertising of matter or image that depicts a person under 18 years of age personally engaging in or simulating sexual conduct, as defined in subdivision (d) of Section 311.4, in which the violation is committed on, or via, a government-owned computer or via a government-owned computer network, shall, in addition to any imprisonment or fine imposed for the commission of the underlying offense, be punished by a fine not exceeding two thousand dollars ($2,000), unless the court determines that the defendant does not have the ability to pay.

(2) Every person who is convicted of a violation of Section 311.1, 311.2, 311.3, 311.10, or 311.11 in which the offense involves the production, use, possession, control, or advertising of matter or image that depicts a person under 18 years of age personally engaging in or simulating sexual conduct, as defined in subdivision (d) of Section 311.4, in which the production, transportation, or distribution of which involves the use, possession, or control of government-owned property shall, in addition to any imprisonment or fine imposed for the commission of the underlying offense, be punished by a fine not exceeding two thousand dollars ($2,000), unless the court determines that the defendant does not have the ability to pay.
(b) The fines in subdivision (a) shall not be subject to the provisions of Sections 70372, 76000, 76000.5, and 76104.6 of the Government Code, or Sections 1464 and 1465.7 of this code.

(c) Revenue from any fines collected pursuant to this section shall be deposited into a county fund established for that purpose and allocated as follows, and a county may transfer all or part of any of those allocations to another county for the allocated use:

(1) One-third for sexual assault investigator training.

(2) One-third for public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking.

(3) One-third for multidisciplinary teams.

(d) As used in this section:

(1) “Computer” includes any computer hardware, computer software, computer floppy disk, data storage medium, or CD-ROM.

(2) “Government-owned” includes property and networks owned or operated by state government, city government, city and county government, county government, a public library, or a public college or university.

(3) “Multidisciplinary teams” means a child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, medical and mental health, and victim and child advocacy work together to conduct interviews and make team decisions about the investigation, treatment, management, and prosecution of child abuse cases, including child sexual abuse cases. It is the intent of the Legislature that this multidisciplinary team approach will protect victims of child abuse from multiple interviews, result in a more complete understanding of case issues, and provide the most effective child and family-focused system response possible.

(e) Nothing in this section shall be construed to require any government or government entity to retain data in violation of any provision of state or federal law.
CRIMES: SEX CRIMES

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An act to amend Sections 261 and 286 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

Existing law provides various circumstances that constitute rape, including an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator where the person submits under the belief that the person committing the act is the victim’s spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief. Existing law provides various circumstances that constitute sodomy against an individual’s will, including an act accomplished with an individual who is not the spouse of the perpetrator where the individual submits under the belief that the individual committing the act is the victim’s spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief.

This bill would instead provide that these types of rape and sodomy occur where the person submits under the belief that the person committing the act is someone known to the victim other than the accused.
INSTRUCTIONAL MATERIALS: DIGITAL FORMAT

AB 133     Hagman     Board Policy:  No
Ch. 157     Effective January 1, 2014 Notification:  No

An act to add Section 60063 to the Education Code, relating to instructional materials.

Existing law requires the State Board of Education and the governing board of each school district maintaining one or more high schools to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, and high schools, respectively. Existing law authorizes a local educational agency to use instructional materials that are aligned with the adopted academic content standards, as specified, including basic instructional materials that have not been adopted by the state board. Existing law places specified requirements on a publisher or manufacturer of instructional materials offered for adoption. Existing law, until July 1, 2015, exempts school districts from requirements to provide pupils with instructional materials by a specified time period following adoption of those materials by the state board.

This bill would require a publisher or manufacturer that submits a printed instructional material for adoption by the state board, or for adoption or use by the governing board of a school district, on or after January 1, 2014, to ensure that the printed instructional material is also available in an equivalent digital format during the entire term of the adoption. The bill would require the equivalent digital format of a printed instructional material to conform to certain standards and guidelines, as specified.

* * * * *

EC 60063. (a) A publisher or manufacturer that submits a printed instructional material for adoption by the state board pursuant to Section 60200 or the governing board of a school district pursuant to Section 60400, or for use by the governing board of a school district pursuant to Section 60210, on or after January 1, 2014, shall ensure that the printed instructional material is also available in an equivalent digital format during the entire term of the adoption.
FAMILY LAW: PROTECTIVE AND RESTRAINING ORDERS

AB 176  Campos
Ch. 263  Effective July 1, 2014

An act to amend Sections 3100, 6383, and 6405 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to family law.

Existing law requires that, subject to specified limitations, an emergency protective order be enforced before any other protective or restraining order that has been issued. If there is no emergency protective order that takes precedence in enforcement and there is more than one civil protective or restraining order regarding the same parties, existing law generally requires a peace officer to enforce the order issued last. If there is no emergency protective order that takes precedence in enforcement and both criminal and civil protective or restraining orders have been issued regarding the same parties, existing law generally requires an officer to enforce the criminal order issued last.

This bill would, as of July 1, 2014, instead require that a no-contact order has precedence in enforcement if more than one protective or restraining order has been issued, none of which is an emergency protective order that takes precedence in enforcement, and one of the orders that has been issued is a no-contact order, as described. This bill would also make related, conforming changes.

This bill would also incorporate changes in Section 136.2 of the Penal Code proposed by AB 307, that would become operative on the date this bill becomes operative only if AB 307 and this bill are both chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.
**HIGH SCHOOL GRADUATION REQUIREMENTS: PUPILS IN FOSTER CARE**

AB 216 Stone  
Ch. 324 Effective Immediately

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

An act to amend Section 51225.3 of, and to add Section 51225.1 to, the Education Code, relating to high school graduation requirements, and declaring the urgency thereof, to take effect immediately.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements.

Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would recast those provisions, and would, instead, require a school district to exempt a pupil in foster care who transfers between schools any time after the completion of the pupil’s 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation, unless the school district makes a finding that the pupil is reasonably able to complete the school district’s graduation requirements in time to graduate from high school by the end of the pupil’s 4th year of high school. The bill would require a school district that determines that a pupil in foster care is reasonably able to complete the school district’s graduation requirements within the pupil’s 5th year of high school to take specified actions, including permitting the pupil to stay in school for a 5th year to complete the graduation requirements. The bill would allow either the number of credits the pupil has earned to date or the length of the pupil’s school enrollment to be used to determine whether the pupil is in the 3rd or 4th year of high school, whichever would qualify the pupil for the exemption. The bill would require the school district to notify, within 30 calendar days of the transfer, a pupil in foster care who may qualify for the exemption, the person holding the right to make educational decisions for the pupil, and the pupil’s social worker, of the availability of the exemption and whether the pupil qualifies for the exemption. The bill would require the school district to notify the pupil, and the person holding the right to make educational decisions for the pupil, of the effect the waived requirements will have on the pupil’s ability to gain admission to postsecondary educational institutions. The bill would prohibit a school or school district from requiring or requesting that the pupil graduate before the end of his or her 4th year of high school if a pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school, and from requiring or requesting a pupil in foster care to transfer schools in order to qualify the pupil for an exemption. The bill would specify that an eligible pupil shall not be required to accept the exemption or be denied enrollment in or the ability to complete courses for which he or she is otherwise eligible. The bill would prohibit a pupil in foster care, the person holding the right to make educational decisions for the pupil, the pupil’s social worker, or the pupil’s probation officer from requesting a transfer solely to qualify the pupil for an exemption.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.
EC 51225.1. (a) Notwithstanding any other law, a school district shall exempt a pupil in foster care, as defined in Section 51225.2, who transfers between schools any time after the completion of the pupil’s second year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements specified in Section 51225.3, unless the school district makes a finding that the pupil is reasonably able to complete the school district’s graduation requirements in time to graduate from high school by the end of the pupil’s fourth year of high school.

(b) If the school district determines that the pupil in foster care is reasonably able to complete the school district’s graduation requirements within the pupil’s fifth year of high school, the district shall do all of the following:

(1) Inform the pupil of his or her option to remain in school for a fifth year to complete the school district’s graduation requirements.

(2) Inform the pupil, and the person holding the right to make educational decisions for the pupil, about how remaining in school for a fifth year to complete the school district’s graduation requirements will affect the pupil’s ability to gain admission to a postsecondary educational institution.

(3) Provide information to the pupil about transfer opportunities available through the California Community Colleges.

(4) Permit the pupil to stay in school for a fifth year to complete the school district’s graduation requirements upon agreement with the pupil, if the pupil is 18 years of age or older, or, if the pupil is under 18 years of age, upon agreement with the person holding the right to make educational decisions for the pupil.

(c) To determine whether a pupil in foster care is in the third or fourth year of high school, either the number of credits the pupil has earned to the date of transfer or the length of the pupil’s school enrollment may be used, whichever will qualify the pupil for the exemption.

(d) Within 30 calendar days of the date that a pupil in foster care who may qualify for the exemption from local graduation requirements pursuant to this section transfers into a school, the school district shall notify the pupil, the person holding the right to make educational decisions for the pupil, and the pupil’s social worker, of the availability of the exemption and whether the pupil qualifies for an exemption.

(e) If a pupil in foster care is exempted from local graduation requirements pursuant to this section and completes the statewide coursework requirements specified in Section 51225.3 before the end of his or her fourth year in high school and that pupil would otherwise be entitled to remain in attendance at the school, a school or school district shall not require or request that the pupil graduate before the end of his or her fourth year of high school.

(f) If a pupil in foster care is exempted from local graduation requirements pursuant to this section, the school district shall notify the pupil and the person holding the right to make educational decisions for the pupil how any of the requirements that are waived will affect the pupil’s ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

(g) A pupil in foster care who is eligible for the exemption from local graduation requirements pursuant to this section and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or be denied enrollment in or the ability to complete courses for which he or she is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

(h) If a pupil in foster care is not exempted from local graduation requirements or has previously declined the exemption pursuant to this section, a school district shall exempt the pupil at any time if an exemption is requested by the pupil and the pupil qualifies for the exemption.

(i) If a pupil in foster care is exempted from local graduation requirements pursuant to this section, a school district shall not revoke the exemption.

(j) If a pupil in foster care is exempted from local graduation requirements pursuant to this section, the exemption shall continue to apply after the termination of the court’s jurisdiction over the pupil while he or she is enrolled in school or if the pupil transfers to another school or school district.
(k) A school district shall not require or request a pupil in foster care to transfer schools in order to qualify the pupil for an exemption pursuant to this section.

(l) A pupil in foster care, the person holding the right to make educational decisions for the pupil, the pupil’s social worker, or the pupil’s probation officer shall not request a transfer solely to qualify the pupil for an exemption pursuant to this section.

EC 51225.3. (a) A pupil shall complete all of the following while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts, foreign language, or, commencing with the 2012-13 school year, career technical education.

(i) For purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(ii) For purposes of this subparagraph, “a course in career technical education” means a course in a district-operated career technical education program that is aligned to the career technical model curriculum standards and framework adopted by the state board, including courses through a regional occupational center or program operated by a county superintendent of schools or pursuant to a joint powers agreement.

(iii) This subparagraph does not require a school or school district that currently does not offer career technical education courses to start new career technical education programs for purposes of this section.

(iv) If a school district or county office of education elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the governing board of the school district or county office of education, before offering that alternative to pupils, shall notify parents, teachers, pupils, and the public at a regularly scheduled meeting of the governing board of all of the following:

(1) The intent to offer career technical education courses to fulfill the graduation requirement specified in this subparagraph.

(II) The impact that offering career technical education courses, pursuant to this subparagraph, will have on the availability of courses that meet the eligibility requirements for admission to the California State University and the University of California, and whether the career technical education courses to be offered pursuant to this subparagraph are approved to satisfy those eligibility requirements. If a school district elects to allow a career technical education course to satisfy the requirement imposed by this subparagraph, the school district shall comply with subdivision (m) of Section 48980.

(III) The distinction, if any, between the high school graduation requirements of the school district or county office of education, and the eligibility requirements for admission to the California State University and the University of California.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a
postsecondary educational institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

(e) Notwithstanding any other law, a school district shall exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the district that are in addition to the statewide coursework requirements specified in this section if the pupil, while he or she is in grade 11 or 12, transfers into the district from another school district or between high schools within the district, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law. A school district shall notify a pupil in foster care who is granted an exemption pursuant to this subdivision, and, as appropriate, the person holding the right to make educational decisions for the pupil, if any, of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

(c) On or before July 1, 2017, the department shall submit a comprehensive report to the appropriate policy committees of the Legislature on the addition of career technical education courses to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a), including, but not limited to, the following information:

(1) A comparison of the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2005-06 to 2011-12 school years, inclusive, to the pupil enrollment in career technical education courses, foreign language courses, and visual and performing arts courses for the 2012-13 to 2016-17 school years, inclusive.

(2) The reasons, reported by school districts, that pupils give for choosing to enroll in a career technical education course to satisfy the requirement specified in subparagraph (E) of paragraph (1) of subdivision (a).

(3) The type and number of career technical education courses that were conducted for the 2005-06 to 2011-12 school years, inclusive, compared to the type and number of career technical education courses that were conducted for the 2012-13 to 2016-17 school years, inclusive.

(4) The number of career technical education courses that satisfied the subject matter requirements for admission to the University of California or the California State University.

(5) The extent to which the career technical education courses chosen by pupils are aligned with the California Career Technical Education Standards, and prepare pupils for employment, advanced training, and postsecondary education.

(6) The number of career technical education courses that also satisfy the visual and performing arts requirement, and the number of career technical education courses that also satisfy the foreign language requirement.

(7) Annual pupil dropout and graduation rates for the 2011-12 to 2014-15 school years, inclusive.

(d) For purposes of completing the report described in subdivision (c), the Superintendent may use existing state resources and federal funds. If state or federal funds are not available or sufficient, the Superintendent may apply for and accept grants, and receive donations and other financial support from public or private sources for purposes of this section.

(e) For purposes of completing the report described in subdivision (c), the Superintendent may accept support, including, but not limited to, financial and technical support, from high school reform advocates, teachers, chamber organizations, industry representatives, research centers, parents, and pupils.

(f) This section shall become inoperative on the earlier of the following two dates:

(1) On July 1, immediately following the first fiscal year after the enactment of the act that adds this paragraph in which the number of career technical education courses that, as determined by the department, satisfy the foreign language requirement for admission to the California State University and the University of California is at least twice the number of career technical education courses that meet these admission requirements as of January 1, 2012. This section shall be repealed on the following January 1, unless a later enacted statute, that becomes operative on or before that date, deletes or extends the dates on which it becomes inoperative and is repealed. It is the intent of the Legislature that new
career technical education courses that satisfy the foreign language requirement for admission to the California State University and the University of California focus on world languages aligned with career preparation, emphasizing real-world application and technical content in related career and technical education courses.

(2) 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.
An act to add Section 45133.5 to the Education Code, relating to school employees.

Existing law generally prescribes the workweek of a classified school employee to be 40 hours, and prescribes the workday to be 8 hours. Existing law also authorizes the governing board of a school district or a county superintendent of schools to establish a 9-hour-per-day, 80-hour-per-2-week work schedule, subject to the concurrence of the employee organization, or, absent an employee organization, subject to the concurrence of the affected employee. Existing law generally provides for the payment of overtime compensation for hours worked in excess of the required workday, except as specified.

This bill would also authorize the governing board of a school district or a county superintendent of schools to establish a 12-hour-per-day, 80-hour-per-2-week work schedule for school police departments, provided the establishment of the work schedule is consented to in a valid collective bargaining agreement that contains specified provisions, including, among others, express provisions for the wages, hours of work, and working conditions of employees. The bill would require the payment of overtime compensation for hours worked in excess of the required workday, as specified, and would require the workweek to be defined so that no employee will be required to work more than 40 hours during any given workweek.

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EC 45133.5. (a) Notwithstanding Sections 45127 and 45131, a governing board of a school district or a county superintendent of schools may establish a 12-hour-per-day, 80-hour-per-2-week work schedule for school police departments, provided the establishment of the work schedule is consented to in a valid collective bargaining agreement that contains all of the following:

1. Express provisions for the wages, hours of work, and working conditions of employees.
2. Express provisions for meal periods of employees, and final and binding arbitration of disputes concerning application of the meal period provisions.
3. Premium wage rates for all overtime hours worked.
4. A regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.

(b) When a 12-hour-per-day, 80-hour-per-2-week work schedule is established, it shall consist of seven workdays, six of which shall be 12-hour days, and one of which shall be an eight-hour day. The overtime rate shall be paid for all hours worked in excess of the required workday, at a rate equal to one and one-half times the regular rate of pay for the employee designated and authorized to perform the work.

(c) When a 12-hour-per-day, 80-hour-per-2-week work schedule is established, the workweek shall be defined so that no employee will be required to work more than 40 hours during any given workweek.
An act to amend Section 54957 of the Government Code, relating to local government.

The Ralph M. Brown Act requires each legislative body of a local agency to provide the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public. Under the act, all persons are permitted to attend any meeting of the legislative body of a local agency, unless a closed session is authorized. Under the act, the legislative body of a local agency is authorized to hold closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, as specified, or a threat to the public’s right of access to public services or public facilities.

This bill additionally would authorize the legislative body of a local agency to hold these closed sessions with the Governor. This bill also makes various technical nonsubstantive changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

* * * * *

GC 54957. (a) Nothing contained in this chapter shall This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public’s right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term “employee” shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall This subdivision
shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.
PUPILS: GROUNDS FOR SUSPENSION AND EXPULSION: BULLYING

AB 256  Garcia  Board Policy:  Yes
Ch. 700  Effective January 1, 2014  Notification:  Yes

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 superintendent of the school district or the principal of the school determines that the pupil has committed any of various specified acts, including, but not limited to, engaging in acts of bullying by means of an electronic act. Existing law further defines “electronic act” as 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, as specified. Existing law prohibits a pupil from being suspended or expelled for any of those acts unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district.

This bill would instead, for purposes of pupil suspension or recommendation for expulsion from a school, define “electronic act” as the creation and transmission originated on or off the schoolsite, 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, as specified.

* * * * *

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 creation and transmission originated on or off the schoolsite, 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.
PROTECTIVE ORDERS

AB 307   Campos
Ch. 291  Effective July 1, 2014

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

An act to amend Sections 136.2 and 166 of the Penal Code, relating to protective orders.

Existing law authorizes a court with jurisdiction over a criminal matter to issue a protective order upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, including an order protecting victims of violent crime from all contact, or contact with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant. Under existing law, the court is required to consider, at the time of sentencing, issuing a protective order, which may be valid for up to 10 years, in a case in which a criminal defendant has been convicted of a crime of domestic violence. Under existing law, contempt of a court order is a misdemeanor, as specified.

This bill would also require the court to consider issuing a protective order in a case in which the defendant has been convicted of specified sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender.

Under existing law, a willful and knowing violation of a protective order or stay-away court order issued relating to a victim or witness in a pending criminal proceeding involving domestic violence, issued as a condition of probation after a conviction in a criminal proceeding involving domestic violence or elder or dependent adult abuse, or issued under other specified conditions, constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, a fine not exceeding $1,000, or by both the imprisonment and the fine, except as specified.

This bill would provide that a willful and knowing violation of a protective order or stay-away court order issued relating to a victim or witness in a criminal proceeding, including a proceeding when the conditions of probation are determined, involving domestic violence or elder or dependent adult abuse, or issued upon the conviction of a defendant for a sexual offense involving a minor, or issued under other specified conditions, constitutes contempt of court, a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, a fine not exceeding $1,000, or by both the imprisonment and the fine, except as specified.

This bill would incorporate additional changes in Section 136.2 of the Penal Code proposed by AB 176, that would become operative on the date AB 176 becomes operative only if AB 176 and this bill are both chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.
CALFRESH: HOMELESS YOUTH

AB 309 Mitchell
Ch. 97 Effective January 1, 2014

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

An act to amend Sections 18901 and 18904.25 of, and to repeal Section 18914 of, the Welfare and Institutions Code, relating to public social services.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Under existing law, households are eligible to receive CalFresh benefits to the extent permitted by federal law. Further, existing law requires county welfare departments to develop information, and make that information available to homeless shelters, emergency food programs, and other community agencies that provide services to homeless people, on expedited services targeted to the homeless and to provide training to homeless shelter operators on CalFresh application procedures.

This bill would clarify that eligibility for CalFresh benefits, including expedited services, is not dependent on the age of an applicant and would require county welfare departments, upon receipt of a signed CalFresh application from an unaccompanied child or youth under 18 years of age, to determine his or her eligibility for benefits, as specified, and entitlement to expedited services, as specified. If the application is denied, the county welfare department would be required to notify the child or youth in writing of the reason for the denial. This bill would also require that county welfare departments make information about CalFresh expedited services targeted to the homeless population available to local educational agency liaisons, as defined, and include information regarding CalFresh eligibility for unaccompanied homeless children and youths in the training provided to homeless shelter operators.

By expanding the number of people a county welfare department must make information available to, and requiring county welfare departments to augment the training they provide to homeless shelter operators and provide notice, as specified, to an unaccompanied child or youth, this bill would impose a state-mandated local program.

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WIC 18901. (a) The eligibility of households shall be determined to the extent permitted by federal law. (b) In determining eligibility for CalFresh, no minimum age requirement shall be imposed other than those that exist under federal law.

WIC 18904.25. (a) Pursuant to the federal Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), the department shall develop CalFresh information on expedited services targeted to the homeless population, including unaccompanied homeless children and youths, as those terms are defined in Section 11434a of Title 42 of the United States Code. This information shall be made available to homeless shelters, emergency food programs, local educational agency liaisons for homeless children and youths, designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, and other community agencies who provide services to homeless people. (b) Each county welfare department shall annually offer training on CalFresh application procedures to homeless shelter operators. That training shall include eligibility criteria and specific information regarding the eligibility of unaccompanied homeless children and youths. In addition, each county welfare department, upon request, shall provide homeless shelters with a supply of that portion of the CalFresh application used to request CalFresh expedited service.
(c) Upon receipt of a signed CalFresh application from an unaccompanied child or youth under 18 years of age, the county welfare department shall determine eligibility for CalFresh benefits, including making a determination of whether the child or youth is eligible to apply as a household of one or if he or she must apply with members of a household with whom he or she is regularly purchasing and preparing foods, and screen the application for entitlement to expedited service pursuant to Section 18914. If the application of the child or youth for CalFresh benefits is denied, the county welfare department shall provide the child or youth a written notice explaining the reason for the denial.
FOSTER CARE: SMOKE-FREE ENVIRONMENT

AB 352 Torres
Ch. 292 Effective January 1, 2014
Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: Yes

An act to add Section 1530.7 to the Health and Safety Code, relating to foster care.

Existing law, the California Community Care Facilities Act, regulates various community care facilities, including foster family homes, foster family agencies, small family homes, transitional housing placement providers, and crisis nurseries, as defined, which provide care for foster children. The act requires the State Department of Social Services to adopt regulations for these facilities, and requires that regulations for a license prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services based upon the category of licensure. Any person who violates the act, or who willfully or repeatedly violates any rule or regulation promulgated under the act, is guilty of a misdemeanor.

This bill would require that group homes, foster family agencies, small family homes, transitional housing placement providers, and crisis nurseries licensed pursuant to the provisions described above that provide residential foster care to a child maintain a smoke-free environment in the facility. The bill would prohibit a person who is licensed or certified pursuant to these provisions and who is providing residential care in a foster family home or certified family home from smoking or permitting any other person to smoke inside the facility, and, when the child is present, on the outdoor grounds of the facility. The bill would also prohibit a person who is licensed or certified pursuant to these provisions from smoking in any motor vehicle that is regularly used to transport the child. Because a violation of the act, or the willful or repeated violation of any rule or regulation promulgated under the act, would be a crime, the bill would impose a state-mandated local program.

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HSC 1530.7. (a) Group homes, foster family agencies, small family homes, transitional housing placement providers, and crisis nurseries licensed pursuant to this chapter shall maintain a smoke-free environment in the facility.
(b) A person who is licensed or certified pursuant to this chapter to provide residential care in a foster family home or certified family home shall not smoke or permit any other person to smoke inside the facility, and, when the child is present, on the outdoor grounds of the facility.
(c) A person who is licensed or certified pursuant to this chapter to provide residential foster care shall not smoke in any motor vehicle that is regularly used to transport the child.
An act to amend Section 18961.7 of the Welfare and Institutions Code, relating to child abuse reporting.

Existing law, until January 1, 2014, authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified. Existing law authorizes members of the team, for 30 days, or longer if good cause exists, following a report of suspected child abuse or neglect, to disclose to and exchange with one another information and writings related to any incident of child abuse that are designated as confidential if the member of the team reasonably believes it is relevant to the prevention, identification, or treatment of child abuse. Existing law authorizes the disclosure and exchange of this information to occur telephonically and electronically if there is adequate verification of the identity of the multidisciplinary personnel who are involved in that disclosure or exchange of information. Existing law requires that the sharing of information permitted in the period following a report of suspected child abuse or neglect be governed by protocols developed in each county describing how and what information may be shared to ensure that confidential information is not disclosed in violation of state or federal law.

This bill would delete the repeal of these provisions, thereby making them operate indefinitely.

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WIC 18961.7. (a) Notwithstanding any other provision of law, a county may establish a child abuse multidisciplinary personnel team within that county to allow provider agencies to share confidential information in order for provider agencies to investigate reports of suspected child abuse or neglect made pursuant to Section 11160, 11166, or 11166.05 of the Penal Code, or for the purpose of child welfare agencies making a detention determination.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) “Child abuse multidisciplinary personnel team” means any team of two or more persons who are trained in the prevention, identification, or treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:

(A) Psychiatrists, psychologists, marriage and family therapists, or other trained counseling personnel.

(B) Police officers or other law enforcement agents.

(C) Medical personnel with sufficient training to provide health services.

(D) Social services workers with experience or training in child abuse prevention.

(E) Any public or private school teacher, administrative officer, supervisor of child welfare attendance, or certified pupil personnel employee.

(2) “Provider agency” means any governmental or other agency that has as one of its purposes the prevention, identification, management, or treatment of child abuse or neglect. The provider agencies serving children and their families that may share information under this section shall include, but not be limited to, the following entities or service agencies:

(A) Social services.

(B) Children’s services.

(C) Health services.
(D) Mental health services.
(E) Probation.
(F) Law enforcement.
(G) Schools.

(c) (1) Notwithstanding Section 827 of the Welfare and Institutions Code or any other provision of law, during a 30-day period, or longer if documented good cause exists, following a report of suspected child abuse or neglect, members of a child abuse multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse may disclose to and exchange with one another information and writings that relate to any incident of child abuse that may also be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other provision of law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the child abuse multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the child abuse multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(d) The child abuse multidisciplinary personnel team may designate persons qualified pursuant to paragraph (1) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) The sharing of information permitted under subdivision (c) shall be governed by protocols developed in each county describing how and what information may be shared by the child abuse multidisciplinary team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the child abuse multidisciplinary team.

(f) Every member of the child abuse multidisciplinary personnel team who receives information or records regarding children and families in his or her capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies, as well as information and records created in the course of a child abuse or neglect investigation, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

(i) This section shall remain in effect only until January 1, 2014, and as of that date is repealed.
ELEMENTARY AND SECONDARY EDUCATION:
CERTIFICATED SCHOOL EMPLOYEES: ALLEGATION OF MISCONDUCT:
REPORTS TO COMMISSION ON TEACHER CREDENTIALING

AB 449  Muratsuchi  Board Policy:  Yes
Ch. 232  Effective January 1, 2014  Notification:  No

An act to amend Section 44242.5 of, and to add Section 44030.5 to, the Education Code, relating to elementary and secondary education.

Existing law establishes the Commission on Teacher Credentialing to, among other things, issue teaching and services credentials. Existing law requires the commission to appoint a Committee of Credentials and requires allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials to be reported to the committee. Under existing law, the committee is authorized to commence an initial or formal review upon receipt of, among other things, a statement from an employer notifying the commission that an employee’s employment status has changed in one of specified ways as a result of, or during the pendency of, an allegation of misconduct. Existing law makes it a misdemeanor, punishable by a fine of not more than $100, for a principal, teacher, employee, or school officer of an elementary or secondary school to refuse or willfully neglect to make a report required by law.

This bill would specify that a change in employment status due solely to unsatisfactory performance or a reduction in force is not a result of an allegation of misconduct for purposes of those provisions. The bill would require the superintendent of a school district or county office of education, or the administrator of a charter school, to report to the commission any change in the employment status of a credential holder working in a position requiring a credential not later than 30 days after the credential holder’s employment status changes in one of specified ways as a result of an allegation of misconduct or while an allegation of misconduct is pending. The bill would make the failure to make the report unprofessional conduct, would subject the superintendent of the school district or county office of education, or the administrator of a charter school, to adverse action by the commission for failure to make the report, and would make the refusal or willful neglect to make the report a misdemeanor. By imposing additional duties on local agencies and by creating a new crime, this bill would impose a state-mandated local program.

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EC 44030.5. (a) The superintendent of a school district or county office of education, or the administrator of a charter school, employing a person with a credential shall report any change in the employment status of the credential holder to the commission not later than 30 days after the change in employment status, if the credential holder, while working in a position requiring a credential, and as a result of an allegation of misconduct or while an allegation of misconduct is pending, is dismissed, is nonrelected, resigns, is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse action, retires, or is otherwise terminated by a decision not to employ or reemploy.
(b) For purposes of subdivision (a), a change of employment status due solely to unsatisfactory performance pursuant to paragraph (4) of subdivision (a) of Section 44932 or a reduction in force pursuant to Sections 44955 to 44958, inclusive, is not a result of an allegation of misconduct.
(c) The failure to make the report required by subdivision (a) is unprofessional conduct and may subject the superintendent of the school district or county office of education, or the administrator of a charter school, to adverse action by the commission.
(d) (1) Notwithstanding Section 44030, refusing or willfully neglecting to make the report required by subdivision (a) is a misdemeanor, punishable by a fine of not less than five hundred dollars ($500) or more than one thousand dollars ($1,000).

(2) All fines imposed pursuant to this subdivision are the personal responsibility of the superintendent of the school district or county office of education, or the administrator of a charter school, and may not be paid or reimbursed with public funds.

EC 44242.5. (a) Each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials.

(b) The committee has jurisdiction to commence an initial review upon receipt of any of the following:

(1) (A) Official records of the Department of Justice, of a law enforcement agency, of a state or federal court, and of any other agency of this state or another state.

(B) For purposes of subparagraph (A), "agency of this state" has the same meaning as that of "state agency" as set forth in Section 11000 of the Government Code.

(2) An affidavit or declaration signed by a person or persons with personal knowledge of the acts alleged to constitute misconduct.

(3) (A) A statement from an employer notifying the commission that, as a result of an allegation of misconduct, or while an allegation of misconduct is pending, a credentialholder has been dismissed, nonre-elected, suspended for more than 10 days, or placed pursuant to a final adverse employment action on unpaid administrative leave for more than 10 days, or has resigned or otherwise left employment.

(B) The employer shall provide the notice described in subparagraph (A) to the commission not later than 30 days after the dismissal, nonre-election, suspension, placement on unpaid administrative leave, resignation, or departure from employment of the employee.

(C) For purposes of subparagraphs (A) and (B), a change in status due solely to unsatisfactory performance pursuant to paragraph (4) of subdivision (a) of Section 44932 or a reduction in force pursuant to Sections 44953 to 44958, inclusive, is not a result of an allegation of misconduct.

(4) A notice from an employer that a complaint was filed with the school district alleging sexual misconduct by a credentialholder. Results of an investigation by the committee based on this paragraph shall not be considered for action by the committee unless there is evidence presented to the committee in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct.

(5) A notice from a school district, employer, public agency, or testing administrator of a violation of Section 44420, 44421.1, 44421.5, or 44439.

(6) (A) An affirmative response on an application submitted to the commission as to any conviction, adverse action on, or denial of, a license, or pending investigation into a criminal allegation or pending investigation of a noncriminal allegation of misconduct by a governmental licensing entity.

(B) Failure to disclose any matter set forth in subparagraph (A).

(c) An initial review commences on the date that the written notice is mailed to the applicant or credentialholder that his or her fitness to hold a credential is under review. Upon commencement of a formal review pursuant to Section 44244, the committee shall investigate all alleged misconduct and the circumstances in mitigation and aggravation. The investigation shall include, but not be limited to, all of the following:

(1) Investigation of the fitness and competence of the applicant or credentialholder to perform the duties authorized by the credential for which he or she has applied or that he or she presently holds.

(2) Preparation of a summary of the applicable law, a summary of the facts, contested and uncontested, and a summary of any circumstances in aggravation or mitigation of the allegation.

(3) Determination of probable cause for an adverse action on the credential. If the allegation is for unprofessional or immoral conduct, the committee, in any formal review conducted pursuant to Section 44244 to determine probable cause, shall permit the employer of the credentialholder to be present while testimony is taken. If the allegation of unprofessional or immoral conduct involves sexual abuse, the employer shall be examined in the meeting for any relevant evidence relating to the sexual abuse.
(A) If the committee determines that probable cause for an adverse action does not exist, the committee shall terminate the investigation.

(B) If the committee determines that probable cause for an adverse action on the credential exists, upon receipt of a request from an applicant or a credentialholder pursuant to Section 44244.1, the commission shall initiate an adjudicatory hearing, as prescribed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, by filing an accusation or statement of issues.

(d) The committee has jurisdiction to commence a formal review pursuant to Section 44244 upon receipt of any of the following:

(1) (A) Official records of a state or federal court that reflect a conviction or plea, including a plea of nolo contendere, to a criminal offense or official records of a state court that adjudge a juvenile to be a dependent of the court pursuant to Section 300 of the Welfare and Institutions Code due to allegations of sexual misconduct or physical abuse by a credentialholder or applicant.

(B) Nothing in subparagraph (A) shall be construed to relieve the commission from the confidentiality provisions, notice, and due process requirements set forth in Section 827 of the Welfare and Institutions Code.

(2) An affidavit or declaration signed by a person or persons with personal knowledge of the acts alleged to constitute misconduct.

(3) A statement described in paragraph (3) of subdivision (b).

(4) Official records of a governmental licensing entity that reflect an administrative proceeding or investigation, otherwise authorized by law or regulation, which has become final.

(5) A notice described in paragraph (5) of subdivision (b).

(6) A response or failure to disclose, as described in paragraph (6) of subdivision (b).

(e) (1) Upon completion of its investigation, the committee shall report its actions and recommendations to the commission, including its findings as to probable cause, and if probable cause exists, its recommendations as to the appropriate adverse action.

(2) The findings shall be available, upon its request, to the employing or last known employing school district, or, if adverse action is recommended by the committee and the credentialholder has not filed a timely appeal of the recommendation of the committee pursuant to Section 44244.1, upon a request made within five years of the date of the committee’s recommendations to a school district providing verification that the credentialholder has applied for employment in the school district. The findings, for all purposes, shall remain confidential and limited to school district personnel in a direct supervisory capacity in relation to the person investigated. Any person who otherwise releases findings received from the committee or the commission, absent a verified release signed by the person who is the subject of the investigation, shall be guilty of a misdemeanor.

(3) The findings shall not contain any information that reveals the identity of persons other than the person who is the subject of the investigation.

(f) (1) Except as provided in paragraph (2) and, notwithstanding subdivision (b), for purposes of determining whether jurisdiction exists under subdivision (b), the commission, in accordance with Section 44341, may make inquiries and requests for production of information and records only from the Department of Justice, a law enforcement agency, a state or federal court, and a licensing agency of this state or a licensing agency of another state.

(2) For purposes of determining whether jurisdiction exists, paragraph (1) does not apply to release of personnel records.
YOUTH SPORTS: CRIMINAL BACKGROUND CHECKS

AB 465  Bonilla  
Ch. 146  Effective January 1, 2014

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

An act to amend Section 11105.3 of the Penal Code, relating to criminal history.

Existing law authorizes specified entities to receive state summary criminal history information from the Department of Justice. Existing law also requires mandated reporters, as defined, to report child abuse and neglect to local law enforcement.

This bill would authorize a community youth athletic program, as defined, to request state and federal level criminal offender record information and subsequent arrest notification. The bill would state that performing the background check does not remove or limit the liability of a mandated reporter.

* * * *

PC 11105.3. (a) Notwithstanding any other law, a human resource agency or an employer may request from the Department of Justice records of all convictions or any arrest pending adjudication involving the offenses specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code of a person who applies for a license, employment, or volunteer position, in which he or she would have supervisory or disciplinary power over a minor or any person under his or her care. The department shall furnish the information to the requesting employer and shall also send a copy of the information to the applicant.

(b) Any request for records under subdivision (a) shall include the applicant’s fingerprints, which may be taken by the requester, and any other data specified by the department. The request shall be on a form approved by the department, and the department may charge a fee to be paid by the employer, human resource agency, or applicant for the actual cost of processing the request. However, no fee shall be charged to a nonprofit organization. Requests received by the department for federal level criminal offender record information shall be forwarded to the Federal Bureau of Investigation by the department to be searched for any record of arrests or convictions.

(c) (1) Where a request pursuant to this section reveals that a prospective employee or volunteer has been convicted of a violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any sex offense listed in Section 290, except for the offense specified in subdivision (d) of Section 243.4, and where the agency or employer hires the prospective employee or volunteer, the agency or employer shall notify the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer. A conviction for a violation or attempted violation of an offense committed outside the State of California shall be included in this notice if the offense would have been a crime specified in this subdivision if committed in California. The notice shall be given to the parents or guardians with whom the child resides, and shall be given at least 10 days prior to the day that the employee or volunteer begins his or her duties or tasks. Notwithstanding any other provision of law, any person who conveys or receives information in good faith and in conformity with this section is exempt from prosecution under Section 11142 or 11143 for that conveying or receiving of information. Notwithstanding subdivision (d), the notification requirements of this subdivision shall apply as an additional requirement of any other provision of law requiring criminal record access or dissemination of criminal history information.

(2) The notification requirement pursuant to paragraph (1) shall not apply to a misdemeanor conviction for violating Section 261.5 or to a conviction for violating Section 262 or 273.5. Nothing in this paragraph shall preclude an employer from requesting records of convictions for violating Section 261.5, 262, or 273.5 from the Department of Justice pursuant to this section.

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(d) Nothing in this section supersedes any law requiring criminal record access or dissemination of criminal history information. In any conflict with another statute, dissemination of criminal history information shall be pursuant to the mandatory statute. This subdivision applies to, but is not limited to, requirements pursuant to Article 1 (commencing with Section 1500) of Chapter 3 of, and Chapter 3.2 (commencing with Section 1569) and Chapter 3.4 (commencing with Section 1596.70) of, Division 2 of, and Section 1522 of, the Health and Safety Code, and Sections 8712, 8811, and 8908 of the Family Code.

(e) The department may adopt regulations to implement the provisions of this section as necessary.

(f) As used in this section, “employer” means any nonprofit corporation or other organization specified by the Attorney General which employs or uses the services of volunteers in positions in which the volunteer or employee has supervisory or disciplinary power over a child or children.

(g) As used in this section, “human resource agency” means a public or private entity, excluding any agency responsible for licensing of facilities pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500)), the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing with Section 1568.01), and the California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70)) of Division 2 of the Health and Safety Code, responsible for determining the character and fitness of a person who is:

(1) Applying for a license, employment, or as a volunteer within the human services field that involves the care and security of children, the elderly, the handicapped, or the mentally impaired.

(2) Applying to be a volunteer who transports individuals impaired by drugs or alcohol.

(3) Applying to adopt a child or to be a foster parent.

(h) Except as provided in subdivision (c), any criminal history information obtained pursuant to this section is confidential and no recipient shall disclose its contents other than for the purpose for which it was acquired.

(i) As used in this subdivision, “community youth athletic program” means an employer having as its primary purpose the promotion or provision of athletic activities for youth under 18 years of age.

(j) A community youth athletic program, as defined in subdivision (i), may request state and federal level criminal history information pursuant to subdivision (a) for a volunteer coach or hired coach candidate. The director of the community youth athletic program shall be the custodian of records.

(k) The community youth athletic program may request from the Department of Justice subsequent arrest notification service, as provided in Section 11105.2, for a volunteer coach or a hired coach candidate.

(l) Compliance with this section does not remove or limit the liability of a mandated reporter pursuant to Section 11166.
PUPIL ASSESSMENTS:
MEASUREMENT OF ACADEMIC PERFORMANCE PROGRESS (MAPP)

AB 484    Bonilla
Ch. 489    Effective January 1, 2014

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

An act to amend Sections 52052, 60601, 60603, 60604, 60607, 60610, 60611, 60612, 60630, 60640, 60641, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend and repeal Section 60602 of, to add Sections 60602.5, 60642.6, 60643.6, and 60648.5 to, to repeal Sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils.

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program and the California Standards Tests. Existing law makes the Leroy Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

Existing law requires the Superintendent, with approval of the state board, to develop the California Standards Tests, to measure the degree to which pupils are achieving academically rigorous content standards and performance standards, as provided.

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

This bill would, for the 2013-14 and 2014-15 school years, upon approval of the state board, authorize the Superintendent to not provide an API score to a school or school district due to a determination by the Superintendent that a transition to new standards-based assessments would compromise comparability of results across schools or school districts.

The bill would extend the duration of the provisions of the Leroy Greene California Assessment of Academic Achievement Act by 6 years so that they would become inoperative on July 1, 2020, and be repealed on January 1, 2021.

The bill would delete the provisions establishing the STAR Program, and instead establish the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013-14 school year, for the assessment of certain elementary and secondary pupils. The bill would specify that the MAPP would be composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in
grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. The bill would specify numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent, the state board, and affected local educational agencies.

This bill would, commencing with the 2014-15 school year and for purposes of the Early Assessment Program, authorize the replacement of the California Standards Test and the augmented California Standards Tests in English language arts and mathematics with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics, as provided.

This bill would make conforming and other related changes and nonsubstantive changes.
JUDICIAL PROCEEDINGS: INJUNCTIONS PROHIBITING HARASSMENT

AB 499  Ting
Ch. 158  Effective July 1, 2014

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

An act to amend, repeal, and add Section 527.6 to the Code of Civil Procedure, relating to judicial proceedings.

Existing law provides that a person who has suffered harassment, as defined, may seek a temporary restraining order and an injunction prohibiting harassment. If issued, the injunction shall be in effect for a period of up to 3 years and may be renewed for another period of up to 3 years. If the form does not establish an expiration date for the injunction, existing law establishes a default duration of 3 years.

This bill would provide that, as of July 1, 2014, the injunction shall remain in effect, subject to termination or modification by further order of the court, for up to 5 years and would extend the order renewal period for up to an additional 5 years.

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PC 527.6. (a) (1) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an injunction prohibiting harassment as provided in this section.
(2) A minor, under 12 years of age, accompanied by a duly appointed and acting guardian ad litem, shall be permitted to appear in court without counsel for the limited purpose of requesting or opposing a request for a temporary restraining order or injunction, or both, under this section as provided in Section 374.

(b) For the purposes of this section:
(1) “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email. Constitutionally protected activity is not included within the meaning of “course of conduct.”
(2) “Credible threat of violence” is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.
(3) “Harassment” is unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.
(4) “Petitioner” means the person to be protected by the temporary restraining order and injunction and, if the court grants the petition, the protected person.
(5) “Respondent” means the person against whom the temporary restraining order and injunction are sought and, if the petition is granted, the restrained person.
(6) “Temporary restraining order” and “injunction” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:
(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoneing, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property,
contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the petitioner.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(7) "Unlawful violence" is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members.

(d) Upon filing a petition for an injunction under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice, based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm would result to the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) A temporary restraining order issued under this section shall remain in effect, at the court’s discretion, for a period not to exceed 21 days, or, if the court extends the time for hearing under subdivision (g), not to exceed 25 days, unless otherwise modified or terminated by the court.

(g) Within 21 days, or, if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition for the injunction. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(h) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment or may file a cross-petition under this section.

(i) At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an injunction shall issue prohibiting the harassment.

(j) (1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The order may be renewed, upon the request of a party, for a duration of not more than five additional years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. A request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(3) If an action is filed for the purpose of terminating or modifying a protective order prior to the expiration date specified in the order by a party other than the protected party, the party who is protected by the order shall be given notice, pursuant to subdivision (b) of Section 1005, of the proceeding by personal service or, if the protected party has satisfied the requirements of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code, by service on the Secretary of State. If the party who is protected by the order cannot be notified prior to the hearing for modification or termination of the protective order, the court shall deny the motion to modify or terminate the order without prejudice or continue the hearing until the party who is protected can be properly noticed and may, upon a showing of good cause, specify another method for service of process that is reasonably designed to afford actual notice to the protected party. The protected party may waive his or her right to notice if he or she is physically present in court and does not challenge the sufficiency of the notice.
(w) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(x) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a protective order, restraining order, or injunction to be issued, if either of the following conditions applies:

(A) The protective order, restraining order, or injunction issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The protective order, restraining order, or injunction issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

(y) This section shall become operative on July 1, 2014.
THE SAFE SCHOOLS FOR SAFE LEARNING ACT OF 2013

AB 514     Bonta
Ch. 702     Effective January 1, 2014

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

An act to amend Section 234.5 of the Education Code, relating to school safety.

Existing law establishes the Safe Place to Learn Act and, among other things, requires the Superintendent of Public Instruction to post on his or her Internet Web site a list of statewide resources that provide support to youth who have been subjected to school-based discrimination, harassment, or bullying, and their families.

This bill, the Safe Schools for Safe Learning Act of 2013, would instead require the Superintendent to post that information on the State Department of Education’s Internet Web site, and would also require the department’s Internet Web site to include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community. The bill would express various findings and declarations of the Legislature relating to school safety.

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EC 234.5. The Superintendent shall post, and annually update, on the department’s Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families. The department’s Internet Web site shall also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.
DEPENDENT CHILDREN: PLACEMENT:
NONRELATIVE EXTENDED FAMILY MEMBER

AB 545 Mitchell
Ch. 294 Effective January 1, 2014

An act to amend Section 362.7 of the Welfare and Institutions Code, relating to juveniles.

Existing law sets forth various placement options for children who have been adjudged dependent children of the juvenile court and removed from their homes on the basis of neglect or abuse, as specified, which include placement within the approved home of a nonrelative extended family member. Existing law defines “nonrelative extended family member” as an adult caregiver who has an established familial or mentoring relationship with the child.

This bill would expand the definition of a nonrelative extended family member to include an adult caregiver who has an established familial relationship with a relative of the child, as defined.

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WIC 362.7. When the home of a nonrelative extended family member is being considered for placement of a child, the home shall be evaluated, and approval of that home shall be granted or denied, pursuant to the same standards set forth in the regulations for the licensing of foster family homes which that prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services provided by the caregiver.

A “nonrelative extended family member” is defined as any an adult caregiver who has an established familial relationship with a relative of the child, as defined in paragraph (2) of subdivision (c) of Section 361.3, or a familial or mentoring relationship with the child. The county welfare department shall verify the existence of a relationship through interviews with the parent and child or with one or more third parties. The parties may include relatives of the child, teachers, medical professionals, clergy, neighbors, and family friends.
21ST CENTURY HIGH SCHOOL AFTER SCHOOL SAFETY
AND ENRICHMENT FOR TEENS PROGRAM

AB 547 Salas
Ch. 703 Effective January 1, 2014

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

An act to amend Section 8421 of the Education Code, relating to after school programs.

Existing law, the 21st Century High School After School Safety and Enrichment for Teens program, provides for the establishment of a high school after school program that consists of an academic assistance element and an enrichment element. Existing law specifies that the academic assistance element is required to include, but is not limited to, preparation for the high school exit examination, tutoring, homework assistance, or college preparation.

This bill would add career exploration, as defined, to the list of possible activities that may satisfy the academic assistance element. The bill would make technical changes by updating cross-references and would make other nonsubstantive changes.

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EC 8421. There is hereby established the 21st Century High School After School Safety and Enrichment for Teens program. The purpose of the program is to create incentives for establishing locally driven after school enrichment programs that partner schools and communities to provide academic support and safe, constructive alternatives for high school pupils in the hours after the regular schoolday, and that may to assist pupils in passing the high school exit examination required for high school graduation pursuant to Chapter 9 (commencing with Section 60850) of Part 33 of Division 4 of Title 2 for public school programs.

(a) High school after school programs shall serve pupils in grades 9 to 12, inclusive.

(b) A high school after school program established pursuant to this article shall consist of the following two elements:

(1) (A) An academic assistance element that shall include, but need not be limited to, at least one of the following: preparation for the high school exit examination, tutoring, career exploration, homework assistance, or college preparation, including information about the Cal Grant Program established pursuant to Article 3 Chapter 1.7 (commencing with Section 69530) of Chapter 2 of Part 42 of Division 5 of Title 2. The assistance shall be aligned with the regular academic programs of the pupils.

(B) For the purposes of this article, "career exploration" means activities that help pupils develop the knowledge and skills that are relevant to their career interests and reinforce academic content.

(2) An enrichment element that may include, but need not be limited to, community service, career and technical education, job readiness, opportunities for mentoring and tutoring younger pupils, service learning, arts, computer and technology training, physical fitness, and recreation activities.

(c) A program shall operate for a minimum of 15 hours per week.

(d) An entity may operate programs on one or multiple sites. If an entity plans to operate programs at multiple sites, only one application is required.

(e) A program may operate on a schoolsite or on another site approved by the department during the grant application process. A program located off school grounds shall not be approved unless both of the following criteria are met:

(1) Safe transportation is available to transport participating pupils if necessary.

(2) The program is at least as available and accessible as similar programs conducted on schoolsites.
(f) Applicants for grants pursuant to this article shall ensure that all of the following requirements are fulfilled, if applicable:

(1) The application includes a description of the activities that will be available for pupils and lists the program hours.

(2) The application includes an estimate of the following:
   (A) The number of pupils expected to attend the program on a regular basis.
   (B) The average hours of attendance per pupil.
   (C) The percentage of pupils expected to attend the program less than three days a week, three days a week, and more than three days a week, for each quarter of each semester during the grant period.

(3) The application documents the commitments of each partner to operate a program at a location or locations that are safe and accessible to participating pupils.

(4) The application certifies that pupils were involved in the design of the program and describes the extent of their involvement.

(5) The application identifies federal, state, and local programs that will be combined or coordinated with the high school after school program for the most effective use of public resources, and describes a plan for implementing the high school after school program beyond federal grant funding.

(6) The application has been approved by the school district, or the charter school governing board, and the principal of each participating school for each schoolsite or other site.

(7) The application includes a certification that the applicant has complied with the requirement in subdivision (b) of Section 8422.

(8) The application includes a certification that each applicant or partner in the application agrees to do all of the following:
   (A) Assume responsibility for the quality of the program.
   (B) Follow all fiscal reporting and auditing standards required by the department.
   (C) Provide the following information on participating pupils to the department:
      (i) School day attendance rates.
      (ii) Pupil test scores from the Standardized Testing and Reporting Program established under Section 60640, reflecting achievement in the areas addressed by required program elements, if assessments have been established in that area.
      (iii) Pupil achievement on the high school exit exam examination as applicable.
      (iv) Program attendance.
   (D) Acknowledge that program evaluations will be based upon the criteria in Section 8427.

(9) Certify that the applicant has complied with all federal requirements in preparing and submitting the application.

(g) The department shall not establish minimum attendance requirements for individual pupils.

(h) It is the intent of the Legislature, that, to the extent possible, the department require applicants to submit the information required by this section in a short and concise manner.
COMPREHENSIVE SCHOOL SAFETY PLANS: MENTAL HEALTH

AB 549  Jones-Sawyer
Ch. 422  Effective January 1, 2014

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

An act to add Section 32282.1 to the Education Code, relating to school safety.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for its schools operating kindergarten or any of grades 1 to 12, inclusive. Existing law requires the schoolsite council of a school to write and develop the comprehensive school safety plan relevant to the needs and resources of the particular school, except as specified with regard to a small school district. Existing law requires the comprehensive school safety plan to include specified strategies and programs that will provide or maintain a high level of school safety. Existing law encourages, as comprehensive school safety plans are reviewed and updated, all plans to include policies and procedures aimed at the prevention of bullying.

This bill would also encourage that comprehensive school safety plans, as they are reviewed and updated, include clear guidelines, for the roles and responsibilities of certain parties with school-related health and safety responsibilities and would authorize the inclusion in these plans of primary strategies for specified purposes.

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EC 32282.1. As comprehensive school safety plans are reviewed and updated, the Legislature encourages all plans, to the extent that resources are available, to include clear guidelines for the roles and responsibilities of mental health professionals, community intervention professionals, school counselors, school resource officers, and police officers on school campus, if the school district uses these people. The guidelines may include primary strategies to create and maintain a positive school climate, promote school safety, and increase pupil achievement, and prioritize mental health and intervention services, restorative and transformative justice programs, and positive behavior interventions and support.
CONTINUATION SCHOOLS: POLICIES AND PROCEDURES:
VOLUNTARY PLACEMENT

AB 570    Jones-Sawyer
Ch. 365    Effective January 1, 2014

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

An act to add Section 48432.3 to the Education Code, relating to continuation schools.

Existing law establishes continuation schools to provide opportunities for pupils to complete the required academic courses of instruction to graduate from high school, to provide a program of instruction that emphasizes occupational orientation or a work-study schedule and offers intensive guidance services to meet the special needs of pupils, and to provide a program designed to meet the educational needs of each pupil, as specified. Existing law requires the governing board of each high school or unified school district that assigns pupils to continuation schools to adopt rules and regulations governing procedures for the involuntary transfer of pupils to continuation schools.

This bill would, if the governing board of a school district chooses to voluntarily enroll high school pupils in a continuation school, require the governing board to establish and adopt policies and procedures governing the identification, placement, and intake procedures for these pupils, based on a finding that the voluntary placement of the pupil will promote his or her educational interests. The bill would require the adopted policies and procedures to ensure, among other things, that voluntary placement in continuation school not be used as an alternative to expulsion, except as specified, that no specific group of pupils, as specified, is disproportionately enrolled in continuation schools within the school district, that the policies and procedures be provided to pupils, and to the parents and legal guardians of pupils, whose voluntary transfer to a continuation school is under consideration, and that before a pupil is transferred, the pupil and his or her parent or legal guardian may meet with a counselor, principal, or administrator from both the transferor school and the continuation school to determine if transferring is the best option for the pupil.

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EC 48432.3. (a) If the governing board of a school district chooses to voluntarily enroll high school pupils in a continuation school, the governing board of the school district shall establish and adopt policies and procedures governing the identification, placement, and intake procedures for these pupils. These policies and procedures shall ensure that there is a clear criterion for determining which pupils may voluntarily transfer or be recommended for a transfer to a continuation school and that this criterion is not applied arbitrarily, but is consistently applied on a districtwide basis. Approval for the voluntary transfer of a pupil to a continuation school shall be based on a finding that the voluntary placement will promote the educational interests of the pupil.

(b) The policies and procedures adopted under this section shall also ensure all of the following:
(1) That voluntary placement in a continuation school shall not be used as an alternative to expulsion unless alternative means of correction have been attempted pursuant to Section 48900.5.
(2) Shall strive to ensure that no specific group of pupils, including a group based on race, ethnicity, language status, or special needs, is disproportionately enrolled in continuation schools within the school district.
(3) If the governing board of a school district chooses to permit pupils to voluntarily transfer to a continuation school, a copy of the policies and procedures adopted under this section shall be provided to a pupil whose voluntary transfer to a continuation school is under consideration, and to the parent or legal guardian of that pupil.
(4) That the transfer is voluntary and the pupil has a right to return to his or her previous school.
(5) Upon a parent or legal guardian's request and before a pupil is transferred, the parent or legal
guardian may meet with a counselor, principal, or administrator from both the transferor school and the
continuation school to determine if transferring is the best option for the pupil.
(6) To the extent possible, voluntary transfer to a continuation school occurs within the first four weeks
of each semester.
SCHOOL ATHLETICS: CONCUSSIONS

AB 588       Fox  
Ch. 423       Effective January 1, 2014

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

An act to amend Section 49475 of the Education Code, relating to school athletics.

Existing law requires a school district, if it offers an athletic program, to immediately remove an athlete from an athletic activity for the remainder of the day if the athlete is suspected of sustaining a concussion or head injury, and prohibits the athlete from returning to the athletic activity until the athlete is evaluated by a licensed health care provider, trained in the management of concussions, and acting within the scope of his or her practice, and the athlete receives written clearance from the licensed health care provider to return to the athletic activity. Existing law also requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and athlete’s parent or guardian before the athlete’s initiating practice or competition.

This bill would apply these provisions to athletes attending charter schools and private schools. The bill would also make various nonsubstantive changes.

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EC 49475. (a) If a school district, charter school, or private school elects to offer an athletic program, the school district, charter school, or private school shall comply with both of the following:
(1) An athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the athletic activity for the remainder of the day, and shall not be permitted to return to the athletic activity until he or she is evaluated by a licensed health care provider who is trained in the management of concussions and is acting within the scope of his or her practice. The athlete shall not be permitted to return to the athletic activity until he or she receives written clearance to return to the athletic activity from that licensed health care provider.
(2) On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the athlete and the athlete’s parent or guardian before the athlete initiates practice or competition.
(b) This section does not apply to an athlete engaging in an athletic activity during the regular schoolday or as part of a physical education course required pursuant to subdivision (d) of Section 51220.
COMMUNITY COLLEGES: PRIORITY ENROLLMENT

AB 595 Gomez
Ch. 704 Effective January 1, 2014

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

An act to add Sections 66025.91 and 66025.95 to the Education Code, relating to postsecondary education.

Existing law, the Seymour-Campbell Student Success Act of 2012, defines “matriculation” as a process that brings a college and a student into an agreement for the purpose of achieving the student’s educational goals and completing the student’s course of study. The act specifies the responsibilities of students and institutions entering into the agreement, including, among others, a student’s responsibility to identify an academic and career goal, to declare a specific course of study, and to be diligent in class attendance and the completion of assigned coursework.

This bill would state the intent of the Legislature that any student who receives priority registration for enrollment at an educational institution, to the extent that the institution provides specified matriculation services pursuant to the Seymour-Campbell Student Success Act of 2012, shall participate in those services.

Existing law requires the California State University and each community college district, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority in that system for registration for enrollment to any member or former member of the Armed Forces of the United States and to a foster youth or former foster youth, as provided.

This bill would require a community college district to grant priority registration for enrollment to students in the Community College Extended Opportunity Programs and Services program and to disabled students who are determined to be eligible for disabled student programs and services, as provided. The bill would make this provision inoperative on January 1, 2017.

By imposing the above requirement on a community college district, the bill would create a state-mandated local program.

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EC 66025.91. (a) Each community college district, with respect to each campus in its jurisdiction that administers a priority enrollment system, shall grant priority registration for enrollment to students in the Community College Extended Opportunity Programs and Services program, pursuant to Article 8 (commencing with Section 69640), and disabled students, within the meaning of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), who are determined to be eligible for disabled student programs and services pursuant to Chapter 14 (commencing with Section 67300) and Section 84850.

(b) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

EC 66025.95. It is the intent of the Legislature that, consistent with the requirements and intent outlined in subdivisions (b) and (c) of Section 78215, and to the extent that the institution meets the responsibilities outlined in paragraph (2) of subdivision (a) of Section 78212, any student who receives priority registration for enrollment participate in the program of services outlined in paragraph (2) of subdivision (a) of Section 78212.
SCHOOL NUTRITION

AB 626 Skinner
Ch. 706 Effective January 1, 2014
Board Policy: No
Notification: No
 Appropriation: No
 Mandated Cost: No

An act to amend Sections 8423, 8482.3, 8483.3, 35182.5, 38091, 38100, 49430, 49431, 49431.2, 49431.5, 49431.7, and 49432 of, to repeal Sections 38085, 49433, 49433.5, 49433.7, 49433.9, 49435, and 49436 of, and to repeal and add Section 49434 of, the Education Code, relating to school nutrition.

(1) Existing law, the 21st Century High School After School Safety and Enrichment for Teens program, referred to as High School ASSETs program, provides for the establishment of a high school after-school program that consists of an academic assistance element and an enrichment element. In selecting grantees to participate in the program, existing law requires the State Department of Education to consider specified criteria and requires an applicant to certify in the application, among other things, the inclusion of a nutritional snack and a physical activity element.

This bill instead would require an applicant to certify in the application, among other things, the inclusion of a nutritional snack, meal, or both, and a physical activity element.

(2) Existing law, the After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, and requires an entity that applies to operate a program to agree that snacks made available by the program conform to specified nutrition standards. The act requires an applicant to certify in the application, among other things, the inclusion of a nutritional snack.

This bill would also require an entity that applies to operate a program to agree that meals made available by the program conform to specified federal nutrition standards. The bill instead would require an applicant to certify in the application, among other things, the inclusion of a nutritional snack, meal, or both.

The act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.

This bill would set forth a legislative finding and declaration that the bill’s provisions further the purposes of the act.

(3) Existing law requires a minimum of 50% of the items offered for sale each schoolday during regular school hours, as specified, be selected from a specified list including, among others, milk and dairy products and nonconfection grain products.

This bill would repeal these provisions.

(4) Existing law authorizes the governing board of any school district to establish cafeterias in the schools under its jurisdiction and authorizes the moneys received for the sale of food or for any services performed by the cafeterias to be paid into the county treasury to the credit of the cafeteria fund of the particular school district. Existing law requires the cafeteria fund to be used only for those expenditures authorized by the governing board of a school district as necessary for the operation of school cafeterias, including, but not limited to, expenditures for the lease or purchase of additional cafeteria equipment for the central food processing plant. Existing law authorizes the governing board of a school district to also make expenditures from the cafeteria fund for the construction, alteration, or improvement of a central food processing plant, for the installation of additional cafeteria equipment for the central food processing plant, and for the lease or purchase of vehicles used primarily in connection with the central food

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processing plant. Existing law also authorizes the governing board of a school district to authorize the establishment of one or more cafeteria revolving accounts whenever a cafeteria fund is operated.

This bill would instead include as an authorized expenditure of the cafeteria fund expenditures for the lease or purchase of additional equipment for the kitchen or central food processing plant. The bill would instead authorize the governing board of a school district to make expenditures from the cafeteria fund for the purchase and installation of additional preparation, cooking, or service equipment for a kitchen or central food processing plant, including necessary alterations as specified, and for the lease or purchase of vehicles used solely in connection with the kitchen or central food processing plant. The bill would repeal the authority of the governing board of a school district to create one or more cafeteria revolving accounts.

(5) Existing law requires the cost of housing and equipping cafeterias to be a charge against the funds of the school district except that the governing board of a school district is authorized to make the cost of the lease or purchase of additional cafeteria equipment for a central food processing plant, and of vending machines and their installation and housing, a charge against cafeteria funds if the governing board of the school district deems it necessary. Existing law also authorizes the governing board of a school district, if school district funds are expended for the lease or purchase of additional cafeteria equipment for a central food processing plant, or for the lease, purchase, installation, or housing of vending machines, to reimburse school district funds from cafeteria funds within 5 years after the expenditure.

This bill would instead require the cost of providing adequate housing for cafeterias, including, but not limited to, kitchen facilities, to be a charge against the funds of the school district. The bill would require the cost of the lease or purchase of cafeteria equipment and of vending machines and their installation and housing to be a charge against cafeteria funds. However, the governing board of a school district would be authorized to make the cost of the lease or purchase of cafeteria equipment for a kitchen or central food processing plant a charge against the funds of the school district if the governing board of the school district deems it necessary. The bill would also authorize the governing board of the school district, if school district funds are expended for the lease or purchase of kitchen equipment, or for the lease, purchase, installation, or housing of vending machines, as specified, to reimburse school district funds from cafeteria funds during the same fiscal year. The bill would require the governing board of a school district to only approve reimbursement for vending machines if specified conditions apply.

Existing law authorizes the governing board of a school district to make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

This bill would instead authorize the governing board of a school district to make the cost of maintenance of kitchen facilities and the cost of replacement or maintenance of kitchen equipment a charge against cafeteria funds, and would add the cost of providing drinking water in the cafeteria a charge against cafeteria funds.

(6) Existing law, the Pupil Nutrition, Health, and Achievement Act of 2001, requires each elementary school to sell only certain foods to a pupil during the schoolday, except for food items sold as part of a school fundraising event, if the items are sold by pupils of the school and the sale of those items either takes place away from school premises or takes place at least 1/2 hour after the end of the schoolday. Existing law defines “sold” and “full meal” for purposes of those provisions.

This bill would instead make those provisions applicable from 1/2 hour before the start of the schoolday to 1/2 hour after the schoolday, and would include individually sold dairy or whole grain foods among the list of foods that may be sold. The bill would revise the requirements for the sale of food at school fundraising events by deleting the requirement that the items be sold by pupils. The bill would also revise the definition of “sold” and “full meal” for purposes of those provisions.
(7) Existing law, and excluding food served as part of a United States Department of Agriculture (USDA) meal program, requires snacks and entrée items sold to a pupil in middle, junior, or high school to meet specified nutritional standards, and requires entrée items to also be categorized as entrée items in the School Breakfast Program or National School Lunch Program. Existing law authorizes the sale of food items that do not comply with these provisions in specific circumstances, including, but not limited to, if the sale of those items occurs during a school-sponsored pupil activity after the end of the schoolday.

This bill would apply these restrictions to the sale of snacks and entrées to a pupil in middle school or high school from 1/2 hour before the start of the schoolday to 1/2 hour after the schoolday, and would remove the requirement that entrée items be categorized as entrée items in the School Breakfast Program or National School Lunch Program. The bill would also repeal the authority of a middle school or high school to permit the sale of food items that do not comply with the specified nutritional standards if the sale of those items occurs during a school-sponsored pupil activity after the end of the schoolday.

(8) Existing law requires beverages that are sold to a pupil at an elementary school to meet specified nutritional standards, unless the school authorizes the items to be sold by pupils of the school as part of a fundraising event, and the sale of those items either takes place away from school premises or occurs place 1/2 hour or more after the end of the schoolday.

This bill would delete 2%-fat milk from the specified nutritional standards and would delete the provision requiring the items to be sold by pupils of the school.

(9) Existing law requires that only beverages that meet specified nutritional standards may be sold to a pupil at a middle or junior high school from 1/2 hour before the start of the schoolday to 1/2 hour after the end of the schoolday. Existing law authorizes a middle or junior high school to permit the sale of beverages that do not meet the specified nutritional standards as part of a school event if the sale of those items occurs during a school-sponsored event and takes place at the location of the event at least 1/2 hour after the end of the schoolday and vending machines, pupil stores, and cafeterias are used later than 1/2 hour after the end of the schoolday.

This bill would delete 2%-fat milk from the specified nutritional standards and would require that only beverages that meet the same specified nutritional standards may be sold to a pupil at a high school for 1/2 hour before the start of the schoolday to 1/2 hour after the end of the schoolday. The bill would also authorize a middle school or high school to permit the sale of beverages that do not meet specified nutritional standards as part of a school event if either the sale of those items takes place away from the premises of the school or the sale of those items takes place on school premises at least 1/2 hour after the end of the schoolday.

(10) Existing law prohibits a school or school district, during school hours and 1/2 hour before and after school hours, through a vending machine or school food service establishment, as defined, from making available to pupils enrolled in kindergarten, or grades 1 to 12, inclusive, food containing artificial trans fat, as defined, or use food containing artificial trans fat in the preparation of a food item served to those pupils unless the food is provided as part of a USDA meal program.

This bill would instead prohibit a school or school district, from 1/2 hour before the start of the schoolday to 1/2 hour after the end of the schoolday, from selling to pupils enrolled in kindergarten, or grades 1 to 12, inclusive, food containing artificial trans fat, as defined, unless the food is provided as part of a USDA meal program.

(11) Existing law requires the State Department of Education to establish a 3-year pilot program related to the Pupil Nutrition, Health, and Achievement Act of 2001, commencing in the fall of the 2002-03 school year, in which a total of not less than 10 high schools, middle schools, or any combination of high schools and middle schools that apply are selected to participate.
This bill would repeal the provisions related to the pilot program.

(12) Existing law authorizes the Superintendent of Public Instruction to monitor school districts for compliance with the Pupil Nutrition, Health, and Achievement Act of 2001, and requires each school district so monitored to report to the Superintendent in the coordinated review effort regarding the extent of the school district’s compliance. Existing law requires a school district found to be noncompliant with certain provisions of that act to adopt a corrective action plan, as specified.

This bill would repeal those provisions and require that compliance with the act be monitored by the State Department of Education in conformity with the USDA’s administrative review process, as specified.

(13) This bill would also make conforming and nonsubstantive changes to these provisions.
An act to amend Section 48645.3 of the Education Code, relating to pupils.

Existing law requires county boards of education to provide for the administration and operation of public schools in juvenile homes, juvenile halls, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, Orange County youth correctional centers, or in any group home housing 25 or more children, as specified. These public schools are known under existing law as juvenile court schools. Existing law requires that juvenile court schools be conducted in a manner prescribed by the county board of education to best accomplish the purposes set forth in existing law.

This bill would authorize the county board of education to adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, as determined by statewide assessment or objective local evaluations and assessments as approved by the county superintendent of schools. The bill would require an adopted enhanced course of study to meet specified standards, as appropriate, and be tailored to meet the needs of the individual pupil to increase the pupil’s academic literacy and reading fluency.

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EC 48645.3. (a) Juvenile court schools shall be conducted in a manner as shall be prescribed by the county board of education to best accomplish the provisions of Section 48645. The minimum schoolday shall be 240 minutes. Minimum schooldays shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The minimum schoolday for pupils in attendance in approved vocational education programs, work programs prescribed by the probation department pursuant to Section 883 of the Welfare and Institutions Code, and work experience programs shall be 180 minutes, which shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The county board of education shall adopt and enforce a course of study and evaluate its program in accordance with Sections 51040, 51041, 51050, and 51054 and the provisions of Article 3 (commencing with Section 51200) of Chapter 2 of Part 28, except subdivision (c) of Section 51220.

(b) Juvenile court schools shall not be closed on any weekday of the calendar year, except those weekdays adopted by the county board of education as school holidays or set aside by the county board of education for inservice purposes. However, the county board of education may close juvenile court schools when it deems the closing is necessary to accommodate contingencies.

(c) (1) The county board of education may adopt and enforce a course of study that enhances instruction in mathematics and English language arts for pupils attending juvenile court schools, as determined by statewide assessments or objective local evaluations and assessments as approved by the county superintendent of schools.

(2) The enhanced course of study adopted pursuant to paragraph (1) shall meet the standards adopted pursuant to Section 60605.8, as appropriate, and shall be tailored to meet the needs of the individual pupil to increase the pupil’s academic literacy and reading fluency.
PUBLIC SCHOOLS: PUPIL RECORDS: CONFIDENTIALITY

AB 643 Stone
Ch. 80 Effective January 1, 2014

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

An act to amend Section 49076 of the Education Code, relating to public schools.

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 provisions to conform them to federal law.

Please see AB 1068 for the complete text of EC 49076.
An act to add Section 11165.15 to the Penal Code, relating to child abuse.

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 observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill would provide that the fact that a child is homeless or is classified as an unaccompanied minor is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

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PC 11165.15. For the purposes of this article, the fact that a child is homeless or is classified as an unaccompanied minor, as defined in Section 11434a of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), is not, in and of itself, a sufficient basis for reporting child abuse or neglect. Nothing in this section shall limit a mandated reporter, as defined in Section 11165.7, from making a report pursuant to Section 11166 whenever the mandated reporter has knowledge of or observes an unaccompanied minor whom the mandated reporter knows or reasonably suspects to be the victim of abuse or neglect.
VEHICLE’S: DRIVER’S LICENSES: MEDICAL EXAMINATIONS

AB 722
Ch. 160
Lowenthal
Effective January 1, 2014

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

An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

Existing law requires applicants for an original or renewal certificate to drive a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle to submit a report, on a form approved by the department, of a medical examination of the applicant given not more than 2 years prior to the date of the application by a physician licensed to practice medicine, a licensed advanced practice registered nurse qualified to perform a medical examination, or a licensed physician assistant.

This bill would add a specified licensed doctor of chiropractic to the list of persons who may make a report of a medical examination of the specified applicants.

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VC 12517.2. (a) Applicants for an original or renewal certificate to drive a schoolbus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle shall submit a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine, a licensed advanced practice registered nurse qualified to perform a medical examination, a licensed physician assistant, or a licensed doctor of chiropractic listed on the most current National Registry of Certified Medical Examiners, as adopted by the United States Department of Transportation, as published by the notice in the Federal Register, Volume 77, Number 77, Friday, April 20, 2012, on pages 24104 to 24135, inclusive, and pursuant to Section 391.42 of Title 49 of the Code of Federal Regulations. The report shall be on a form approved by the department.
(b) Schoolbus drivers, within the same month of reaching 65 years of age and each 12th month thereafter, shall undergo a medical examination, pursuant to Section 12804.9, and shall submit a report of that medical examination on a form as specified in subdivision (a).
An act to amend Sections 366.31, 391, 727, 11363, 11400, 11403, 16120, 16501.1, and 16507.6 of, and to add Section 388.1 to, the Welfare and Institutions Code, relating to foster care.

(1) Existing law provides that a minor who has been abused or neglected, or who has violated a law or ordinance, as specified, is within the jurisdiction of the juvenile court as a dependent child or a ward, respectively. Existing law also establishes the court's transition jurisdiction over certain minors and nonminors, as specified.

Existing law requires the court to consider whether a nonminor dependent may safely reside in the home of the parent or guardian and, if the nonminor cannot reside safely in that home, or if it is not in the minor's best interest to reside in the home, to consider whether to continue or terminate reunification services for the parent or legal guardian.

This bill would authorize the court to order a nonminor dependent to reside in the home of the parent or former guardian if the court determines the nonminor dependent may safely reside in that home and to terminate or continue jurisdiction, as specified. The bill would require the court to hold periodic hearings for a nonminor dependent residing in that home and would require the social worker or probation officer to file a report describing the services offered to the family and the progress made by the family, as specified. By imposing new duties on social workers and probation officers, the bill would impose a state-mandated local program.

Existing law authorizes a court to resume dependency jurisdiction over a nonminor former dependent child of the juvenile court and to assume or resume transition jurisdiction over a nonminor former ward of the juvenile court if the nonminor meets specified eligibility criteria and signs a mutual transition or voluntary reentry agreement, as described.

This bill would authorize, on and after January 1, 2014, a nonminor who has not attained 21 years of age to petition a specified court for a hearing to determine whether to assume dependency jurisdiction over him or her if he or she received public assistance after attaining 18 years of age, as specified, and the nonminor's former guardian or guardians or adoptive parent or parents died after he or she attained 18 years of age, but before he or she attains 21 years of age. The bill would require the juvenile court in which the petition was filed to order a hearing within 15 judicial days of filing if there is a prima facie showing that the nonminor meets certain eligibility criteria. The bill would require the court, prior to the hearing, to order the county child welfare or probation department to prepare a report that addresses the nonminor's educational or vocational plans, as specified, and recommendations for his or her placement. The bill would authorize the court to assume dependency jurisdiction over a former dependent or ward if, among other things, the nonminor intends and agrees to satisfy certain educational or vocational requirements and signs a voluntary reentry agreement. The bill would require the agency made responsible for the nonminor's placement and care to prepare a new transitional independent living case plan for the nonminor within 60 calendar days of the date the nonminor signs the voluntary reentry agreement and to submit the plan to the court for review, as specified. By imposing new duties on social workers and probation officers, the bill would impose a state-mandated local program.

(2) Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor who is adjudged a ward of the court, as specified, and to order the care, custody, and control of the minor to be under the supervision of the probation officer.
This bill would make those provisions applicable to nonminors. By imposing additional duties on probation officers, the bill would impose a state-mandated local program.

(3) Existing law governs the Aid to Families with Dependent Children-Foster Care Program and provides that nonminor dependents who meet specified criteria are eligible for assistance.

This bill would define a “transition dependent” for purposes of these provisions to mean a minor who is between 17 years and 5 months of age and 18 years of age who is subject to the court’s transition jurisdiction and would make other conforming and related changes.

(4) Existing law establishes the Adoption Assistance Program and specifies the eligibility criteria for benefits to children who received those benefits with respect to a prior adoption that has since been dissolved, as specified, or because the adoptive parents died and other specified criteria are met.

This bill would make those benefits available to nonminors.
COURTS: TRAINING PROGRAMS:
GENDER IDENTITY AND SEXUAL ORIENTATION

AB 868
Ammiano
Ch. 300
Effective January 1, 2014
Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 68553 of the Government Code, and to amend Sections 102, 304.7, and 317 of the Welfare and Institutions Code, relating to courts.

(1) Existing law requires the Judicial Council to perform various duties designed to assist the judiciary, including establishing judicial training programs for judges, referees, commissioners, mediators, and others who perform duties in family law matters. Existing law requires this training to include instruction in all aspects of family law, including the effects of gender on family law proceedings.

This bill would require that training to also include the effects of gender identity and sexual orientation on family law proceedings.

(2) Existing law establishes the jurisdiction of the juvenile court, which is authorized to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law requires a court to appoint counsel for a child who is not represented by counsel in these dependency proceedings, except as specified. Under existing law, appointed counsel is required to have a caseload and training that ensures adequate representation, and Judicial Council is required to promulgate rules of court that establish caseload standards, training requirements, and guidelines for counsel.

This bill would require that training to also include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.

(3) Existing law requires the Judicial Council to establish a planning and advisory group to recommend on the development of program guidelines and funding procedures for court-appointed special advocates (CASAs) and to establish a request-for-proposal process to establish, maintain, or expand local CASA programs, pursuant to which volunteer CASAs provide designated services and support to children under the jurisdiction of the juvenile court. The council is required to, among other things, require an initial and ongoing training program for all persons acting as a CASA that covers various topics, including, but not limited to, child development.

This bill would require that training to also include cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender (LGBT) youth.

(4) Existing law requires the Judicial Council to develop and implement standards for the education and training of all judges who conduct dependency hearings.

This bill would require that training to include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.
CONSERVATORS AND GUARDIANS: PERSONAL RIGHTS OF CONSERVATEES

AB 937     Wieckowski
Ch. 127    Effective January 1, 2014

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

An act to amend Section 2351 of the Probate Code, relating to conservators and guardians.

Existing law requires that a guardian or conservator of a person be responsible for the care, custody, control, and education of a ward or conservatee, subject to a court’s determination of the extent of those powers, as specified.

This bill would provide that the conservator’s control of the conservatee shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by a court order.

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Probate Code 2351. (a) Subject to subdivision (b), the guardian or conservator, but not a limited conservator, has the care, custody, and control of, and has charge of the education of, the ward or conservatee. This control shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by court order.

(b) Where the court determines that it is appropriate in the circumstances of the particular conservatee, the court, in its discretion, may limit the powers and duties that the conservator would otherwise have under subdivision (a) by an order stating either of the following:

(1) The specific powers that the conservator does not have with respect to the conservatee’s person and reserving the powers so specified to the conservatee.

(2) The specific powers and duties the conservator has with respect to the conservatee’s person and reserving to the conservatee all other rights with respect to the conservatee’s person that the conservator otherwise would have under subdivision (a).

(c) An order under this section (1) may be included in the order appointing a conservator of the person or (2) may be made, modified, or revoked upon a petition subsequently filed, notice of the hearing on the petition having been given for the period and in the manner provided in Chapter 3 (commencing with Section 1460) of Part 1.

(d) The guardian or conservator, in exercising his or her powers, may not hire or refer any business to an entity in which he or she has a financial interest except upon authorization of the court. Prior to authorization from the court, the guardian or conservator shall disclose to the court in writing his or her financial interest in the entity. For the purposes of this subdivision, “financial interest” shall mean (1) an ownership interest in a sole proprietorship, a partnership, or a closely held corporation, or (2) an ownership interest of greater than 1 percent of the outstanding shares in a publicly traded corporation, or (3) being an officer or a director of a corporation. This subdivision shall apply only to conservators and guardians required to register with the Statewide Registry under Chapter 13 (commencing with Section 2850).
Existing law authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court for the sealing of the records relating to the person’s case, including records in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials as the petitioner alleges to have custody of the records. Existing law permits the petition to be filed 5 years or more after the jurisdiction of the juvenile court has terminated or, if no petition was filed, 5 years or more after the person was cited to appear before a probation officer or was taken before a probation officer or law enforcement officer, or, in any case, at any time after the person reaches 18 years of age. This provision does not apply if the person was found by the juvenile court to have committed any one of specified serious or violent offenses and the person was 14 years of age or older when he or she committed the offense. Existing law also does not permit the sealing of a person’s juvenile court record for an offense if the person has been convicted of that offense in a criminal court, as specified.

This bill would require, on and after January 1, 2015, each court and probation department to ensure that information regarding the eligibility for and the procedures to request the sealing and destruction of records is provided to each person for whom a petition has been filed on or after January 1, 2015, to adjudge the person a ward of the juvenile court and to specified other minors who are taken into temporary custody and brought before a probation officer, as specified. The bill would require the Judicial Council, on or before January 1, 2015, to develop related informational materials and a specified form. The bill would specify when the materials and the form are to be provided.

By imposing additional duties on local probation departments, the bill would impose a state-mandated local program.
PUBLIC POSTSECONDARY EDUCATION: CREDIT BY EXAMINATION

AB 1025   Atkins
Ch. 651    Effective January 1, 2014

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

An act to add Section 66027.5 to the Education Code, relating to public postsecondary education.

Existing law establishes 3 segments of public postsecondary education in the state, the California State University, administered by the Trustees of the California State University, the California Community Colleges, administered by the Board of Governors of the California Community Colleges, and the University of California, administered by the Regents of the University of California.

This bill would require the California Community Colleges and the California State University, and request the Regents of the University of California, to provide information about credit by examination opportunities wherever course and class information is available.

By imposing additional requirements on community college districts, the bill would impose a state-mandated local program.

* * * *

EC 66027.5. (a) The California Community Colleges and the California State University shall provide information about credit by examination opportunities wherever course and class information is available.
(b) The Regents of the University of California are requested to provide information about credit by examination opportunities wherever course and class information is available.
PUPIL RECORDS

AB 1068 Bloom
Ch. 713 Effective January 1, 2014

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

An act to amend Sections 49073 and 49076 of the Education Code, relating to pupil records.

(1) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except to specified persons under certain circumstances, including to a pupil 16 years of age or older or who has completed grade 10.

This bill would additionally permit access to a pupil who is 14 years of age or older if the pupil is both a homeless child or youth and an unaccompanied youth, as defined, and to an individual who has completed and signed a Caregiver's Authorization Affidavit for purposes of enrolling a minor in school. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

(2) Existing law authorizes school districts to release pupil directory information, as specified, and defines directory information as one or more prescribed items, including, among others, a pupil's name, address, telephone number, and date of birth.

This bill would prohibit the release of directory information of a pupil identified as a homeless child or youth, as defined, unless a parent or eligible pupil has given written consent that such information may be released.

EC 49076, as provided on the following page, includes amendments from AB 643.

* * * * *

EC 49073. (a) School districts shall adopt a policy identifying those categories of directory information as defined in subdivision (c) of Section 49061 that may be released. The school district shall determine which individuals, officials, or organizations may receive directory information. However, no information may be released to a private profitmaking entity other than employers, prospective employers, and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college operating under Chapter 8 (commencing with Section 94700) of Part 59 of Division 10 of Title 3 or its authorized representative. However, no such private school or college shall use that information for other than purposes directly related to the academic or professional goals of the institution, and a violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500). In addition, the privilege of the private school or college to receive the information shall be suspended for a period of two years from the time of discovery of the misuse of the information. Any school district may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

(b) Directory information may be released according to local policy as to any pupil or former pupil. However, notice shall be given at least on an annual basis of the categories of information that the school district plans to release and of the recipients. No directory information shall not be released regarding any pupil if a parent of that pupil has notified the school district that the information shall not be released.

(c) Directory information shall not be released regarding a pupil identified as a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42
U.S.C. Sec. 11434a(2)), unless a parent, or pupil accorded parental rights, as identified in the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), has provided written consent that directory information may be released.

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 educational 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 subparagraph 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 if the agreement complies with the requirements set forth in Section 99.35 of Title 34 of the Code of Federal Regulations.

(L) A pupil 14 years of age or older who meets both of the following criteria:

(i) The pupil is a homeless child or youth, as defined in paragraph (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)).

(ii) The pupil is an unaccompanied youth, as defined in paragraph (6) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(6)).

(M) An individual who completes items 1 to 4, inclusive, of the Caregiver's Authorization Affidavit, as provided in Section 6552 of the Family Code, and signs the affidavit for the purpose of enrolling a minor in school.

(N) (i) An agency caseworker or other representative of a state or local child welfare agency, or tribal organization, as defined in Section 450b of Title 25 of the United States Code, that has legal responsibility, in accordance with state or tribal law, for the care and protection of the pupil.

(ii) The agency or organization specified in clause (i) may disclose pupil records, or the personally identifiable information contained in those records, to an individual or entity engaged in addressing the pupil's educational needs, if the individual or entity is authorized by the agency or organization to receive the disclosure and the information requested is directly related to the assistance provided by that individual or entity. The records, or the personally identifiable information contained in those records, shall not otherwise be disclosed by that agency or organization, except as provided under the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), state law, including paragraph (3), and tribal law.

(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 subparagraph 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 parents 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 predictive tests, administering student aid programs, and improving instruction, if the studies are conducted in a manner that will not permit the personal identification of pupils or their parents by persons other than representatives of the organizations, 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 the authorization in Section 99.31(a)(1)(i)(B) of Title 34 of the Code of Federal Regulations, a disclosure pursuant to this paragraph subparagraph 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 2004 (20 U.S.C. Sec. 1232g) and state law, including this section, and implementing regulations, without the written consent of the pupil’s parent. This paragraph does shall 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 is met:

(A) Each agency and school district shall develop security procedures or devices by which unauthorized personnel cannot access data contained in the system.

(B) Each agency and school district shall develop procedures or devices to secure privileged or confidential data from unauthorized disclosure.

(C) Each school district shall comply with the access log requirements of Section 49064.

(D) The right of access granted shall not include the right to add, delete, or alter data without the written permission of the agency holding the data.

(E) An agency or school district shall not make public or otherwise release information on an individual contained in the database if the information is protected from disclosure or release as to the requesting agency by state or federal law or regulation.

(b) The officials and authorities to whom pupil records are disclosed pursuant to subdivision (4)(c) of Section 48902 and subparagraph (1) of paragraph (1) of subdivision (a) shall certify in writing to the disclosing school district that the information shall not be disclosed to another party, except as provided under the federal Family Educational Rights and Privacy Act of 2004 (20 U.S.C. Sec. 1232g) and state law, without the prior written consent of the parent of the pupil or the person identified as the holder of the pupil’s educational rights.

(c) (1) Any A person or party who is not permitted access to pupil records pursuant to subdivision (a) or (b) may request access to pupil records as provided for in paragraph (2).

(2) A local educational agency or other person or party who has received pupil records, or information from pupil records, may release the records or information to a person or party identified in paragraph (1) without the consent of the pupil’s parent or guardian pursuant to Section 99.31(b) of Title 34 of the Code of Federal Regulations if the records or information are deidentified, which requires the removal of all personally identifiable information, provided that if the disclosing local educational agency or other person or party has made a reasonable determination that a pupil’s identity is not personally identifiable, whether through single or multiple releases, and has taken into account other pertinent reasonably available information.
SEX OFFENDERS: FOSTER CARE HOMES: PROHIBITIONS

AB 1108      Perea
Ch. 772      Effective January 1, 2014

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

An act to add Section 3003.6 to the Penal Code, relating to sex offenders.

Existing law requires every person convicted of certain offenses, for the rest of his or her life while residing in California, or while attending school or working in California, as specified, to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities, within 5 working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and to register thereafter as specified. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including group homes and foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.

This bill would, subject to exception, prohibit any person who is required to register as a sex offender, based upon the commission of an offense against a minor, from residing, working, or volunteering in specified foster homes or facilities, as provided. The bill would provide that violation of the prohibition is a misdemeanor.

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PC 3003.6. (a) Every person who is required to register pursuant to Section 290, based upon the commission of an offense against a minor, is prohibited from residing, except as a client, and from working or volunteering in any of the following:
(1) A child day care facility or children’s residential facility that is licensed by the State Department of Social Services, a home certified by a foster family agency, or a home approved by a county child welfare services agency.
(2) A home or facility that receives a placement of a child who has been, or may be, declared a dependent child of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code or who has been, or may be, declared a ward of the juvenile court pursuant to Section 601 or 602 of the Welfare and Institutions Code.
(b) Any person who violates this section is guilty of a misdemeanor.
(c) Nothing in this section shall limit the authority of the State Department of Social Services to deny a criminal record exemption request and to take an action to exclude an individual from residing, working, or volunteering in a licensed facility pursuant to Sections 1522, 1569.09, 1569.17, or 1596.871 of the Health and Safety Code.
An act to amend, repeal, and add Sections 1277 and 1278 of the Code of Civil Procedure, and to add Section 103426 to, the Health and Safety Code, relating to gender identity.

Existing law sets forth the requirements and procedures for proceedings commenced by the filing of a petition for a change of name. Existing law authorizes a court to grant the petition without a hearing if no written objection to the change of name is timely filed and imposes publication requirements with respect to the court hearing of the change of name petition.

This bill would provide that if a petition for a change of name is sought to conform the petitioner’s name to his or her gender identity, and no timely objection is filed, the court is required to grant the petition without a hearing. The bill would exempt the petition action from a specified publication requirement. The bill would authorize a court, at the request of the petitioner, to issue an order reciting the name of the petitioner as a result of the court’s granting of the petition. The bill would make these provisions operative on July 1, 2014.

Existing law authorizes a person to file a petition with the superior court in any county to seek a judgment recognizing a change of gender whenever that person has undergone clinically appropriate treatment for the purpose of gender transition. Existing law requires that if requested, the judgment include an order that a new birth certificate be prepared to reflect the change of gender and any change of name. Existing law requires that the State Registrar transmit a certified copy of a birth certificate newly established pursuant to these provisions.

This bill would require the State Registrar to issue a new birth certificate reflecting a change of sex without a court order for any person born in the state who has undergone clinically appropriate treatment for the purpose of gender transition and submits to the State Registrar an affidavit of a physician attesting that the person has undergone that treatment, as specified. Upon receipt of the documentation and a prescribed fee, the State Registrar would be required to establish a new birth certificate reflecting the person’s sex and any change of name, if applicable.
PUBLIC RECORDS: CRIME VICTIMS

AB 1195  Eggman
Ch. 272  Effective January 1, 2014
Board Policy:  No
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to add Section 6254.30 to the Government Code, relating to public records.

The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain exceptions. The act specifically requires state and local law enforcement agencies to disclose certain information regarding an incident to a victim, or the victim’s authorized representative, unless certain conditions exist.

This bill would prohibit a state or local law enforcement agency from requiring a victim of an incident, or the victim’s authorized representative, to show proof of the victim’s legal presence in this country to obtain the information required to be disclosed by that law enforcement agency, as specified. For identification purposes, the bill would require a state or local law enforcement agency, if it requires identification, to accept certain forms of identification for a victim of an incident, or the victim’s authorized representative, to obtain that information.

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GC 6254.30. A state or local law enforcement agency shall not require a victim of an incident, or an authorized representative thereof, to show proof of the victim’s legal presence in the United States in order to obtain the information required to be disclosed by that law enforcement agency pursuant to subdivision (f) of Section 6254. However, if, for identification purposes, a state or local law enforcement agency requires identification in order for a victim of an incident, or an authorized representative thereof, to obtain that information, the agency shall, at a minimum, accept a current driver’s license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship, or a current Matricula Consular card.
PUPIL RIGHTS: SEX-SEGREGATED SCHOOL PROGRAMS AND ACTIVITIES

AB 1266    Ammiano
Ch. 85     Effective January 1, 2014

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

An act to amend Section 221.5 of the Education Code, relating to pupil rights.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex.

This bill would require that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.

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EC 221.5. (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.
(b) A school district may not prohibit a pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2.
(c) A school district may not require a pupil of one sex to enroll in a particular class or course, unless the same class or course is also required of a pupil of the opposite sex.
(d) A school counselor, teacher, instructor, administrator, or aide may not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex or, in counseling a pupil, differentiate career, vocational, or higher education opportunities on the basis of the sex of the pupil counseled. Any school personnel acting in a career counseling or course selection capacity to a pupil shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil’s sex. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.
(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.
(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil’s records.

65
Please note: This bill was signed into law in 2012.
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 120355 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 2950 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.
This measure would declare that the Legislature recognizes the importance of engaging with young people to influence decisions that affect their quality of life and well-being, and that the Student and Youth Bill of Rights serves as a framework to guide and inform the youth of the state in organizing and advocating policy issues on their own behalf.

WHEREAS, In the state of California, children, youth, and young adults under 25 years of age comprise roughly one-third of the state’s population; and

WHEREAS, The youth of California are among the state’s greatest assets and are an important indicator of the state’s future prosperity. The youth of the state are tomorrow’s workers, entrepreneurs, educators, public servants, and community leaders and need the education and training to participate and succeed in the California economy; and

WHEREAS, It is projected that by 2018, nearly two-thirds of the jobs in California and the nation will require some college or additional training after high school and it is imperative that our youth are prepared to compete for jobs in this economy. However, many youth in California lack the basic conditions that promote their well-being and educational success; and

WHEREAS, The face of California is changing and racial and ethnic minorities now comprise the majority of the student population as Latino, Asian, African American, Pacific Islander, and mixed-race students make up 73 percent of all California students; and

WHEREAS, While many populations face barriers and challenges, an abundant body of research has demonstrated that young people of color disproportionately experience lower and worsening outcomes with regard to educational attainment, socioeconomic status, health status, and interactions with the juvenile justice and child welfare systems; and

WHEREAS, Young people of color are more likely to grow up in neighborhoods where they confront challenges to their safety and well-being and also are more likely to attend schools that lack the facilities, funding, and support staff, including, but not limited to, counselors, coaches, and after school programs, that contribute to a successful learning environment; and

WHEREAS, Young people of color are more likely to start their adult lives without a high school diploma as a result of the barriers they encounter. African Americans over 25 years of age are nearly twice as likely to be without a high school diploma as their white counterparts, and Latinos are almost seven times as likely to lack a high school diploma compared to their white counterparts. Furthermore, young people of color who graduate from high school are less likely to be prepared for college, with data showing that only 14 percent of Latino high school graduates and 15 percent of African American high school graduates have completed the courses needed to access higher education; and

WHEREAS, In seeking to respond to these sobering conditions, it is not enough to appeal to individual responsibility, self-discipline, and personal commitment to one’s self-actualization as the remedy. Instead, a societal commitment is needed to confront and rectify these barriers with an understanding of, and deriving hope from, the fact that they are human made and can be changed; and

WHEREAS, All young people have a stake and role to play in this effort and must be active participants in articulating a vision for surmounting these challenges. Therefore, beginning in 2011,
hundreds of youth and youth advocates throughout California began a process of needs identification to develop a "Student and Youth Bill of Rights" to serve as a framework for doing so; and

WHEREAS, In keeping with the basic principles of our democracy, the Student and Youth Bill of Rights is premised on the fundamental belief that the right to a quality of life shall not be denied or abridged based on one's race, gender, ethnicity, sexual orientation, disability, religion, socio-economic status, place of residence, country of origin, or previous and resolved contact with the justice system; and

WHEREAS, The Student and Youth Bill of Rights also rests on the belief that in addition to educational opportunity, youth need supportive conditions in which to thrive and grow, including safe and secure housing, safe neighborhoods and communities, basic human services, healthy and nutritious food, physical activity and recreation, art and culture, affordable and accessible public transportation, and dental and health care, among other supports; and

WHEREAS, The Student and Youth Bill of Rights sets forth that all students are deserving of safe and secure public school facilities of equal quality, regardless of whether it is a magnet school, a continuation school, or a charter school or the public school is in a rural, urban, or suburban location; and

WHEREAS, Youth in California should be served by school districts that are adequately funded through a school finance system that is fair, transparent, equitable, and accountable. The system should recognize the additional educational barriers experienced by particular subgroups, including, but not limited to, English learners and children living in poverty, and include a transparent method for ensuring the allocation of supplemental funding tied to their amelioration; and

WHEREAS, Youth should have the opportunity to study curriculum that is relevant to their life experiences, includes content acknowledging the ongoing struggle of oppressed peoples, and examines the material, social, and cultural needs of their communities. This knowledge helps personalize education for all youth and provides them with examples of how to become agents of change in their communities; and

WHEREAS, Students and youth with children of their own should have the right of access to affordable day care for their children as long as they maintain a passing grade point average or employment; and

WHEREAS, Students and youth have a right to receive their school records, transcripts, test scores, medical records, immunization records, and key identification documents in order to access schools and public and community resources without prejudice and in a timely manner. Youth exiting foster care, group homes, mental health facilities and other facilities, including, but not limited to, detention or incarceration facilities, should be assured timely access to these documents as well as referrals to education and essential services at the time of their release; and

WHEREAS, Communities should have the ability to establish and be engaged in the development of programs for restorative and transformative justice and positive behavior interventions in their schools that make use of intervention workers and peace builders in schools and communities to address conflicts while preventing school suspension, expulsion, and arrests, providing safe passage to and from school, providing for rumor control and retaliation prevention, and building truces and cease-fires between neighborhoods; and

WHEREAS, Due to the importance of family stability to child and youth development, teen and young adult parents incarcerated due to nonviolent and nonsexual crimes should be encouraged and supported to remain in contact with their children. Similarly, youth whose parents are detained or incarcerated should be assisted to the extent possible in maintaining family bonds; and

WHEREAS, New schools and other youth-serving facilities should be built to encourage and celebrate youth identities and possibilities, with attention focused not only on function but also on what is
communicated through the design and aesthetic aspects of the buildings and the environments they support; and

WHEREAS, Pupils and youth deserve the opportunity to develop, make mistakes, and grow with appropriate limits established and without unreasonable school, court, or law enforcement labeling and surveillance. In instances when the law is broken, due process should not be denied, and youth under 18 years of age should not be added to police databases without a fair and just trial, and pupils and youth should be secure from arbitrary police stops, searches and seizures, excessive ticketing and fines, and criminalization of truancy or lateness to school; and

WHEREAS, On completion of elementary and secondary education, California high school graduates should be prepared to either enter into a career or have acquired the knowledge and completed the coursework necessary to start a successful college tenure; and

WHEREAS, All eligible students, including immigrant students, should have access to affordable and available higher education, ensuring that course offerings are available not only for the full-time, nonworking students, but that ample evening, weekend, and online courses are available for those who work while pursuing an education; and

WHEREAS, The state is just one partner among many that must be invested in the fulfillment of our societal promise to California’s youth, and other critical partners are parents, peers, neighbors, philanthropy, the private sector, and nongovernmental organizations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature recognizes the importance of engaging with young people to influence decisions that affect their quality of life and well-being, and that the Student and Youth Bill of Rights serves as a framework to guide and inform the youth of the state in organizing and advocating policy issues on their own behalf; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.
SENATE
BILLS
CRIMES: SEX CRIMES

SB 59    Walters
Ch. 282  Effective Immediately

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

An act to amend Sections 288a and 289 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

Existing law provides various circumstances that constitute oral copulation against an individual’s will and sexual penetration against an individual’s will, including an act accomplished with an individual who is not the spouse of the perpetrator where the individual submits under the belief that the individual committing the act is the victim’s spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief.

This bill would instead provide that these types of oral copulation and sexual penetration occur where the individual submits under the belief that the individual committing the act is someone known to the victim other than the accused.

By expanding the definition of a crime, this bill would impose a state-mandated local program.

This bill would declare that it is to take effect immediately as an urgency statute.
EARTHQUAKE EARLY WARNING SYSTEM

SB 135          Padilla
Ch. 342         Effective January 1, 2014

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

An act to add and repeal Section 8587.8 of the Government Code, relating to earthquake safety.

There is in state government, pursuant to the Governor's Reorganization Plan No. 2, operative July 1, 2013, the Office of Emergency Services. Existing law requires the office to develop and distribute an educational pamphlet for use by kindergarten, any of grades 1 to 12, inclusive, and community college personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.

This bill would require the office, in collaboration with various entities, including the United States Geological Survey, to develop a comprehensive statewide earthquake early warning system in California through a public-private partnership and would require the system to include certain features, including the installation of field sensors. The bill would require the office to develop an approval mechanism, as provided, to review compliance with earthquake early warning standards as they are developed. The bill would require the office to identify funding sources for the system. The bill would prohibit the office from identifying the General Fund as a funding source to establish the system, beyond those components or programs that are currently funded. The bill would make these provisions contingent upon the office identifying funding sources for the system, as provided. If no funding sources are identified by January 1, 2016, the bill would repeal these provisions.

* * * * *

GC 8587.8. (a) The Office of Emergency Services, in collaboration with the California Institute of Technology (Caltech), the California Geological Survey, the University of California, the United States Geological Survey, the Alfred E. Alquist Seismic Safety Commission, and other stakeholders, shall develop a comprehensive statewide earthquake early warning system in California through a public-private partnership, which shall include, but not be limited to, the following features:

1. Installation of field sensors.
2. Improvement of field telemetry.
3. Construction and testing of central processing and notification centers.
4. Establishment of warning notification distribution paths to the public.
5. Integration of earthquake early warning education with general earthquake preparedness efforts.

(b) In consultation with stakeholders, the Office of Emergency Services shall develop an approval mechanism to review compliance with earthquake early warning standards as they are developed. The development of the approval mechanism shall include input from a broad representation of earthquake early warning stakeholders. The approval mechanism shall accomplish all of the following:

1. Ensure the standards are appropriate.
2. Determine the degree to which the standards apply to providers and components of the system.
3. Determine methods to ensure compliance with the standards.
4. Determine requirements for participation in the system.

(c) The Office of Emergency Services shall identify funding for the system described in subdivision (a) through single or multiple sources of revenue that shall be limited to federal funds, funds from revenue bonds, local funds, and private grants. The Office of Emergency Services shall not identify the General Fund as a funding source for the purpose of establishing the system described in subdivision (a), beyond the components or programs that are currently funded.
(d) Subdivisions (a) and (b) shall not become operative until the Office of Emergency Services identifies funding pursuant to subdivision (c).

(e) (1) If funding is not identified pursuant to subdivision (c) by January 1, 2016, this section is repealed unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

(2) The Office of Emergency Services shall file with the Secretary of State its determination that funding was not identified pursuant to subdivision (c) by January 1, 2016.
POSTSECONDARY EDUCATION BENEFITS:
CHILDREN OF DEPORTED OR VOLUNTARILY DEPARTED PARENTS

SB 141    Liu
Ch. 576    Effective January 1, 2014

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

An act to amend Sections 76140 and 89705 of the Education Code, relating to postsecondary education.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public higher education in the state. Existing law exempts specified students from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would additionally exempt a student who is a United States citizen who resides in a foreign country, and who meets all of the following requirements, from nonresident tuition at the California Community Colleges and the California State University: (A) demonstrates financial need for the exemption; (B) has a parent who has been deported or was permitted to depart voluntarily; (C) moved abroad as a result of that deportation or voluntary departure; (D) lived in California immediately before moving abroad; (E) attended a public or private secondary school in the state for 3 or more years; and (F) upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, as defined, will be living in California, and will file an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible. The bill would request the regents to enact regulations and procedures to exempt similarly situated students of the University of California from nonresident tuition.

This bill would incorporate changes proposed by both this bill and SB 150 to the provision relating to nonresident tuition at the California Community Colleges, contingent on the prior enactment of that bill, as specified.

(2) To the extent the provisions of this bill would place additional requirements on community college districts regarding the provision of postsecondary education benefits to additional categories of students, the bill would impose a state-mandated local program.
AN ACT TO AMEND SECTION 311.11 OF, AND TO REPEAL AND ADD SECTION 288.2 OF, THE PENAL CODE, RELATING TO SEX OFFENDERS.

(1) Existing law makes it a crime for a person, with knowledge that another person is a minor, to knowingly distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by electronic mail or the Internet any harmful matter, as defined, to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or the minor, and with the intent or the purpose of seducing a minor.

This bill would instead make it a misdemeanor or a felony for every person who knows, should have known, or believes that another person is a minor to distribute or exhibit harmful matter, as defined, depicting a minor or minors engaging in sexual conduct, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent or for the purpose of engaging in sexual intercourse, sodomy, oral copulation, or with the intent that either person touch an intimate body part of the other. The bill would make a violation of these provisions punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 2, 3, or 5 years.

If the matter used was harmful matter, as defined, but does not include a depiction of a minor engaged in sexual conduct, the bill would make a violation of these provisions punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months, or 2 or 3 years.

By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(2) Existing law makes it a felony, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years, or in a county jail for up to one year, or by a fine not exceeding $2,500, or by both the fine and imprisonment, to knowingly possess or control child pornography, as specified.

The bill would make it either a felony, punishable by imprisonment in the state prison for 16 months, or 2 or 5 years, or a misdemeanor, punishable by imprisonment in a county jail for up to one year, or by a fine not exceeding $2,500, or by both the fine and imprisonment, if the person knowingly possesses or controls child pornography, as specified, and the matter contains more than 600 images, as defined, at least 10 of which are images of prepubescent minors or minors under 12 years of age; or the matter portrays sexual sadism or sexual masochism involving a minor, as defined.

This bill would make other technical, nontaxicative, and conforming changes.
PUPILS: CONCURRENT ENROLLMENT IN SECONDARY SCHOOL
AND COMMUNITY COLLEGE: NONRESIDENT TUITION EXEMPTION

SB 150  Lara  Board Policy:  No
Ch. 575  Effective January 1, 2014  Notification:  No

An act to amend Section 76140 of the Education Code, relating to pupils.

Existing law authorizes the governing board of a school district to allow pupils whom the school district has determined would benefit from advanced scholastic or vocational work to attend a community college as special part-time or full-time students, as specified. Existing law authorizes community college governing boards to exempt these special part-time students from paying the $46 per unit per semester enrollment fee.

This bill would authorize a community college district to exempt a pupil attending a community college as a special part-time student from paying nonresident tuition at the community college.
HOMELESS YOUTH EDUCATION SUCCESS ACT

SB 177    Liu  
Ch. 491   Effective January 1, 2014
Board Policy: Yes  
Notification: Yes  
 Appropriation: No  
Mandated Cost: Yes

An act to amend Section 48850 of, and to add Section 48852.5 to, the Education Code, relating to homeless children and youths.

Existing law states the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet state pupil academic achievement standards, and requires educators, juvenile courts, and certain other persons to work together to, among other things, ensure that each pupil has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. Existing law requires a foster child who changes residences pursuant to a court order or decision of a child welfare worker to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

This bill would require a homeless child or youth, as defined, to also be immediately deemed to meet those residency requirements. The bill would require public schools and county offices of education to immediately enroll a homeless child or youth seeking enrollment, except as provided, thereby imposing a state-mandated local program. The bill would require the State Department of Education and the State Department of Social Services to identify representatives from their respective agencies and from other state agencies that have experience in homeless youth issues to develop policies and practices relating to homeless children and youths, as defined. The bill would require the selected representatives to present the policies and practices to the Superintendent of Public Instruction and the State Department of Social Services to be considered for implementation or dissemination, as appropriate.

The bill would require a local educational agency liaison for homeless children and youths designated pursuant to federal law to ensure that public notice of the educational rights of homeless children and youths, as defined, is disseminated in schools within the liaison's local educational agency that provide services pursuant to specified federal law.

* * * * *

EC 48850. (a) (1) It is the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held. In fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, including, but not necessarily limited to, interscholastic sports administered by the California Interscholastic Federation. In all instances, educational and school placement decisions must shall be based on the best interests of the child and shall consider, among other factors, educational stability and 48850 the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress.

(2) A foster child who changes residences pursuant to a court order or decision of a child welfare worker or a homeless child or youth shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

(3) (A) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), public schools, including charter schools, and county offices of education shall immediately enroll a
homeless child or youth seeking enrollment except where the enrollment would be in conflict with subdivision (d) of Section 47605.

(B) The department and the State Department of Social Services shall identify representatives from the department, the State Department of Social Services, and other state agencies that have experience in homeless youth issues to develop policies and practices to support homeless children and youths and to ensure that child abuse and neglect reporting requirements do not create barriers to the school enrollment and attendance of homeless children or youths, including, but not limited to, ensuring that a pupil who is a homeless child or youth is not reported to law enforcement by school personnel if the sole reason for the report is the pupil’s homelessness. The selected representatives shall present the policies and practices to the Superintendent and the State Department of Social Services to be considered for implementation or dissemination, as appropriate.

(b) Every county office of education shall make available to agencies that place children in licensed children’s institutions information on educational options for children residing in licensed children’s institutions within the jurisdiction of the county office of education for use by the placing agencies in assisting parents and foster children to choose educational placements.

(c) For purposes of individuals with exceptional needs residing in licensed children’s institutions, making a copy of the annual service plan, prepared pursuant to subdivision (b) of Section 56205, available to those special education local plan areas that have revised their local plans pursuant to Section 56836.03 shall meet the requirements of subdivision (b).

(d) For purposes of this section, “homeless child or youth” and “homeless children and youths” are defined in Section 11434a(2) of Title 42 of the United States Code.

EC 48852.5. (a) Pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), a local educational agency liaison for homeless children and youths designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison’s local educational agency that provide services pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(b) For purposes of this section, “homeless children and youths” is defined in Section 11434a(2) of Title 42 of the United States Code.
DISORDERLY CONDUCT: INVASION OF PRIVACY

SB 255  Cannella
Ch. 466  Effective Immediately

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

An act to amend Section 647 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

Existing law provides that any person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person is guilty of disorderly conduct, which is a misdemeanor. Under existing law, (1) a first violation of that offense is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both that fine and imprisonment, and (2) a 2nd or subsequent violation of that offense, or any violation of that offense in which the victim was, at the time of the offense, a minor, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $2,000, or by both that fine and imprisonment.

This bill would provide that any person who photographs or records by any means the image of the intimate body part or parts of another identifiable person, under circumstances where the parties agree or understand that the image shall remain private, and the person subsequently distributes the image taken, with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress, is guilty of disorderly conduct and subject to that same punishment.
EMPLOYMENT: SEXUAL HARASSMENT

SB 292  Corbett
Ch. 88  Effective January 1, 2014
Board Policy:  Yes
Notification:  No
Appropriation:  No
Mandated Cost:  No

An act to amend Section 12940 of the Government Code, relating to employment.

Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination, abridgment, or harassment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation. Existing law makes these provisions applicable to employers, labor organizations, employment agencies, and specified training programs and also defines harassment because of sex for these purposes.

This bill would specify, for purposes of the definition of harassment because of sex under these provisions, that sexually harassing conduct need not be motivated by sexual desire.
SEX OFFENDERS

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

An act to amend Section 626.81 of the Penal Code, relating to sex offenders.

Existing law makes it a misdemeanor for any person who is required to register as a sex offender to come into any school building or upon any school ground without lawful business and written permission from the chief administrative official of the school.

This bill would require that the written permission indicate the date or date range and time for which permission is granted. The bill would authorize the chief administrative official of the school to grant a registered sex offender who is not a family member of a pupil who attends that school, permission to come into a school building or upon the school grounds to volunteer at the school, provided that the chief administrative official notifies the parent or guardian of each child attending the school of the permission, as specified.

* * * * *

**PC 626.81.** (a) A person who is required to register as a sex offender pursuant to Section 290, who comes into any school building or upon any school ground without lawful business thereon and written permission indicating the date or dates and times for which permission has been granted from the chief administrative official of that school, is guilty of a misdemeanor.

(b) (1) The chief administrative official of a school may grant a person who is subject to this section and not a family member of a pupil who attends that school, permission to come into a school building or upon the school grounds to volunteer at the school, provided that, notwithstanding subdivisions (a) and (c) of Section 290.45, at least 14 days prior to the first date for which permission has been granted, the chief administrative official notifies or causes to be notified the parent or guardian of each child attending the school that a person who is required to register as a sex offender pursuant to Section 290 has been granted permission to come into a school building or upon school grounds, the date or dates and times for which permission has been granted, and his or her right to obtain information regarding the person from a designated law enforcement entity pursuant to Section 290.45. The notice required by this paragraph shall be provided by one of the methods identified in Section 48981 of the Education Code.

(2) Any chief administrative official or school employee who in good faith disseminates the notification and information as required by paragraph (1) shall be immune from civil liability for action taken in accordance with that paragraph.

(c) Punishment for a violation of this section shall be as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in a county jail for a period of not more than six months, or by both the fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of this section, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars ($500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars ($500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(d) Nothing in this section shall preclude or prohibit prosecution under any other provision of law.

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PUPIL INSTRUCTION: HEALTH FRAMEWORK: MENTAL HEALTH INSTRUCTION

SB 330 Padilla
Ch. 481 Effective January 1, 2014

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

An act to add Section 51900.5 to the Education Code, relating to pupil instruction.

Existing law requires the State Department of Education to prepare and distribute to school districts guidelines for the preparation of comprehensive health education plans, and requires approval of district plans to be made in accordance with rules and regulations adopted by the State Board of Education. Existing law also establishes the Instructional Quality Commission and requires the commission to, among other things, recommend curriculum frameworks to the state board.

This bill would require, during the next revision of the publication “Health Framework for California Public Schools,” the commission to consider developing, and recommending for adoption by the state board, a distinct category on mental health instruction, as described, to educate pupils about all aspects of mental health. The bill would require the commission to ensure that one or more experts in the mental health and educational fields provides input in the development of the mental health instruction in the health framework, as provided.

* * * * *

EC 51900.5. (a) During the next revision of the publication “Health Framework for California Public Schools” (health framework), the Instructional Quality Commission shall consider developing, and recommending for adoption by the state board, a distinct category on mental health instruction to educate pupils about all aspects of mental health.

(b) As used in this section, “mental health instruction” shall include, but not be limited to, all of the following:

(1) Reasonably designed and age-appropriate instruction on the overarching themes and core principles of mental health.

(2) Defining common mental health challenges such as depression, suicidal thoughts and behaviors, schizophrenia, bipolar disorder, eating disorders, and anxiety, including post-traumatic stress disorder.

(3) Elucidating the services and supports that effectively help individuals manage mental health challenges.

(4) Promoting mental health wellness, which includes positive development, social connectedness and supportive relationships, resiliency, problem solving skills, coping skills, self-esteem, and a positive school and home environment in which pupils feel comfortable.

(5) Ability to identify warning signs of common mental health problems in order to promote awareness and early intervention so pupils know to take action before a situation turns into a crisis. This should include instruction on both of the following:

(A) How to appropriately seek and find assistance from mental health professionals and services within the school district and in the community for themselves or others.

(B) Appropriate evidence-based research and practices that are proven to help overcome mental health challenges.

(6) The connection and importance of mental health to overall health and academic success as well as to cooccurring conditions, such as chronic physical conditions and chemical dependence and substance abuse.

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(7) Awareness and appreciation about the prevalence of mental health challenges across all populations, races, ethnicities, and socioeconomic statuses, including the impact of culture on the experience and treatment of mental health challenges.

(8) Stigma surrounding mental health challenges and what can be done to overcome stigma, increase awareness, and promote acceptance. This shall include, to the extent possible, classroom presentations of narratives by peers and other individuals who have experienced mental health challenges, and how they coped with their situations, including how they sought help and acceptance.

(c) In the normal course of recommending curriculum frameworks to the state board, as required by Section 60204, the Instructional Quality Commission shall ensure that one or more experts in the mental health and educational fields provides input in the development of the mental health instruction in the health framework. It is the intent of the Legislature that the Instructional Quality Commission seek experts from culturally, racially, and ethnically diverse communities, representatives from all mental health professions, teachers, counselors, parents, those involved in promoting mental wellness, and those living with a mental health challenge and their families.

(d) This section does not require or authorize the Instructional Quality Commission to recommend new health education content standards.
FOSTER CHILDREN: SOCIAL WORKER: VISITS

SB 342  Yes  Board Policy:  No
Ch. 492  Effective January 1, 2014  Notification:  No
                  Appropriation:  No
                  Mandated Cost:  Yes

An act to amend Sections 16516.5 and 16516.6 of the Welfare and Institutions Code, relating to foster children.

Existing law requires that all foster children who are placed in group homes by county welfare departments or county probation departments be visited at least monthly by a county social worker or probation officer, and that each visit include a private discussion between the foster child and the county social worker or probation officer that is not held in the presence or immediate vicinity of the group home staff. Existing law also requires a county social worker or probation officer to make a regular visit with a child in any licensed, certified, or approved foster home, and requires that the visit include a private discussion between the foster child and the social worker or probation officer that is not held in the presence or immediate vicinity of the foster parent or caregiver.

This bill would require that the location of monthly visits for each foster child who is placed in a group home or a licensed, certified, or approved foster home by a county welfare department or a county probation department comply with specified federal requirements. The bill would prohibit more than 2 consecutive monthly visits from being held outside the residence of the foster child and, if the visit does not occur in the place of residence, would require the social worker or probation officer to document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence. The bill would also require the social worker or probation officer to advise the foster child that he or she has the right to request that the private discussion occur outside the group home or foster home. The bill would provide, however, that if a foster child requests to have the private discussion outside the group home or foster home, that private discussion shall not replace the visit in the group home or foster home. The bill would also provide that the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. By imposing additional duties on county employees, the bill would impose a state-mandated local program.

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WIC 16516.5. (a) Notwithstanding any other law or regulation, all foster children who are placed in group homes by county welfare departments or county probation departments shall be visited at least monthly by a county social worker or probation officer. Each monthly visit shall include a private discussion between the foster child and the county social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the group home staff. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the group home. If a foster child requests to have the private discussion outside the group home, that private discussion shall not replace the visit in the group home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the group home staff, except that the social worker or probation officer may disclose information under any of the following circumstances:
(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.
(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.
(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a group home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

(d) (1) Prior to the 2011-12 fiscal year, notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the monthly visitation requirement in subdivision (a) in excess of the minimum semiannual visits required under current regulations.

(2) Notwithstanding subdivision (b), beginning in the 2011-12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

WIC 16516.6. (a) When a county social worker or probation officer makes a regular visit with a child in any licensed, certified, or approved foster home, the regular visit shall include a private discussion between the foster child and the social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the foster parent or caregiver. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the foster home. If a foster child requests to have the private discussion outside the foster home, that private discussion shall not replace the visit in the foster home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the foster parent or caregiver, except that the social worker or probation officer may disclose information under any of the following circumstances:

(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a licensed, certified, or approved foster home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.
SCHOOL ATTENDANCE: EARLY AND MIDDLE COLLEGE HIGH SCHOOLS

SB 379 Hancock
Ch. 372 Effective January 1, 2014
Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Section 46146.5 of, to amend the heading of Chapter 14 (commencing with Section 11300) of Part 7 of Division 1 of Title 1 of, and to add Section 11302 to, the Education Code, relating to school attendance.

(1) Under existing law, the Legislature finds and declares that middle college high schools have proven to be a highly effective collaborative effort between local school districts and community colleges.

This bill would provide that the Legislature finds and declares that early college high schools are innovative partnerships between charter or noncharter public secondary schools and a local community college, the California State University, or the University of California that allow pupils to earn a high school diploma and up to 2 years of college credit in 4 years or less.

(2) Existing law provides that a day of attendance for a pupil enrolled in grades 11 and 12 at an early college high school or middle college high school is 180 minutes of attendance if the pupil is also enrolled in a community college, classes of the California State University, or classes of the University of California, as specified. Existing law, the Charter Schools Act of 1992, requires, as a condition of apportionment, among other things, a charter school to offer 64,800 minutes of instruction in a fiscal year for pupils in grades 9 to 12, inclusive, and, for classroom-based instruction, as defined, to have at least 80% of the instructional time offered to be at the schoolsite.

This bill would require a charter school that operates as an early college high school or middle college high school, for purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, to offer at least 80% of the instructional time at the charter school schoolsite, and to require a pupil enrolled in grade 11 or 12 who is also enrolled in courses of the California State University, or courses of the University of California, as specified, or a pupil enrolled who is also enrolled as a special part-time student in a community college, as specified, to attend the charter school for a minimum of 50% of the minimum number of minutes of instruction the charter school is required to offer in a fiscal year. The bill would require a pupil enrolled in a charter school that operates as an early college high school or middle college high school who is not enrolled in courses of the California State University or the University of California, or who is not a special part-time student in a community college, to attend the charter school for a minimum of 67% of the minimum number of minutes of instruction the charter school is required to offer in a fiscal year. The bill would subject these requirements to annual audits, as specified.

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EC 11302. The Legislature finds and declares that early college high schools are innovative partnerships between charter or noncharter public secondary schools and a local community college, the California State University, or the University of California that allow pupils to earn a high school diploma and up to two years of college credit in four years or less. Early college high schools are small, autonomous schools that blend high school and college into a coherent educational program. In early college high schools, pupils begin taking college courses as soon as they demonstrate readiness and the college credit earned may be applied toward completing an associate or bachelor’s degree, transfer to a four-year university, or obtaining a skills certificate.
EC 46146.5. (a) A day of attendance for a pupil enrolled in grade 11 or 12 at an early college high school or middle college high school is 180 minutes of attendance if the pupil is also enrolled part time in courses of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(b) A day of attendance for a pupil enrolled in an early college high school or middle college high school, who is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27, and who will receive academic credit upon satisfactory completion of enrolled courses, is 180 minutes of attendance.

(c) A day of attendance for a pupil enrolled in an early college high school or middle college high school who does not satisfy subdivision (a) or (b) is 240 minutes of attendance.

(d) For a charter school that is an early college high school or middle college high school, for purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of a pupil enrolled in grade 11 or 12 for a minimum of 50 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5 if the pupil is also enrolled part time in courses of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(e) For a charter school that is an early college high school or middle college high school, for purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of a pupil for a minimum of 50 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5 if the pupil is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27, and who will receive academic credit upon satisfactory completion of enrolled courses.

(f) For a pupil enrolled in a charter school that is an early college high school or middle college high school and who does not satisfy the attendance and enrollment requirements of subdivision (d) or (e), for purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of the pupil for a minimum of 67 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5.

(g) For purposes of this section, middle college high school is described in Section 11300 and early college high school is described in Section 11302.

(h) The requirements of this section shall be subject to annual audits, which shall be conducted pursuant to Section 41020.
An act to add Section 186.34 to the Penal Code, relating to gangs.

Existing law, the California Street Terrorism Enforcement and Prevention Act, makes it unlawful to engage in criminal gang activity, including actively participating in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and willfully promoting, furthering, or assisting in any felonious criminal conduct by members of the gang.

This bill would require, prior to a local law enforcement agency designating, or submitting a document to the Attorney General’s office for the purpose of designating, a person as a gang member, associate, or affiliate in a shared gang database, as defined, the local law enforcement agency to provide written notice to the person and his or her parent or guardian of the designation and the basis for the designation if the person is under 18 years of age, except as specified. The bill would authorize the person or his or her parent or guardian to submit written documentation contesting the designation and would require the local law enforcement agency to provide written verification of its decision within 60 days.

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PC 186.34. (a) (1) For purposes of this section, “shared gang database” shall mean any database that satisfies all of the following:
(A) Allows access for any local law enforcement agency.
(B) Contains personal, identifying information in which a person may be designated as a suspected gang member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate.
(C) Is subject to Part 23 of Title 28 of the Code of Federal Regulations. If federal funding is no longer available to a database through the federal Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. Sec. 3711 et seq.), a database shall not have to satisfy this subparagraph to meet the definition of a “shared gang database.”
(2) A “shared gang database” does not include dispatch operator reports, information used for the administration of jail or custodial facilities, criminal investigative reports, probation reports, or information required to be collected pursuant to Section 186.30.
(b) To the extent a local law enforcement agency elects to utilize a shared gang database, as defined in subdivision (a), prior to a local law enforcement agency designating a person as a suspected gang member, associate, or affiliate in a shared gang database, or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database, or otherwise identifying the person in a shared gang database, the local law enforcement agency shall, if the person is under 18 years of age, provide written notice to the person and his or her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of the minor.
(c) Subsequent to the notice described in subdivision (b), the person to be designated as a suspected gang member, associate, or affiliate, or his or her parent or guardian, may submit written documentation to the local law enforcement agency contesting the designation. The local law enforcement agency shall review the documentation, and if the agency determines that the person is not a suspected gang member, associate, or affiliate, the agency shall remove the person from the shared gang database. The local law enforcement agency shall provide the person and his or her parent or guardian with written verification of
the agency’s decision within 60 days of submission of the written documentation contesting the designation.

(d) The person to be designated as a suspected gang member, associate, or affiliate, or his or her parent or guardian, shall be able to request information as to whether the person has been designated as a suspected gang member, associate, or affiliate, and the local law enforcement agency shall provide that information, unless doing so would compromise an active criminal investigation or compromise the health or safety of the minor.

(e) The local law enforcement agency shall not disclose the location of the person to be designated as a suspected gang member, associate, or affiliate to his or her parent or guardian if the agency determines there is credible evidence that the information would endanger the health or safety of the minor.

(f) A shared gang database, as defined in this section, shall retain records related to the gang activity of the individuals in the database consistent with the provisions contained in Section 23.20(h) of Title 28 of the Code of Federal Regulations.

(g) Nothing in this section shall require a local law enforcement agency to disclose any information protected under Section 1040 or 1041 of the Evidence Code or Section 6254 of the Government Code.
DEPENDENTS: CARE AND TREATMENT:
MINOR PARENTS AND NONMINOR DEPENDENT PARENTS

SB 528    Yee
Ch. 338    Effective January 1, 2014
Board Policy: No
Notification: No
Appropriation: No
Mandated Cost: No

An act to amend Sections 369, 16001.9, and 16002.5 of the Welfare and Institutions Code, relating to juveniles.

Under existing law, minors are authorized to consent to medical and other treatment under certain circumstances, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, treatment of infectious, contagious, and communicable diseases, mental health treatment, and treatment for alcohol and drug abuse.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court under certain circumstances, including in cases of abuse and neglect. Under existing law, when a minor has been, or has a petition filed with the court to be, adjudged a dependent child of the court, the court may authorize, or order that a social worker may authorize, medical and other care for the minor, as prescribed. Under existing law, a social worker may, without court order, authorize medical and other care for a minor in emergency situations, as specified.

This bill would specify that nothing in those provisions shall be construed to limit the rights of dependent children to consent to specified types of medical and other care, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, treatment of infectious, contagious, and communicable diseases, mental health treatment, and treatment for alcohol and drug abuse. This bill would authorize a dependent child’s social worker, if the child is 12 years of age or older, to inform the child of his or her right as a minor to consent to and receive those health services. This bill would authorize social workers to provide dependent children with access to age-appropriate, medically accurate information about sexual development, reproductive health, and prevention of unplanned pregnancies and sexually transmitted infections.

Existing law declares the intent of the Legislature to maintain the continuity of the family unit and to support and preserve families headed by minor parents and nonminor dependent parents, as defined, and provides that, to the greatest extent possible, minor parents and their children living in foster care shall be provided with access to services that target supporting, maintaining, and developing the parent-child bond and the dependent parent’s ability to provide a permanent and safe home for the child. Under existing law, minor parents are required to be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities separate from parenting. Existing law requires foster care placements for minor parents and their children to demonstrate a willingness and ability to provide support and assistance to minor parents and their children.

This bill would declare the intent of the Legislature to ensure that complete and accurate data on parenting minor and nonminor dependents is collected, as specified, and would authorize child welfare agencies to provide minor parents and nonminor dependent parents with access to social workers or resource specialists who have received specified training. The bill would encourage child welfare agencies to update the case plans for pregnant and parenting dependents within 60 calendar days of the date the agency is informed of a pregnancy, and would authorize those agencies to hold a specialized conference, as prescribed, to assist the pregnant or parenting foster youth and nonminor dependents with planning for healthy parenting, among other things. The bill would additionally require nonminor dependent parents to be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities separate from parenting. This bill would authorize child welfare
agencies, local educational agencies, and child care resource and referral agencies to make reasonable and coordinated efforts to ensure that minor parents and nonminor dependent parents who have not completed high school have access to school programs that provide onsite or coordinated child care. This bill would additionally require foster care placements for nonminor dependent parents and their children to demonstrate a willingness and ability to provide support and assistance to nonminor dependent parents and their children.

Existing law provides that it is the policy of the state that foster children have specified rights.

This bill would instead specify that all minors and nonminors in foster care have those rights. The bill would provide that foster children also have the right, at 12 years of age or older, to receive information regarding specified health care services.
PUPIL INSTRUCTION: VIOLENCE AWARENESS

SB 552  Steinberg  
Ch. 497  Effective January 1, 2014  
Board Policy:  No  
Notification:  No  
Appropriation:  No  
Mandated Cost:  No

An act to add Sections 51210.5 and 51220.3 to the Education Code, relating to pupil instruction.

Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include instruction in specified areas of study and requires the adopted course of study for grades 7 to 12, inclusive, to offer courses in specified areas of instruction.

This bill would allow all required areas of study specified for those grades, as deemed appropriate by the governing board, to include grade-level appropriate instruction on violence awareness and prevention, including personal testimony in the form of oral or video histories. The bill would specify that it is the intent of the Legislature that the measure be carried out in a manner that does not result in new duties or programs being imposed on a school district.

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EC 51210.5. The instruction in all areas of study specified in subdivisions (a) to (g), inclusive, of Section 51210 as deemed appropriate by the governing board and consistent with the adopted course of study for each subject area, may include grade-level appropriate instruction on violence awareness and prevention, which may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country.

EC 51220.3. The instruction in all areas of study specified in subdivisions (a) to (j), inclusive, of Section 51220 as deemed appropriate by the governing board and consistent with the adopted course of study for each subject area, may include grade-level appropriate instruction on violence awareness and prevention, which may include personal testimony in the form of oral or video histories that illustrate the economic and cultural effects of violence within a city, the state, and the country.
An act to add Chapter 22.1 (commencing with Section 22580) to Division 8 of the Business and Professions Code, relating to the Internet.

Existing law requires an operator of a commercial Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial Web site or online service to make its privacy policy available to consumers, as specified.

Existing federal law requires an operator of an Internet Web site or online service directed to a child, as defined, or an operator of an Internet Web site or online service that has actual knowledge that it is collecting personal information from a child to provide notice of what information is being collected and how that information is being used, and to give the parents of the child the opportunity to refuse to permit the operator’s further collection of information from the child.

This bill would, on and after January 1, 2015, prohibit an operator of an Internet Web site, online service, online application, or mobile application, as specified, from marketing or advertising specified types of products or services to a minor. The bill would prohibit an operator from knowingly using, disclosing, compiling, or allowing a 3rd party to use, disclose, or compile, the personal information of a minor for the purpose of marketing or advertising specified types of products or services. The bill would also make this prohibition applicable to an advertising service that is notified by an operator of an Internet Web site, online service, online application, or mobile application that the site, service, or application is directed to a minor.

The bill would, on and after January 1, 2015, require the operator of an Internet Web site, online service, online application, or mobile application to permit a minor, who is a registered user of the operator’s Internet Web site, online service, online application, or mobile application, to remove, or to request and obtain removal of, content or information posted on the operator’s Internet Web site, service, or application by the minor, unless the content or information was posted by a 3rd party, any other provision of state or federal law requires the operator or 3rd party to maintain the content or information, or the operator anonymizes the content or information. The bill would require the operator to provide notice to a minor that the minor may remove the content or information, as specified.
SCHOOL PERSONNEL: PROFESSIONAL DEVELOPMENT FOR CLASSIFIED SCHOOL EMPLOYEES

SB 590 Calderon  
Ch. 723 Effective January 1, 2014

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

An act to add Article 9.5 (commencing with Section 45390) to Chapter 5 of Part 25 of Division 3 of Title 2 of the Education Code, relating to school personnel.

Existing law authorizes the governing board of any school district to grant any classified employee a leave of absence not to exceed one year, as provided, for the purpose of permitting study by the employee or for the purpose of retraining the employee to meet changing conditions within the district. Existing law authorizes the governing board of a school district to grant reimbursement of the costs, including tuition fees, to a permanent classified employee who satisfactorily completes approved training to improve his or her job knowledge, ability, or skill.

This bill would require a local educational agency, if it expends funds for professional development for any schoolsite staff, to consider the needs of its classified school employees, as defined, to update their skills and to learn best practices in various optional areas, including, among others, pupil learning and achievement, pupil and campus safety, and special education.

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Article 9.5. Professional Development for Classified School Employees

EC 45391. (a) If a local educational agency expends funds for professional development for any schoolsite staff, the local educational agency shall consider the needs of its classified school employees.
(b) For purposes of this article, the following terms have the following meanings:
(1) “Classified school employee” means a person employed on a full-time or a part-time basis as a classified school employee at a community college, a public school, a charter school, or a county office of education.
(2) “Local educational agency” means a school district, a county office of education, a charter school, or a community college district.
(c) Professional development training for classified school employees to update their skills and to learn best practices may include, but is not limited to, any of the following:
(1) Pupil learning and achievement, including all of the following:
(A) Training for paraprofessionals to assist teachers and administrators to improve the academic achievement of pupils.
(B) Training to ensure the curriculum frameworks and instructional materials are aligned to the common core standards.
(C) Training in the management and use of state and local pupil data to improve pupil learning.
(D) Training on the best practices in the appropriate interventions and assistance to at-risk pupils.
(2) Pupil and campus safety, including training and staff development in the latest and best practices for pupil safety and campus safety.
(3) Education technology, including management strategies and best practices regarding the use of education technology to improve pupil performance.
(4) School facility maintenance and operations, including new research and best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and the cost of energy at schoolsites.

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(5) Special education, including training and staff development on the best practices to meet the needs of special education pupils, and to comply with any new state and federal mandates.
(6) School transportation and bus safety, including training and staff development on the best practices and standards for pupil transportation.
(7) Parent involvement, including training and staff development to enhance the ability of a school to increase parent involvement at schoolsites.
(8) Food service, including training and staff development on new research and findings for food preparation to provide nutritional meals and food management.
(9) Health, counseling, and nursing services, including training and staff development on the latest and best practices for pupil health care and counseling needs.
(10) Environmental safety, including training and staff development on pesticides and other possibly toxic substances so that they may be safely used at schoolsites.

45392.
Nothing in this article prohibits a local educational agency from providing professional development to teachers and administrators.
An act to add Section 69505.5 to the Education Code, relating to postsecondary education.

Under existing law the Legislature declares that student assistance programs have the primary purpose of providing equal opportunity and access to postsecondary education for specified groups of students and that student aid programs should assist students to progress through the educational program in accordance with the individual’s educational objectives.

This bill would require each campus of the California Community Colleges and the California State University and, as to the University of California, request each campus of the University of California, to not enter into a contract with any entity, whether a specific depository institution or an entity that partners with one or more depository institutions, on or after January 1, 2014, that requires a student to open an account with that entity as a condition of the student receiving his or her financial aid disbursement. The bill would also require each campus of the California Community Colleges and the California State University, or, as to the University of California, request each campus of the University of California, to offer a student the option of receiving his or her financial aid disbursement via direct deposit into an account at a depository institution of the student’s choosing, and ensure that its contract or contracts for financial aid disbursement entered into on or after January 1, 2014, provide that the contracting entity shall initiate the direct deposit within one business day of receipt of the financial aid disbursement moneys from each campus of the California Community Colleges, the California State University, or the University of California, as applicable. By requiring each campus of the California Community Colleges to offer this option to students, the bill would impose a state-mandated local program.

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EC 69505.5. (a) (1) No campus of the California Community Colleges or the California State University shall enter into a contract on or after January 1, 2014, with any entity, whether a specific depository institution or an entity that partners with one or more depository institutions, that requires a student to open an account with that entity as a condition of the student receiving his or her financial aid disbursement.

(2) Each campus of the University of California is requested to not enter into a contract on or after January 1, 2014, with any entity, whether a specific depository institution or an entity that partners with one or more depository institutions, that requires a student to open an account with that entity as a condition of the student receiving his or her financial aid disbursement.

(b) (1) Each campus of the California Community Colleges and the California State University shall offer a student the option of receiving his or her financial aid disbursement via direct deposit into an account at a depository institution of the student’s choosing. Each campus of the California Community Colleges and the California State University shall ensure that its contract or contracts for financial aid disbursement entered into on or after January 1, 2014, provide that the contracting entity shall initiate the direct deposit within one business day of receipt of the financial aid disbursement moneys from each campus of the California Community Colleges and the California State University.

(2) Each campus of the University of California is requested to offer a student the option of receiving his or her financial aid disbursement via direct deposit into an account at a depository institution of the student’s choosing. Each campus of the University of California is requested to ensure that its contract or contracts for financial aid disbursement entered into on or after January 1, 2014, provide that the
contracting entity shall initiate the direct deposit within one business day of receipt of the financial aid disbursement moneys from each campus of the University of California.
HARASSMENT: CHILD OR WARD

SB 606 De León
Ch. 348 Effective January 1, 2014

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

An act to amend Section 11414 of the Penal Code, relating to harassment.

Under existing law, any person who intentionally harasses the child or ward of any other person because of that person’s employment is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding $1,000, or both. Under existing law, that crime is punishable by mandatory imprisonment in a county jail for not less than 5 days for a 2nd conviction, and by mandatory imprisonment in a county jail for not less than 30 days for a 3rd or subsequent conviction.

This bill would make a violation of the above provisions punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding $10,000, or by both that fine and imprisonment for a first conviction. For a 2nd conviction, the bill would require a fine not exceeding $20,000 and imprisonment in a county jail for a period of not less than 5 days but not exceeding one year. For a 3rd or subsequent conviction, the bill would require a fine not exceeding $30,000 and imprisonment in a county jail for a period of not less than 30 days but not exceeding one year. The bill would specify that harassment means knowing and willful conduct directed at a specific child or ward that seriously alarms, annoys, torments, or terrorizes the child or ward, and that serves no legitimate purpose, including, but not limited to, that conduct occurring during the course of any actual or attempted recording of the child’s or ward’s image or voice without the written consent of the child’s or ward’s parent or legal guardian, by following the child’s or ward’s activities or by lying in wait. The bill would specify that, upon a violation of the above provisions, a parent or legal guardian of an aggrieved child or ward may bring a civil action against the violator on behalf of the child or ward for specified remedies. The bill would additionally provide that the act of transmitting, publishing, or broadcasting a recording of the image or voice of a child does not constitute commission of the offense.

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PC 11414. (a) Any person who intentionally harasses the child or ward of any other person because of that person’s employment is guilty of a misdemeanor. Employment shall be punished by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars ($10,000), or by both that fine and imprisonment.

(b) For purposes of this section, the following definitions shall apply:
(1) “Child” and “ward” mean a person under the age of 16 years of age.
(2) “Harasses” means knowing and willful conduct directed at a specific child or ward that seriously alarms, annoys, torments, or terrorizes the child or ward, and that serves no legitimate purpose, including, but not limited to, that conduct occurring during the course of any actual or attempted recording of the child’s or ward’s image or voice, or both, without the express consent of the parent or legal guardian of the child or ward, by following the child’s or ward’s activities or by lying in wait. The conduct must be such as would cause a reasonable child to suffer substantial emotional distress, and actually cause the victim to suffer substantial emotional distress.
(3) “Employment” means the job, vocation, occupation, or profession of the parent or legal guardian of the child or ward.

(c) A second conviction under this section shall be punished by a fine not exceeding twenty thousand dollars ($20,000) and by imprisonment in a county jail for not less than five days but not exceeding one year. A third or subsequent conviction under this section shall be punished by a fine not exceeding thirty
thousand dollars ($30,000) and by imprisonment in a county jail for not less than 30 days but not exceeding one year.

(d) Upon a violation of this section, the parent or legal guardian of an aggrieved child or ward may bring a civil action against the violator on behalf of the child or ward. The remedies in that civil action shall be limited to one or more of the following: actual damages, punitive damages, reasonable attorney’s fees, costs, disgorgement of any compensation from the sale, license, or dissemination of a child’s image or voice received by the individual who, in violation of this section, recorded the child’s image or voice, and injunctive relief against further violations of this section by the individual.

(e) The act of transmitting, publishing, or broadcasting a recording of the image or voice of a child does not constitute a violation of this section.

(f) This section does not preclude prosecution under any section of law that provides for greater punishment.
MEETINGS: PUBLICATION OF ACTION TAKEN

SB 751       Yee  
Ch. 257  Effective January 1, 2014

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

An act to amend Section 54953 of the Government Code, relating to local government.

The Ralph M. Brown Act requires all meetings of the legislative body of a local agency, as defined, to be open and public and prohibits the legislative body from taking action by secret ballot, whether preliminary or final.

This bill would additionally require the legislative body of a local agency to publicly report any action taken and the vote or abstention on that action of each member present for the action, thereby imposing a state-mandated local program.

* * * * *

GC 54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority
provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2018.
SCHOOL ATTENDANCE AWARENESS MONTH

SCR 67     Liu
Ch. 128    Effective September 1, 2013

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

This measure would designate September 2013 as School Attendance Awareness Month, and would encourage public officials, educators, and communities in California to observe the month with appropriate activities and programs.

WHEREAS, Good school attendance is essential to pupil achievement and graduation, and systemic approaches are needed to reduce chronic absenteeism rates in California, with a focus starting as early as kindergarten; and

WHEREAS, Chronic absence, missing 10 percent or more of school, which can be just two or three days a month, for any reason, including both excused and unexcused absences, is a proven predictor of academic trouble; and

WHEREAS, A pupil’s chronic absence is a predictor of below-grade-level reading proficiency by the third grade and course failure and eventual dropout later in that pupil’s career, and chronic absence thereby weakens our communities and our local economies; and

WHEREAS, The impact of chronic absence hits low-income pupils and children of color particularly hard if they do not have the resources to make up for lost time in the classroom. Low-income pupils and children of color are more likely to face systemic barriers to getting to school, such as unreliable transportation, lack of access to health care, unstable or unaffordable housing, and even unfair disciplinary policies; and

WHEREAS, Chronic absence exacerbates the achievement gap that separates low-income pupils from their peers, since pupils from low-income families are both more likely to be chronically absent and more likely to be affected academically by missing school. Absenteeism also undermines efforts to improve struggling schools, since it is hard to measure improvement in classroom instruction if pupils are not in class to benefit from the improvement efforts; and

WHEREAS, Improving school attendance and reducing chronic absence take commitment, collaboration, and tailored approaches to address particular challenges and strengths in each community; and

WHEREAS, Superintendent of Public Instruction Tom Torlakson, Attorney General Kamala D. Harris, and Secretary of California Health and Human Services Diana Dooley jointly hosted an interagency forum on chronic absence to encourage state and local collaboration to improve the overall health, safety, and well-being of our children by promoting public awareness and reforms that improve school attendance; and

WHEREAS, The Legislature enacted Senate Bill 1357 of the 2009-10 Regular Session to establish a definition and reporting mechanisms for chronic absence and Assembly Bill 97 of the 2013-14 Regular Session to establish chronic absence as a state priority for our schools to be included in the recently enacted local control accountability plans; and

WHEREAS, Schools and school districts must do more to track, calculate, and share the data on how many and which pupils are chronically absent so that schools and communities can work to deliver the right interventions to the right pupils; and

WHEREAS, All pupils, even those who show up regularly, are affected by chronic absence because teachers must spend time reviewing for pupils who missed lessons; and

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WHEREAS, School attendance can be improved, and chronic absence significantly reduced, when schools, parents, and communities work together to monitor and promote good attendance and address hurdles that keep children from getting to school; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature designate September 2013 as School Attendance Awareness Month in the State of California, and encourages public officials, educators, and communities in California to observe the month with appropriate activities and programs; and be it further

Resolved, That the Legislature join communities across our nation to increase awareness of the importance of school attendance by addressing attendance barriers and the root causes of chronic absence; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author and coauthors for appropriate distribution.