

## 2017 Final Legislative Update – Governor's Actions

### 10/16/17

#### Special Education

##### **AB 312 (O'Donnell)** ~ School Finance: Special Education Funding (as amended 2/28/17)

AB 312 relates to special education local plan area funding rates. The bill would 1) establish a funding mechanism to support special education preschool programs, by adding preschoolers to the AB 602 funding formula and 2) require that funding be provided in future budget acts to equalize special education funding rates to the 90<sup>th</sup> percentile.

**Status:** In the Assembly Appropriations Committee. Two Year bill.

##### **AB 1264 (Garcia)** ~ Special Education Pupils: IEPs – School records

Existing law requires a parent of an individual with exceptional needs to have the right and opportunity to examine all school records of his or her child and to receive copies of those records within 5 business days after a request is made by the parent, either orally or in writing. Existing law requires a public agency to comply with a request for school records without unnecessary delay before any meeting regarding an IEP.

AB 1264 would require a public agency, before any meeting regarding an IEP, to offer to provide to the parent copies of any available, completed school records related to the pupil's current levels of performance, and any available, completed assessment reports, if these records and reports are related to that meeting. The bill would require the public agency, if the parent requests those copies, to make them available to the parent at least 5 business days before the meeting. The bill would authorize a public agency to charge a parent no more than the actual cost of reproducing these copies, but if the cost effectively prevents the parent from exercising the right to receive the copies, the public agency would be required to reproduce the copies at no cost. The bill would require notice to a parent of an individualized education program meeting to include notice of the right to obtain copies of school records pursuant to these provisions.

**Status:** **Vetoed by the Governor.**

AB 1264 was vetoed with the following message, "*This bill would require that a parent be offered copies of relevant school records and assessment reports at least five business days before a meeting regarding a student's Individualized Education Program under special education laws.*"

*This bill is unnecessary. The notice of Procedural Safeguards, which is required under the Individuals with Disabilities Act, highlights parents' right to request copies of relevant school records and reports and receive them within five business days of the request.*

*This document is provided to parents the first time their child is referred for a special education assessment, when they ask for a copy, each time they are given an assessment plan to evaluate their child, upon receipt of their first state or due process complaint in a school year, and when the decision is made to make a removal that constitutes a change of placement.*

*As a result, parents who wish to review these records and reports before an Individualized Education Program meeting can already do so."*

##### **AB 1449 (Muratsuchi)** ~ Education Finance: Local Control Funding Formula (as amended 4/17/17)

The bill would require funding pursuant to the LCFF to include, in addition to a base, supplemental, and concentration grant, a special education grant add-on that is based on the percentage of individuals who are severely disabled, as defined, served by the county superintendent of schools, school district, or charter school. The bill would require, under procedures and timeframes established by the SPI, county superintendents of schools, school districts, and charter schools annually to report the enrollment of individuals who are severely disabled served by those local educational agencies to the Superintendent using the California Longitudinal Pupil Achievement Data System.

**Status:** In the Assembly Education Committee. Two year bill.

##### **SB 354 (Portantino)** ~ Special Education: Individualized Education programs (as amended 6/14/17)

SB 354 would require the local educational agency, if requested by a pupil's parent, to provide the parent with a copy in the native language of the parent of the individualized education program, any revisions to the individualized education program, and certain documents discussed at an individualized education program team meeting within 45 days of that meeting or within 45 days of a later request, except as otherwise determined by a consent decree.

The bill would require the documents to be translated by a qualified translator, as defined, who is proficient in both the English language and the non-English language to be used. The bill would provide that these requirements apply only for the top 8 languages, other than English, in each school district, as determined by the State Department of Education and reported on DataQuest.

**Status:** In the Assembly Education Committee. Two year bill. The author plans to move this bill in January.

## Childcare & Afterschool Programs

### SB 78 (Leyva) ~ After school programs: grant amounts (as amended 5/26/17)

SB 78 requires the DOF, when calculating the total amount to be appropriated for a fiscal year, to adjust the total ASES program funding level to reflect an increase in the daily per-pupil rate of 50 percent of each increase to the minimum wage implemented during the 2018-19 fiscal year and every fiscal year thereafter.

The bill requires the CDE to adjust the total direct grant amounts and the daily pupil rate in accordance with the total amount provided for the ASES program that fiscal year.

**Status** In the Assembly Education Committee. Two year bill.

### AB 60 (Santiago/Gonzalez Fletcher) ~ Subsidized child care and development services (as amended 3/8/17)

The bill provides for changes to eligibility determination and redetermination for subsidized child care.

**Status:** In the Senate Education Committee. Two year bill.

### AB 435 (Thurmond)~Child care subsidy plans:Counties of Alameda, Contra Costa, Marin, & Sonoma

This bill authorizes the Counties of Contra Costa, Marin, and Sonoma to establish a five-year pilot program through the development of an individualized county child care subsidy plan that meets local needs, conditions, and priorities of working families in their respective communities. Each plan shall include all of the following:

- 1) An assessment to identify the county's goal for its subsidized child care system as described, including an examination of whether the current structure of subsidized child care funding adequately supports working families and the identification of barriers in the state's child care subsidy system that inhibit the county from meeting its child care goals, as specified.
- 2) A local policy to eliminate state-imposed regulatory barriers to the county's achievement of its desired outcomes for subsidized child care. This bill requires that the local policy, among other things, supersede state law concerning child care subsidy programs with regards to the following factors: eligibility criteria, including, but not limited to, age, family size, time limits income level, and special needs considerations; fees, including, but not limited to, families fees, sliding scale fees, and copayments for those families who are not income eligible; reimbursement rates, and methods of maximizing the efficient use of subsidy funds. The local policy shall also prioritize the lowest income families first; follow the established family fee schedule, as specified; meet local goals consistent with the state's child care goals; identify existing policies that would be affected by the county's plan; authorize an agency that provided child care and development services in the county through a contract with the department to apply to amend existing contracts in order to benefit from the local policy, as specified; provide a family that qualifies for the second or third stage of child care services, as specified, the same or higher level of benefit as a family that qualifies for subsidized child care on another basis pursuant to the local policy, as specified.

- 3) Recognition that all funding sources utilized by contracts that provide child care and development services in the county are eligible to be included in the county's plan.
- 4) Establishment of measurable outcomes to evaluate the success of the plan to achieve the county's child care goals and overcome any barriers identified in the state's child care subsidy system.

This bill states that the plan shall not be construed to permit the county to change the regional market rate survey results for the county.

This bill requires that the plan be submitted to the specified local planning council for approval and upon approval; the county board of supervisors shall do all of the following: hold at least one public hearing on the plan; and submit an approved plan to the CDE for review.

Further, this bill requires the CDE to review and either approve or disapprove any modification of the plan within 30 days of receiving it. The bill specifies that the CDE may only disapprove those portions of the plan that are not in conformance with the provisions of this or that are in conflict with federal law.

This bill requires the county, by the end of the first fiscal year of operation under the approved child care subsidy plan, to demonstrate an increase in the aggregate days a child is enrolled in child care as compared to the enrollment in the final quarter of the 2016-17 fiscal year.

This bill also requires the county to annually prepare and submit to the Legislature, the Department of Social Services, and the CDE a report that summarizes the success of the county's plan, and the county's ability to maximize the use of the funds and improve and stabilize child care in the county. The CDE shall review the report and determine whether to allow the county to continue with the plan without change, or whether to require modifications to be made to the plan.

**Status:** Signed by the Governor. Chapter 703.

## Teacher Recruitment, Retention & Permanent Status

### AB 169 (O'Donnell) ~ Teacher Recruitment: Golden State Grant Program (as amended 6/15/17)

Establishes the Golden State Teacher Grant Program, under the administration of the department to provide a grant to each student enrolled in an approved teacher credentialing program who commits to working in a high-need field for specified years after he or she receives a preliminary teaching credential. Require a grant recipient to agree to repay the grant to the state in specified circumstances. Subject to budget appropriation, the bill would establish the Golden State Teacher Grant Program to be administered by the CDE. The new grant program would provide one-time grant funds of \$20,000 to each student enrolled in a professional preparation program leading to preliminary teaching credential on or after January 1, 2018 if the student commits to working in a high-need field for four years after receiving the teaching credential. AB 169 would define high-need field to be bilingual education; mathematics; or science, technology, engineering, and mathematics (STEM); science; special education; or other subjects as designated annually by the Commission on Teacher Credentialing (CTC).

**Status:** In the Senate Education Committee. Two year bill.

### AB 170 (O'Donnell) ~ Teacher Credentialing

Current law prohibits a person seeking to obtain a teaching credential from holding a baccalaureate degree in professional education. This bill would remove the prohibition and authorize elementary and middle school teachers earning their undergraduate degree in professional education to obtain a multiple subject teaching credential or a preliminary multiple subject teaching credential.

**Status:** Signed by the Governor. Chapter 123.

## **AB 410 (Cervantes) ~ Teacher credentialing: beginning teacher induction programs (as introduced 2/9/17)**

The bill prohibits, commencing with hiring for the 2017 - 18 school year, a school district, county office of education (COE), or charter school from charging a beginning teacher a fee to participate in a beginning teacher induction program.

**Status:** In the Assembly Appropriations Committee. Two year bill.

## **AB 952 (Reyes) ~ Bilingual Teacher Professional Development Program: shortage pathways**

AB 952 requires the CTC, in consultation with the Committee on Accreditation, to develop a process of identifying additional short-term, high-quality pathways for the preparation of bilingual education teachers by July 1, 2021.

The bill requires that the pathways include all of the following:

- 1) Online professional development certificate programs relating to English language development and dual language for academic literacy certification in two languages.
- 2) The establishment of a recruitment center with a focus on recruiting high school seniors awarded the State Seal of Biliteracy, bilingual paraprofessionals, and credentialed teachers prepared in countries other than the United States who speak at least one of the top 10 primary languages spoken by English learners in California.
- 3) Opportunities for California teachers to develop academic language proficiency in languages other than English.
- 4) A career ladder for early childhood education paraprofessionals and high school career pathways in bilingual teaching.
- 5) Incentives for enabling existing schools of education to establish, maintain, or expand a bilingual education program of professional preparation.

The bill requires the Commission on Teacher Credentialing (CTC) to provide recommendations that identify the most effective incentives for enabling existing schools of education in public institutions of higher education to establish, maintain, or expand a bilingual education program of professional preparation by July 1, 2021.

**Status:** **Vetoed by the Governor.**

Governor Brown vetoed AB 952 with the following message, *"This bill requires the Commission on Teacher Credentialing to identify additional short-term pathways for individuals to become bilingual teachers."*

*California recently provided funds to support teachers and paraprofessionals interested in becoming bilingual teachers. This past spring the Commission awarded one-time grants to higher education institutions that sought to create or improve four-year integrated teacher education programs, including for bilingual teachers.*

*Before making additional investments on this matter I believe it's wise to first assess the success of our current programs."*

## **AB 1122 (Limon) ~ Teachers: Best Practices: Dual-Language programs**

Requires the Commission on Teacher Credentialing to develop best practice guidance on the establishment of partnerships between local educational agencies and institutions of higher education to offer integrated teacher preparation programs to teach in dual-language and multilanguage educational programs. Requires this guidance to be made available on the Commission's Internet Web site.

**Status:** **Vetoed by the Governor.**

Governor Brown vetoed, AB 1122 with the following message, *"This bill requires the Commission on Teacher Credentialing to provide guidance in establishing partnerships between school districts and higher education institutions on the subject of bilingual teacher preparation programs."*

*I believe this bill is unnecessary. California recently funded programs to recruit additional teachers, including bilingual education teachers. I want to assess the success of these efforts before spending additional money on new programs."*

## **AB 1217 (Bocanegra) ~ Pupil Instruction: State School: STEM Instruction (as amended 9/8/17)**

This bill establishes a state school for instruction in Science, Technology, Engineering, and Mathematics (STEM) in Los Angeles County which would be governed by a nonprofit public benefit corporation. The school would provide innovative instruction in science, technology, engineering, and mathematics (STEM) to historically underrepresented pupils in grades 6 to 12. The bill requires the State Superintendent of Public Instruction to oversee, monitor, and

report on the operation of the state school.

**Status:** On the Senate Floor. On the inactive file. Two year bill.

### **AB 1220 (Weber) ~ Certificated School Employees: Permanent Status** (as amended 5/30/17)

AB 1220 allows for an additional (optional) 3rd year of probationary status. The "optional" designation is important because it means that the probationary period is not being extended for all second year teachers. It is only being extended for those beginning teachers that have shown a need to improve. It is also "optional" in that it is up to the district to determine if they choose to offer the additional year or let the teacher go per the stipulations of current law which does not require "cause."

If a district does offer the 3rd year, the district will need to develop an "individualized improvement plan" to assist in addressing the deficiencies identified in the probationary employee's evaluation. It would then be incumbent on the district to provide the specific supports that will enable this teacher to meet the specific improvements. Finally, should the district opt for offering the optional third year and chose not to offer permanent status to the teacher there would be no requirement to dismiss for cause. The process would be the same as that used in the current probationary statutes.

**Status:** In the Senate Education Committee. Two year bill.

### **SB 424 (Allen) ~ The California Regional Environmental Education Community Network** (as amended 5/26/17)

The bill establishes the California Regional Environmental Education Community (CREEC) Network for the purpose of facilitating the implementation of high quality environmental literacy in schools, and makes the implementation of the CREEC contingent upon the appropriation of funds in the annual Budget Act. The bill proposes to codify the CREEC Network.

Specifically, the bill requires the CREEC Network, as directed by the governing board, to accomplish the purposes of this bill by undertaking activities that include, but are not limited to: convening and building partnerships among local educational agencies and between LEAs and community-based environmental education providers in all aspects of environmental literacy; providing professional development to educators in environmental literacy and the integration of environmental literacy content and principles with other state-adopted standards and curriculum frameworks; and providing expertise and assistance to educators in the development and implementation of curriculum inside and outside of the classroom and activities that promote environmental literacy.

**Status:** In the Assembly Education Committee. Two year bill.

### **SB 436 (Allen) ~ Teachers: California STEM Professional Teaching Pathway** (as amended 5/26/17)

This bill would establish the California STEM Professional Teaching Pathway, to be administered by the California Center on Teaching Careers, for the purpose of recruiting, training, supporting, and retaining qualified STEM professionals, including military veterans, as mathematics and science teachers in California. SB 436 would also authorize various activities as part of the California STEM Professional Teaching Pathway, including developing and distributing statewide recruitment materials encouraging interested STEM professionals to pursue teaching careers in mathematics and science and providing information to STEM professionals regarding the requirements for obtaining a teaching credential. The bill would require its provisions to be implemented only upon the enactment of an appropriation in the annual Budget Act or another statute for its purpose.

**Status:** In the Assembly Education Committee. Two year bill.

### **SB 577 (Dodd) ~ Public Postsecondary Education: Community College** (as amended 5/26/17)

Authorizes the board of governors of the California Community Colleges, in consultation with the California State University and the University of California, to authorize up to 5 community college districts to offer a teacher credentialing program of professional preparation that meets specified requirements, including that the program has been accredited by the commission's Committee on Accreditation.

**Status:** In the Assembly Higher Education Committee. Two year bill.

### **SB 807 (Stern) ~ Personal Income Taxes: Credit: Exclusion (as amended 5/3/17)**

The bill enacts the Teacher Recruitment and Retention Act of 2017, which allows a tax credit and an income exclusion for qualified teachers. SB 807 enacts two tax benefits for teachers: a personal income tax credit equal to 50% of certain costs a teacher must incur to earn a clear teaching credential, and an income exclusion for 50% of any income received by a teacher between the teacher's sixth and tenth years as a teacher of record in a California school. Both tax benefits commence in the 2017 taxable year, and end after the 2026 taxable year.

**Status:** Held on the Senate Appropriations Committee Suspense file. Two year bill.

## **School Facilities / Bond Oversight**

### **AB 203 (O'Donnell) ~ School Facilities: Design and Construction**

AB 203 would require those standards to also ensure that the design and construction of school facilities provide school districts with flexibility in designing instructional facilities. The bill would require the department to adopt regulations that allow for the funding of flexible instructional facilities and to collaborate with the Office of Public School Construction to develop regulations for consideration by the State Allocation Board that would align specified regulations adopted by the board with the regulations adopted by the department pursuant to this bill. The bill would require the department to develop strategies to assist small school districts with technical assistance relating to school construction and the funding of school facilities. The bill would require the department, the Division of the State Architect, and the Office of Public School Construction to, on or before July 1, 2018, submit a report to the Legislature, as provided, relating to the construction of school facilities that addresses the feasibility of streamlining their application processes, as specified.

**Status: Signed by the Governor. Chapter 837.**

Governor Brown signed the bill and included the following signing message, *"I am signing Assembly Bill 203, which requires the Office of Public Construction and the California Department of Education to develop regulations that will provide school districts with additional flexibility in the design of instructional facilities. This bill also requires the Department to provide technical assistance to small school districts seeking to build or fund school facilities.*

*I share the author's goal of streamlining school design and the process for applying to the state for construction funds. While this bill will create some flexibility for local schools, we need to explore additional steps to bring greater flexibility to the School Facilities Program. This could include some modifications to Proposition 51, which now makes the system far too rigid.*

*I look forward to working with the author and school districts to achieve more substantial reforms."*

### **AB 591 (O'Donnell) ~ School Property: Lease: County Board of Education.**

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

**Status: Signed by the Governor. Chapter 125.**

### **AB 746 (Gonzales Fletcher) ~ School facilities: lead testing on school sites**

The bill would require a local educational agency to test for lead in the potable water system, as defined, at every schoolsite within its jurisdiction at least once a year or once every 3 years, depending on whether a building was constructed before or after January 1, 1993. The bill would require, if a test reveals that a schoolsite's lead level is greater than the United States Environmental Protection Agency's drinking water standards for lead, as those standards existed on January 1, 2017, the local educational agency to notify parents and guardians of the elevated level and provide information on lead developed by an agency with expertise on lead, as specified. The bill would require a local educational agency to make inoperable and shut down from use any part of a schoolsite's potable water system that has an elevated lead level.

**Status:** Signed by the Governor. Chapter 746.

### **AB 1011 (Gallengar) ~ School bonds: accountability and oversight** (as introduced 2/16/17)

Existing law establishes a system of public elementary and secondary schools in this state, and provides for the funding of these schools through a variety of means. Existing law authorizes, among other methods of funding schools, both the State of California and local educational agencies to provide for the funding of public schools through the issuance of bonds approved by the voters.

AB 1011 would express the intent of the Legislature to enact legislation that would improve school bond accountability and oversight.

**Status:** In the Assembly. Two year bill.

### **AB 1550 (Limon) ~ School finance: School Bonds: Small School Districts**

Existing law, the Joint Exercise of Powers Act, generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power. This bill would authorize 2 or more small school districts, as defined, that have voter-approved authority to issue bonds pursuant to the above provisions to form a joint powers authority pursuant to the Joint Exercise of Powers Act for the purpose of issuing or selling those bonds to raise money for the purposes authorized. The bill would authorize a joint powers authority formed pursuant to these provisions to exercise the authority granted to a school district for the issuing and selling of those bonds.

**Status:** Signed by the Governor. Chapter 451.

### **SB 348 (Leyva) ~ County voter information guide: taxpayer notice** (as amended 3/20/17)

SB 348 requires the local elections official to include notice in the voter information guide regarding the process for initiating a validation action challenging the levy of a special tax. SB 348 requires the notice to be at least 12- point font, in bold and all capital letters with a oneeighth inch border. The notice must immediately follow the analysis of the special tax measure. The bill specifies, that under the heading "Important Notice for Taxpayers," the following statement must be printed: "State law generally requires that a legal challenged be filed within 60 days of voter approval of a special tax. The validity of the special tax cannot be challenged after that time."

**Status:** In the Assembly Government Committee. Two year bill.

### **SB 541 (Allen) ~ Water: school facility water capture practices**

SB 541 requires the State Water Resources Control Board (SWRCB), in consultation with the regional water quality control boards, and the Division of the State Architect (within the Department of General Services), to recommend best design and use practices for storm water and dry weather runoff capture practices that can generally be applied to all new, reconstructed, or altered public schools, including school grounds.

**Status:** Signed by the Governor. Chapter 811.

### **AB 406 (McCarty) ~ Charter Schools: Operation** (as amended 5/17/17)

This bill, on and after January 1, 2019, would prohibit a petitioner that submits a charter petition for the establishment of a charter school or a charter school that submits a charter renewal or material revision application from operating as, or being operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization.

**Status:** In the Senate Education Committee. Two year bill.

### **AB 950 (Rubio) ~ Charter Schools** (as amended 6/20/17)

This bill would authorize the petitioner of a charter school to submit a petition for renewal to either the governing board of the school district that initially denied the charter or directly to the state board. A charter school petitioner, if a county board of education denies or revokes a petition, would also be authorized to submit the petition directly to the SBE. AB 950 would delete the requirements that authorizes a county board of education to approve a petition for a countywide charter.

This bill would also require a charter school petition to demonstrate that the charter school will provide a high-quality education program and that it will seek to share best and promising practices of the charter school with other traditional and charter public schools that have low academic performance.

Finally, AB 950 would delete the requirement that the statewide benefit cannot be provided by a charter school operating in only one school district or county and would instead require, as part of the determination of the statewide benefit, to ensure that the charter school has described the manner in which the charter school will seek to share best and promising practices with other traditional and charter public schools with low academic performance, and would authorize the SBE to establish other criteria or conditions to define a statewide benefit.

**Status:** In the Assembly Appropriations Committee. Two year bill.

### **AB 1224 (Weber) ~ Charter Schools: Chartering Authority** (as amended 4/18/17)

This bill would establish the Chartering Authority Pilot Program administered by the SBE. The SBE would be authorized to select up to three county boards of education with demonstrated authorizing and oversight capacity to authorize and oversee up to five additional charter schools each. AB 1224 would also require the SBE to annually evaluate and report to the Legislature on the performance of the participating chartering authorities and each charter school approved.

The bill would authorize the SBE to extend the chartering authority for any of the pilot program participants. The bill would also authorize a nonprofit public benefit corporation that operates more than one charter school in the state to petition a county board of education participating in the pilot program to consolidate some or all of its existing and future charter schools under the jurisdiction of a single chartering authority, subject to approval by the SBE.

**Status:** In the Assembly Education Committee. Two year bill.

### **AB 1360 (Bonta) ~ Charter Schools: Admissions and Pupil discipline**

AB 1360 requires a charter school's petition, regardless of the chartering authority, to contain a comprehensive description of procedures by which a pupil can be suspended, expelled, or otherwise involuntarily removed from the charter school that includes an explanation of how the charter school will comply with specified federal and state constitutional due process requirements.

**Status:** **Signed by the Governor. Chapter 760.**

### **AB 1478 (Jones-Sawyer) ~ Charter Schools** (as introduced 5/1/17)

This bill would require that charter schools and entities managing charter schools are subject to:

- The Ralph M. Brown Act, unless the charter school is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the charter school would be subject to the Bagley-Keene Open Meeting Act;
- The California Public Records Act;



- The Political Reform Act of 1974; and
- Prohibition from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members of.

AB 1478 also states that an employee of a charter school is not disqualified from serving as a member of the governing body of the charter school because of their employment status. The bill would require such a member of the governing body of a charter school to abstain from voting on, influencing, or attempting to influence, another member of that body regarding any matter uniquely affecting his or her own employment.

**Status:** On the Assembly Floor. On the Inactive file. Two year bill.

### **SB 765 (Wiener) ~ School Facilities: Surplus Property: Charter Schools** (as amended 7/3/17)

Existing law required, until July 1, 2016, the governing board of a school district seeking to sell or lease real property designed to provide direct instruction or instructional support that the governing board deemed to be surplus property to first provide a written offer to sell or lease that property to any charter school that had submitted a written request to the school district to be notified of surplus real property offered by the school district for sale or lease, as specified. That law required a charter school to use the real property sold or leased exclusively to provide direct instruction or instructional support.

SB 765 would reinstate the requirement that expired on July 1, 2016, to first provide a written offer to the above-specified charter schools but would exempt from the requirement the governing board of a school district seeking to sell or lease real property it deems to be surplus property intended to be used in accordance with the Teacher Housing Act of 2016. The bill would limit the requirement to provide these written offers to only those charter schools that are operating as, or operated by, a nonprofit public benefit corporation and that are not located outside of the boundaries of the chartering school district pursuant to the provision applicable to a charter school unable to locate within the chartering school district. The bill would eliminate the specification that the real property deemed to be surplus real property must be designed to provide direct instruction or instructional support to be subject to the requirement to offer the property to eligible charter schools. The bill would require a charter school to complete school facilities construction, if any, and begin using the real property for direct instruction or instructional support within 5 years of the date the real property is made available to the charter school.

**Status:** In the Assembly Education Committee. Two year bill.

### **SB 806 (Glazer) ~ Charter Schools: Operation: For-Profit Entities** (as amended 4/17/17)

This bill prohibits the operation of for-profit charter schools, prohibits for-profit entities from engaging in certain activities related to charter school governance and instructional services, and subjects charter schools to a variety of the same open meeting, conflict-of-interest, and disclosure laws as traditional school districts. The bill also allows charter school authorizers to correct violations of current self-dealing laws through court, as prescribed by the corporations code.

**Status:** In the Senate Judiciary Committee. Held in Committee. Two year bill.

### **SB 808 (Mendoza) ~ Charter Schools: Chartering Authorities and Approvals** (as amended 4/24/17)

SB 808 would require all charter school petitions to be approved by the governing board of the school district in which the charter school is located, prohibits a charter school from locating outside of its authorizer's district boundaries, and limits the current charter appeal process to claims of procedural violations. Further, the bill specifies that charter schools previously approved by a county board or the state and charter schools operating outside of their authorizer's district boundaries may continue to operate until the charter is required to be renewed.

**Status:** In the Senate Education Committee. Held in Committee. Two year bill.

## **Electronic Privacy**

### **AB 165 (Cooper) ~ Privacy: Electronic Communications: Exclusions** (as amended 4/17/17)

This bill would specify that a government entity may access electronic device information by means of physical interaction or electronic communication with the device where the owner or authorized possessor of the device is a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, and the government entity seeking access to the device is a local educational agency, as defined, or an individual authorized to act for or on behalf of a local educational agency seeking a pupil's electronic device information or a pupil's electronic communication information when investigating alleged or suspected pupil misconduct pursuant to specified provisions.

**Status:** In the Assembly Privacy and Consumer Protection Committee. Two year bill.

## Career Technical Education & Dual enrollment

### AB 445 Cunningham ~ Career Technical Education Grant Program (as amended 3/29/17)

This bill would change the name of the California Career Technical Education Incentive Grant Program to the California Career Technical Education Grant Program. AB 445 would also appropriate \$300 million beginning in the 2017–18 fiscal year, and would further provide for an appropriation to the department in this amount for the 2018–19, 2019–20, and 2020–21 fiscal years.

AB 445 would also lower the amount of local matching funds required of an applicant from \$1.50 for every dollar received to \$1, and would allow an applicant receiving this grant during the 2017–18 fiscal year or any subsequent fiscal year eligible for a renewal grant in the next fiscal year, if that applicant demonstrates continued compliance with program requirements.

**Status:** Held in the Assembly Appropriations Committee Suspense file. Two year bill.

### AB 1533 O'Donnell ~ Pupil Instruction: College Promise Partnership Act

Existing law authorizes the Long Beach Community College District (LBCCD) and the Long Beach Unified School District (LBUSD), until June 30, 2017, to enter into a partnership regarding concurrent enrollment (also referred to as dual enrollment), to provide participating students with an aligned sequence of high school and college coursework leading to "capstone college courses" —either (a) lower- division for credit courses transferable to the California State University (CSU) or University of California, or (b) college- level, occupational courses that are a part of a sequence of career technical education (CTE) courses leading to a degree or certificate.

AB 1533 removes the June 30, 2017 sunset date on the Long Beach College Promise Partnership Act, thereby allowing this program to continue indefinitely.

**Status:** Signed by the Governor. Chapter 762.

## Labor/Employment

### AB 52 (Cooper) ~ Public Employee: Orientation And Informational Programs (as introduced 12/5/16)

Requires the public employers regulated by specified acts to provide all employees an orientation and to permit an exclusive representative to participate.

**Status:** The bill is in the Assembly Public Employees, Retirement & Social Security Committee.

**NOTE:** The author was successful in getting the issue of employee orientation included in the final 2017-18 budget.

### AB 168 (Eggman) ~ Employers: salary information

Prohibits all employers, including the Legislature, the state, and local governments, from seeking salary history information about an applicant for

employment and requires an employer to provide the pay scale for a position to an applicant upon reasonable request, among other things.

**Status:** Signed by the Governor. Chapter 688.

### AB 568 (Gonzalez) ~ School and Community College Employees: Maternity Leave

The bill requires that school districts, charter schools, and community colleges provide at least six weeks of full pay for pregnancy – related leaves of absence taken by certificated, academic, and classified employees. Specifically, this bill:

- 1) Requires that at least six weeks of a pregnancy and childbirth related leave of absence for certificated and classified employees of school districts and charter schools, and for academic or classified employees of community colleges, be with full pay.
- 2) Stipulates that the paid leave may begin before and/or continue after childbirth, provided that the employee is disabled by pregnancy, childbirth, or a related condition.
- 3) Stipulates that paid leave taken per the above shall not diminish the employee's right to take or be compensated for other leaves of absence, including disability leave, sick leave, bonding leave, vacation leave, and pregnancy leave under the California Fair Employment and Housing Act (FEHA), even when other leaves are taken due to illness or injury resulting from pregnancy, miscarriage, childbirth, or recovery there from.

**Status:** Vetoed by the Governor.

Governor Brown vetoed AB 568 with the following statement, "*This bill requires school districts, charter schools, and community colleges to provide at least six weeks of full pay for pregnancy related leaves of absence taken by certificated, academic and classified employees.*"

*I have signed two previous bills, AB 2393 of 2016 and AB 375 of 2015, that allows these employees to receive differential pay for maternity and paternity leave. I believe further decisions regarding leave policies for school employees are best resolved through the collective bargaining process at the local level. I would also encourage districts to consider participating in the State Disability Insurance program that would allow these employees to receive pay in addition to what is already being provided."*

### AB 621 (Bocanegra) ~ Classified School Employees Summer Furlough

This bill allows classified school employees who do not receive their salaries in 12 equal monthly payments to participate in the Classified School Employees Summer Furlough Fund.

Specifically, this bill:

- 1) Allows an eligible classified school employee to specify an amount to be withheld from a paycheck during the school year to be paid back in one or two payments during the summer recess period.
- 2) Requires school districts to deposit the withheld amounts into an account within its general fund called the Classified School Employees Furlough Fund (Furlough Fund).
- 3) Requires the Department of Education to match \$2 for every \$1 deposited by an employee into each district's Furlough Fund, up to a certain amount. The state match can be up to the amount the employee earns during 80 hours of employment or 10 days of employment, whichever is greater. The school district then pays the employee the amount withheld plus the state match to the employee during summer recess period.

Proposed amendments by the Senate Appropriations Committee would make this program contingent upon a budget appropriation and add a wage limit threshold for eligibility in the program.

**Status:** Vetoed by the Governor.

The bill was vetoed by Governor Brown with the following message, "*This bill creates a fund to allow specific classified school employees to contribute earnings voluntarily that are matched by the state on a two-to-one basis, for the purposes of providing income during times when these employees are not receiving a salary.*"

*Employee compensation is a matter subject to local collective bargaining. This bill reduces the flexibility of local educational agencies and bargaining units to agree on employee compensation in a manner that reflects local needs, resources and priorities. For these reasons, I cannot sign this bill."*

### AB 670 (Thurmond) ~ Classified Employees: Part-time playground positions

Existing law exempts a person employed in a part-time playground position from the classified service, where the person is not otherwise employed in a classified position. Existing law requires that a position not defined as requiring certification qualifications and not specifically exempted from the classified service is a part of the classified service.

AB 670 would delete the provision exempting a person employed in a part-time playground position from the classified service, where the person is not otherwise employed in a classified position, thereby making that person a part of the classified service. This bill removes the provision of law exempting a part-time playground position from the classified service within school districts if the person is not also employed in a classified position.

**Status:** Signed by the Governor. Chapter 582.

### **SB 550 (Pan) ~ Public school employment: meeting and negotiating: legal actions: settlement offer: attorney's fees.**

This bill would authorize an employee organization to make an offer to settle a dispute alleging an employer's failure to provide wages, benefits, or working conditions required by state law in accordance with specified procedural requirements and would require the employer, if the employer does not accept the offer and fails to obtain a more favorable judgment or award, to pay the employee organization's attorney's fees and expenses incurred after the offer was made, subject to specified exceptions. The fee shifting procedure would not apply to unfair practice or arbitration proceedings.

**Status:** Signed by the Governor. Chapter 812.

## **Immigration/Student Privacy**

### **AB 699 (O'Donnell) ~ Educational Equity: Immigration Status**

Commencing with the 2019-20 fiscal year, the bill prohibits school officials and employees of a school district, county office of education, or a charter school from collecting information or documents about the immigration status of pupils or their family members or allowing an officer or employee of United States Immigration and Customs Enforcement to enter a schoolsite without providing valid identification, a written statement of purpose, a valid judicial warrant or court order, and receiving approval from specified administrators.

**Status:** Signed by the Governor. Chapter 493.

### **SB 54 (de Leon) ~ Law Enforcement: Sharing Data**

This bill limits state and local law enforcement agencies involvement in immigration enforcement and ensures that eligible individuals are able to seek services from and engage with state agencies without regard to their immigration status.

**Status:** Signed by the Governor. Chapter 495.

### **SB 257 (Lara) ~ School Admissions: Pupil Residency: Deported Parents**

This bill would provide that a pupil complies with the residency requirement for school attendance in a school if he or she is a pupil whose parent or parents were residents of this state and were deported, or voluntarily departed pursuant to a specified federal law and, if the pupil seeks admission to a class or school of a school district requires that the pupil be admitted by the governing board of the school district if that person meets specified requirements.

**Status:** Signed by the Governor. Chapter 498.

## Budget Reserve Cap & Education Finance

### AB 235 (O'Donnell) ~ School Finance: School District Annual Budgets (as amended 8/22/17)

AB 235 exempts school districts with fewer than 2,501 units of ADA and basic aid districts from the cap on ending reserves that is applied in certain years.

**Status:** On the Senate Floor. On the Inactive File. Two year bill.

### AB 341 (Frazier) ~ School Field Trips: Expenses

Current law prohibits a pupil enrolled in a public school from paying fees for participation in educational activities.

AB 341 deletes a provision in existing law which prohibits school districts from paying expenses of pupils participating in a field trip or excursion to any other state, the District of Columbia, or a foreign country with school district funds. The bill will provide school districts with the discretion to pay for out-of-state travel where appropriate.

**Status:** Signed by the Governor. Chapter 40.

### AB 1321 (Weber) ~ Education Finance: fiscal transparency (as amended 7/19/17)

The bill requires the state report card required by the federal Every Student Succeeds Act (ESSA) to include per-pupil expenditures of federal, state, and local funds, including actual personnel and nonpersonnel expenditures for each local education agency (LEA). This bill also requires a methodology for disaggregate local control funding formula funds. Specifically, this bill:

- 1) Requires the Superintendent of Public Instruction (SPI), the Controller, and the Director of Finance to do the following:
  - a. Establish guidelines for the reporting of personnel and nonpersonnel expenditures that minimize the recordkeeping burden on LEA's and that result in a report card that can be quickly and easily understood by the public and enables transparent disclosure of the expenditure of local control funding formula funds.
  - b. Enable the disaggregation of local control funding formula base grants and supplemental and concentration grants for each LEA and each school.
- 2) Requires the SPI, in compliance with federal requirements, to ensure that each LEA collects appropriate data, and include it in the annual report on per-pupil expenditures.

**Status:** Held in the Senate Appropriations Committee suspense file. Two year bill.

### SB 590 (Moorlach) ~ School Finance: School Districts: Annual Budgets (as amended 4/17/17)

Repeals provisions stating that, in a fiscal year immediately after a fiscal year in which a transfer is made into the Public School System Stabilization Account, a school district's adopted or revised budget is prohibited from containing a combined assigned or unassigned ending fund balance that is in excess of a specified minimum recommended reserve. Repeals an existing law concerning a waiver of the prohibition.

**Status:** In the Senate Education Committee. Failed passage. Two year bill.

### SB 751 (Hill) ~ School Finance: School Districts: Annual Budgets

Beginning in 2018-19, this bill increases the cap on school district reserves in years following a deposit into the Public School System Stabilization Account, exempts small and basic aid school districts from the reserve cap requirement, and specifies that only unassigned general fund and a portion of special reserve fund ending balances are counted for purposes of the reserve cap requirement.

SB 751 provides:

- Exemption from the reserve cap for basic aid districts;
- Exemption from the reserve cap for small districts with ADA of 2500 or less;
- Modification of the reserve cap trigger to require an accumulation of an amount equal to at least 3% of the Prop 98 guarantee (\$1.9 billion in the current year) before the trigger would be pulled;

- A change on the cap percentage to a cap of 10%;
- Ensures cap only applies to General Fund

**Status: Signed by the Governor.**

The Governor signed the bill with the following message, *"I am signing SB 751. This bill makes reasonable and appropriate changes to existing law to provide schools with adequate flexibility necessary to maintain fiscal solvency while simultaneously prioritizing the education of students they are currently serving.*

*However, further clarification in the form of a technical amendment is necessary regarding the application of the 10 percent cap to ensure that this bill is implemented as intended should the reserve cap ever be triggered.*

*I will direct the Department of Finance to work with the author's staff to ensure that this technical amendment is incorporated in cleanup legislation next year."*

## Home to School Transportation

### SB 527 (Galgiani) ~ Education Finance: Local Control Funding Formula

This bill provides an annual cost-of-living adjustment (COLA) to the amount of funding that school districts and county offices of education receive from the Home-to-School Transportation (HTST) program. The bill would require those funds received pursuant to these provisions to be subject to the maintenance of effort for those pupil transportation programs, as specified.

**Status: Vetoes by the Governor.**

Governor Brown vetoed, SB 527 with the following message, *"This bill provides for an annual cost-of-living adjustment to the amount of funding that local schools and county offices of education receive from the Home-to-School Transportation program.*

*While I recognize the increasing call on local resources for competing priorities and the importance of providing student transportation, the Local Control Funding Formula provides local schools and county offices of education with substantial flexibility and autonomy to implement and augment programs that meet the educational needs of their students and local communities. "*

### AB 692 (Chu) ~ Bus Restraints (as amended 6/29/17)

This bill requires school districts to provide information to the California Department of Education (CDE) and the California Highway Patrol (CHP) to formulate a plan to have all schoolbuses equipped with passenger restraint systems by January 1, 2023.

**Status:** Held in the Senate Appropriations Committee Suspense File. Two year bill.

## Pupil Attendance, Assessment & Accountability

### AB 716 (O'Donnell ) ~ Magnet Schools (as introduced 2-15-17)

The bill creates a new grant program for magnet school startup costs. Specifically, this bill:

- 1) Requires the Superintendent of Public Instruction (SPI) to allocate magnet school startup grants in an amount not to exceed \$575 ,000, subject to funding being provided for this purpose in the annual Budget Act or other legislation.
- 2) Requires priority for grants to be given for the establishment of magnet schools in communities with high populations of pupils eligible for free or reduced-price meals.
- 3) Provides that grants may be awarded for one-time costs associated with the startup of a new magnet school.
- 4) Specifies that grant funds must supplement, not supplant, existing services, and may not be used to supplant federal, state, local, or nonfederal funds or to pay for existing levels of service funded from any other source; or for fundraising, civil defense, legal claims against the state or federal government, or contingencies.
- 5) Requires grant funds to be disbursed by the SPI to an applicant within 60 days of approval.

6) Specifies that funding apportioned for this purpose is subject to the annual audits.

**Status:** In the Senate Education Committee. Two year bill.

### **AB 830 (Kalra) ~ High School Exit Exam: Repeal**

Eliminates the high school exit examination and removes it as a condition of receiving a diploma of graduation or a condition of graduation from high school.

**Status:** **Signed by the Governor. Chapter 641.**

### **AB 1035 (O'Donnell) ~ Pupil Assessments: Interim Assessments**

Requires interim assessments for kindergarten and grades 1 to 12 to be designed to provide timely feedback to teachers that they may use to continually adjust instruction to improve pupil learning. Prohibits the results of the interim assessments from being used for any high-stakes purpose.

**Status:** **Signed by the Governor. Chapter 752.**

### **AB 1124 (Cervantes) ~ Juvenile Court School pupils: graduation requirements**

AB 1124 requires that, when a juvenile court school student becomes entitled to a diploma for meeting state graduation requirements, the county office of education notify the student, the person holding the right to make educational decisions for the student, and the student's social worker or probation officer of all of the following:

- 1) The student's right to a diploma.
- 2) How taking coursework and other requirements adopted by the governing board of the county office of education or continuing education upon release from the juvenile detention facility will affect the student's ability to gain admission to a postsecondary educational institution.
- 3) Information about transfer opportunities available through the California Community Colleges.
- 4) The student's or the education rights holder's option to allow the student to defer or decline the diploma and take additional coursework.

**Status:** **Signed by the Governor. Chapter 754.**

### **AB 1142 (Medina) ~ High School Diplomas: State Seal of Biliteracy**

Requires that a pupil pass the California Assessment of Student Performance and Progress for English language arts at the standard met achievement level to be awarded a State Seal of Biliteracy. Requires a pupil to attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment.

**Status:** **Signed by the Governor. Chapter 208.**

### **AB 1176 (Mullin) ~ High School Equivalency Tests**

AB 1176 removes a limitation on general education development test preparation programs.

Existing law requires juvenile court schools to provide a course of study leading to a high school diploma. A minimum day program for juvenile court schools is 240 minutes. Existing law authorizes county offices of education that have been granted a waiver from the SPI to provide up to one hour per schoolday of preparation for the high school equivalency test to students in juvenile court schools.

AB 1176 eliminates the one hour per schoolday limitation. The one hour limitation was added to statute to address concerns that juvenile court schools would shift the focus from high school diplomas to high school equivalency. This bill does not change the requirement for juvenile court schools to provide a full

course of study, nor does it eliminate the requirement for a county office of education to obtain a waiver from the SPI to provide a high school equivalency test preparation program.

**Status:** Signed by the Governor. Chapter 663.

### **AB 1602 (O'Donnell)~ Alternative Grade 11 Assessment Pilot Program (as Amended 5/3/17)**

This bill establishes the Alternative Grade 11 Assessment Pilot Program to allow participating districts to administer an assessment other than the one required by the California Assessment of Student Performance and Progress (CAASPP). Specifically, this bill:

- 1) Requires the Superintendent of Public Instruction (SPI) to establish guidelines for accepting up to five school districts to participate in the Alternative Grade 11 Assessment Pilot Program. Specifies that the Long Beach Unified School District will be selected to participate if it applies.
- 2) Requires the assessment to comply with the federal Every Student Succeeds Act.
- 3) Requires participating districts to report test results to the Superintendent of Public Instruction (SPI) and report to the SPI, by June 30, 2023, on the effectiveness of the alternative assessment.
- 4) Provides that participating districts will not receive an apportionment for administration of the grade 11 CAASPP.
- 5) Establishes a sunset date of July 1, 2024.

**Status:** In the Assembly Appropriations Committee. Two year bill.

### **AB 1661 (Limon)~ School accountability: multiple measures (as amended 4/17/17)**

AB 1661 repeals the requirement to develop an Academic Performance Index (API) and replaces it with a requirement to develop a multiple measures public school accountability system based on the state priorities addressed by the local control and accountability plans (LCAPs). The API is no longer used in California, and has been replaced by a multiple measures accountability system. The purpose of this bill is to conform statute to current practice.

**Status:** On the Assembly Floor. On the inactive file. Two year bill.

### **SB 328 (Portantino) ~ Pupil attendance; school district start time (as amended 9/7/17)**

SB 328 would prohibit middle schools and high schools from beginning their school day before 8:30 a.m., which would be required to be implemented no later than July 1, 2020. Rural school districts will be allowed to obtain a waiver from the State Board of Education to implement the bill's requirements by two additional years.

The bill was amended to add charter schools and clarify that existing bargaining agreements be honored.

**Status:** On the Assembly Floor. Failed Passage. Two year bill.

### **SB 544 (McGuire) ~ Pupil assessments**

The bill would require the California Department of Education (CDE) to establish a process for identifying and evaluating locally developed formative assessment tools and other assessments for use by local educational agencies. The bill also requires the CDE to support a regional network to provide support to LEAs regarding the implementation of the comprehensive assessment tools and resources related to the statewide testing program, subject to funds being provided in the annual Budget Act or another statute for this purpose.

**Status:** Signed by the Governor. Chapter 395.



## English Language Learners

### AB 81 (Gonzalez Fletcher) ~ English learners: identification: notice

The bill would require the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner, and would authorize a local educational agency or charter school to send an alternative notice to comply with this requirement, as specified.

**Status:** Signed by the Governor. Chapter 609.

### SB 463 (Lara) ~ English learners: reclassification (as amended 5/26/17)

This bill establishes new procedures for the reclassification of a student from English learner to English proficient whereby a local educational agency (LEA) would determine whether to reclassify an English learner according to specified criteria. The bill deletes the requirement for CDE to establish procedures for the reclassification of a student from English learner to English proficient and would instead require an LEA to determine reclassification according to specified criteria for purposes of establishing statewide standards for reclassifying English learners.

Specifically, commencing with the 2018-2019 school year, the bill requires an LEA that has one or more students who are English learners in grades 3 to 12, and who do not have an individualized education program (IEP) or a student disability accommodation plan, as specified, to determine whether to reclassify according to the following:

- 1) Assessment of language proficiency using the English language development assessment that is identified or developed pursuant to existing law.
- 2) Teacher evaluation of the student's English language arts curriculum mastery.
- 3) The opinion of and consultation with, parents and guardians.
- 4) Comparison of the performance of the student in English language arts against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age using the results from English Language Arts California Assessment of Student Performance and Progress.

On or before January 1, 2019, the CDE, with approval of the State Board of Education (SBE), would be required to develop guidance for LEAs related to the implementation of this bill, as specified. The bill also requires CDE, on or before September 1, 2018, in consultation with SBE, to develop and submit recommendations to the Legislature regarding the appropriate reclassification criteria for English learner students with individualized education programs or student disability accommodation plans adopted pursuant to federal law, as specified. On or before January 1, 2019, the bill requires the SBE in consultation with the CDE, to determine minimum scores on specified assessments for reclassification of a student as English proficient.

**Status:** In the Assembly Education committee. Two year bill.

## Miscellaneous

### AB 424 (McCarthy) ~ Possession of a firearm in a school zone

AB 424 deletes the authority of a school district superintendent, his or her designee, or equivalent school authority to provide written permission for a person to possess a firearm within a school zone, and exempts sanctioned shooting sports or activities from the prohibition, as specified.

**Status:** Signed by the Governor. Chapter 779.

### SB 649 (Hueso) ~ Wireless telecommunications facilities

SB 649 relates to encroachment permits on right of ways on "small cells" (as defined) and also limits the fees that public entities can charge for this permitting process. The bill would streamline the local government process for siting these "small cells" which are designed to provide support for larger cell towers.

**Status: Vetoed by the Governor.**

Governor Brown vetoed SB 649 with the following message, *"This bill establishes a uniform permitting process for small cell wireless equipment and fixes the rates local government may charge for placement of that equipment on city or county owned property, such as streetlights and traffic poles."*

*There is something of real value in having a process that results in extending this innovative technology rapidly and efficiently. Nevertheless, I believe that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill."*