



INTERCOM

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SPECIAL EDITION 1989 Legislative Update

The following are the new laws that will be effective January 1, 1990. Your State Legislative Committee is listed below. We would appreciate your questions or response to the legislative programs followed by the State Association. Your input is valued.

1989 LEGISLATION SUMMARY

These bills have been chaptered into law effective January 1, 1990, unless otherwise noted. If you want a copy of the bill, please call the Bill Room at (916) 445-2323 to obtain a copy. The CASCWA State Legislative Committee Members are:

<u>Chairperson,</u>	Lee Lundberg	(415) 667-3503
<u>Bay Section,</u>	Shari Lawson	(707) 449-3439
	Sam Gallinger	(415) 672-5271
<u>Delta-Sierra,</u>	Tad Kitada	(916) 889-8020
<u>San Joaquin,</u>	Arnold Hedlund	(408) 649-1567
<u>Southern,</u>	Phil Kauble	(213) 922-6231

<u>BILL #</u>	<u>CHAPTER</u>	<u>AUTHOR</u>	AB 450	1253	La Follette
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ASSEMBLY BILLS

AB 126	213	N. Waters
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Parent Attendance: This bill is trailer legislation to the law authorizing teachers to require parent attendance for specified teacher suspension for disruption or defiance. (48900 i & k) This bill changes the employer sanctions for not allowing a parent to attend. Instead of the Labor Commissioner being responsible for enforcement against employers, the parent must initiate a civil court action against the employer. Districts are required to adopt a policy. (Amends Education Code 48900.1 and Labor Code 230.7)

School Safety Plans: This bill expresses legislative intent to require K-12 schools, in cooperation with law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other interested persons, to develop school safety plans. The intent is for schools to use the State Department of Education School Safety Handbook currently being published by the State Department of Education and Attorney General's Office. \$5,000 grants would be made available through the SPI for schools with identified needs. Grants would be awarded through the School Safety Partnership Program. DOJ and SDE are required to contract with one trainer and professional educator to coordinate workshops to assist in the development of school safety plans. This bill is patterned after AB 1649 (Leonard) which required all schools to develop school site disciplinary rules and procedures. (Amends and renumbers Education Code 35294.1 and adds 35294, 35294.5)

AB 1087 92 Hughes

School Funding: This bill expands the potential use of ADA generated from voluntary Saturday School Programs funded through summer school apportionments. This bill would allow for instruction to take place to provide credit towards high school graduation. This bill funds up to \$5,000 for the development of school safety planning grants. It makes other adjustments in the funding mechanisms in Proposition 98. (Education Code 14022.5)

AB 1750 1262 Woodruff

Task Force on Runaway and Abandoned Youth: This bill would establish a Task Force to review statutes and problem areas, to recommend to state policy and to establish procedures for providing service to runaway and abandoned youth. This Task Force would submit, on or before January 1, 1991, a report to the legislature. The Office of Criminal Justice Planning would be required to provide all necessary staff assistance to the Task Force. The Task Force would include 13 members including law enforcement, child welfare and attendance supervisors, county welfare department and other organizations or groups. (No code)

AB 1761 609 Woodruff

Credential Preparation Programs for At Risk Pupils: This bill encourages public and private colleges and universities to include field experience programs to work with truant, habitually truant, or other at-risk pupils who are enrolled in public schools as part of the teacher credential requirements. Up to 3 semester units, or the equivalent, could be granted for participation. It would require that a certificate of clearance be obtained as a prerequisite to student participation in a field experience program, as described. (Amend Education Code 44320 and add 44324)

AB 2150 853 Woodruff

Inter-district Attendance and Expulsion Procedures: This bill limits the timeline for the appeal of an inter-district attendance permit denial to within 30 days prior to the beginning of a school year. This will allow for districts to consider approval of permits closer to the commencement of the school year rather than having to deny permits in late Spring for the following school year. This bill further prohibits the appeal of an inter-district permit denial if the student is being considered for expulsion or has been expelled. (Amends Education Code 46601)

SB 68 242 Torres

School Dropouts and Educational Clinics: This bill extends the sunset for the Educational clinics operating in the state, pursuant to SB 65 (Torres) and to extend funding for the alternative education Work Centers for school dropouts as provided for in school districts which maintain school complexes pursuant to SB 65. (Amends Education Codes 52904, 58561 and adds 58562)

SB 142 1306 Robbins

School Violence: This bill expands the definition of authority to suspend or expel students to include a school activity only occurring within a school under the jurisdiction of a superintendent or principal or having occurred within any other school district. Other provisions found in 48900 remain in tact. This bill requires the school district to inform a teacher of every student who has caused or attempted to cause serious bodily injury to another person. Reporting requirements would commence in the 1990-91 school year

for information from the previous school year. In 1992-93, the school must report any of these occurrences within the previous three school years. This bill provides that no school district shall be held liable for failure to comply with the notification, if the district made a good faith effort to comply with these requirements. This information must be treated in confidence by the teacher. It further provides for enhanced penalties when assault or battery is committed against a school employee in retaliation for an act performed in the course of their duties. It further requires each school, on forms currently supplied by the State Department of Education for School Crime Reporting, to forward a completed report of pupil suspensions and expulsions at the end of each recording period to the district superintendent of schools. This aggregate data would be submitted to the SDE. The SDE would be required to submit a summary to the legislature not later than March 1 of each year for the previous school year. This law would sunset March 2, 1992. (Amends Education Code 48900, adds 49079 and amends Penal Code 243.2 and adds Penal Codes 241.6, 243.6)

SB 410 1187 Torres

Educational Programs: This bill requires the SPI to prepare a report for the legislature, on or before December 31, 1989, to identify county educational programs directed at high-risk students. The report would include a description of the relative success of these programs and an analysis of funds allocated to these programs. (No codes)

SB 950 866 Stirling

Pupil Work Permits: This bill authorizes a pupil thirteen years of age to be issued a work permit, at the school's discretion, if that student has completed grade 6, has been identified by the school district as exhibiting the potential to drop out of school, and is a participant in an employment program sponsored by a school district. The bill would require the permit to limit the period the thirteen year old may work to two hours on any given day to a maximum of four hours each week. (Amends Education Codes 49112, 49116)

SB 997 1303 Presley

Child Welfare Services: This bill establishes the Inter-Agency Children's Services Coordinating Board comprised of state officers. This board would identify problems in evaluating children's services, formulating state policy effecting children's services, evaluating various projects providing services and report recommendations to the Governor and legislature. It would allow counties to also form a Coordinating Board. (Adds Welfare and Institution Codes 18986, 18986.1, 18986.2, 18986.10, 18986.11, 18986.12, 18986.13, 18986.14, 18986.15, 18986.20, 18986.21, 18986.22, 18986.23, 18986.30)

SB 1220 783 Dills

High School Equivalency Certificates (GED): This bill would require the SPI to issue an equivalency certificate and an official score report for persons having taken all or a portion of the GED test. This bill requires application for certificates and scores to be submitted to the SPI by the testing center following the completion of one or more of the five tests comprised in the GED. This bill also allows individual applicants to apply for the certificate and score. A fee of up to \$20 may be charged. It requires the testing centers to provide the SPI with a certificate of results for each applicant who has taken all or part of the test and would forward the fee directly to the SPI. It establishes a data system with the SPI. (Amends Education Codes 51420, 51421 and repeals and adds 51422)

School Programs for Status or Delinquent Offenders: This bill requires the reporting of any pupil to the juvenile court and probation officer who is ordered by the court to attend school, if the pupil is reported truant or habitually insubordinate. The court would be required to send written notice to the superintendent of the district of attendance that a minor enrolled in grade 7-12 has come under the jurisdiction of the court based on criminal activity. The superintendent would then be required to transmit information to the specified persons. All reports are to be made to the probation officer within ten days of the violation of a court order to attend school. It would require the principal or designee to notify law enforcement when a student is involved with possession or sale of controlled substances or violates provisions relating to firearms or weapons. It further permits access by a District Attorney who is participating in a Truancy Remediation Program to have access to any pupil's records. (similar to SARB authorization) This bill further allows the juvenile court judge to coordinate the action involving a minor with any action involving a parent or guardian or other persons having responsibility for the minor. This extends beyond the provisions for enforcing school attendance of a minor. It provides that a minor taken into temporary custody may be requested to submit to voluntary chemical urine testing to determine the presence of alcohol or drugs. The results may be used by the court in making determinations relating to the disposition of the minors case. It could not, however, be used by the prosecuting attorney to file a petition to declare the minor a ward of the court. This law extends the requirement of probation officers to submit an affidavit of any person who applies to commence proceedings in juvenile court with the prosecuting attorney within 48 hours. This now includes offenses related to the sale of controlled substances on public or private school campuses, assault with a deadly weapon, bringing or possessing a firearm or weapon at a public school or criminal gang activity or a minor who has been previously placed in a program of informal probation or who has committed an offense in which restitution exceeds \$1,000. This bill would allow for the requirement that parents and guardians participate in counseling or educational programs if the probation officer has specified a program of supervision not to exceed six months. It will also allow the court to continue the hearing on a criminal activity for six months if an order for the minor to participate in a program of supervision is specified. This bill would also allow the court to judge a minor to be a ward of the court if that person failed to meet conditions of informal supervision. This bill also requires the court to place specified conditions on home probation. The court may also order a minor to participate in a alcohol or drug education program. An order to pay for the program could be made to the parent or guardian if the person is under eighteen. The bill would authorize the prosecuting attorney, after consulting with the probation officer, to file a supplemental petition for a violation of a condition of probation which is not a crime. (Amends Education Codes 48267, 48902 and 48076. Amends Welfare and Institution Codes 601.4, 653.5, 725, and 777. Amends and repeals Section 504 and adds 625.1, 625.2, 654.2, 654.3, 654.4, 729.2, 729.3 and 729.10 to the Welfare and Institution Code)

Independent Study: This bill, starting July 1, 1990, would repeal and recast provisions authorizing governing boards to offer independent study. This bill authorizes independent study to provide opportunities for pupils to participate in special assignments to extend the content of regular school subjects, individualized study in subjects not made available in the regular school curriculum, individualized alternative education programs, continue in special study during travel and volunteer community service. It also declares the intent that districts and county offices should provide appropriate existing services and resources to enable pupils to complete independent study successfully and insure similar access to all services and resources of the school in which the pupil is enrolled. Districts or counties could not receive

apportionments unless they have the following: 1) adopt policies regarding the maximum length of time, by grade level and type of program, that may elapse between the independent study assignment and completion, and the number of missed assignments before a formal evaluation is required. 2) A current written agreement containing specified information which is signed by the pupil, the pupil's parent or legal guardian, a certified staff member providing general supervision and any other person with direct responsibility providing instructional assistance is maintained on file, 3) pupils in independent study are identified and recorded by grade level placement at the school in which they are enrolled. It further requires the SPI to develop an annual statewide profile of pupils participating in independent study. The SPI would be required to establish rules and regulations to implement this bill. This bill authorizes school districts and county offices to request exemptions from building or structure requirements used for independent study. It further would reduce the apportionments for pupils 21 years of age or older and pupils nineteen years of age or older who have not been continuously enrolled in K-12 since their 18th birthday over a two year period. By the 1992-93 school year, all districts with independent study programs for students over nineteen years of age would receive the adult education revenue limit. It would prohibit concurrent enrollment in adult education. Independent Study can only be counted for apportionments if they are working towards the requirements for a diploma. The Legislative Analyst and SDE are to conduct a study to determine the most appropriate means of offering independent study to persons 21 years of age or older and to pupils 19 years of age or older who have not been continuously enrolled in K-12 schools since their 18th birthday. (Adds Education Codes 39141.9, 46300.1, 46300.4 and repeals and adds 51745)

Crimes on School Property: This bill provides a penalty for a person re-entering a campus within seven days after being directed to leave rather than the current 72 hours. This bill should not be used to infringe on unlawful exercise of freedom of speech or assembly. It also provides that when a person is directed to leave, the person directing that individual to leave the campus shall inform the person that it will be a crime if they re-enter within 7 days. It also increases the fine to 7 days for any person who comes in or around a school building or an adjacent area or for specified offenses and sex offenders to come within the same area after being asked to leave. It is a misdemeanor for an outsider to refuse to leave the school campus promptly after being requested to leave. (Amends Penal Codes 626.6, 626.8, 627.8)

PENDING LEGISLATION

Actual Attendance Accounting: SB 611 will be heard in the Senate Appropriation Committee in January, 1990 as a two year bill. This is the latest version of the actual attendance legislation as proposed by CASCWA and supported by other state associations. This concept has also been recommended by the Governor's Commission of Educational Quality. The current version of this bill would provide for a district to take their base revenue total amount and divide it by their total actual attendance to establish a higher base revenue amount. This new base revenue number would then be multiplied times the actual student attendance in future years. This means all districts should be essentially held harmless with their historical excused absence rate. The districts would then focus on getting students in school rather than collecting money for empty seats.

SCHOOLS OF CHOICE BILL

AB 149	Allen
AB 175	LaFollette
AB 375	LaFollette
AB 1086	Hughes
AB 1411	Quackenbush
AB 2007	Frizzelle
AB 2134	Bader
AB 2366	Ferguson
AB 2430	Johnson
ACA 37	LaFollette
SB 1274	Hart
SB 1643	Hart

VETOKED BILLS

ASSEMBLY BILLS

AB 864 Bates

Distribution of Voter Registrations Card: This bill would have provided a voter registration card to the parent or guardian of students enrolling in school. The district then would have been required to return the registration card to the county registrar. This bill would have authorized districts to put this in their annual notice of student and parent rights. It would have also allowed schools to release names and addresses of students 17 years of age and older for the purpose of registration.

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AB 1399 Waters

Parental Involvement: This bill states findings of a need to establish a program to encourage greater parental involvement with schools in order to maximize pupil achievement. This bill would have authorized schools receiving SIP and ECIA funds to resource various programs.

SENATE BILLS

SB 608 C. Green

California Center to Reduce Youth Risk-Taking Behaviors: This bill defined the term "California Center to Reduce Youth Risk-Taking Behaviors" to mean any state agency which operates under funding from the federal Drug-Free Schools and Communities Act of 1986. It would have required the State Department of Education to administer the programs created by the bill.

SB 653 Torres

Gang Intervention Counseling: This bill would require the State Department of Education to assess the types of intervention counseling programs available to at-risk students. It required the district to provide data on the ratio of school district professional support services personnel to students in elementary and secondary schools. The SDE would have been required to present a written report to the legislature on January 1, 1991.