

## CASCWA Bills of Interest – 06/07/11

### **AB 9** (Ammiano D) Pupil rights: bullying.

**Last Amend:** 5/27/2011

**Status:** 6/1/2011-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 6/1/2011-S. RLS.

**Summary:** Existing law provides that it is the policy of the state to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights and opportunities in the educational institutions of the state, and that it is the purpose of existing law to prohibit acts that are contrary to that policy and to provide remedies therefor. Existing law requires the State Department of Education to develop a model handout, posted on appropriate department Internet Web sites, describing the rights and obligations set forth in these provisions and the policies addressing bias-related discrimination and harassment in schools. Existing law also requires the department to monitor adherence to these provisions and, as part of its regular monitoring and review of local educational agencies, to assess whether local educational agencies have adopted a policy that prohibits discrimination and harassment and a process for receiving and investigating complaints of discrimination and harassment, as specified. This bill would require the policy adopted by the local educational agencies to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified. The bill would also require the process for receiving and investigating complaints to include complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified, and to include a requirement that school personnel who witness such acts to take immediate steps to intervene when safe to do so, a timeline to investigate and resolve complaints, and an appeal process, as specified. The bill would make other conforming changes. This bill contains other related provisions and other existing laws.

### **AB 47** (Huffman D) Schools: open enrollment.

**Last Amend:** 5/27/2011

**Status:** 6/2/2011-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 6/2/2011-S. RLS.

**Summary:** Existing law, the Open Enrollment Act, allows the parent of a pupil enrolled in a low-achieving school to submit an application for the pupil to attend school in a school district other than the school district in which the parent of the pupil resides, but in which the parent nevertheless intends to enroll the pupil. Existing law defines a low-achieving school, for purposes of these provisions, as a school identified by the Superintendent of Public Instruction by inclusion on a list of 1,000 schools ranked by increasing Academic Performance Index (API) score. Existing law provides that no local educational agency may have more than 10% of its schools on the list and that specified types of schools, including charter schools, may not be included on the list. This bill would instead provide that the list created by the Superintendent to define low-achieving schools may include up to 1,000 schools, that a local educational agency shall not have more than 10% of its schools on the list, calculated as specified, and that county offices of education operating a special education program and state special schools not be included on the list. The bill would also provide that a school shall only be identified as a low-achieving school if it is identified on the list for 2 consecutive years and would delete the provision excluding charter schools from inclusion on the list. This bill contains other related provisions and other existing laws.

**AB 202 (Brownley D) Local educational agencies: reimbursable state mandates.**

**Last Amend:** 5/16/2011

**Status:** 6/2/2011-Referred to Com. on ED.

**Location:** 6/2/2011-S. ED.

**Summary:** Existing law establishes a procedure for local governmental agencies to file, with the Commission on State Mandates, claims for reimbursement of specified costs associated with state-mandated local programs, and sets forth the procedure for a determination by the commission for eligibility for reimbursement, appropriation, and payment of claims, including payment pursuant to the enactment of a local government claims bill, the establishment of interest accrued on claims, and the review of state mandates by the Legislative Analyst generally. This bill would express the intent of the Legislature that statutes creating a reimbursable state mandate on school districts be periodically reviewed, and that the Legislature consider recommendations on whether those statutes should be amended, repealed, or remain unchanged. The bill would require that, in addition to a report submitted pursuant to existing law, the Legislative Analyst review and report on each reimbursable state mandate relating to local educational agencies that meets prescribed criteria. The bill would specify the information to be provided in the review and report, and would require that the review and report be provided to the chairpersons of the Assembly Committee on Education, the Senate Committee on Education, and the fiscal committees of the Assembly and the Senate, on or before the January 1 following the adjournment of the regular session of the Legislature for which the review was made. This bill contains other related provisions and other existing laws.

**AB 203 (Brownley D) Public schools: parent empowerment: school intervention.**

**Last Amend:** 5/11/2011

**Status:** 6/1/2011-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 6/1/2011-S. RLS.

**Summary:** Existing law requires a local educational agency to implement one of several specified interventions for a school not identified as a persistently lowest-achieving school that, after one full school year, fails to meet specified criteria and has a specified percentage of parents and legal guardians of pupils sign a petition requesting the local educational agency to implement at least one of 5 specified interventions. Existing law requires a local educational agency to implement the intervention option requested by the petition unless the agency makes a specified finding in a regularly scheduled public hearing. This bill would require interventions to be implemented also for a school that is identified as persistently lowest-achieving but does not receive specified school improvement grant funding. The bill would require a governing board of a local educational agency to allow parents and legal guardians to provide testimony at the regularly scheduled public hearing. To the extent these provisions would impose additional duties on local educational agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**AB 207 (Ammiano D) School attendance: residency requirements.**

**Status:** 6/1/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 5/12/2011-S. ED.

**Summary:** Existing law requires each person between 6 and 18 years of age not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district where the person's parent or legal guardian is located. Existing law provides various exceptions to this residency requirement, including, but not limited to, authorizing a pupil to attend school in a school district in which his or her parent or legal guardian is employed. This bill would require a school district to accept a

wide range of documents and representations from the parent or legal guardian of a pupil as reasonable evidence that the pupil meets those residency requirements, including, but not limited to, property tax payment receipts, rental property contract, lease, or payment receipts, utility service contract, statement, or payment receipts, pay stubs, voter registration, correspondence from a government agency, or a declaration of residency executed by the parent or legal guardian of a pupil who is a homeless child or youth, as defined. The bill would, if an employee of a school district reasonably believes that the parent or legal guardian of a pupil has provided false or unreliable evidence of residency, authorize the school district to make reasonable efforts to determine that the pupil actually meets the residency requirements. This bill contains other related provisions.

**AB 220** **(Solorio D) Gang and youth violence: prevention.**

**Last Amend:** 6/1/2011

**Status:** 6/1/2011-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.

**Location:** 6/1/2011-S. PUB. S.

**Summary:** Under existing law, the Office of Gang and Youth Violence Policy, which is in the California Emergency Management Agency, is responsible for identifying and evaluating gang and youth violence programs and strategies, along with funding for those efforts. The Director of the Office of Gang and Youth Violence Policy is responsible for monitoring, assessing, and coordinating the state's gang and youth violence programs, as specified. This bill would require the director, subject to statutory limits and directives, to make recommendations to streamline existing state agency gang and youth violence grant programs with a goal toward giving priority to grant programs that employ evidence-based practices. It would require the director to create a working group consisting of representatives of state offices and representatives of other specified stakeholders to assist in this effort, with the director serving as the chairperson. The bill would require the working group to advise the office on the task of streamlining grant programs that address gang and youth violence, in accordance with certain procedures. This bill contains other related provisions.

**AB 387** **(Bonilla D) Pupils: excused absences: military deployment activities.**

**Last Amend:** 4/26/2011

**Status:** 5/24/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 5/12/2011-S. ED.

**Summary:** Existing law requires a pupil to be excused from school for specified types of absences and prohibits those excused absences from generating state apportionment payments by deeming them as absences in computing average daily attendance. This bill would include spending time with an immediate family member, who is an active duty member of the uniformed services, as defined, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support position, F as another type of excused absence.

**AB 402** **(Skinner D) CalFresh program: School Lunch Program: information.**

**Last Amend:** 5/27/2011

**Status:** 6/1/2011-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 6/1/2011-S. RLS.

**Summary:** Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available

to pupils. This bill would authorize a school district or county office of education to enter into a memorandum of understanding with the local agency that determines CalFresh program eligibility, or its designee, to share information provided on the School Lunch Program application to determine an applicant's CalFresh program eligibility, as specified. This bill contains other related provisions.

**AB 446 (Carter D) Juveniles: restorative justice program.**

**Last Amend:** 3/25/2011

**Status:** 5/26/2011-Referred to Com. on PUB. S.

**Location:** 5/26/2011-S. PUB. S.

**Summary:** Existing law sets forth the purpose of juvenile court law, and provides that a minor under the jurisdiction of the juvenile court who is in need of protective services shall receive care, treatment, and guidance consistent with his or her best interest and the best interest of the public. Existing law provides that a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances. This bill would authorize a county to adopt a restorative justice program to address the needs of minors, victims, and the community. The bill would require the restorative justice program to be implemented through a restorative justice protocol developed by the juvenile court in conjunction with the prosecutor, public defender, and other interested groups. The bill would prohibit the use of General Fund moneys to fund the program. The bill would include related findings and declarations.

**AB 614 (Bonilla D) School attendance review boards: member composition.**

**Last Amend:** 5/3/2011

**Status:** 5/24/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 5/19/2011-S. ED.

**Summary:** Existing law authorizes the establishment of county school attendance review boards and local school attendance review boards. Existing law requires a county school attendance review board to be composed of at least a parent and 9 representatives of specified community groups. Existing law authorizes a local school attendance review board to be composed of at least a parent and 9 representatives of specified community groups. This bill would also specifically require a representative of school, county, or community mental health personnel to be appointed to a county school attendance review board. The bill would also specifically authorize a representative of school, county, or community mental health personnel to be appointed to a local school attendance review board.

**AB 709 (Brownley D) Foster children: school placement: disputes.**

**Last Amend:** 4/6/2011

**Status:** 6/2/2011-Referred to Com. on ED.

**Location:** 6/2/2011-S. ED.

**Summary:** Existing law provides that at the initial detention or placement, or any subsequent change in placement of a foster child, the local educational agency serving the foster child shall allow the foster child to continue his or her education in the school of origin for the duration of the jurisdiction of the court. However, if the educational liaison for foster children and the person holding the right to make educational decisions for the foster child agree that the best interests of the foster child would best be served by waiver of this right and transfer to a school other than the school of origin, the foster child shall immediately be enrolled in the new school. Existing law requires the new school to

immediately enroll the foster child even if he or she is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, proof of residency, other documentation, or school uniforms. This bill would specify that the new school is required to immediately enroll the foster child even if he or she is unable to produce medical records, including , but not limited to, records or other proof of immunization history. This bill would make a conforming change by requiring the governing authority to admit a foster child whose immunization records are not available or are missing. The bill would state the Legislature's intent to reconcile the provisions of the Health and Safety Code with those of the Education Code. This bill contains other related provisions and other existing laws.

**AB 746** **(Campos D) Pupils: cyber bullying.**

**Last Amend:** 4/7/2011

**Status:** 5/12/2011-Referred to Com. on ED.

**Location:** 5/12/2011-S. ED.

**Summary:** Existing law, the Interagency School Safety Demonstration Act of 1985, defines bullying as one or more acts of sexual harassment, hate violence, or intentional harassment, threats, or intimidation, directed against school district personnel or pupils, committed by a pupil or group of pupils. Under existing law, bullying, including bullying committed by means of an electronic act, as defined, is a ground on which suspension or expulsion may be based. This bill would specify that an electronic act for purposes of the act includes a post on a social network Internet Web site.

**AB 835** **(Mitchell D) Community colleges: Economic and Workforce Development Program.**

**Last Amend:** 4/26/2011

**Status:** 6/1/2011-In committee: Set, first hearing. Hearing canceled at the request of author.

**Location:** 5/19/2011-S. ED.

**Summary:** Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law provides for the awarding of grants for this program, and provides that this program shall only be implemented during fiscal years for which funds are appropriated for these purposes. Existing law requires the Board of Governors of the California Community Colleges, as part of the program, to assist economic and workforce regional development centers and consortia to improve linkages and career-technical education pathways between high schools and community colleges, in a manner that, among other things, improves the quality of career exploration and career outreach materials. Existing law also requires the Chancellor of the California Community Colleges to develop an implementation strategy for achieving this goal, as specified. The bill would authorize a community college district to enroll high school pupils who are not residents of the district in a program developed and implemented by the district, as specified.

**AB 1085** **(Davis D) School attendance: interdistrict attendance.**

**Last Amend:** 4/26/2011

**Status:** 5/12/2011-Referred to Com. on ED.

**Location:** 5/12/2011-S. ED.

**Summary:** Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement for the interdistrict attendance of pupils who are residents of the school districts. If either school district fails to approve the interdistrict attendance of a pupil, or in the case of the failure or refusal of the school districts to enter into an agreement, existing law authorizes the person having legal custody of the pupil to appeal to the county board of education in accordance with a prescribed procedure. Existing law

requires the county board of education to determine, within 30 calendar days, whether the pupil should be permitted to attend in the school district in which the pupil desires to attend and the applicable period of time . This bill would state the intent of the Legislature that school districts and county boards of education use their best efforts to expeditiously process interdistrict attendance appeals. The bill also would require that, in a class 1 county, which is defined in existing law as a county with 1994-95 average daily attendance of more than 500,000, or a class 2 county, which is defined in existing law as a county with 1994-95 average daily attendance of at least 180,000 but less than 500,000, the county board of education determine whether the pupil should be permitted to attend the school district that the pupil desires to attend and the applicable period of time within 40 schooldays rather than 30 calendar days.

**AB 1156 (Eng D) Pupils: bullying.**

**Last Amend:** 5/27/2011

**Status:** 6/2/2011-In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 6/2/2011-S. RLS.

**Summary:** Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they operate and maintain. This bill, as of July 1, 2012, would encourage the inclusion of policies and procedures aimed at the prevention of bullying in comprehensive school safety plans. The bill also would require the Department of Justice and the State Department of Education to contract to provide training in the prevention of bullying, as defined in the bill. This bill contains other related provisions and other existing laws.

**AB 1174 (Furutani D) School safety: willful disturbance of public schools and public school meetings.**

**Last Amend:** 4/26/2011

**Status:** 6/2/2011-Referred to Com. on PUB. S.

**Location:** 6/2/2011-S. PUB. S.

**Summary:** Existing law provides that any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor and subject to a fine of not more than \$500. This bill would additionally provide that a person who willfully disturbs a public school or a public school meeting by creating a disruption that threatens the physical safety of school children coming to, leaving, or attending school is guilty of a misdemeanor and subject to a fine of not more than \$500. Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**SB 121 (Liu D) Pupils: foster children: special education.**

**Last Amend:** 5/17/2011

**Status:** 6/2/2011-In Assembly. Read first time. Held at Desk.

**Location:** 6/2/2011-A. DESK

**Summary:** Existing law requires a pupil who is placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless the pupil is entitled to remain in his or her school of origin, the pupil has an individualized education program requiring placement elsewhere, or the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, determines that it is in the best interests of the pupil to be placed in another educational program. This bill would require that , if the pupil's parent or guardian, or other person holding the right to make educational decisions for the pupil, makes that determination, he or she shall provide a written statement to that effect to the local educational agency and the juvenile court, as specified .

**SB 161 (Huff R) Schools: emergency medical assistance: administration of epilepsy medication.**

**Last Amend:** 5/31/2011

**Status:** 6/2/2011-In Assembly. Read first time. Held at Desk.

**Location:** 6/2/2011-A. DESK

**Summary:** Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia. This bill would authorize a school district to provide school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines developed by the State Department of Public Health in consultation with the State Department of Education . The bill would allow a parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's health care provider, to request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the emergency antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available. The bill would require a school that elects to train school employees to distribute an electronic notice, as specified, to all staff regarding the request. The bill would authorize the State Department of Education to include, on its Internet Web site, a clearinghouse of best practices in training nonmedical personnel in administering an emergency antiseizure medication pursuant to these provisions. The bill would make various legislative findings and declarations , and state the intent of the Legislature in enacting this measure. The bill would repeal these provisions on January 1, 2017.

**SB 368 (Liu D) Developmental services: decisionmaking.**

**Last Amend:** 5/31/2011

**Status:** 6/2/2011-In Assembly. Read first time. Held at Desk.

**Location:** 6/2/2011-A. DESK

**Summary:** Existing law authorizes a peace officer, without a warrant, to take into temporary custody a minor when the officer has reasonable cause for believing that the minor is in danger, as specified. Existing law provides for a hearing process to deem the child a dependent child of the court. Under existing law, during the hearing process the court is authorized to temporarily limit the right of a parent or guardian to make educational decisions for the child and to temporarily appoint, or make itself, these decisions, as specified. Under existing law, once the minor is adjudged a dependent child of the court, the court may limit the ability of a parent or guardian to make educational decisions for the minor. This bill would authorize the court to limit the right of a parent or guardian to make decisions about developmental services and to appoint a responsible adult, or to make itself, those decisions, as specified. This bill contains other related provisions and other existing laws.

**SB 381 (Pavley D) School attendance: residency requirements.**

**Last Amend:** 4/6/2011

**Status:** 4/28/2011-Referred to Com. on ED.

**Location:** 4/28/2011-A. ED.

**Summary:** Existing law provides that a pupil is deemed to have complied with the residency requirements for school attendance in a school district if the pupil satisfies one of the specified requirements. Until July 1, 2012, existing law authorizes a school district in which at least one parent or the legal guardian of a pupil is employed to allow that

pupil to attend a school in that district through grade 12 if the parent or legal guardian of the pupil so chooses and if the parent or legal guardian of the pupil continues to be employed by an employer situated within the attendance boundaries of the district. This bill would extend the operation of the provision authorizing the school district in which a parent or the legal guardian of the pupil is physically employed to allow the pupil to attend a school in that district, through June 30, 2017, and would repeal the provision on January 1, 2018. The bill additionally would modify this provision by requiring that the parent or legal guardian's employment occur during a majority of the hours that the pupil is scheduled to be in school. This bill contains other related provisions.

**SB 477** **(Wright D) Pupils: truancy.**

**Last Amend:** 4/26/2011

**Status:** 6/1/2011-In Assembly. Read first time. Held at Desk.

**Location:** 6/1/2011-A. DESK

**Summary:** Existing law provides that a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, is a truant. Existing law requires, upon a pupil's initial classification as a truant, a school district to notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call, that the pupil is truant, and to communicate additional information relating to truancy, as prescribed. This bill would require each school district to establish a policy specifying the time period for notifying the parent or guardian of a pupil upon the pupil's initial classification as a truant. By requiring school districts to perform a new duty, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**SB 578** **(Negrete McLeod D) Schools: pupils in foster care: course credit.**

**Last Amend:** 4/14/2011

**Status:** 5/2/2011-Referred to Com. on ED.

**Location:** 5/2/2011-A. ED.

**Summary:** Existing law requires a local educational agency to designate a staff person as the educational liaison for foster children and requires the liaison to assist foster children when transferring from one school to another or from one school district to another in ensuring proper transfer of credits, records, and grades. This bill would require a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and to award that pupil full or partial credit for the coursework completed. The bill would prohibit a pupil in foster care from being required to retake a course if the pupil completed the entire course in a public school, a juvenile court school, or a nonpublic, nonsectarian school or agency. If the pupil did not complete the entire course, the bill would prohibit the school district or county office of education from requiring the pupil to retake the course or portions of the course unless the school district or county office of education finds that the pupil is reasonably able to complete the requirements in time to graduate from high school while the pupil remains eligible for foster care. This bill contains other related provisions and other existing laws.

**SB 745 (Hernandez D) Pupils: school attendance: school districts of choice.**

**Last Amend:** 3/21/2011

**Status:** 6/2/2011-In Assembly. Read first time. Held at Desk.

**Location:** 6/2/2011-A. DESK

**Summary:** Existing law defines a school district of choice as one in which the governing board has, by resolution, elected to accept interdistrict transfers and has determined the number of transfers it is willing to accept through a random, unbiased process, as specified. Existing law requires a school district of choice to give priority for attendance to siblings of children already in attendance in that district. Existing law provides that a school district of choice may give priority for attendance to children of military personnel. This bill would require a school district of choice to give priority for attendance to English learners, pupils who are individuals with exceptional needs, and pupils who are eligible for free and reduced-price meals, as provided. This bill contains other existing laws.