

LEGISLATIVE ROUND-UP

NEW EDUCATION LAW AND LABOR RELATIONS BILLS IMPACTING SCHOOL AND COMMUNITY COLLEGE DISTRICTS

Education Legislative Round-Up is published annually for the benefit of the clients of Liebert Cassidy Whitmore. The information in the Education Legislative Round-Up should not be acted on without professional advice.

The Education Legislative Round-Up is a compilation of bills, presented by subject, which were signed into law and have an impact on the employment and education law issues of our clients. Unless the bills were considered urgency legislation (which means they went into effect the day they were signed into law), bills will go into effect on **January 1, 2012**, unless otherwise noted. **Urgency legislation will be identified as such.**

If you have any questions about your district's obligations under the new or amended laws as outlined below please contact our Los Angeles, San Francisco, Fresno or San Francisco office and an attorney will be happy to answer your questions.

STUDENTS

BULLYING

AB 620 - Rules Of Student Conduct At Postsecondary Institutions Must Include Policies On Harassment, Intimidation And Bullying; Definition Of Gender Includes "Gender Expression."

Amends Sections 66010.2, 66251, 66260.7, 67380, 69433.5, 69762, 87400, and 89307.2 of, to amend the heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of, adds Sections 66027 and 66302 to, and adds Article 3.5 (commencing with Section 66271.2) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to public postsecondary education.

(1) Existing law, known as the Donahoe Higher Education Act, establishes the missions and functions of the state's three segments of public postsecondary education, which are the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by resolution, make them applicable.

Existing provisions of the Donahoe Higher Education Act require the Regents of the University of California, the Trustees of the California State University, and the governing boards of community college districts to adopt or provide for the adoption of rules and regulations governing student behavior, known as rules of student conduct.

This bill requests the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules of student conduct governing their respective segments of public postsecondary education. The bill expresses the intent of the Legislature that rules and regulations governing student conduct be published, at a minimum, on the Internet Web sites of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education systems.

2012

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(2) The Equity in Higher Education Act, a part of the Donahoe Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary educational institutions of the state. For these purposes, the act defines “gender” to include gender identity.

This bill revises the definition of gender to include “gender expression” for purposes of the Equity in Higher Education Act. The bill requests the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students. The bill requests each segment to collect aggregate demographic information regarding sexual orientation and gender identity of staff and students within other aggregate demographic data collected, and requires annual transmittal of any report to the Legislature, as specified, and posting of the information on the Internet Web site of each respective institution.

The bill encourages the Legislative Analyst to conduct an assessment of the campuses of each of the segments of public postsecondary education to develop recommendations to improve the quality of life on those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students, and to publish a summary of those recommendations on its Internet Web site.

The bill makes various conforming changes to existing nondiscrimination laws affecting postsecondary educational institutions and programs, and requirements related to reporting hate violence, as defined, to additionally include sexual orientation, gender identity, and gender expression within the scope of those programs and requirements.

AB 9 - Educational Agencies Must Prohibit Bullying Based On Actual Or Perceived Characteristics.

Amends Sections 234, 234.1, 234.2, and 234.3 of, and adds Section 234.5 to, the Education Code, relating to pupil rights.

The bill becomes operative on July 1, 2012.

Existing law provides that it is the policy of the state to afford all persons in public schools, regardless of 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 therefore. 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 will 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 also will 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, to include a requirement that school personnel who witness such acts 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 will make other conforming changes.

Because this bill will require local educational agencies to perform additional duties, this bill will impose a state-mandated local program.

The bill requires the Superintendent of Public Instruction to post, and annually update, on his or her Internet Web site, and to provide to each school district, a list of statewide resources, including community-based organizations, that provide support to youth and the families of youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

AB 1156 - School District Safety Plans Should Include Anti-Bullying Policies; Victims Of Bullying Have Priority For Interdistrict Transfers; Definition Of Bullying Expanded.

Amends Sections 32261, 32282, 32283, 46600, and 48900 of the Education Code, relating to pupils.

(1) 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.

Existing law, the Interagency School Safety Demonstration Act of 1985, among other things, makes school districts and county offices of education responsible for the overall development of comprehensive school safety plans for schools operating kindergarten or any of grades 1 to 12, inclusive, and further requires the Department of Justice and the State Department of Education to contract with one or more professional trainers to coordinate statewide workshops for school districts, county offices of education, and schoolsite personnel to assist them in the development of school safety and crisis response plans.

This bill, as of July 1, 2012, will encourage the inclusion of policies and procedures aimed at the prevention of bullying in comprehensive school safety plans. The bill also will 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.

(2) Existing law requires each person between 6 and 18 years of age, inclusive, who is not otherwise exempt, to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. Existing law authorizes the governing boards of 2 or more school districts to enter into an agreement, for a term not to exceed 5 school years, for the interdistrict attendance of pupils who are residents of the districts. Existing law requires the supervisor of attendance of the school district of residence to issue an individual permit verifying the district's approval, pursuant to policies of the governing board of the school district and terms of the agreement, for the transfer. Existing law establishes an appeal process for pupils whose permits are denied, or, in the absence of an agreement between the school districts, if the school districts fail or refuse to enter into an agreement.

This bill, as of July 1, 2012, will require that a pupil who has been determined by personnel of either the school district of residence or the school district of

proposed enrollment to have been the victim of an act of bullying, as defined, committed by a pupil of the school district of residence be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement, at the request of the person having legal custody of the pupil.

To the extent this provision imposes new or additional duties on school districts, it will constitute a state-mandated local program.

(3) Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the school district superintendent or the school principal determines that the pupil has committed any of various specified acts including, but not limited to, bullying, as defined to include sexual harassment, hate violence, or harassment, threats, or intimidation.

This bill, as of July 1, 2012, will amend the definition of bullying in this provision by specifying that bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupils' person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill will provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

AB 746 - Electronic Bullying Can Include Posts On Social Networking Sites.

Amends Section 32261 of the Education Code, relating to pupils.

Existing law, the Interagency School Safety Demon-

stration 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 specifies that an electronic act for purposes of the act includes a post on a social network Internet Web site.

SCHOOL DISTRICTS

CAMPUS SAFETY

AB 680 - Comprehensive School Safety Plan.

Amends Section 32281 of the Education Code, relating to pupil safety.

Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop a comprehensive school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a comprehensive school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their comprehensive school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a comprehensive school safety plan.

This bill authorizes school districts and county offices of education, in consultation with law enforcement officials, to elect not to have their schoolsite councils develop and write those portions of their comprehensive school safety plans that include tactical responses to criminal incidents, as defined, that may result in death or serious bodily injury at the schoolsite. The bill authorizes school district and county office of education administrators to develop those portions of a comprehensive school safety plan that include tactical responses to criminal incidents, in consultation with law enforcement officials and representatives of exclusive bargaining units of employees of that school district or county office of education, and to elect not to disclose these portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

The bill specifies that it will not preclude the govern-

ing board of a school district or county office of education from conferring in a closed session with law enforcement officials to approve a tactical response plan developed in consultation with those officials pursuant to the bill.

AB 123 - Disruption Of School Activity.

Amends Section 626.8 of the Penal Code, relating to school safety.

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, as specified, is guilty of a misdemeanor. "School" is defined to mean any preschool or public or private school having kindergarten or any of grades 1 to 12, inclusive.

This bill expands this provision to also apply to any person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, and willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1 to 8, inclusive, arriving at, attending, or leaving from school. Because this bill expands the definition of an existing crime, it creates a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

INSTRUCTION

SB 48 – Instruction In Social Sciences Must Include Study Of Roles And Contributions Of LGBT Persons, Persons With Disabilities, And Persons Of Other Cultures.

Amends Sections 51204.5, 51500, 51501, 60040, and 60044 of the Education Code, relating to instruction.

Existing law requires instruction in social sciences to include a study of the role and contributions of both men and women and specified categories of persons to the development of California and the United States. This bill updates references to certain categories of persons and additionally requires instruction in social sciences to include a study of the role and contributions of lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other cultural groups, to the development of

California and the United States.

Existing law prohibits instruction or school sponsored activities that promote a discriminatory bias because of race, sex, color, creed, handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry. This bill revises the list of characteristics included in these provisions by referring to race or ethnicity, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed as specified.

Existing law prohibits a governing board of a school district from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law. This bill revises the list of characteristics included in this provision to include race or ethnicity, gender, religion, disability, nationality, sexual orientation, and occupation, or other characteristic listed as specified.

Existing law requires that when adopting instructional materials for use in the schools, governing boards of school districts include materials that accurately portray the role and contributions of culturally and racially diverse groups including Native Americans, African Americans, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States. This bill revises the list of culturally and racially diverse groups to also include Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, and persons with disabilities.

Existing law provides that there shall be no discrimination on the basis of specified characteristics in any operation of alternative schools or charter schools. This bill states the intent of the Legislature that alternative and charter schools take notice of the provisions of this bill in light of provisions of existing law that prohibit discrimination in any aspect of their operation.

SB 140 - State Board Must Approve Supplemental Instructional Materials.

Adds and repeals Section 60605.86 of the Education Code, relating to pupil instruction.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kinder-

garten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria.

Existing law establishes the Academic Content Standards Commission and requires the commission to develop academic content standards in language arts and mathematics and to present its recommended academic content standards to the state board. Existing law requires at least 85% of these standards to be the common core academic standards developed by the Common Core State Standards Initiative consortium or any associated or related interstate collaboration. Existing law requires the state board to adopt or reject the academic content standards.

This bill requires the State Department of Education to recommend, and the state board to approve, evaluation criteria to guide the development and review of supplemental instructional materials. The bill also requires the department, on a one-time basis, to develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with the California common core academic content standards for language arts and for use in kindergarten and grades 1 to 7, inclusive, that are aligned with the California common core academic content standards for mathematics. The bill requires the state board to perform specified reviews and to approve or reject all, or a portion, of the list of supplemental instructional materials proposed by the department and authorizes the state board to add an item to that list, as specified. The bill also permits the governing board of a school district to approve supplemental instructional materials other than those approved by the state board if the governing board performs specified reviews and determines that other supplemental instructional materials are aligned with the California common core academic content standards and meet the needs of the pupils of the district. The bill requires supplemental instructional materials approved by the state board and the governing board of a school district in the subject areas of mathematics and English language arts to be reviewed by content review experts, as specified. The bill also requires supplemental instructional materials to comply with specified social content review requirements. The bill requires the department to maintain on its Internet Web site a list of supplemental instructional materials approved by the state board.

The bill requires the department to use certain federal funds to implement the provisions of the bill. The provisions of the bill become inoperative on July 1, 2014, and will be repealed on July 1, 2015.

AB 1304 - Linked Learning Programs.

Adds Section 44257.3 to the Education Code, relating to linked learning.

Existing law authorizes the Commission on Teacher Credentialing to issue various types of teaching credentials and authorizations. Existing law establishes multiple pathway programs, which are multiyear comprehensive high school programs of integrated academic and technical study that are organized around a broad theme, interest area, or industry sector. Multiple pathway programs are comprised, among other things, of an integrated core curriculum that meets the eligibility requirements for admission to the University of California and the California State University and is delivered through project-based learning and other engaging instructional strategies that intentionally bring real-world context and relevance to the curriculum where broad themes, interest areas, and career technical education are emphasized.

This bill defines “linked learning programs,” and authorizes the commission to convene a workgroup consisting of specified members to develop program standards for the issuance of a recognition of study in linked learning, as defined, for linked learning competence for holders of a single subject teaching credential who will be teaching pupils enrolled in linked learning programs, as specified. The bill authorizes the commission to work with the Superintendent of Public Instruction to gather and post, on an appropriate Internet Web site, best practices from school districts and schools on curriculum development and professional development relating to implementing and sustaining multiple pathway programs. The bill also provides that a recognition of study in linked learning is not considered a type of authorization, cannot be used as a condition of employment, does not replace subject matter competence requirements, and cannot be used in making certain employment decisions relating to reductions in employee positions.

AB 1330 - High School Graduation Requirement Alternatives.

Amends Section 48980 of, and amends, repeals, and adds Section 51225.3 of, the Education Code, relating to graduation requirements.

Existing law prohibits a pupil from receiving a diploma of graduation from high school unless he or she completes specified requirements, including, but not limited to, completing one course in visual or performing arts or foreign language.

This bill, commencing with the 2012–13 school year, adds completion of a course in career technical education, as defined, as an alternative to the requirement

that a pupil complete a course in visual or performing arts or foreign language.

The bill requires the governing board of a school district or county office of education that elects to offer career technical education courses pursuant to these provisions to provide parents, teachers, pupils, and the public, at a regularly scheduled meeting of the governing board, specified information relating to the impact that offering these courses would have on graduation requirements and admission requirements to the California State University and the University of California. The bill also requires a school district that elects to allow a career technical education course to satisfy a specified course graduation requirement to include, as part of an existing notification requirement, information about the high school graduation requirements of the school district and how each requirement satisfies, or does not satisfy, college admission requirements, and a list of career technical education courses offered by the school district.

The bill also requires the State Department of Education to submit a comprehensive report to the appropriate policy committees of the Legislature, on or before July 1, 2017, that includes specified information relating to this alternative means of satisfying the graduation requirement. The bill authorizes the Superintendent of Public Instruction to use existing state resources and federal funds for purposes of completing the report, and to apply for and receive grants and donations from public or private sources if existing resources are not available or sufficient. The bill also authorizes the Superintendent to accept support, including, but not limited to, financial and technical support, from high school reform advocates, teachers, chamber organizations, industry representatives, research centers, parents, and pupils.

SBX1 1 - Grants For Clean Technology And Renewable Energy Job Training, Career Technical Education, And Dropout Prevention Program.

Adds and repeals Article 5.5 (commencing with Section 54698) of Chapter 9 of Part 29 of Division 4 of Title 2 of the Education Code, relating to partnership academies.

Existing law establishes the partnership academies program as a school-business partnership program to provide occupational training to educationally disadvantaged high school pupils. Under existing law, the Superintendent of Public Instruction is required to award grants to school districts maintaining high schools to plan, establish, and maintain these partnership academies.

Existing law establishes the Renewable Resource Trust Fund as a fund that is continuously appropriated, with certain exceptions for administrative expenses, in the State Treasury; requires that certain moneys collected to support renewable energy resources through the public goods charge, as defined, are deposited into the fund; and authorizes the State Energy Resources Conservation and Development Commission (Energy Commission) to expend the moneys pursuant to the renewable energy resources program.

This bill requires the Controller annually to allocate \$8,000,000 from the Renewable Resource Trust Fund or other related fund, upon appropriation by the Legislature, to the Superintendent of Public Instruction for expenditure in the form of grants to school districts to be allocated pursuant to the existing provisions for creating and maintaining partnership academies. If funds from the Renewable Resource Trust Fund are insufficient to fully meet that funding requirement in specified fiscal years, the bill requires the Controller to allocate the balance of funds required to meet the funding requirement from the Alternative and Renewable Fuel and Vehicle Technology Fund for these purposes.

The bill requires the Superintendent to award grants, as specified, to school districts that propose to implement or maintain a partnership academy that focuses on employment in clean technology businesses and renewable energy businesses and provides skilled workforces for the products and services for energy or water conservation, or both, renewable energy, pollution reduction, or other technologies.

The bill requires the Energy Commission, no later than 60 days after the effective date of these provisions, in consultation with the Superintendent, to adopt guidelines to ensure that programs receiving grants reflect current state energy policies and priorities as well as provide skills and education linked to the needs of relevant industries.

The bill authorizes a school district to apply for planning grants for implementing a partnership academy and allows the Superintendent to expend up to 5% of the funds transferred to the Superintendent to pay the costs incurred in the administration of this program. The bill requires the Superintendent, in consultation with the Energy Commission, to provide a report to the Legislature that includes a description of the curriculum and substance of the programs funded by grants awarded pursuant to these provisions, and specified data. The bill provides that the bill's provisions will become inoperative on June 30, 2017, and, as of January 1, 2018, will repeal these provisions.

SB 578 - Coursework Requirements For Students In Foster Care.

Adds Section 51225.2 to the Education Code, relating to foster children.

(1) 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.

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

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

This bill requires 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 prohibits a pupil in foster care from being required to retake a course if the pupil satisfactorily 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 prohibits the school district or county office of education from requiring the pupil to retake the portion of the course the pupil completed unless the school district or county office of education, in consultation with the holder of educational rights for the pupil, finds that the pupil is reasonably able to complete the requirements in time to graduate from high school. The bill prohibits a

pupil in foster care from being prevented from retaking or taking a course to meet the eligibility requirements for admission to the California State University or the University of California.

By requiring a school district and a county office of education to award a pupil in foster care full or partial credit for the coursework completed 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, the bill imposes a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SB 532 - Annual Updates On Advanced Placement Courses; Superintendent Must Update International Baccalaureate Diploma Program.

Amends Sections 52240 and 52920 of the Education Code, relating to pupil instruction.

(1) Existing law contains legislative findings and declarations stating that advanced placement courses, among other things, help to improve the overall curriculum at schools where they are provided and provide a cost-effective means for high school pupils to obtain college-level coursework experience.

This bill requires the Superintendent of Public Instruction to annually update the information on advanced placement available on the Internet Web site of the State Department of Education to include current information on the various means available to school districts to offer or access advanced placement courses, including online courses, and to annually communicate with high schools that offer advanced placement courses in fewer than 5 subjects and inform them of the various options for making advanced placement courses and other rigorous courses available to pupils who may benefit from them.

(2) Existing law authorizes a system of incentives to encourage high schools to operate International Baccalaureate Diploma Programs, and to encourage pupils in these schools to enroll in, attempt, and pass the International Baccalaureate course of study and examinations that lead to the International Baccalaureate Diploma.

This bill requires the Superintendent to annually update information on the International Baccalaureate Diploma Program available on the department's Internet Web site and to provide support to high schools that offer International Baccalaureate courses, as specified. The bill encourages the Academic Senate for the California Community Colleges, the Academic Senate of the California State University, and the Academic Senate of the University of California to continue their efforts to adopt consistent system wide guidelines for the acceptance and granting of credit for International Baccalaureate Diploma Program courses taken by students while they are in high school.

AB 176 - Alternative Methods To Verify Identity For Standardized Tests.

Adds Section 99155 to the Education Code, relating to postsecondary education.

Existing law imposes various requirements on a test sponsor or test agency, as defined, with respect to the administration of standardized tests for purposes of postsecondary education. Existing law provides that a test sponsor that intentionally violates these provisions is liable for a civil penalty not to exceed \$750 for each violation.

This bill requires a test sponsor to provide alternative methods to verify a test subject's identity and to clearly post on the test sponsor's Internet Web site contact information for test subjects who cannot provide the required identification and need further assistance. A violation of these requirements subjects a test sponsor to the above civil penalty. The bill allows a test sponsor to require test subjects to obtain approval from the test sponsor in advance of the registration test deadline in order to be admitted to the test with an alternative form of identification.

ACADEMIC PERFORMANCE INDEX

AB 180 - New Requirements For Academic Performance Index.

Adds and repeals Section 52052.3 of the Education Code, relating to academic performance.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API), as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. The API consists of a variety of indicators including specified achievement test scores, attendance rates, and graduation rates. Existing law requires the Superintendent, with approval of the state board, to develop an alternative accountability system

for specified types of schools, including, among others, community day schools and continuation schools. Existing law allows these schools to receive an API score, but prohibits them from being included in the API rankings of schools.

This bill, until January 1, 2017, requires the Superintendent and the state board, as part of the alternative accountability system for schools, or any successor system, to allow no more than 10 dropout recovery high schools, as defined, to report the results of an individual pupil growth model that is proposed by the school and certified by the Superintendent pursuant to specified criteria instead of reporting other indicators.

RESIDENCY AND INTERDISTRICT ATTENDANCE

AB 1085 - Processing Of Interdistrict Attendance Appeals.

Amends, repeals, and adds Section 46601 of the Education Code, relating to school attendance.

Existing law authorizes the governing boards of two 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 after the appeal is filed, 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 states 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 requires, until July 1, 2015, that, in a class 1 county, which is defined in existing law as a county with 1994-1995 average daily attendance of more than 500,000, or a class 2 county, which is defined in existing law as a county with 1994-1995 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 in which the pupil desires to attend and the applicable period of time for the determination is within 40 schooldays after the appeal is filed rather than 30 calendar days after the appeal is filed.

AB 207 - Documents Allowed To Establish School District Residency.

Adds Section 48204.1 to, and repeals Section 48204.6 of, the Education Code, relating to school attendance.

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 requires a school district to accept a wide range of documents and representations from the parent or legal guardian of a pupil living with his or her parent or legal guardian 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. 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, the bill authorizes the school district to make reasonable efforts to determine that the pupil actually meets the residency requirements. The bill specifies that it not be construed as limiting access to pupil enrollment in a school district as otherwise provided by state and federal statutes and regulations.

Existing law provides that any school district that is adjacent to an international border may accept a wide range of documents and representations from the parent or guardian of a pupil for purposes of establishing residency in a school district, as specified. Existing law requires those school districts to make reasonable efforts to determine whether a pupil meets the residency requirements if any employee of such a school district reasonably believes that the parent or guardian of the pupil has provided false or unreliable evidence of residency. This bill repeals these provisions.

SB 381 - Extension Of Residency Requirement For Students Whose Parents Work In The District.

Amends Section 48204 of the Education Code, relating to school attendance.

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 extends 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 repeals the provision on January 1, 2018. The bill additionally modifies this provision by requiring that the parent or legal guardian's employment occur within the boundaries of that school district for a minimum of 10 hours during the school week.

ATTENDANCE

AB 387 - Excused Absences For Family Time With Active Duty Member.

Amends Section 48205 of the Education Code, relating to pupils.

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 includes 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, as another type of excused absence. The bill requires that absences granted pursuant to these provisions be granted for a period of time to be determined at the discretion of the superintendent of the school district.

STUDENT RECORDS

AB 143 - Email Addresses Included In Student Directory Information; Expanded Access Of Student Records To Counsel Of Record; Certification Of Confidentiality Requirement.

Amends Sections 49061 and 49076 of the Education Code, relating to pupil records.

(1) Existing law authorizes school districts to release

pupil directory information, as specified, and defines directory information as one or more prescribed items, including, among others, a pupil's name, address, telephone number, and date and place of birth.

This bill redefines directory information to no longer include a pupil's place of birth and to also include a pupil's e-mail address.

(2) Existing law prohibits a school district from permitting access to pupil records to a person without written parental consent or under judicial order, except to specified persons under certain circumstances, including to a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

This bill additionally allows school districts to permit a counsel of record for a minor to access pupil records for the same purposes stated above. The bill also requires a probation officer, district attorney, and counsel of record for a minor to be deemed to be local officials for purposes of specified federal law, and requires pupil records obtained pursuant to the above provision to be subject to specified evidentiary rules.

(3) Existing law requires the recipient of pupil records to be notified of the prohibition against transmitting the information to others without the written consent of the parent.

This bill requires officials and authorities receiving pupil records pursuant to specified law to certify in writing to the school district that the information shall not be disclosed to another party, except as provided under specified federal law and state law, without the prior written consent of the parent of the pupil or the person identified as the holder of the pupil's educational rights. The bill also authorizes a local educational agency or other person or party to release pupil records or information to specified persons or parties not otherwise permitted access if the records or information are de-identified.

STUDENT HEALTH

SB 614 - Conditionally Attend School Without Full Whooping Cough Boosters.

Adds and repeals Section 120335.1 of the Health and Safety Code, relating to immunization, and declaring the urgency thereof, to take effect immediately.

Existing law, commencing July 1, 2011, until June 30, 2012, prohibits a defined governing authority, which includes the authority of a private institution,

from unconditionally admitting or advancing any pupil to the 7th through 12th grade levels of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

This bill, until June 30, 2012, authorizes the county office of education, the governing board of a school district, or the governing body of a charter school to allow a pupil, advancing to or enrolled in any of grades 7 to 12, inclusive, to conditionally attend school for up to 30 calendar days, as specified, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age if specified conditions are met.

AB 499 - Minors 12 Or Older May Consent To Medical Care Related To STD Prevention.

Amends Section 6926 of the Family Code, relating to minors.

Existing law allows minors to consent to specified forms of medical or dental treatment. This bill, in addition, allows a minor who is 12 years of age or older to consent to medical care related to the prevention of a sexually transmitted disease.

SB 514 - Prohibition On Providing Dextromethorphan To Minor Without Prescription.

Adds Sections 11110 and 11111 to the Health and Safety Code, relating to nonprescription drugs.

Existing law prohibits a manufacturer, wholesaler, retailer, or other person from selling, transferring, or otherwise furnishing a specified substance, including ephedrine and pseudoephedrine, to a person under 18 years of age, except as specified. A first violation of this provision is a misdemeanor. Existing law further regulates the sale of nonprescription drugs, as specified.

This bill, in addition, makes it an infraction, punishable by a fine not exceeding \$250, for any person, corporation, or retail distributor, in an over-the-counter sale to, without a prescription, to willfully and knowingly supply, deliver, or give possession of a nonprescription drug containing dextromethorphan to a person under 18 years of age. The bill provides that proof that bona fide evidence of majority and identity was demanded and shown shall be a defense to any criminal prosecution.

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

bursement. This bill provides that no reimbursement is required by this act for a specified reason.

AB 614 - School Attendance Board Must Include Representative Of School, County Or Community Mental Health Personnel.

Amends Section 48321 of the Education Code, relating to school attendance.

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 also specifically requires a representative of school, county, or community mental health personnel to be appointed to a county school attendance review board. The bill also specifically authorizes a representative of school, county, or community mental health personnel to be appointed to a local school attendance review board.

TRANSPORTATION

AB 462 - Funding To Replace School Bus Gas Tanks.

Amends Sections 41081 and 44229 of the Health and Safety Code, relating to air pollution.

Existing law authorizes specified air pollution control and air quality management districts to adopt a fee applicable to motor vehicles registered in counties within that district, and requires the fee to be collected by the Department of Motor Vehicles. Existing law, until January 1, 2015, authorizes the amount of the fee to be up to \$6. Existing law requires the revenues from the first \$4 of the fee to be used for specified purposes. Existing law requires that the revenues from the last \$2 of the fee be used for specified programs that the district determines remediate air pollution harms created by motor vehicles, including purchases of new school buses pursuant to the State Air Resources Board's Lower-Emission School Bus Program.

This bill additionally authorizes a district based on that determination to use the last \$2 of the fee for programs to replace onboard natural gas tanks on school buses owned by a school district that are 14 years or older, with a funding amount not to exceed \$20,000 per bus and to enhance deteriorating natural gas fueling dispensers of fueling infrastructure oper-

ated by a school district, with a one-time funding amount not to exceed \$500 per dispenser, pursuant to the Lower-Emission School Bus Program.

AB 470 - Funding To Retrofit School Bus Emissions Control Equipment.

Amends Sections 41081 and 44229 of the Health and Safety Code, relating to air pollution.

Existing law authorizes specified air pollution control and air quality management districts to adopt a fee applicable to motor vehicles registered in counties within that district, and requires the fee to be collected by the Department of Motor Vehicles. Existing law, until January 1, 2015, authorizes the amount of the fee to be up to \$6. Existing law requires the revenues from the first \$4 of the fee to be used for specified purposes. Existing law requires that the revenues from the last \$2 of the fee to be used for specified programs that the district determines remediate air pollution harms created by motor vehicles, including purchases of new school buses pursuant to the State Air Resources Board's Lower-Emission School Bus Program.

This bill additionally authorizes a district based on that determination to use the last \$2 of the fee to retrofit emissions control equipment for existing school buses pursuant to the State Air Resources Board's Lower-Emission School Bus Program.

SB 565 - School Bus Must Have Working Speedometer.

Amends Section 99314.6 of the Public Utilities Code, and amends Sections 14602.8, 22511.57, and 22651 of, amends and repeals Section 42007 of, and adds Section 24017 to, the Vehicle Code, relating to transportation.

(1) Existing law prescribes certain standards for a transit bus operated by a motor carrier, whether the motor carrier is a private company or a public agency that provides public transportation services. A violation of these provisions is a crime.

This bill additionally requires that the transit bus be equipped with a speedometer that is maintained in good working order. By creating a new crime, the bill imposes a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for the specified reason.

SB 929 - Child Passenger Seatbelts.

Amends Sections 27315, 27315.3, 27361, 27363, 27363.5, and 27365 of, adds Section 27360.6 to, and repeals and add Sections 27360 and 27360.5 of, the Vehicle Code, relating to vehicles.

(1) Existing law prohibits a person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or older are properly restrained by a safety belt. This bill defines the phrase "properly restrained by a safety belt" for purposes of those provisions.

Existing law requires a child or ward under 6 years of age who weighs less than 60 pounds to be secured in a rear seat in a child passenger restraint system that meets specified federal standards, but permits such a child or ward to ride in the front seat of a motor vehicle if properly secured in a child passenger restraint system that meets specified federal standards, under specified circumstances, including, among other things, if all rear seats are already occupied by children under 12 years of age.

This bill instead prohibits a parent, legal guardian, or driver from transporting on a highway in a motor vehicle, as defined, a child or ward who is under 8 years of age without securing that child in an appropriate child passenger restraint system meeting applicable federal motor vehicle safety standards, except as provided. The bill imposes specified fines and penalties for violations of those requirements, as prescribed.

Existing law authorizes a law enforcement officer reasonably suspecting a violation of those child passenger restraint system requirements to stop a vehicle transporting a child appearing to the officer to be within a specified age or weight range of under 6 years of age or less than 60 pounds. This bill instead authorizes a law enforcement officer reasonably suspecting a violation of those requirements to stop a vehicle transporting a child appearing to the officer to be within the age range of less than 8 years of age.

Existing law permits a court to exempt from the above-described child passenger restraint system requirements any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size, and establishes two statutory exemptions. This bill revises that provision to also specify that a child or ward under 8 years of age who is 4 feet 9 inches in height or taller may be properly restrained by a safety belt rather than a child passenger restraint system.

Because a violation of the vehicle law constitutes a crime, the bill imposes a state-mandated local program by expanding the scope of an existing crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

AB 516 - Factors To Determine Rating Of Proposed Safe Routes To School.

Amends Section 2333.5 of the Streets and Highways Code, relating to transportation.

Existing law requires the Department of Transportation, in consultation with the California Highway Patrol, to establish and administer a “Safe Routes to School” program for construction of bicycle and pedestrian safety and traffic calming projects, and to award grants to local agencies in that regard from available federal and state funds, based on the results of a statewide competition. Existing law requires the department to rate proposals submitted by applicants using specified factors. One of the factors relates to consultation and support for projects by school-based organizations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders.

This bill deletes that factor and instead substitutes a factor relating to use of a specified public participation process, with involvement by the public, schools, parents, teachers, local agencies, the business community, key professionals, and others, which process identifies community priorities, ensures those priorities are reflected in the proposal, and secures support for the proposal by relevant community stakeholders. The bill adds another factor relating to benefit of a proposal to a low-income school, as defined, and makes other related changes.

CHILDCARE

SB 309 - Child Care Facility Authorized To Enroll Non-Minor Students.

Adds Sections 1596.785, 1596.7915, and 1596.862 to the Health and Safety Code, relating to child daycare facilities.

Existing law, the California Child Day Care Facilities Act, administered by the State Department of Social Services, provides for the licensure and regulation of child day care facilities, as defined. Willful or repeated violation of these provisions is a misdemeanor. The act defines a child as a person who is under 18 years of age who is being provided care and supervision in a child day care facility, with specified exceptions. Under existing law, a child day care facility is authorized to provide nonmedical care to children under 18 years of age in need of personal

services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Existing law provides for educational programs for persons with exceptional needs. Existing law includes within the definition of an individual with special needs a person between 19 and 21 years of age, who is enrolled in or eligible for a special education program prior to his or her 19th birthday, and who has not yet completed his or her prescribed course of study, has not met proficiency standards, or has not graduated from high school with a regular high school diploma. Existing law provides that a person who becomes 22 years of age during the months of January to June, inclusive, while participating in one of these special education programs, as specified, may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program for individuals with exceptional needs established pursuant to specified state and federal law.

This bill authorizes the department to approve or deny a written request from a schoolage child care center, as defined, for enrollment or retention of a non-minor student, as defined, at the schoolage child care center if the department makes a specified determination. This bill requires that, if a request is submitted to the department at least 30 days prior to the child’s 18th birthday, the non-minor student be retained at a school-age child care center, unless the request is denied in writing. This bill prohibits a non-minor student from being enrolled at a schoolage child care center until the request is approved in writing by the department.

By changing the definition of an existing crime with respect to the California Child Day Care Facilities Act, this bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

SCHOOL LUNCHES

AB 402 - Information Regarding School Lunch Programs.

Amends Section 49558 of, and adds Section 49557.3 to, the Education Code, and adds Section 18901.55 to the Welfare and Institutions Code, relating to the CalFresh program.

Existing law requires each school district or county superintendent of schools maintaining any kindergar-

ten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. 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 authorizes 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. The bill provides that the School Lunch Program application is confidential and prohibits the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program.

This bill also requires a county that has entered into a memorandum of understanding to determine CalFresh program eligibility for children from the information provided on a School Lunch Program application shared with the county pursuant to the provisions discussed above, and, if the child is eligible, to enroll the child in the CalFresh program, upon receipt of a signed CalFresh program application. The bill also requires each county to request that the parent or guardian of each child who it determines meets the eligibility requirements for participation in the CalFresh program to provide additional documentation necessary for retention of eligibility in the CalFresh program.

GRANT PROGRAMS

SB 942 - Limits Secretary Of Education's Duties; Repeals Certain Grant Programs For School Districts.

Amends Sections 8206.1, 8208, 8236, 8278.3, 8279.7, 8286, 8484.9, 8802, 8803, 8807, 10601.5, 11800, 17250.40, 33126.2, 40081, 41327.1, 41327.2, 42127.8, 44280, 48005.45, 49701, 52055.730, 52055.760, 52055.770, 52254, 52270, 52272, 56030.5, 56337, 56363, 56441.11, 60855, and 60900 of, repeals Sections 44265.2 and 52128.5 of, repeals Article 3.8 (commencing with Section 32239.5) of Chapter 2 of Part 19 of Division 1 of Title 1 of, repeals Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of Division 4 of Title 2 of, and repeals Chapter 16 (commencing with Section 53050) of Part 28 of, and repeals Chapter 2 (commencing with Section 63050) of Part 35 of, Division 4 of Title 2 of, the Education Code; to amend Sections 42630, 42645, 71300, and 71301 of the Public

Resources Code; and to amend Sections 4380, 18986.3, 18986.20, 18986.23, and 18986.24 of, and repeals Sections 2102, 4341.1, and 5870 of, the Welfare and Institutions Code, relating to education.

(1) Existing law gives the Secretary of Education duties with respect to various child care and development, school, and education programs, including, among others, serving on advisory bodies, receiving reports, and consulting on various matters.

This bill eliminates the secretary's duties with regard to specified programs, including, among others, the Child Care Facilities Revolving Fund, the Advisory Committee on Before and After School Programs, the Healthy Start Support Services for Children program, the California Longitudinal Teacher Integrated Data Education System, the Quality Education Investment Act of 2006, and the California Longitudinal Pupil Achievement Data System advisory board. The bill transfers certain of these duties to the President of the State Board of Education.

(2) Existing law establishes the Education Technology Grant Program to provide one-time grants to school districts and charter schools for purposes of acquiring computers for instructional purposes at public schools and requires the Office of the Secretary of Education to administer the application process for the award of grants. Existing law establishes the Digital High School Education Technology Grant Program with the objective of providing all high school pupils with basic computer skills. The Governor's Office of Child Development and Education is required to provide input on grant application criteria.

This bill transfers to the President of the State Board of Education the duties of the Governor's Office of Child Development and Education and the Office of the Secretary of Education under these programs.

(3) Existing law establishes the Industry-Based Certification Incentive Grant Program for the purpose of awarding grants to selected school districts, county offices of education, and regional occupational centers and programs to establish industry-based certification programs within their career technical programs. Existing law requires the State Department of Education, in consultation with the Secretary of Education, to administer the program. This bill repeals the program.

(4) Existing law establishes the Governor's Reading Award Program, a grant program for school districts that maintain kindergarten or any of grades 1 to 8, inclusive, and requires the Secretary of Education to administer the program on behalf of the Governor.

Existing law requires the Secretary of Education, subject to the availability of funding, to contract for

the development and establishment of a public involvement campaign to inform Californians that promoting reading in the public schools as a key to success in life is the responsibility of all Californians.

This bill repeals the Governor's Reading Award Program and the requirement that the secretary contract for the public involvement campaign.

(5) Existing law governing special education programs contains references to mental retardation. This bill changes those references to intellectual disability.

TEACHERS

SB 941 - Teacher Credentialing.

Amends Sections 44274.2, 44279.1, 44279.2, 44279.4, 44371, and 44372 of, adds Section 44399.1 to, and repeals Sections 44279.5 and 44279.6 of, the Education Code, relating to teachers.

Existing law requires the Commission on Teacher Credentialing to issue a 5-year preliminary teaching credential, including a preliminary 5-year "professional clear teaching credential," to an out-of-state prepared teacher who meets specified requirements. Existing law requires the commission to issue a professional clear teaching credential to an out-of-state applicant who satisfies specified requirements, provides verification of 2 or more years of teaching experience, and documents the fulfillment of other specified requirements. If the applicant does not meet the experience requirement, the applicant must be issued credentials upon verification of other requirements, including that the commission has issued the applicant a preliminary 5-year teaching credential.

This bill removes reference to a "professional clear teaching credential" and instead simply refers to a "clear teaching credential." The bill requires that an out-of-state prepared applicant in both special education and general education, who has earned a clear California education specialist credential, be granted a clear multiple subject or clear single subject teaching credential without first holding a preliminary multiple subject or single subject teaching credential, unless the commission determines that the applicant does not meet other specified requirements.

Existing law establishes the California Beginning Teacher Support and Assessment System that shall, among other things, ensure that programs meet the Standards of Quality and Effectiveness for Beginning Teacher Support and Assessment Programs adopted by the commission in 1997, and establish an effective, coherent system of performance assessments based upon the California Standards for the

Teaching Profession adopted by the commission in 1997, which the Superintendent of Public Instruction and the commission are also required to disseminate, as specified.

This bill removes reference to the year in which these standards were adopted by the commission. Existing law provides that any credential candidate who is eligible for a preliminary credential shall be eligible for a classroom teaching position with beginning teacher support and assessment; however, requirements relating to beginning teacher support and assessment may be waived by the commission for individuals who are pursuing alternative entry programs, as specified, including the successful completion of at least 2 years of classroom instruction under a district intern certificate.

This bill also permits the commission to waive requirements relating to beginning teacher support and assessment for an individual who has completed a clear credential program after completion of a baccalaureate degree at a regionally accredited institution.

Existing law states the intent of the Legislature that beginning teachers who have been issued a preliminary credential receive support and assistance, as specified, and that the commission establish procedures to assess the teaching performance of beginning teachers, as specified. This bill repeals these provisions.

Existing law requires the commission to adopt and implement an accreditation framework, which sets forth the policies of the commission regarding the accreditation of educator preparation in California, and to modify the framework in accordance to specified provisions. Existing law requires the system for accreditation of educator preparation to replace the prior system of program approval established in 1970. Existing law also requires the commission, with the Committee on Accreditation, to select an external evaluator to conduct an evaluation of accreditation policies.

This bill deletes provisions relating to replacement of the prior system of program approval, provisions relating to the modification of the framework, and provisions requiring selection of an external evaluator.

Existing law requires the commission to issue a clear credential to the holder of a preliminary teaching or services credential who attains certification from the National Board for Professional Teaching Standards. Existing law requires the clear credential issued pursuant to these provisions to authorize the credential holder to teach or provide services in the area that the commission determines is equivalent to the certificate field in which the teacher or services provider received certification from the National Board for Professional Teaching Standards.

This bill requires the commission to issue an authorization for an additional subject or for a new teaching credential type to the holder of a valid multiple subject or single subject teaching credential, or eligible applicant, who has earned certification from the National Board for Professional Teaching Standards in the additional single subject content area or the new multiple subject or single subject teaching credential type. The bill, notwithstanding these provisions, authorizes the commission to require the applicant to pass a commission-approved subject matter examination before the issuance of the credential or authorization request when there is no direct equivalence between the national certification and the state subject or credential type.

ATHLETICS

AB 25 - Schools Must Remove From School-Sponsored Athletic Activity Any Student Suspected Of Having Concussion; Medical Clearance Required Prior To Return To Sports.

Adds Section 49475 to the Education Code, relating to athletics.

Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill requires a school district to immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The bill prohibits the return of the athlete to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider, as specified. The bill requires, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition. These provisions do not apply to an athlete engaged in an athletic activity during the regular school day or as part of a physical education course.

SB 107 - California Interscholastic Federation Extended To 2017.

Amends Section 19225 of, amends and repeals Sections 19010, 19011, and 24744 of, adds Sections 19011.5, 19229, and 24745.5 to, and repeals and

adds Section 24745 of, the Food and Agricultural Code; and to amend Sections 3401 and 5007 of the Public Resources Code, relating to public resources, and making an appropriation therefore, to take effect immediately, bill related to the budget.

Existing law describes the California Interscholastic Federation, provides the intent of the Legislature regarding its policies, and requires it to report to the Legislature and the Governor on its evaluation and accountability activities on or before January 1, 2010. Existing law repeals these provisions on January 1, 2012. This bill extends the operation of these provisions to January 1, 2017, and requires the California Interscholastic Federation to report to the Legislature and the Governor on its evaluation and accountability activities on or before January 1, 2016.

COMMUNITY COLLEGE DISTRICTS

STUDENT FINANCIAL AID

AB 130 - Students Exempt From Paying Non-resident Tuition Eligible For Federally-Derived Scholarships.

Amends Section 68130.7 of, and adds Section 66021.7 to, the Education Code, relating to student financial aid.

Existing law requires that a person, other than a non-immigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year, and who, if he or she is an alien without lawful immigration status, has filed a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill enacts the California Dream Act of 2011. This bill provides that, on and after January 1, 2012, a student attending the California State University, the California Community Colleges, or the University of California who is exempt from paying nonresident tuition under the provision described above will be eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment at which he or she is a student.

ACADEMICS

AB 1029 - Governing Board Approval Of Courses.

Amends Sections 70901 and 70902 of the Education Code, relating to community colleges.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law, until January 1, 2013, deletes a requirement that the board of governors review and approve courses of instruction that are not offered as part of an educational program approved by the board of governors. This bill extends the date of deletion of this requirement to January 1, 2014.

Existing law establishes community college districts, and requires each district to be under the control of a governing board. Existing law, until January 1, 2013, authorizes a community college district governing board to offer credit courses of instruction without the approval of the board of governors only under conditions authorized by regulations adopted by the board of governors. This bill extends that authorization to January 1, 2018.

Existing law requires the Chancellor of the California Community Colleges, on or before January 1, 2012, to prepare and submit a report to the chairpersons of the appropriate policy and fiscal committees of the Legislature describing the results of the monitoring of these courses undertaken pursuant to regulations developed by the board of governors under the law and the extent to which community college districts have complied with those regulations. This bill will, instead, require the chancellor to prepare and submit this report by January 1, 2013.

AB 835 – Community Colleges Authorized To Develop Program To Enroll Out-Of-District High School Students.

Amends Section 88532 of the Education Code, relating to community colleges.

Existing law, until January 1, 2013, establishes the California Community Colleges Economic and Workforce Development Program. Existing law 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 will 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.

SB 940 - Education And Scholarship Programs At Community Colleges.

Amends Sections 41329.59, 66026, 66747, 66902.5, 69511, 69984, 71093, and 87884 of, and repeals Sections 52272, 66941, and 81706 of, the Education Code; and amends Section 4709 of the Labor Code, relating to education.

(1) Existing law requires the Fiscal Crisis and Management Assistance Team to conduct an extraordinary audit of the Compton Community College District and file a written status report at regular intervals with specified persons, including the Secretary for Education. This bill requires that written status report to be filed with the Governor instead of the Secretary for Education.

(2) Existing law establishes the Education Technology Professional Development Program to provide teacher training on the use of technology in the classroom. This bill repeals that program.

(3) Existing law requires reports submitted to the Legislature by the University of California, the California State University, the Office of the Chancellor of the California Community Colleges, and the California Postsecondary Education Commission to be delivered to specified entities, including the Office of the Secretary for Education. This bill requires those reports to be delivered to the Office of the Governor instead of the Office of the Secretary for Education.

(4) Existing law requires the California Postsecondary Education Commission to convene an intersegmental working group to determine state funding priorities consistent with the institutional missions of the systems of higher education. This bill eliminates the working group.

(5) Existing law establishes the Scholarshare Investment Board to administer the Golden State Scholarshare College Savings Trust to provide financial aid for postsecondary education costs of participating students. The board is composed of specified members, including the Secretary for Education. This bill replaces the Secretary for Education with the executive director of the State Board of Education as a member of the board.

(6) Existing law, the Student Transfer Achievement Reform Act, establishes that the California State University is required to guarantee admission with junior status to any community college student who meets the requirements for the associate degree for transfer. A student admitted to the California State University pursuant to the act is entitled to receive priority over all other community college transfer students, excluding community college students who have entered into a transfer agreement between a community college and the California State University prior to the fall term of the 2012–13 academic year.

Existing law states the intent of the Legislature that specified categories be followed, insofar as practicable, in numeric order for the purposes of enrollment planning and admission priority practice at the undergraduate resident student level for the California State University and the University of California, and that, within each of the enrollment categories, groups of applicants receive priority consideration in admissions practice in a specified numeric order.

This bill requires that transfer students admitted to the California State University pursuant to the act receive priority for purposes of enrollment planning and admissions, if the students have met the requirements of an approved transfer agreement consistent with this priority.

(7) The Ortiz–Pacheco–Poochigian–Vasconcellos Cal Grant Act establishes the Cal Grant entitlement awards and the California Community College Transfer Entitlement Awards, under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

Existing law provides that if a federal law permits the administration of a scholarship or grant program by a state agency, the Student Aid Commission is to administer the program if it is determined that the participation by the state in the federal scholarship or grant program would not interfere with or jeopardize the continuation of a Cal Grant scholarship program established pursuant to specified provisions of state law.

This bill changes obsolete references in law to refer to the current Cal Grant program.

(8) Existing law authorizes the Board of Governors of the California Community Colleges to authorize the chancellor to suspend the authority of the Board of Trustees of the Compton Community College District to exercise any powers or responsibilities or to take any official actions with respect to management of the district. Existing law also authorizes the board of governors to authorize that suspension for a specified period of time plus a period lasting until speci-

fied persons, including the Secretary for Education, concur that the district has met specified requirements.

This bill instead provides that the Governor, instead of the Secretary for Education, will be required to concur that the district has met those requirements.

(9) Existing law requires the Board of Governors of the California Community Colleges to develop guidelines for design-build projects by June 30, 2003. This bill repeals that requirement.

(10) Existing law provides that a dependent of a peace officer who is killed in the performance of duty or who dies or is totally disabled as a result of an accident or an injury that is compensable, as defined, is entitled to a Cal Grant scholarship at a specified institution. Existing law provides that a dependent of a peace officer who is a recipient of a scholarship shall not be precluded from receiving a Cal Grant award, as specified. This bill changes obsolete references in law to refer to the current Cal Grant program.

ENROLLMENT

AB 194 - Community Colleges Must Grant Priority Registration For Enrollment To Members Of Armed Forces And Foster Children.

Adds and repeals Section 66025.9 of the Education Code, relating to postsecondary education.

Existing law requires the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority for registration for enrollment to any member or former member of the Armed Forces of the United States, as defined, for any academic term attended at one of these institutions within 2 years of leaving active duty.

This bill, until January 1, 2017, requires the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority for registration for enrollment to foster youth or former foster youth.

By revising requirements relating to student eligibility for priority registration at community college districts, the bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions

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

SB 813 - Veteran Priority Enrollment Extended To Four Years After Leaving Active Duty.

Amends Section 66025.8 of the Education Code, relating to public postsecondary education.

Existing law requires the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority for registration for enrollment to any member or former member of the Armed Forces of the United States, as defined, for any academic term attended at one of these institutions within 2 years of leaving active duty.

This bill grants priority enrollment to these members or former members of the Armed Forces of the United States, who are residents of California, within 4 years of leaving active duty.

Because the bill imposes additional duties on community college districts, the bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

AB 882 - Residency Status Of Dependents Of Members Of The Armed Forces.

Amends Sections 68074 and 68075 of the Education Code, relating to military and veterans.

Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of fees to be paid by students at public institutions of higher education in the state. Existing law entitles an undergraduate student who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty to resident classification for purposes of determining the amount of tuition and fees. Existing law entitles a graduate student, under the same circumstances, to resident classification for no more than one academic year, after which he or she is subject to the general provisions otherwise establishing student residency requirements.

Existing law allows a student dependent of a member of the Armed Forces to keep his or her resident classification until he or she has resided in the state for the minimum time necessary to become a resident in the event the member of the Armed Forces upon whom they are dependent is transferred outside of the state or retires as an active member of the Armed Forces.

Existing law also grants a member of the Armed Forces who is stationed in the state on active duty, except a member assigned for educational purposes to a state-supported institution of higher education, to resident classification for tuition purposes. A member of the Armed Forces seeking a graduate degree is entitled to resident classification for no more than two academic years.

Federal law prohibits a state receiving federal assistance under the Higher Education Opportunity Act from charging a higher rate for attendance at a public institution of higher education than is charged to residents of the state to a member of the Armed Forces who is on active duty for more than 30 days and whose domicile or permanent duty station is in the state, or to his or her spouse or dependent child. Existing federal law requires that the rate continue to apply so long as the member or his or her spouse or dependent child is continuously enrolled at the institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside of the state.

This bill amends state law to conform with federal law granting a member of the Armed Forces, or his or her dependent, as provided, entitlement to resident classification for so long as he or she is continuously enrolled at that institution.

The bill requests the Regents of the University of California to establish the same residency requirements as those established by this bill for students enrolled at the University of California.

AB 230 - Middle College High School Students Do Not Have Low Enrollment Priority For Required Community College Courses.

Amends Section 76001 of the Education Code, relating to joint educational programs.

Existing law authorizes the establishment of middle college high schools, which are alternative high schools located on community college campuses, and structured as broad-based, comprehensive instructional programs focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Existing law requires the governing board of a community college district to

assign a low enrollment priority to specified special part-time or full-time students, which includes middle college high school students, in order to ensure that these students do not displace regularly admitted students.

This bill provides that the low enrollment priority provisions do not apply to a student attending a middle college high school, if the student is seeking to enroll in a community college course that is required for the student's middle college high school program.

VETERANS

AB 636 - No Deadline To Withdraw For Student Called To Military Service.

Amends Section 824 of the Military and Veterans Code, relating to military service.

Existing law provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified, including requiring that specified institutions that grant a student a military leave of absence make arrangements to reasonably accommodate and assist the student in meeting coursework requirements missed due to military service, credit the student's tuition and fee charges toward a subsequent academic term, or grant a refund of tuition and fees paid by the student for the academic term provided the student withdraws from the institution by a specified date, at the student's election.

This bill revises the conditions for a tuition and fees refund to remove the requirement of the student's withdrawal by a specified date. The bill also requires any refund toward an academic term to equal 100% of the tuition and fees paid to the institution for the academic term in which the student was required to report for military service, regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced.

STUDENT RECORDS

AB 1056 - Electronic Receipt And Transmission Of Student Transcripts.

Adds and repeals Section 71091 of the Education Code, relating to community colleges.

This bill requires the Office of the Chancellor, by January 1, 2012, to implement a procedure to facilitate the electronic receipt and transmission of student transcripts by districts. The bill also requires all community college districts, contingent upon the Office of the Chancellor's receipt of new, one-time

state, federal, or philanthropic funding sufficient for this purpose and as a condition for receiving funding, to implement a process for the receipt and transmission of electronic student transcripts. The bill requires the Office of the Chancellor to determine the requirements and procedures for dispersing those funds to participating community college districts and to report to appropriate legislative committees, a year after funds are dispersed, the community colleges that have adopted electronic transcripts and the remaining community colleges that have yet to adopt the electronic transcript delivery system. The bill allows a community college district that has elected to implement a process for the receipt and transmission of electronic student transcripts to later opt out of the program in any subsequent year.

This bill states the intent of the Legislature in enacting this measure, and repeals its provisions on January 1, 2015.

Because this bill imposes new duties on community college districts, it imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

ALCOHOLIC BEVERAGES

AB 319 - Exception To Prohibition Of Alcohol At Community College Events Expanded.

Amends Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit, for special events held at the facilities of a public community college located in a county of the 1st, 4th, or 10th class.

This bill expands the exception described above to include public community colleges located in all counties and specifies that the special event must be held with the permission of the governing board of the community college.

SB 339 - Alcoholic Beverages At Cooking School.

Amends Sections 23396 and 25608 of, and adds Section 23038.3 to, the Business and Professions Code, relating to alcoholic beverages.

(1) The Alcoholic Beverage Control Act authorizes the issuance of an on-sale beer and wine eating place license, which authorizes the sale of beer and wine for consumption on or off the licensed premises, provided the licensee maintains the licensed premises as a bona fide public eating place, as defined, and meets other specified requirements.

This bill expands the definition of bona fide public eating place, for purposes of the on-sale beer and wine eating place license, to include a cooking school that provides courses and instructions in the preparation of food and maintains suitable kitchen facilities, as provided.

(2) Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or used during an event at a community center owned by a community services district, as provided. This bill expands that exception to this prohibition to include events held at a community center owned by a city.

(3) The Alcoholic Beverage Control Act provides that a violation of specified provisions of the act is punishable as a misdemeanor. This bill expands an existing crime by imposing requirements on additional licensees under the act; thus, the bill imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

PARKING

SB 774 - Annual Parking Fees Raised.

Amends Sections 76360 and 76361 of the Education Code, relating to community colleges.

Existing law authorizes the governing board of each district to impose various fees, including maximum fees for parking and transportation services. Existing law requires the transportation services fee limit to be annually increased, as specified.

This bill raises the maximum parking services fee limits, as specified, and authorizes the governing

board of each community college district to annually increase the parking and transportation services fee limits by the same percentage increase as the Implicit Price Deflator for State and Local Government Purchases of Goods and Services published by the United States Department of Commerce.

EDUCATION FINANCES

SB 70 – Property Surpluses; Allocations; Community College District Course Fees.

An act to amend Sections 1240.3, 2550, 2558.46, 8201, 8208, 8263.1, 8263.4, 8354, 8357, 8447, 8499, 14041.5, 14041.6, 17070.766, 17463.7, 17584.1, 17587, 17592.71, 33128.3, 41203.1, 42238.146, 42605, 42606, 45023.1, 45023.4, 46201.2, 52124.3, 60200.7, 69432.7, 69432.9, 69433.6, 76243, 76300, 84043, and 84321.6 of, to amend and renumber Section 60422.1 of, to add Sections 8263.2, 14041.65, 41204.3, 69433.2, and 84321.7 to, and to repeal and add Section 41204.2 of, the Education Code; to amend Section 11323.2 of the Welfare and Institutions Code; and to amend Items 6110-161-0001, 6110-485, and 6110-488 of Section 2.00 of the Budget Act of 2010 (Chapter 712 of the Statutes of 2010), relating to education finance, making an appropriation therefore, to take effect immediately, related to the budget.

Existing law requires the Superintendent of Public Instruction to make specified computations to determine the amount to be allocated for direct services and other purposes provided by county superintendents of schools. Under this provision, in each of the fiscal years from 2008-09 to 2012-13, inclusive, the units of average daily attendance (ADA) are required to include the same amount of ADA for classes for adults and regional occupational centers and programs used in the calculation for the 2007-08 fiscal year. This bill extends this provision to apply to the 2013-14 and 2014-15 fiscal years.

Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2010-11 fiscal year by a deficit factor of 18.250%. This bill sets the deficit factor for each county superintendent of schools for the 2011-12 and 2012-13 fiscal years at 19.892%.

Existing law provides that necessary supportive services shall be available to every participant in the CalWORKs program, including child care, as specified. Existing law provides that, to the extent funds are available, paid child care shall be available to a participant with a dependent child in the assistance

unit who needs paid child care if the child is 11 or 12 years of age. This bill would remove the requirement that paid child care be available to a participant for a child who is 11 or 12 years of age.

Existing law requires the Controller to draw warrants on the State Treasury in each month of each year in specified amounts for principal apportionments for purposes of funding school districts, county superintendents of schools, and community college districts. Existing law defers the drawing of those warrants, as specified.

The Leroy F. Greene School Facilities Act of 1998 requires the State Allocation Board to require school districts applying for funds under that act to deposit, into a specified account for ongoing and major maintenance of school buildings, an amount equal to or greater than 3% of the total general fund expenditures of the applicant school district. Existing law, for the 2008–09 to the 2012–13 fiscal years, inclusive, reduces that deposit requirement to an amount equal to 1% of the total general fund expenditures of the applicant school district. Existing law exempts a school district that maintains its facilities in good repair, as defined, from this 1% requirement. This bill extends the operation of this provision by 2 fiscal years, through the 2014–15 fiscal year.

Existing law, until January 1, 2012, authorizes a school district to deposit the proceeds from the sale of surplus school property, together with any personal property located on that property, purchased entirely with local funds, into the general fund of the school district and to use those proceeds for any one-time general fund purpose. This bill extends the operation of this provision to January 1, 2014.

Existing law, to become operative on July 1, 2013, authorizes the State Allocation Board to each year reserve an amount not to exceed 10% of the funds transferred from any source to the State School Deferred Maintenance Fund for apportionments to school districts in instances of extreme hardship. This bill delays the operation of this provision until July 1, 2015.

Existing law establishes the School Facilities Emergency Repair Account in the State Treasury, and requires the State Allocation Board to administer the account. Existing law establishes the Proposition 98 Reversion Account in the General Fund, and requires that the Legislature, from time to time, transfer into this account moneys previously appropriated in satisfaction of the constitutional minimum funding requirements that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated. This bill sets at zero the amount to be transferred under this provision from the Proposition 98 Reversion Account to the School Facilities

Emergency Repair Account for the 2010–11 and 2011–12 fiscal years.

Existing law, for the 2009–10 fiscal year, sets the minimum state requirement for a local educational agency's reserve for economic uncertainties at 1/3 of the percentage for a reserve adopted by the State Board of Education as of May 1, 2009, and requires a school district to make progress in the 2010–11 fiscal year to returning to compliance with the specified standards and criteria adopted by the state board. This bill provides that, for the 2010–11 and 2011–12 fiscal years, the minimum state requirement for a local educational agency's reserve for economic uncertainties is 1/3 of the percentage for a reserve adopted by the state board as of May 1, 2009, and requires a school district to make progress in the 2012–13 fiscal year to returning to compliance with the specified standards and criteria adopted by the state board. This bill restores this requirement, for the 2013–14 fiscal year, to the percentage adopted by the state board as of May 1, 2009.

Existing law requires, for the 1990–91 fiscal year and each fiscal year thereafter, that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the fiscal years between 1992–93 and 2010–11, inclusive. This bill makes that provision inapplicable to the 2011–12 fiscal year.

This bill repeals a provision requiring the Director of Finance to make a specified adjustment in the percentage of General Fund revenues appropriated for school districts and community college districts for purposes of the provisions of the California Constitution requiring minimum funding for the public schools, that is related to the implementation of these provisions. The bill enacts a similar replacement provision, and states the intent of the Legislature that these changes are made in order to comply with Proposition 26.

Existing law prescribes the percentage of General Fund revenues appropriated for school districts and community college districts for purposes of the provisions of the California Constitution requiring minimum funding for the public schools. This bill requires the Director of Finance to adjust that percentage in a specified manner for purposes of the 2011–12 fiscal year.

Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county and requires the amount of the revenue limit to be adjusted for various factors. Exist-

ing law reduces the revenue limit for each school district for the 2010–11 fiscal year by a deficit factor of 17.963%. This bill maintains the deficit factor for each school district for the 2011–12 fiscal year at 19.608%.

Existing law establishes various categorical education programs, and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2012–13 fiscal years, inclusive, to apportion from the amount provided in the annual Budget Act for specified categorical education programs an amount based on the same relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs, with certain exceptions. Existing law authorizes school districts, for the 2008–09 to 2012–13 fiscal years, inclusive, to use the categorical education program funds, with specified exceptions, for any educational purpose. This bill extends the operation of this provision for 2 additional fiscal years, thus extending it through the 2014–15 fiscal year. By allowing funds appropriated for specified purposes to be expended for any educational purpose for 2 additional fiscal years, the bill makes an appropriation.

Existing law requires the Superintendent of Public Instruction to allocate, for the 2010–11 fiscal year, a supplemental categorical block grant to a charter school that began operation in the 2008–09, 2009–10, or 2010–11 fiscal year. This bill extends the operation of this provision to require the Superintendent to make these allocations for the 2011–12 fiscal year, and to include charter schools that began operation in the 2011–12 fiscal year.

Existing law establishes the Jack O’Connell Beginning-Teacher Salary Incentive Program, under which a county superintendent of schools, or the county board of education, may increase the salary for certain teachers on its adopted certificated employee salary schedule, as specified. The provisions establishing the program require certain calculations to be made with respect to the average daily attendance (ADA) of the participating local educational agencies, and more specifically require specified adjustments to be made in the calculation of ADA attributable to regional occupational centers and programs for the 2008–09 to the 2012–13 fiscal years, inclusive. This bill extends the requirement for these adjustments to be made to the 2013–14 and 2014–15 fiscal years.

Existing law, commencing with the 2009–10 school year and continuing through the 2012–13 school year, authorizes a school district, county office of education, or charter school to reduce the equivalent of up to 5 days of instruction or the equivalent number of instructional minutes without incurring fiscal penalties. This bill extends the operation of this provision

for 2 additional fiscal years, thus extending it through the 2014–15 school year.

Existing law establishes the Class Size Reduction Program, under which a participating school district or county office of education reduces class size to 20 pupils per class in kindergarten and grades 1 to 3, inclusive. Existing law provides that, for the 2008–09, 2009–10, 2010–11, and 2011–12 fiscal years, a school district that has received funding under the program but has not implemented its class size reduction program for all classes and grades for which it received funding under the program, an amount is deducted from the next principal apportionment of state funds to that district in accordance with a schedule. This bill extends the operation of this provision to the 2012–13 and 2013–14 fiscal years.

Existing law prohibits the State Board of Education from adopting instructional materials until the 2013–14 school year. This bill extends this prohibition through the 2015–16 school year.

Existing law, for the 2008–09 to the 2012–13 fiscal years, inclusive, provides that the governing board of a school district is not required to provide pupils with instructional materials by a specified period of time following adoption of those materials by the State Board of Education. This bill extends the operation of this provision by 2 fiscal years, through the 2014–15 fiscal year.

Under existing law, a community college or community college district may not permit any person to access student records without the written consent of the student or under judicial order for access, with specified exceptions generally relating to education. Existing law provides that a person, persons, agency, or organization that is permitted access to student records is prohibited from further disclosing the records without the written consent of the student, as specified. This bill allow a person, persons, agency, or organization that is permitted access to student records to disclose them pursuant to the extent permitted under specified federal law and state law.

Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program (Cal Grant Program), establishes the Cal Grant A and B Entitlement Awards, the California Community College Transfer Cal Grant Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. Existing law sets forth the maximum household income and asset levels for participants in the various grant programs under the act. This bill imposes additional requirements, except as specified, on qualifying institutions. The bill provides that an

otherwise qualifying institution that did not meet a specified 3-year cohort default rate would be ineligible for new Cal Grant awards at the institution. The bill also requires participating institutions, beginning in 2012, to annually report to the commission enrollment, persistence, and graduation data, as well as job placement, salary, and wage information for undergraduate programs, as specified.

Existing law establishes community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law requires the governing board of each community college district to charge each student, with specified exceptions, a fee of \$26 per unit per semester, effective with the fall term of the 2009-10 academic year. This bill increases that fee to \$36 per unit per semester, effective with the fall term of the 2011-12 academic year.

Existing law requires the Board of Governors of the California Community Colleges to adopt regulations for the payment of apportionments to community college districts. Existing law, notwithstanding the board of governors' authority in this respect, makes various adjustments to the payment of these apportionments. This bill revises the manner in which these apportionments are made according to specified criteria. The bill appropriates \$961,000,000 from the General Fund to the Board of Governors of the California Community Colleges for apportionments to community college districts for expenditure during the 2012-13 fiscal year in accordance with a specified schedule.

Under existing law, the Controller is required to draw warrants on the State Treasury in each month of each year in specified amounts for purposes of funding school districts, county superintendents of schools, and community college districts. Existing law defers the drawing of those warrants, as specified. This bill will, commencing with the 2011-12 fiscal year, authorize the Controller to issue up to \$13 million of warrants for a community college district for the principal apportionments for the month of June, that are instead to be drawn in July, subject to the approval of the Director of Finance, as specified. If the total amount requested by community college districts exceeds \$13 million, the Controller, the Treasurer, and the Director of Finance may authorize additional payments, not to exceed \$39 million. The determination whether there is sufficient cash available to make these payments would be made no later than May 1, as specified. The bill would provide that if the total amount of cash made available is less than the amount requested, as specified, payments to community college districts must be prioritized according to the date the Office of the Chancellor of the California Community Colleges and the Department of Finance were notified. Payments would be required to be

made no later than June 20. This bill specifies that warrants drawn pursuant to this authorization shall be deemed to be General Fund revenues appropriated to school districts, as specified.

Existing law creates the Charter School Revolving Loan Fund in the State Treasury and authorizes the Superintendent of Public Instruction to make loans from the fund to applicant charter schools in accordance with specified criteria. This bill would appropriate \$5,000,000 from the General Fund to augment the Charter School Revolving Loan Fund.

Existing law provides for collection and maintenance of educational data. Existing law requires the State Department of Education to contract for the development of the California Longitudinal Pupil Achievement Data System (CALPADS), for the purpose of providing for the retention and analysis of longitudinal pupil achievement data on specified achievement tests. This bill appropriates \$2,257,000 from the Federal Trust Fund to the State Department of Education, in accordance with a specified schedule, for purposes of the implementation and support of the CALPADS.

Under existing law, the amount of revenue that a district may collect annually for general purposes, called a revenue limit, is calculated in accordance with various statutory formulas. A basic aid school district is a school district where property tax revenues exceed the revenue limit and the district consequently does not receive a state apportionment. This bill expresses legislative intent that basic aid school districts assume categorical funding reductions proportionate to the revenue limit reductions implemented for non-basic aid school districts in the 2008-09 and 2009-10 fiscal years. The bill would include calculations to implement these funding reductions.

Existing law appropriates funding for class size reduction in kindergarten and grades 1 to 3, inclusive, to be expended consistent with the specified requirements. This bill reduces that appropriation in accordance with specified requirements, and identifies funds that the State Department of Education would be required to use if the funds appropriated for this program are determined to be insufficient. The bill requires the Superintendent of Public Instruction to certify to the Controller the amounts needed for the 2011-12 fiscal year to fund the class size reduction program and set forth a schedule for the transfer of that funding. The bill requires the Controller to transfer that funding from the General Fund to the State School Fund, thereby making an appropriation.

The funds appropriated by this bill will be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

AB 114 - Education Finances; Child Care Finances; Termination Of Certificated Employees Based On Total Revenue; Minimum Instructional Days.

*Amends Sections 1240, 1622, 2558.46, 8201, 8208, 8263.2, 8263.4, 8447, 8499, 42127, 42238.146, 44955.5, 56325, and 69432.7 of, amends and renumbers Section 60422.3 of, amends and repeals Sections 56139 and 56331 of, amends, repeals, and adds Sections 8203.5, 41202, and 76300 of, adds Sections 41202.5, 41210, 41211, 42251, and 46201.3 to, and repeals and adds Section 42606 of, the Education Code; amends Section 7911.1 of the Family Code; amends Sections 7572, 7582, 7585, 12440.1, and 17581.5 of, amends and repeals Sections 7572.5, 7572.55, 7576, 7576.2, 7576.3, 7576.5, 7586.5, 7586.6, and 7586.7 of, and repeals Section 7588 of the Government Code; and amends Sections 5651 and 11323.2 of, amends and repeals Sections 5701.3 and 5701.6 of, adds and repeals Section 18356.1 of, and repeals Chapter 6 (commencing with Section 18350) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to education finance, and making an appropriation therefore, **to take effect immediately, related to the budget.***

(1) Existing law requires a county superintendent of schools to certify in writing whether or not the county office of education is able to meet its financial obligations for the current and two subsequent fiscal years. Existing law requires a county superintendent of schools to approve, conditionally approve, or disapprove the adopted budget for the school districts under his or her jurisdiction and to determine whether the adopted budget is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments.

This bill requires the budgets of a county office of education and a school district for the 2011-12 fiscal year to project the same level of revenue per unit of average daily attendance as it received in the 2010-11 fiscal year, and deletes the certification requirement regarding the two fiscal years subsequent to the 2011-12 fiscal year. The bill prohibits the Superintendent of Public Instruction from requiring a county office of education to do otherwise.

(2) Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2011-12 fiscal year by a deficit factor of 19.892%. This bill instead sets the deficit factor for each county superintendent of schools for the 2011-12 fiscal year at 20.041%.

(3) The Child Care and Development Services Act, administered by the State Department of Education, provides that children who are 10 years of age or younger, children with exceptional needs, children 12 years of age or younger who are recipients of child protective services or at risk of abuse, neglect, or exploitation, children 12 years of age or younger who are provided services during nontraditional hours, children 12 years of age or younger who are homeless, and children who are 11 and 12 years of age, as funding permits, as specified, are eligible, with certain requirements, for child care and development services.

This bill instead provides that children from infancy to 13 years of age and their parents are eligible, with certain requirements, for child care and development services.

(4) Existing law requires that a child who is 11 or 12 years of age and who is otherwise eligible for subsidized child care and development services, except for his or her age, be given first priority for enrollment, and in cases of programs operating at full capacity, first priority on the waiting list for a before or after school program, as specified. Existing law also requires contractors to provide each family of an otherwise eligible 11 or 12 year old child with information about the availability of before and after school programs located in the family's community.

This bill instead provides that the preferred placement for children who are 11 or 12 years of age and who are otherwise eligible for subsidized child care and development services is in a before or after school program. The bill specifies criteria for the provision of subsidized child care services for children who are 11 and 12 years of age.

(5) Existing law, effective July 1, 2011, requires the State Department of Education to reduce the maximum reimbursable amounts of the contracts for the Preschool Education Program, the General Child Care Program, the Migrant Day Care Program, the Alternative Payment Program, the CalWORKs Stage 3 Program, and the Allowance for Handicapped Program by 15%, as specified.

This bill instead provides that the reduction in the maximum reimbursable amounts of the contracts for the programs listed above will be 11% or whatever proportion is necessary to ensure that expenditures for these programs do not exceed the amounts appropriated for them, including any reductions made subsequent to the adoption of the annual Budget Act.

(6) Existing law requires that the cost of state-funded child care services be governed by regional market rates, and establishes a family fee schedule reflecting specified income eligibility limits. Existing law revises the family fee schedule that was in effect for

the 2007-08, 2008-09, 2009-10, and 2010-11 fiscal years to reflect an increase of 10% to existing fees, and requires the State Department of Education to submit an adjusted fee schedule to the Department of Finance for approval in order to be implemented by July 1, 2011. This bill deletes the provision requiring the fee schedule to reflect a 10% increase in family fees.

(7) Under existing law (Proposition 98), the California Constitution requires the state to comply with a minimum funding obligation each fiscal year with respect to the support of school districts and community college districts. Existing statutory law specifies that state funding for the Child Care and Development Services Act is included within the calculation of state apportionments that apply toward this constitutional funding obligation.

This bill, commencing July 1, 2011, specifies that funds appropriated for the Child Care and Development Services Act do not apply toward the constitutional minimum funding obligation for school districts and community college districts, with the exception of state funding for the part-day California state preschool programs and the After School Education and Safety Program.

The bill makes related changes in the calculation of the minimum funding obligation required by Proposition 98.

(8) Existing law prescribes the percentage of General Fund revenues appropriated for school districts and community college districts for purposes of the provisions of the California Constitution requiring minimum funding for the public schools.

This bill states that specified sales and use tax revenues transferred pursuant to certain provisions of the Revenue and Taxation Code are not General Fund revenues for these purposes. The bill provides that its provisions will be operative for the 2011-12 fiscal year and subsequent years only if one or more ballot measures approved before November 17, 2012, authorize those revenues to be so treated, and provide funding for school districts and community college districts in an amount equal to that which would have been provided if the tax revenues were General Fund revenues.

The bill requires, if the aforementioned provisions of law are rendered inoperative because the ballot measure or measures are not approved, that by December 17, 2012, the Director of Finance, in consultation with the Superintendent of Public Instruction, determine the amount by which the minimum amount of moneys required to be applied by the state for the support of school districts and community college districts was reduced pursuant to the operation of the aforementioned provisions of law for the 2011-12 fis-

cal year. Following the determination of this amount, the bill appropriates an amount equal to 17.8% of that amount from the General Fund to the Superintendent for each of the 2012-13 to 2016-17, inclusive, fiscal years in accordance with a specified priority order, and appropriates 2.2% of that amount from the General Fund to the Chancellor of the California Community Colleges for each of the 2012-13 to 2016-17, inclusive, fiscal years, in accordance with a specified priority order.

(9) Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county, and requires the amount of the revenue limit to be adjusted for various factors. Existing law reduces the revenue limit for each school district for the 2011-12 fiscal year by a deficit factor of 19.608%.

This bill instead sets the deficit factor for each school district for the 2011-12 fiscal year at 19.754%.

(10) Under existing law, county offices of education receive certain property tax revenues. Existing law requires a revenue limit to be calculated for each county superintendent of schools, and requires the amount of the revenue limit to be adjusted for various factors, including the amount of property tax revenues a county office of education receives.

This bill requires the Superintendent of Public Instruction for the 2011-12 fiscal year to determine the amount of excess property taxes available to county offices of education, and requires the auditor-controller of each county to distribute those amounts to the Supplemental Revenue Augmentation Fund within the county exclusively to reimburse the state for the costs of providing trial court services and costs until those moneys are exhausted. By imposing additional duties on local agency officials, this bill imposes a state-mandated local program.

(11) Existing law requires the Superintendent of Public Instruction to allocate, for the 2010-11 and 2011-12 fiscal years, a supplemental categorical block grant to a charter school that begins operation in the 2008-09, 2009-10, 2010-11, or 2011-12 fiscal year. Existing law requires that this supplemental categorical block grant equal \$127 per unit of charter school average daily attendance as determined at the 2010-11 2nd principal apportionment for schools commencing operations in the 2008-09, 2009-10, or 2010-11 fiscal year and at the 2011-12 2nd principal apportionment for schools commencing operations in the 2011-12 fiscal year. Existing law prohibits a locally funded charter school that converted from a preexisting school between the 2008-09 and 2011-12 fiscal years, inclusive, from receiving these funds.

This bill instead provides that, to the extent funds are provided, for the 2010-11 to the 2014-15 fiscal years,

inclusive, a supplemental categorical block grant will be allocated to charter schools commencing operations during or after the 2008-09 fiscal year. The bill provides that a locally or direct funded charter school, not just a locally funded charter school, that converted from a preexisting school between the 2008-09 and 2014-15 fiscal years, inclusive, will be prohibited from receiving these funds.

The bill provides that, for the 2010-11 to the 2014-15 fiscal years, inclusive, the supplemental categorical block grant received by eligible charter schools will equal \$127 per unit of charter school average daily attendance for charter schools commencing operations during or after the 2008-09 fiscal year, as specified.

(12) Existing law authorizes the governing board of a school district to terminate the services of any certificated employees of the district during the time period between 5 days after the enactment of the Budget Act and August 15 of the fiscal year to which that Budget Act applies if the governing board of a school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2% and if in the opinion of the governing board it is therefore necessary to decrease the number of permanent employees in the district. This bill makes this provision inoperative from July 1, 2011, to July 1, 2012, inclusive.

(13) Existing law sets forth the minimum number of instructional days and minutes school districts, county offices of education, and charter schools are required to offer. This bill, for the 2011-12 school year, reduces the minimum number of required instructional days and minutes by up to 7 days, and reduces the revenue limit for each school district, county office of education, and charter school, as specified. The bill requires implementation of this reduction by a school district, county office of education, and charter school that is subject to collective bargaining to be achieved through the bargaining process, provided that the agreement has been completed and reductions implemented no later than June 30, 2012. These provisions are operative only for the 2011-12 school year and only if the Director of Finance determines that the state revenue forecast does not meet a specified amount.

(14) Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act (IDEA), in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide

those pupils with a free appropriate public education in the least restrictive environment, and with special education and related services as reflected in an individualized education program (IEP). Existing law requires the Superintendent of Public Instruction to administer the special education provisions of the Education Code and to be responsible for assuring provision of, and supervising, education and related services to individuals with exceptional needs as required pursuant to the federal IDEA.

Existing law authorizes referral, through a prescribed process, of a pupil who is suspected of needing mental health services to a community mental health service. Existing law requires the State Department of Mental Health or a designated community mental health service to be responsible for the provision of mental health services, as defined, if required in a pupil's IEP.

This bill makes these provisions concerning referral for mental health services inoperative as of July 1, 2011, repeals them as of January 1, 2012, and makes other related conforming changes.

(15) Existing law, the Ortiz-Pacheco-Poochigian-Vascellos Cal Grant Program (Cal Grant Program), establishes the Cal Grant A and B Entitlement Awards, the California Community College Transfer Entitlement Awards, the Competitive Cal Grant A and B Awards, the Cal Grant C Awards, and the Cal Grant T Awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

Existing law imposes requirements on qualifying institutions, requiring the commission to certify by October 1 of each year the institution's latest 3-year cohort default rate as most recently reported by the United States Department of Education. Existing law provides that an otherwise qualifying institution that did not meet a specified 3-year cohort default rate would be ineligible for new Cal Grant awards at the institution. Under the Cal Grant Program, for the 2012-13 academic year and every academic year thereafter, an otherwise qualifying institution with a 3-year cohort default rate that is equal to or greater than 30% is ineligible for initial or renewal Cal Grant awards at the institution, except as specified.

This bill instead specifies that an otherwise qualifying institution with a 3-year cohort default rate that is equal to or greater than 30% is ineligible for initial and renewal Cal Grant awards at the institution, except as specified.

(16) Existing law establishes the California State University under the administration of the Trustees of the California State University. Existing law authorizes the trustees to draw from funds appropriated to the university, for use as a revolving fund, amounts

necessary to make payments of obligations of the university directly to vendors. Existing law requires the trustees to contract with one or more public accounting firms to conduct system wide and individual campus annual financial statement and compliance audits. Existing law further requires that at least 10 individual campus audits be conducted annually on a rotating basis, and that each campus be audited at least once every 2 years.

This bill requires the annual audits to be conducted in accordance with generally accepted accounting principles. The bill deletes the requirements that at least 10 individual campus audits be conducted annually on a rotating basis, and that each campus be audited at least once every 2 years. The bill requires that the statements of net assets, revenues, expenses, changes in net assets, and cashflows be included as an addendum to the annual system wide audit.

(17) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester. This bill raises the fee to \$46 per unit per semester if the Director of Finance determines that the state revenue forecast does not meet a specified amount.

(18) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law provides that no local agency or school district is required to implement or give effect to any statute or executive order, or portion thereof, that imposes a mandate during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if specified conditions are met, including that the statute or executive order, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. Existing law provides that only certain specified mandates are subject to that provision. This bill specifies that 2 additional mandates relating to community college districts are included among those that are subject to the provision.

(19) The Administrative Procedure Act, among other things, sets forth procedures for the development, adoption, and promulgation of regulations by administrative agencies charged with the implementation of statutes. This bill authorizes the State Department of Social Services and the State Department of Education, notwithstanding the procedures required by the Administrative Procedure Act, to implement the provisions of the bill that relate to the Child Care and Development Services Act through all-county letters, management bulletins, or other similar instructions.

(20) This bill provides that the implementation of the provisions of the bill related to the provision of child care services will not be subject to the appeal and resolution procedures for agencies that contract with the State Department of Education for these purposes.

(21) This bill expresses the intent of the Legislature that specified funding in the Budget Act of 2011 related to educationally related mental health services will be exclusively available only for the 2011-12 and 2012-13 fiscal years.

(22) This bill expresses the intent of the Legislature that the State Department of Education and appropriate departments within the California Health and Human Services Agency modify or repeal regulations pertaining to the elimination of statutes pursuant to this bill related to mental health services provided by county mental health agencies. The bill requires the State Department of Education and appropriate departments within the California Health and Human Services Agency to review regulations to ensure appropriate implementation of educationally related mental health services required by the federal Individuals with Disabilities Education Act and of certain statutes enacted pursuant to this bill. The bill authorizes the State Department of Education and appropriate departments within the California Health and Human Services Agency to utilize the statutory process for adopting emergency regulations in implementing certain statutes enacted pursuant to this bill.

(23) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(24) Existing law requires the State Department of Education to award grants to school districts, county superintendents of schools, or entities approved by the department for nonrecurring expenses incurred in initiating or expanding a school breakfast program or a summer food service program. This bill makes an appropriation of \$1,000 for purposes of these grants.

(25) The funds appropriated by this bill will be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

AB 32 - Apportionments To School Districts And Community Colleges; Community Colleges Fees.

Amends Sections 41210, 76300, and 84321.6 of, adds Section 42285.5 to, and adds and repeals Section 84321.8 of, the Education Code; and amends Item 6110-488 of Section 2.00 of the Budget Act of 2011, relating to education finance, and making an appropriation therefore, to take effect immediately.

(1) Existing law establishes an education funding system under which the Superintendent of Public Instruction apportions to each qualifying school district state aid funds in an amount not to exceed its revenue limit, an amount that is largely based on the district's average daily attendance, which is computed as specified. Existing law authorizes specified school districts to calculate their revenue limits in a different manner if the school district includes a necessary small high school, which is defined as a high school with an average daily attendance of less than 301 that meets prescribed conditions.

This bill, for the purpose of calculating apportionments for school districts with necessary small high schools, authorizes a school district to include average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and number of certificated employees employed in the 2011–12 fiscal year if the school district included average daily attendance in grades 7 and 8 and the instructors of grade 7 and 8 pupils in the calculation of average daily attendance and certificated employees employed in the 2010–11 fiscal year.

(2) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester, effective with the fall term of 2011–12 academic year. Existing law repeals these provisions January 1, 2012, as specified. This bill instead repeals these provisions May 1, 2011.

(3) Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester. Existing law requires this fee to be raised to \$46 per unit per semester, effective with the winter term of the 2011–12 academic year, if the Director of Finance reduces specified appropriations as described above. Existing law makes these provisions operative January 1, 2012, as specified.

This bill specifies that the raising of this fee to \$46 per unit per semester will occur effective with the summer term of the 2012 calendar year. The bill provides a statement of legislative intent relating to this delay in the fee increase. This bill instead makes

these provisions operative May 1, 2011.

(4) Existing law requires the Board of Governors of the California Community Colleges to adopt regulations for the payment of apportionments to community college districts. Existing law, notwithstanding the authority of the board of governors in this respect, makes various adjustments to the payment of these apportionments.

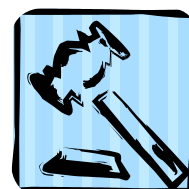
This bill specifies that these adjustments will be operative commencing with the 2011–12 fiscal year. The bill also specifies certain apportionments that will be delayed from the months of January to June, inclusive, 2011, until July 2011. The bill appropriates \$832,000,000 from the General Fund to the Board of Governors of the California Community Colleges for apportionment to community college districts, for expenditure during the 2011–12 fiscal year, to be expended in accordance with a specified item of the Budget Act of 2010.

(5) An existing item of the Budget Act of 2011 reappropriates 19 balances from various General Fund budget items to the State Department of Education for specified purposes. This bill amends this item to delete one of these balances and to add 12 more of these balances, thereby making an appropriation.

(6) The funds appropriated by this bill will be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(7) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill states that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.



AB 169 - Allocation Of Federal Funds To School Districts.

Amends Sections 12000 and 12001 of the Education Code, relating to education finance.

Existing law requires the State Board of Education to direct the allocation and apportionment of federal funds to local school districts and other agencies entitled to receive those funds. This bill defines school districts for purposes of these provisions to include school districts, county offices of education, and other educational agencies or entities deemed eligible pursuant to state and federal law.

AB 108 - Community College District Fees.

Amends Item 6110-161-0001 of Section 2.00 of the Budget Act of 2011, and amends Section 76300 of the Education Code, making an appropriation therefore, to take effect immediately, bill related to the budget.

Existing law requires the governing board of each community college district to charge each student a fee, and sets that fee at \$36 per unit per semester. Existing law requires this fee to be raised to \$46 per unit per semester, effective with the fall term of the 2011-12 academic year, if a provision of the Budget Act of 2011 becomes operative that requires the Director of Finance to reduce specified appropriations if he or she determines that the higher of two specified state revenue forecasts does not meet one or both of certain thresholds.

This bill specifies that the raising of this fee to \$46 per unit per semester will occur if the higher revenue forecast projects General Fund revenues for the 2011-12 fiscal year of less than \$87,452,500,000. The bill further specifies that this fee increase, if it occurs, will be effective the winter term, rather than the fall term, of the 2011-12 academic year.

The Budget Act of 2011 (Chapter 33 of the Statutes of 2011) appropriated moneys from the General Fund to the State Department of Education for, among other things, special education instruction during the 2011-12 fiscal year.

This bill amends the Budget Act of 2011 by reducing the amount of moneys appropriated from the General Fund to the State Department of Education for special education instruction. This bill takes effect immediately as a bill providing for appropriations related to the Budget Bill.

AB 504 - County Of Santa Barbara To Impose Special Taxes On Former School Districts.

Amends Section 35560 of the Education Code, and adds Sections 50079.2 and 50079.3 to the Government Code, relating to taxation.

Existing law requires, when a school district is reorganized and when the allocation of funds, property, and obligations are not fixed by terms, conditions, or recommendations as provided by law, the funds, property, and obligations of a former district to be allocated in a specified manner. Existing law authorizes any school district to impose qualified special taxes, as defined, within the school district pursuant to specified procedures.

This bill, when any school district in the County of Santa Barbara is in any manner merged with one or more school districts so as to form a single district, as specified, authorizes the district so formed to continue to impose any qualified special taxes imposed in any former district, as defined, provided that specified conditions are met. This bill also authorizes the Santa Barbara Unified School District to impose a special tax within boundaries of the former Santa Barbara Elementary School District, provided that specified conditions are met and that certain procedures are complied with.

PUBLIC MEETING LAW

AB 1344 – New Limits on Local Agency Executive Compensation; Reimbursement Requirement to be Included in All Local Agency Employment Contracts; Requirement that Agendas and Other Meeting Notices Be Posted on Local Agency’s Website; and No Consideration of Executive Compensation at Special Meetings.

Amends Sections 9255 and 9260 of the Elections Code (regarding City Charters and is not discussed below), and amends Sections 34457, 34458, 54954.2, and 54956 of, adds Section 34458.5 to, adds Article 2.6 (commencing with Section 53243) to Chapter 2 of Part 1 of Division 2 of Title 5 of, and adds Chapter 10.1 (commencing with Section 3511.1) to Division 4 of Title 1 of, the Government Code, relating to local government.

(1) The Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend

unless a closed session is authorized. Existing law requires all contracts of employment between an employee and a general law local agency employer to include a provision which provides that regardless of the term of the contract, if the contract is terminated, the maximum cash settlement that an employee may receive shall be an amount equal to the monthly salary of the employee multiplied by the number of months left on the unexpired term of the contract, with a maximum of 18 months.

Effective January 1, 2012, AB 1344 additionally prohibits an employment contract for a local agency executive, as defined, from providing an automatic renewal of a contract that provides for an automatic compensation increase in excess of a cost-of-living adjustment or a maximum cash settlement in excess of certain limits, as specified.

(2) Existing law sets forth the penalties for misuse of public resources or falsifying expense reporting, including, but not limited to, loss of reimbursement privileges, restitution to the local agency, civil penalties for misuse of public resources, and prosecution for misuse of public resources, including imprisonment, and disqualification from holding office, as specified.

On and after January 1, 2012, AB 1344 requires a contract executed or renewed between a local agency and an officer or employee of the local agency to include a provision that requires an officer or employee of a local agency who is convicted of a crime involving an abuse of his or her office or position, as defined, to fully reimburse the local agency for specified payments made by that local agency to the officer or employee. The bill would also require an officer or employee of the local agency, who is convicted of a crime involving an abuse of his or her office, to fully reimburse any such payments that are made by the local agency in the absence of a contractual obligation between the agency and the officer or employee.

(3) The Ralph M. Brown Act enables the legislative body of a local agency to call both regular and special meetings. The act requires the legislative body of a local agency to post an agenda containing a brief general description of each item of business to be transacted or discussed at a regular meeting, in a location that is freely accessible to members of the public. The act also requires the presiding officer of the legislative body to deliver written notice to each member of the legislative body, and to each local newspaper of general circulation and radio or television station requesting notice in writing if the presiding officer of the legislative body calls a special meeting.

AB 1344 requires the legislative body, or the presiding officer of the legislative body, to provide notice

of each meeting, including special meetings, on the local agency's Internet Web site, if the local agency has one, as specified. In addition, this bill prohibits any legislative body from holding a special meeting regarding the salary, salary schedule, or other form of compensation for any local agency executive.

(4) AB 1344 expresses a legislative finding and declaration that, to ensure the statewide integrity of local government, the provisions of the act are an issue of statewide concern and that, therefore, all counties and cities, including charter counties, charter cities, and charter cities and counties, are subject to the provisions of the bill.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. AB 1344 provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

EMPLOYMENT

CLASSIFIED EMPLOYEES

AB 1269 - Reemployment Of Classified Employees Based On Seniority.

Amends Section 45308 of the Education Code, relating to classified employees.

Existing law requires that when classified employees are subject to layoff for lack of work or lack of funds, the order of layoff within the class be determined by length of service, providing that the employee who has been employed the shortest time in the class, plus higher classes, be laid off first. Existing law requires that reemployment be in the reverse order of layoff.

This bill deletes the provisions requiring that reemployment be in the reverse order of layoff, and instead requires that reemployment be in order of seniority.

DISCRIMINATION

AB 887 – No Discrimination On The Basis Of Gender Identity Or Gender Expression.

Amends Section 51 of the Civil Code, amends Sections 200, 210.2, 210.7, 220, 32228, 47605.6, 51007, 66260.6, 66260.7, and 66270 of the Education Code; amends Sections 12920, 12921, 12926, 12930, 12931, 12935, 12940, 12944, 12949, 12955, 12955.8, 12956.1, and 12956.2 of the Government Code;

amends Sections 676.10, 10140, 10140.2, and 12693.28 of the Insurance Code; amends Section 3600 of the Labor Code; and amends Sections 186.21, 422.56, 422.85, 3053.4, and 11410 of the Penal Code, relating to gender.

(1) Existing law contains various provisions that define sex as including gender and define gender as including a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

AB 887 makes technical changes to those provisions by refining the definition of gender to also mean a person's gender identity and gender expression and defines gender expression as meaning a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

(2) Existing law contains various provisions that require equal rights and opportunities in various areas, including employment, regardless of gender and prohibits discrimination based on specified characteristics, including sex and gender. Existing law also includes various statements of legislative intent and the policies of the state regarding the equal treatment and equal rights of people regardless of certain enumerated characteristics, including sex and gender.

AB 887 makes technical changes to those provisions by including gender, gender identity, and gender expression among the enumerated characteristics.

(3) Existing law prohibits public schools, including charter schools, from discriminating on the basis of specified characteristics, including gender, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law also prohibits discrimination based on specified characteristics by any postsecondary educational institution that receives, or benefits from, state financial assistance.

AB 887 additionally includes gender identity and gender expression among those characteristics.

(4) Existing law requires an employer to allow an employee to appear or dress consistently with the employee's gender identity.

AB 887 additionally requires an employer to allow an employee to appear or dress consistently with the employee's gender expression.

(5) Existing law prohibits a personal relationship or personal connection from being deemed to exist between an employee who is injured or killed by a third party in the course of the employee's employ-

ment and that third party based only on a determination that the third party injured or killed the employee solely because of the third party's perception of the employee's race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation, for purposes of determining whether to grant or deny a workers' compensation claim.

AB 887 includes among those characteristics gender, gender identity, and gender expression.

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

AB 887 provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SB 559 – No Discrimination In Employment Based On Genetic Information.

Amends Section 51 of the Civil Code, Section 32228 of the Education Code, and Sections 11135, 12920, 12921, 12926, 12926.1, 12930, 12931, 12935, 12940, 12944, 12955, 12955.8, 12956.1, 12956.2, and 12993 of the Government Code, relating to civil rights.

The California Fair Employment and Housing Act (FEHA) prohibits discrimination in housing and employment on specified bases. Existing law prohibits discrimination on specified bases against any person in any program or activity conducted, operated, or administered by the state or by any state agency, or that is funded directly by the state, or that receives any financial assistance from the state.

SB 559 further prohibits discrimination under the above-described provisions on the basis of genetic information.

LEAVES OF ABSENCE

SB 299 – Employers Must Maintain And Pay For A Group Health Plan For Employees On Pregnancy Disability Leave.

Amends Section 12945 of the Government Code, relating to employment.

Existing law prohibits employment discrimination based on sex or disability. Existing law prohibits an employer from refusing to allow a female employee disabled by pregnancy, childbirth, or a related medical condition to take a leave for a reasonable time of up to 4 months before returning to work.

SB 299 prohibits an employer from refusing to maintain and pay for coverage under a group health plan for an employee who takes that leave.

AB 592 – No Employer Interference With The Use Of CFRA Rights; Employers Must Maintain And Pay For Health Insurance For Employees On Pregnancy Disability Leave.

Amends Sections 12945 and 12945.2 of the Government Code, relating to employment.

The California Family Rights Act (CFRA) makes it an unlawful employment practice for an employer, as defined, to refuse to grant a request by an eligible employee to take up to 12 workweeks of unpaid protected leave during any 12-month period (1) to bond with a child who was born to, adopted by, or placed for foster care with, the employee, (2) to care for the employee's parent, spouse, or child who has a serious health condition, as defined, or (3) because the employee is suffering from a serious health condition rendering him or her unable to perform the functions of the job.

Existing law makes it an unlawful employment practice, unless based upon a bona fide occupational qualification, for an employer to refuse to allow a female employee affected by pregnancy, childbirth, or related medical conditions to take leave on account of pregnancy for a reasonable period of time, not to exceed 4 months and thereafter return to work. Leave under these provisions is in addition to the leave provided under the CFRA. Additionally, existing law makes it an unlawful employment practice for an employer to refuse to provide reasonable accommodation for an employee for conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, with the advice of her health care provider.

AB 592 also makes it an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under the above provisions. AB 592 also requires an employer to maintain and pay for health coverage for an eligible female employee who takes pregnancy disability leave, at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. The employer may recover the premiums paid if the employee does not return from leave because of any reason other than the employee taking leave under the CFRA, or the continuation, recurrence, or onset of a health condition that entitles the employee to leave or other circumstance beyond the control of the employee.

INDEPENDENT CONTRACTORS

SB 459 – Penalties For Willful Misclassification Of Independent Contractors.

Adds Sections 226.8 and 2753 to the Labor Code, relating to employment.

Existing law prescribes comprehensive requirements relating to minimum wages, overtime compensation, and standards for working conditions for the protection of employees applicable to an employment relationship.

SB 459 prohibits willful misclassification of individuals as independent contractors. It also prohibits charging individuals who have been mischaracterized as independent contractors a fee or making deductions from compensation if those acts would have violated the law if the individuals had not been mischaracterized. SB 459 authorizes the Labor and Workforce Development Agency to assess specified civil penalties from, and would require the agency to take other specified disciplinary actions against, persons or employers violating these prohibitions. It also authorizes an individual to file a complaint to request the Labor Commissioner to issue a determination whether a person or employer has violated these prohibitions with regard to the individual filing the complaint. SB 459 authorizes the Labor Commissioner to assess civil and liquidated damages against a person or employer based on a determination that the person or employer has violated these prohibitions.

SB 459 provides that a person who, for money or other valuable consideration, knowingly advises an employer to treat an individual as an independent contractor to avoid employee status for the individual, shall be jointly and severally liable with the employer if the individual is not found to be an independent contractor. SB 459 exempts from the provisions regarding joint and several liability a person who provides advice to his or her employer or an attorney who provides legal advice in the course of practicing law.

LABOR RELATIONS

DEFINITIONS

AB 501 – Definitions Of “Employer” And “Exclusive Representative” Expanded.

Amends Section 3540.1 of the Government Code, relating to public school employment.

(1) Under existing law, public school employees have the right to form, join, and participate in activities of

employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Existing law defines the term “public school employer” or “employer” for purposes of negotiations over collective bargaining agreements covering public school employees, as the governing board of a school district, a school district, a county board of education, a county superintendent of schools, or certain charter schools. Existing law also authorizes public agencies to agree to join together as joint powers agencies for specified purposes.

This bill expands the definition of “public school employer” or “employer” to include specified auxiliary organizations established by the California Community Colleges, and joint powers agencies created as an entity separate from the parties to the joint powers agreement with separate employees that meet certain additional criteria. By requiring community college auxiliary organizations and joint powers agencies to engage in collective bargaining with their employees, this bill imposes a state-mandated local program.

(2) Existing law defines the term “exclusive representative” as the employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of a public school employer.

This bill changes the definition of “exclusive representative” to the employee organization recognized or certified as the exclusive negotiating representative of all public school employees, as defined. To the extent that this increases the duties on school districts or community college districts with respect to collective bargaining, it imposes a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

PUBLIC EMPLOYMENT RELATIONS BOARD

SB 857 – Blocks PERB From Granting Strike Expenses/Damages/Costs.

Amends Sections 3509, 3514.5, 3541.3, 3563.3, 71639.1, and 71825 of the Government Code; and amends Section 99561 of the Public Utilities Code, relating to public employment.

The Public Employment Relations Board (PERB) has

the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice.

SB 857 specifies that PERB has no authority, in an action to recover damages due to an unlawful strike, to award strike-preparation expenses as damages, or to award damages for costs, expenses, or revenue losses incurred during, or as a consequence of, an unlawful strike. It states that its provisions are declaratory of existing law and that it is not intended to modify existing law that authorizes a court to award damages for otherwise unlawful conduct committed during a strike.

SB 609 – ALJ’s Decision On Recognition Or Certification Deemed PERB’s Decision If PERB Fails To Act On Appeal Within 180 Days.

Adds Sections 3509.3, 3520.8, 3541.35, 3563.5, 71639.15, and 71825.05 to the Government Code; and adds Section 99561.4 to the Public Utilities Code, relating to public employment.

The Public Employment Relations Board (PERB) administers the MMBA, the Ralph C. Dills Act, the Higher Education Employer-Employee Relations Act, the Trial Court Employment Protection Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act. PERB may decide contested matters relating to the recognition, certification, or decertification of public employee organizations. Existing law permits a party to appeal an administrative law judge’s proposed decision regarding a matter within the PERB’s jurisdiction.

SB 609 provides that if a decision by an administrative law judge regarding the recognition or certification of an employee organization in connection with the employment relations acts described above is appealed, the decision shall be deemed the final order of the board if the board does not act to supersede the decision on or before 180 days after the appeal is filed.

GOVERNANCE

AB 334 - Governing Board May Authorize Member Absence Of Unlimited Duration.

Amends Section 1064 of the Government Code, relating to community college board members.

Existing law prohibits a member of the governing board of a school district from being absent from the state for a period of more than 60 days, with speci-

fied exceptions, including that the absence may be extended by the governing board of the school district for an additional 30 days in the case of illness or other urgent necessity.

This bill applies these provisions to a member of the board of a community college district, and additionally authorizes the governing board of a school district or a community college district to authorize an absence of an unlimited duration in the case of illness or other urgent necessity.

CONFLICTS OF INTEREST

AB 182 – Extension Of Pilot Program For Electronic Filing Of Statements Of Economic Interests.

Amends and repeals Section 87500.1 of the Government Code, relating to the Political Reform Act of 1974.

The Political Reform Act of 1974 regulates conflicts of interest of public officials and requires that public officials file periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. Under the act, specified local government agencies are permitted to participate in a pilot program whereby certain officials of those agencies may file their statements of economic interests electronically. Existing law provides that the pilot program shall be completed by January 1, 2012, and the provisions of law authorizing the electronic filing of statements of economic interests will be repealed on March 1, 2012.

AB 182 permits the pilot program to continue until December 31, 2012.

RETIREMENT

STATE TEACHERS' RETIREMENT SYSTEM

SB 349 - State Teachers' Retirement Plan.

Amends Sections 22303, 22404, 22851, 22905, 23006, 23100, 23101, 23103, 23104, 23801, 23802, 23851, 23852, 23854, 24001, 24002, 24003, 24102, 24103, 24201.5, 24204, 24205, 24214, 24214.5, 24300.1, 24309, 24600, 25012, 26301, 26302, and 26303 of, adds Sections 22161.3, 22853.5, 26812, and 26813 to, and repeals Section 26505 of, the Education Code, relating to teachers' retirement.

(1) Existing law permits the Teachers' Retirement Board, which administers the State Teachers' Retirement System (STRS) and the State Teachers' Retirement

Plan, to establish an amount, not to exceed \$10, below which the system may dispense with the processing of benefit payments or the collection of benefit overpayments. This bill extends this authority to other payments and overpayments provided under the plan in addition to those related to benefits.

(2) Existing law permits STRS to contract with employers in the system to provide retirement counseling and provides that documents received in this connection by an official contracted office or by a benefits counselor, as specified, are deemed to have been received by the STRS headquarters. This bill revises these provisions to clarify that employees of the system may provide these retirement counseling services and makes conforming changes.

(3) Existing law grants a member of STRS who returns to employment after performing uniformed services, as defined, certain rights and benefits, including treatment as if there were no break in the member's service to his or her employers for the period of the uniformed services and having that period of uniformed service count towards vesting and eligibility in the defined benefit program. This bill extends certain of these rights and benefits to a member who dies during uniformed services, requires that qualified military service, as defined, be counted for the purpose of vesting and eligibility for membership if the member dies during that service, and prescribes how this service is to be calculated. The bill permits this service to apply to the payment of certain death benefits to a beneficiary, and to survivor benefits, under specified circumstances.

(4) Existing law permits the Teachers' Retirement Board to assess penalties against employers participating in the Defined Benefit Program or the Cash Balance Benefit Program if the employers fail to provide monthly reports in an acceptable form. Existing law provides that the amount of the penalties is based on the sum of the employer and employee contributions required, as specified, at a rate of interest equal to the regular interest rate or a fee of \$500, whichever is greater.

This bill deletes the reference to the \$500 fee and base the penalties solely on the contributions and rate of interest, as described above. The bill also authorizes the assessment of penalties, as specified, for late or improper contribution adjustments with regard to the Cash Balance Benefit Program, and deems these amounts as interest earned.

(5) Existing law requires, upon a termination of a member's employment by any cause other than death, disability, or retirement, that certain amounts be paid to the member, including his or her accumulated retirement contributions and annuity deposits.

This bill requires that these payments be made upon termination of employment generally and the member's election to be paid. The bill authorizes a reduction in the payment of accumulated retirement benefits by the amount of retirement or disability benefits paid. The bill also provides that specified beneficiary designations will be invalidated upon a refund of accumulated retirement contributions and will prescribe how the refund request will be made or determined by the board.

(6) Existing law permits a member of STRS to apply for a disability allowance if certain requirements are met, including that the member has neither attained normal retirement age, nor possesses sufficient unused sick leave days to receive creditable compensation on account of sick leave to reach normal retirement age. This bill makes technical changes in these provisions.

(7) Existing law requires a member of STRS to provide medical documentation to substantiate the impairment qualifying the member for a disability allowance or retirement. Existing law permits the system to order a medical examination of a member to determine whether the member is incapacitated for performance of service and prescribes procedures for this purpose.

This bill also authorizes the system to order also a review of medical documentation in this regard. The bill also makes technical changes these provisions.

(8) Existing law prescribes the conditions under which a STRS service retirement allowance becomes effective and requires, in this regard, that the effective date be no earlier than the first day of the month in which the application is received at the system's headquarters office.

This bill makes various technical changes in the requirements that a member must meet for a service requirement to become effective in specified situations, including instances when service credit is purchased and when an application for disability benefits is made.

(9) Existing law permits a member retiring prior to 60 years of age, who has attained 55 years of age, to elect to receive $\frac{1}{2}$ of the service retirement allowance for normal retirement age for a limited time and then revert to the full retirement allowance for normal retirement age. Existing law excepts from this authorization members retiring for service pending a disability.

This bill also excepts from this authorization members retiring for service following reinstatement, members who perform creditable service for two or more years after reinstatement, and members who retire after a prior disability retirement is terminated,

among others.

(10) Existing law permits a retired member of STRS to perform specified activities as an employee of an employer in the system, as an employee of a third party, or as an independent contractor within the California public school system, but prohibits the member from making contributions to the retirement fund or accruing service credit based on compensation earned from that service. Existing law conditions this authorization on a variety of factors including limitations on the rate of pay of the member and the total amount of compensation.

This bill also permits a retired member, pursuant to the limitations described above, to perform the work of county and district superintendents who are responsible for the supervision of persons or administration of certain duties and to perform trustee work for the Cash Balance Benefit Program.

(11) Existing law permits a member of STRS, prior to the effective date of his or her retirement, to elect an option that provides an actuarially modified retirement allowance payable throughout the life of the member and the member's option beneficiary or beneficiaries. Existing law also prescribes how a member may change or cancel these options.

This bill revises when these designations, changes, or cancellations must be submitted.

(12) Existing law provides that a child's portion of a STRS retirement allowance begins to accrue on the effective date of that allowance and ceases on the earlier of either the termination of the child's eligibility or the termination of the allowance. This bill prescribes when a child's portion of a disability retirement allowance terminates.

(13) Existing law establishes the Cash Balance Benefit Program, administered by the State Teachers' Retirement Board, as a separate benefit program within the State Teachers' Retirement Plan.

This bill permits a member retired for service under the Cash Balance Benefit Program to perform specified activities as an employee of an employer in the system, as an employee of a 3rd party, or as an independent contractor within the California public school system, but prohibits the member from making contributions to the retirement fund. The bill conditions this authorization on a variety of factors including limitations on the rate of pay of the member and the total amount of compensation, as well as on the employer maintaining accurate records in this regard, among other things. The bill also repeals provisions that require that a participant in the Cash Balance Benefit Program who becomes reemployed under certain conditions have his or her annuity terminated.

SB 294 – STRS and CalPERS Boards Provide 5-Year Plans And Annual Report To Legislature.

Adds and repeals Section 22228 of the Education Code; and adds and repeals Section 20136 of the Government Code, relating to public employees' retirement.

The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement Fund (PERS), which is a trust fund created and administered solely for the benefit of the members and retired members of this system and their survivors and beneficiaries. The PERS Board has the exclusive control of the administration and investment of the retirement fund.

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) in order to provide a financially sound plan for the retirement, with adequate retirement allowances, for teachers in public schools of the state, teachers in schools supported by the state, and other persons employed in connection with the schools. The plan and the system are administered by the Teachers' Retirement Board.

SB 294 requires the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board to each provide a 5-year strategic plan, as specified, for emerging investment manager participation across all asset classes. SB 294 requires each of the boards to submit an annual report to the Legislature, until January 1, 2018, regarding the progress of the strategic plan. SB 294 requires the boards to define "emerging investment manager" for purposes of these provisions.

CalPERS

SB 322 – Prevents Members With Multiple Employers From Exceeding Limits On Annual Retirement Benefits.

Amends Section 21752 of the Government Code, relating to retirement.

The Public Employees' Retirement Law (PERL) provides for the preservation of the purchasing power of benefits through a system of adjustments in benefits based on changes in living costs. Existing law also establishes provisions to ensure the federal tax-exempt status of the system and to preserve the deferred treatment of federal income tax on public employer contributions to public employee pensions. Existing federal law limits the amount a defined benefit plan may pay a participant annually, and requires that this limitation be adjusted annually by regulation to account for increases in the cost of living.

PERL provides that a member's annual retirement benefits, adjusted to the actuarial equivalent of a straight-life annuity if payable in a form other than a straight-life annuity or a qualified joint and survivor annuity, and determined without regard to any employee contributions or rollover contributions, otherwise payable to the member under PERL and under any other defined benefit plan maintained by the employer that is subject to that federal limit, shall not exceed, in the aggregate, the federal dollar limit.

SB 322 prohibits a member who receives benefits based on credited service with multiple employers from exceeding the limitations set forth in those provisions with regard to his or her annual retirement benefits.

AB 1247 – Annual PERS Reports To The Legislature.

Amends Section 20229 of the Government Code, relating to public employees' retirement.

The Public Employees' Retirement Law (PERL) provides a defined benefit to members of the Public Employees' Retirement System (PERS) based on age at retirement, service credit, and final compensation, as those terms are defined. The management and control of PERS is vested in the Board of Administration of PERS, including the calculation of the contribution rates for specified state employees and state employers. Existing law requires the board to submit a report to the Legislature, the Governor, and the Treasurer describing the investment return assumptions, discount rates, and amortization periods utilized by the board in the calculations of the contribution rates and to include recalculations of those rates based on specified adjustments of the investment return assumptions, amortization periods, and discount rates utilized by the board any time it calculates the contribution rates.

Existing law requires the Treasurer, within 30 days following receipt of the report, to provide each house of the Legislature, at a publicly noticed floor session, with an explanation of the role played by the investment return assumption and amortization period in the calculation of the contribution rates and the consequences for future state budgets if the investment return assumptions are not realized, to report whether the board's amortization period exceeds the estimated average remaining service periods of employees covered by the contributions, and to express his or her opinion of the reasonableness of the board's calculation of the contribution rates.

AB 1247 requires the Board of Administration of PERS to submit that report annually to the Legislature, the Governor, and the Chair of the California Actuarial Advisory Panel, limits the scope of the

report to state employee retirement plans, and revises the adjustments of the investment return assumptions and discount rates utilized by the board any time it calculates the contribution rates. AB 1247 deletes the requirement that the Treasurer express his or her opinion of the reasonableness of the board's calculation of the contribution rates. AB 1247 requires the Chair of the California Actuarial Advisory Panel, or his or her designee, instead of the Treasurer, within 30 days following receipt of the report, to provide the Senate Committee on Public Employment and Retirement and the Assembly Committee on Public Employees, Retirement and Social Security, at a publicly noticed joint hearing, with an explanation of the role played by the investment return assumption and amortization period in the calculation of the contribution rates, a description of the consequences for future state budgets if the investment return assumptions are not realized, and a report on whether the board's amortization period exceeds the estimated average remaining service periods of employees covered by the contributions.

Existing law also requires the board, at any time it forecasts contribution rates, to submit a report to the Legislature with a revised calculation of the forecasted contribution rates utilizing a specified investment rate assumption.

AB 1247 deletes this reporting requirement of the board.

AB 1028 – 960-Hour Employees, Definition Of “Payrate”, Limits On School Employer Amortization, State Employee Contribution Rates As Part Of State Budget, Trial Court Employee Furlough Credit, Political Reform Act Applies To PERS Board, Limits On Reinstatement From Retirement, Limits On Re-Employment After Disability Retirement, Death Benefits In Case Of No Beneficiary.

Amends Sections 20096.5, 20636.1, 20812, 20814, 20820, 20969.1, 21130, 21221, 21224, 21228, 21229, 21493, 21494, 21506, and 21507 of, and adds Section 21533.5, the Government Code, relating to public employees' retirement.

(1) The Public Employees' Retirement Law (PERL) generally prohibits any person who has been retired under Public Employees' Retirement System (PERS) from being employed in any capacity unless he or she is first reinstated from retirement, except as authorized. PERL authorizes a retired person to serve without reinstatement from retirement or loss or interruption of benefits provided by PERS, upon appointment by the governing body of a contracting agency to a position deemed by the governing body

to be of a limited duration and requiring specialized skills or during an emergency to prevent stoppage of public business. Such appointments may not exceed a total of 960 hours in any fiscal year.

AB 1028 requires that the appointment be an interim appointment to a vacant position during recruitment for a permanent appointment and deemed by the governing body to require specialized skills or during an emergency to prevent stoppage of public business. AB 1028 prohibits the compensation for the interim appointment from exceeding the maximum published pay schedule for the vacant position. It prohibits a governing body of a contracting agency from appointing a retired person under this provision more than once.

(2) PERL defines “payrate” for school members as the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours. For other members, PERL specifically includes the amount deducted from a member's salary for participation in a deferred compensation plan, a retirement plan or money purchase pension plan under a specified provision of federal law, and participation in a flexible benefits program. AB 1028 modifies the definition of “payrate” for school members to include those amounts deducted from a school member's salary.

(3) PERL permits the Board of Administration of PERS to adopt a funding period of 30 years to amortize unfunded accrued actuarial obligations for current and prior service for the purpose of determining employer contribution rates for contracting agencies and school employers. Existing law prohibits a contracting agency or a school employer from requesting a new amortization period more than once.

AB 1028 deletes the prohibition on a contracting agency or a school employer from requesting a new amortization period more than once.

(4) PERL requires the state's contribution to PERS to be adjusted from time to time in the annual Budget Act by requiring that the Governor's proposed budget include the contribution rates submitted by the actuary of the liability for benefits on account of state employees, and requiring that the Legislature adopt the actuary's contribution rates and authorize the appropriation in the Budget Act.

AB 1028 instead requires the Governor, as part of the proposed budget, to include contribution rates adopted by the board for the liability for benefits on account of state employees and requires the Legislature to adopt the board's contribution rates and authorize the appropriation in the Budget Act. AB 1028 also authorizes the board, in its discretion, to adopt

new quarterly employer contribution rates for future contributions for the state plans to reflect changes in employee retirement contributions, benefits, or pension plan design contained in a memorandum of understanding, or similar changes for unrepresented employees, when those changes go into effect after the board has adopted its most recent annual employer contribution rates.

(5) PERL requires that, for all retirement purposes with regard to members employed by a trial court who are subject to mandatory furloughs, credit for service and compensation earnable be based on the amounts of service earnable that would have been credited had the employee not been subject to mandatory furloughs, as defined.

AB 1028 specifies, with regard to the provisions described above, that credit for service and compensation earnable shall also be based on the amount of compensation earnable.

(6) PERL sets forth the membership of the PERS Board, including 6 members elected under the supervision of the board, as specified. Under PERL, candidates for or incumbents of those 6 elected seats are required to file campaign statements with the Secretary of State no later than 2 days before the beginning of the ballot period, as determined by the board for the period ending 5 days before the beginning of the ballot period, and no later than January 10, for the period ending December 31. The Political Reform Act of 1974 expressly applies to candidates for elections to the board and to committees that are formed primarily to support or oppose those candidates. It requires those members to file semiannual campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.

AB 1028 clarifies that the filing provisions under the Political Reform Act would apply.

(7) PERL similarly authorizes a retired person to serve without reinstatement from retirement or loss or interruption of benefits provided by PERS upon appointment by a school employer, by the Trustees of the California State University, the appointing power of a state agency, or public agency employer either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing work of limited duration.

AB 1028 clarifies that those appointments would be temporary or interim and that the skills must be specialized.

(8) PERL also authorizes a person retired for disability who has not attained the mandatory age for retirement applicable to persons in the employment in which he or she will be employed, and whom the

board finds not disabled for that employment, to be employed by any employer without reinstatement from retirement in a position other than that from which he or she retired or a position in the same member classification.

AB 1028 prohibits a person employed under that provision from being concurrently employed under other specified provisions that allow for employment after retirement.

(9) PERL requires a death benefit to be paid to the estate of the decedent if the decedent had no effective beneficiary designation and there are no familial survivors, as specified, who are entitled to the benefit, if the estate is either probated or subject to probate. PERL also provides for the payment to a decedent's beneficiaries of any accrued and unpaid monthly allowance payable to a person, any uncashed warrant, any balance of prepaid complementary health premiums, any prepaid complementary annuitant health plan premiums, lump-sum benefit, or any uncashed lump-sum death benefit.

AB 1028 authorizes those benefits to be paid to a public administrator upon receipt by PERS of a written certification of authority for summary administration when the estate's total value does not exceed \$30,000.

MILITARY

SB 537 – California Cadet Corps.

Amends Sections 500, 500.1, 501, 502, 502.1, 502.2, 502.5, 503, 504, 506, 507, 508, 509, 510, 511, 511.5, 512, 513, 514, 515, 516, 516.1, 517, 518, 519, 520, 520.1, 530, and 531 of, adds Sections 502.3 and 532 to, and repeals and adds Section 505 of, the Military and Veterans Code, relating to the military.

Existing law establishes in state government the Military Department, which includes, among others, the Office of the Adjutant General, the California National Guard, and the California Cadet Corps. Existing law establishes various duties for these officers and entities. Existing law generally authorizes the organization of a cadet company at each college, community college, high school, and each senior high school in this state having 100 or more students of 14 years of age or over under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe, and authorizes the Adjutant General to appoint officers in the California Cadet Corps for duty in each community college, high school, junior high school, or elementary school under the jurisdiction of the governing board.

This bill authorizes the organization of a California Cadet Corps at each college, community college, or school where there is not currently a J.R.O.T.C. or

R.O.T.C. program, and under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe. This bill also authorizes the Adjutant General to appoint officers, warrant officers, and noncommissioned officers for duty in each college, community college, or school under the jurisdiction of the governing board, and require that their pay, allowances, and expenses be disbursed from the college, community college, or school in which they serve. This bill authorizes the Adjutant General to order those officers to temporary state active duty to perform functions in support of the California Cadet Corps. Additionally, this bill authorizes the Governor, upon recommendation of the Adjutant General, to appoint Special Project Officers, warrant officers, and noncommissioned officers for service in the California Cadet Corps, and authorizes the Adjutant General to adopt rules and regulations for the promotion of officers, warrant officers, and noncommissioned officers of the California Cadet Corps.

Existing law authorizes the instructors of a military academy meeting specified requirements, including having 80 or more male students, to be commissioned in the California Cadet Corps, and authorizes the Adjutant General to enter into a cooperative agreement with the City of Oakland and a school district to establish an Oakland Military Institute. This bill authorizes the instructors of a military academy meeting specified requirements, including having more than 80 students, to be commissioned in the California Cadet Corps, and authorizes the Adjutant General to enter into a cooperative agreement with a governing board of a school district or a county office of education to establish a military academy or an alternative education option.

RECORDS

AUXILIARY ORGANIZATION

RECORDS

SB 8 - Requirements For Auxiliary Organizations And UC Campus Foundations To Disclose Records.

Adds Article 7 (commencing with Section 72690) to Chapter 6 of Part 45 of Division 7 of, adds Article 1.5 (commencing with Section 89913) to Chapter 7 of Part 55 of Division 8 of, and adds Chapter 14 (commencing with Section 92950) to Part 57 of Division 9 of, Title 3 of, the Education Code, relating to public records.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon

request and payment of a fee unless those records are exempt from disclosure.

This bill requires records maintained by an auxiliary organization of the governing board of a community college district, the Board of Governors of the California Community Colleges, and California State University, as defined, or a University of California (UC) campus foundation, as defined, to be available to the public to inspect or copy at all times during the office hours of the organization or foundation, as specified. The bill requires an auxiliary organization and a UC campus foundation to follow specified requirements when fulfilling or denying a request for a record. The bill prohibits specified records maintained by an auxiliary organization or UC campus foundation from being subject to disclosure. The bill prohibits an auxiliary organization from disclosing trade secrets, as defined, and requires this information to be redacted from the organization's records before disclosure. The bill provides specified judicial relief to persons seeking disclosure of records from an auxiliary organization or a UC campus foundation pursuant to this bill. The bill requires a disclosure of a record, which is exempt from disclosure, by an auxiliary organization or a UC campus foundation to constitute a waiver of the exemptions provided by this bill with regard to that record, except as specified. The bill provides that a contract entered into after the effective date of this bill, which will prevent the disclosure of information required to be disclosed pursuant to this bill, is void and unenforceable. The bill provides that its provisions do not apply to any records subject to a request made pursuant to the California Public Records Act.

MEDICAL RECORDS

SB 850 – Electronic Medical Record Systems Must Record Changes Or Deletions.

Amends Section 56.101 of the Civil Code, relating to medical records.

The Confidentiality of Medical Information Act requires that every provider of health care, health care service plan, pharmaceutical company, and contractor who creates, maintains, preserves, stores, abandons, destroys, or disposes of medical records do so in a manner that preserves the confidentiality of the information contained in the record, and provides that negligence in conducting these activities may result in damages or an administrative fine or civil penalty, as specified.

SB 850 requires an electronic health or medical record system to automatically record and preserve any change or deletion of electronically stored medical information, and requires the record to include, among other things, the identity of the person who accessed and changed the medical information and

the change that was made to the medical information.

CALIFORNIA STATE UNIVERSITY
AB 670 - Appeal Procedures For Denial Of Admission.

Adds Section 89030.7 to the Education Code, relating to the California State University.

Existing law establishes the California State University as one of the segments of public postsecondary education in the state. The university includes 25 specified campuses and is administered by a board, known as the Trustees of the California State University. This bill requires the trustees to ensure that campuses meet specific requirements with respect to appeal procedures for a denial of admission.

LIBRARY RECORDS

SB 445 – Public Library Patron Use Records Are Confidential.

Amends Section 6267 of the Government Code, relating to public records.

The Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of any person, to provide a copy of any public record unless the record is exempt from disclosure. The Act provides that all registration and circulation records of any library which is in whole or in part supported by public funds are confidential and shall not be disclosed to any person.

SB 445 instead provides that patron use records of any library which is in whole or in part supported by public funds shall remain confidential and not be disclosed.

ELECTRONIC INFORMATION

SB 24 - Requirements For Security Breach Notifications.

Amends Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

This bill requires any agency, person, or business that is required to issue a security breach notification pursuant to existing law to fulfill certain additional requirements pertaining to the security breach notification, as specified.

The bill also requires any agency, person, or business that is required to issue a security breach notification to more than 500 California residents pursuant to existing law to electronically submit a single sample copy of that security breach notification to the Attorney General, as specified.

This bill provides that a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 is deemed to have complied with these provisions, if it has complied with existing federal law, as specified.

The bill also incorporates additional changes made by the Governor's Reorganization Plan No. 1 of 2009.

BUSINESS & FACILITIES

PUBLIC WORKS

AB 766 – Non-Redacted Copies Of Payroll Records For Each Contractor And Subcontractor Must Be Provided To Specified Agencies.

Amends Section 1776 of the Labor Code, relating to public works.

Contractors and subcontractors are currently required to keep accurate payroll records regarding their employees on public works projects. When those certified payroll records are requested by and made available to the public or a public agency, personally identifiable information such as an individual's name, address, and social security number must be removed or redacted.

AB 766 requires that contractors and subcontractors produce non-redacted copies of certified payroll records to the Joint Enforcement Strike Force on the Underground Economy or to any law enforcement agency investigating violations of law upon request by those agencies. Should those agencies be required to make the certified payroll records available to the public, they will redact and prevent disclosure of an individual's name, address, and social security number.

An employer who in good faith attempts to comply with these requirements is not liable in a civil action for any reasonable act or omission related to this bill.

AB 943 - California Uniform Construction Cost Accounting Commission; Alternative Contracting Procedures.

Amends Sections 22013, 22014, and 22034 of the Public Contract Code.

Under existing law, the California Uniform Construction Cost Accounting Commission (Commission) is responsible for recommending, for adoption by the Controller, uniform construction cost accounting procedures for implementation by public agencies in the construction of public projects. Under existing law, the chairperson of the Commission holds a one year term and members of the Commission hold office for terms of three years. If there is a vacancy, the Controller is required, within 45 days after the expiration of any term, to appoint a replacement to fill the vacancy on the commission. According to existing law, the Uniform Public Construction Cost Accounting Act allows the governing board of a public agency to adopt a resolution, by a 4/5 vote, to award the contract at \$137,500 or less to the lowest responsible bidder when all informal bids on the public works project are in excess of \$125,000.

This bill extends the term of the chairperson of the Commission to two years from the date of selection and extends the time in which the Controller has to appoint a replacement to fill a vacancy on the Commission to within 90 days after the expiration of any term. This bill also increases the above limits from \$125,000 to \$175,000, and from \$137,500 to \$187,500, respectively.

AB 551 – Increases Penalty For Failing To Pay General Prevailing Rate; Debarment.

Amends Sections 1775, 1776, and 1777.1 of the Labor Code, relating to public contracts.

Existing law generally requires that not less than the general prevailing rate of per diem wages, as specified, be paid to workers employed on a public work, as defined. Existing law requires a contractor or subcontractor to submit, to the state or political subdivision on whose behalf a public work is being performed, a penalty of not more than \$50 per calendar day, and not less than \$10 per calendar day except in certain cases of a good faith mistake, as provided and determined by the Labor Commissioner, for violations of these prevailing wage provisions.

AB 551 increases that maximum penalty to \$200 for each calendar day and would increase the minimum penalty except in certain cases of a good faith mistake to no less than \$40 for each calendar day. AB 551 also increases the penalty assessed to contractors and subcontractors with prior violations from \$20 to

\$80, and from \$30 to \$120 for willful violations.

Existing law requires each contractor and subcontractor performing work on a public work to keep accurate payroll records regarding his or her employees. Existing law requires that these records contain the information specified by the Division of Labor Standards Enforcement, and provides that a contractor or subcontractor has 10 days in which to comply after receipt of a written notice requesting the records, or is subject to forfeiting a penalty of \$25 for each calendar day for each worker until strict compliance is effectuated.

AB 551 increases the amount of that penalty to \$100 for each calendar day for each worker. Under existing law, whenever a contractor or subcontractor performing a public works project is found by the Labor Commissioner to be in violation of certain provisions of law relating to payment of prevailing wages, with intent to defraud, or in willful violation of those provisions of law, the contractor or subcontractor or a firm, corporation, partnership, or association in which the contractor or subcontractor has a substantial interest is ineligible to bid on or to receive a public works contract for specified periods of time.

AB 551 revises that provision to instead make a contractor or subcontractor on a public works project that is found to have committed two or more separate willful violations within a 3-year period ineligible for a period of up to three years to either bid on or be awarded a contract or perform work as a subcontractor of a public works project. AB 551 also requires, whenever a contractor or subcontractor performing work on a public works project has failed to provide a timely response to a request by the Division of Apprenticeship Labor Standards Enforcement, the Division of Apprenticeship Standards, or the awarding body to produce certified payroll records, the Labor Commissioner to notify the contractor or subcontractor that he or she will be subject to debarment if the certified payroll records are not produced within 30 days after receipt of the written notice, and makes the contractor or subcontractor ineligible to bid on or be awarded a contract or perform work as a subcontractor on a public works project for a period of not less than one year and no more than three years, except as specified.

Existing law also requires the Labor Commissioner, not less than semiannually, to publish and distribute to awarding bodies a list of contractors who are ineligible to bid on or be awarded a public works contract, or to perform work as a subcontractor on a public works project.

AB 551 instead requires the Labor Commissioner to publish the list described above on the commissioner's Web site, to notify the Contractors' State License

Board when the list is updated, and to at least annually notify awarding bodies of the availability of the list of debarred contractors, as specified.

SB 922 – Use Of Project Labor Agreements For Construction Projects.

Adds Chapter 2.8 (commencing with Section 2500) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities.

SB 922 authorizes a public entity to use, enter into, or require contractors to enter into, a project labor agreement for a construction project, if the agreement includes specified taxpayer protection provisions.

SB 922 authorizes the members of the governing board of a local public entity to choose by majority vote whether to use, enter into, or require contractors to enter into a project labor agreement for a specific project or projects awarded by that entity and whether to allocate funding to a specific project covered by such an agreement. It prohibits a charter provision, initiative, or ordinance from preventing the governing board of a local public entity, other than a charter city, from exercising this authority on a project-specific basis.

SB 922 provides that if a charter provision, initiative, or ordinance of a charter city prohibits the governing board's consideration of a project labor agreement for a project to be awarded by the city, or prohibits the governing board from considering whether to allocate funds to a city-funded project covered by such an agreement, then state funding or financial assistance may not be used to support that project, as specified.

SB 293 – Prompt Payment And Retention.

Amends Section 7108.5 of the Business and Professions Code; amends Sections 8612, and 9560, and amends and repeals Section 3252 of the Civil Code; amends Sections 10262, 10262.5, and amends, repeals and adds Section 10261, and adds and repeals Section 7201 of the Public Contract Code.

(1) Payment to Subcontractors

Existing law requires that any subcontractor on a private or public work of improvement be paid within 10 days of receipt of each progress payment, unless otherwise agreed to in writing, the respective amount allowed on account of the work performed.

This bill changes the time within payment must be made to not later than 7 days after receipt of each

progress payment.

(2) Notice Required To Enforce Claim Against Payment Bond on Private or Public Work

Existing law (until July 1, 2012, requires, with regard to a contract entered into on or after January 1, 1995, that a claimant give the 20-day public work preliminary bond notice) or, operative July 1, 2012, requires a claimant to give a preliminary notice to enforce his or her claim against a payment bond given in connection with a private or public work of improvement, and allows the claimant, if he or she did not give a preliminary notice, to enforce his or her claim by giving written notice to the surety and bond principal within 15 days after recordation of a notice of completion, or if no notice of completion has been recorded, within 75 days after completion of the work of improvement.

This bill clarifies that if the 20-day public work preliminary bond notice (for contracts entered into on or after January 1, 2012, and until July 1, 2012), or the preliminary notice (after July 1, 2012), was required to be given by a person who has no direct contractual relationship with the contractor, and who has not given that notice, that person may enforce a claim by giving written notice as specified under the existing law. The bill also clarifies that the provision does not apply (a) to a laborer, or (b) if all progress payments, except for those disputed in good faith, have been made to a subcontractor who has a direct contractual relationship with the general contractor to whom the claimant has provided materials or services, or (c) if the subcontractor has been terminated from the project and all progress payments, except those disputed in good faith, were made as of the termination date.

(3) Retention Not To Exceed 5%

Existing law provides that in a contract relating to the construction of a public work of improvement between the public entity and original contractor, the original contractor and a subcontractor, and in a contract between a subcontractor and any subcontractor thereunder, the percentage of retention proceeds withheld cannot exceed the percentage specified in the contract between the public entity and the original contractor.

This bill, until January 1, 2016, prohibits retention proceeds from exceeding 5% of the payment, for those contracts entered into on or after January 1, 2012, between a public entity, as defined, and an original contractor, between an original contractor and a subcontractor, and between all subcontractors thereunder. Retention on progress payments may exceed 5% on specific projects where the board or designee makes a finding prior to bid that the project is substantially complex. The bill exempts a contract

from this provision if the contractor notified the subcontractor that a bond is required, and the subcontractor failed to furnish the contractor with the bond. The public entity may still withhold 150% of disputed amounts from final payment.

(4) Contracts with Department of General Services

Existing law prohibits progress payments under contracts with suppliers for goods and services for public works entered into with the Department of General Services, from being made in excess of 95% of the percentage of actual work completed plus a like percentage of the value of material delivered and requires the Department of General Services to withhold not less than 5% of the contract price until final completion and acceptance of the project.

This bill, until January 1, 2016, prohibits progress payments upon these contracts from being made in excess of 100% of the percentage of actual work completed, and would permit the Department of General Services to withhold not more than 5% of the contract price until final completion and acceptance of the project, except as specified.

AB 136 – Renewable Energy Generation And Energy Efficiency Improvements Are Public Works.

Adds section 1720.6 to the Labor Code.

Existing law requires that not less than the general prevailing wage rate (equivalent to union wage rates) be paid to all workers employed on a “public works” project (construction, alteration, demolition, installation, or repair work paid for in whole or in part out of public funds) costing over \$1,000 dollars and imposes misdemeanor penalties for a violation of this requirement.

This bill provides that work related to renewable energy generation or energy efficiency improvements is considered “public works” for purposes of prevailing wage law when the following conditions exist:

- The work is performed in connection with the construction or maintenance of renewable energy generation capacity or energy efficiency improvements; and
- The work is performed on public property; and
- Either of the following conditions exist: more than 50 percent of the energy generated is purchased or will be purchased by the public entity or the energy efficiency improvements are primarily intended to reduce energy costs that would otherwise be incurred by the public entity.

This bill resolves the controversy whether prevailing

wage rates were required to be paid on public entity energy projects under existing law. The bill was sponsored by the State Building and Construction Trades Council (union contractors) and was opposed by the Associated Builders and Contractors of California (non-union contractors), the California Association of School Business Officials, and the School Energy Coalition.

PREVAILING WAGE

AB 587 – Exemption From Prevailing Wage For Work Performed By Volunteers Extended To January 1, 2017.

Amends Section 1720.4 of the Labor Code, relating to public works.

Existing law defines “public works” as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. All workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work. Existing law governing public works does not apply to specified work performed by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps or a community conservation corps. These provisions are effective only until January 1, 2012, and as of that date are repealed.

AB 587 extends that repeal date to January 1, 2017.

AB 514 – Public Works/Prevailing Wage.

Amends Section 1720.3 of the Labor Code, relating to public works.

Existing law includes, for the purposes of public works contracts, in the definition of “public works” the hauling of refuse from a public works site to an outside disposal location, as specified. Existing law generally requires all workers employed on public works to be paid not less than the prevailing rate of per diem wages.

This bill includes in the definition of “hauling of refuse” the hauling of specified materials (including, but is not limited to, hauling soil, sand, gravel, rocks, concrete, asphalt, excavation materials, and construction debris) other than certain recyclable metals, thereby expanding the definition of “public works” and thus requiring the payment of prevailing wages for that activity relating to contracts involving any state agency (California State University, University of California, or any political subdivision of the state).

Because this bill expands the application of prevail-

ing wage requirements, the violation of which is a crime, it imposes a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. However, this bill provides that no reimbursement is required by this act for a specified reason.

AB 436 – Labor Compliance Programs.

Amends Sections 17250.30 and 81704 of the Education Code; amends Section 1771.7 of the Government Code; amends Section 1771.7 of, repeals Sections 1771.55, 1771.75, 1771.8, 1771.85, and 1771.9 of, and repeals and adds Sections 1771.3 and 1771.5 to the Labor Code; and amends Sections 6804, 20133, 20175.2, 20193, 20209.7, 20688.6, and 20919.3 of the Public Contract Code, relating to public works.

Existing law requires workers employed on public works projects be paid applicable prevailing wages as determined by the Department of Industrial Relations (DIR). The awarding public entity must assure compliance with that requirement and prior to 2009 could use approved labor compliance programs to assure such compliance. In 2009 the Legislature determined it more cost effective to use the DIR to monitor and enforce compliance with the public works prevailing wage requirements rather than labor compliance programs. DIR would monitor and enforce such compliance for future contracts for which use of a labor compliance program was previously required or which was funded by state bond funds, with certain exceptions permitting awarding entities to continue existing labor compliance programs.

AB 436 clarifies and revises the method by which the DIR may charge and be reimbursed for its costs of performing prevailing wage compliance monitoring and enforcement on specified public works projects, including when the reimbursement may be waived or the project would be exempt. The DIR shall determine the appropriate monitoring and enforcement rates, provided however that the amount charged shall not exceed one fourth of one percent (.0025%) of the state bond proceeds used for the public works projects. For state bond funded projects, bond proceeds for construction may be used to pay the reasonable costs of prevailing wage oversight activities directly related to the construction.

The DIR can waive its reimbursement fees in certain situations. Upon the DIR's approval, a school district may elect to continue operating an existing previously approved labor compliance program to monitor and enforce prevailing wage requirements on a project in lieu of reimbursing the DIR for this work. A school district may only elect this option if it has not contracted with a third party to conduct its labor compliance program.

This bill does not alter the scope of public works on which prevailing wages must be paid.

CONTRACTORS

AB 1091 – Contracting Firms.

Amends Section 7068.2 of the Business and Professions Code.

Existing law provides for the licensing and regulation of contractors by the Contractors' State License Board (CSLB). A licensed contracting firm ("Licensee") is required to have a "responsible managing owner" or responsible managing employee ("Qualifier"). A Qualifier is responsible for exercising direct supervision and control of the Licensee's construction operation. When a Qualifier disassociates from the Licensee, the Licensee or Qualifier is required to notify CSLB in writing and the Licensee must replace the Qualifier within 90 days from the date of disassociation. Failure to replace the Qualifier within 90 days results in an automatic suspension of the license. CSLB may grant one 90-day extension upon petition by a Licensee who disputes the date of disassociation or who has failed to notify CSLB and replace the Qualifier within 90 days upon a showing of "good cause." "Good cause" is not defined under existing law.

This statutory amendment specifies that the disassociating Qualifier is responsible for the Licensee's construction operations until the date of disassociation or the date the CSLB receives the written notification of disassociation, whichever is later. The amendment limits "good cause" under which a 90-day extension may be granted to situations where the Licensee has filed an application to replace the Qualifier and:

- the Licensee is disputing the date of disassociation; or
- the Qualifier has died; or
- a government agency is responsible for delay in processing the application to replace the Qualifier.

This bill was sponsored by the CSLB to address the existing law's inequitable treatment of Licensees who comply with and those who do not comply with the 90-day notification requirement. For example, if a Licensee notifies CSLB that their Qualifier disassociated one year prior, the license is suspended immediately but the contractor would have already had one year of active license status without a Qualifier. This jeopardized protections for consumers where a license is suspended while a project is underway. A consumer claim against the contractor's bond for defective work may be rejected by the bonding company because the contractor was not properly licensed.

LIENS**SB 424 – Conversion Of A Design Professional's Lien To A Mechanic's Lien.**

Adds Section 8319 to the Civil Code.

A design professional has a right to record a lien on the site before commencement of a planned work of improvement, for the amount of the design professional's fee for services provided under the contract or the reasonable value of those services, whichever is less. A design professional also has a right to record a mechanics lien for providing work authorized for a work improvement, subject to specified conditions.

Operative July 1, 2012, this bill authorizes a design professional to convert a recorded design professional lien to a mechanics lien if all of the following requirements are met:

- The design professional lien automatically expired due to the commencement of the work of improvement;
- The design professional lien remains fully or partially unpaid;
- Within 30 days of the commencement of the work of improvement, the design professional records a mechanics lien for the amount of the unpaid design professional lien; and
- The recorded mechanics lien states that it is a converted design professional lien but shall be recorded and enforced as a mechanics lien, except the design professional need not provide a preliminary notice to enforce this mechanics lien. This mechanics lien shall be effective as of the date of recordation of this mechanics lien and shall be given priority pursuant to the provisions of Section 8450.

A design professional may not convert a recorded design professional lien to a mechanics lien if the lien automatically expired due to the expiration of 90 days after recording the claim of lien where the design professional failed to commence an action to enforce the lien within that time.

SB 190 – Erroneous Information That Will Invalidate Mechanics Lien.

Amends sections 7159, 7159.5, 7159.14, and 8513 of the Business and Professions Code; amends section 8422 of the Civil Code; and amends section 66499.7 of the Government Code.

The California Constitution provides: (1) laborers of every class who have worked upon or have furnished materials for a property have a mechanics lien upon that property for the value of the labor performed and

materials furnished; and (2) for the speedy and efficient enforcement of those mechanics liens.

Existing law recodified and revised the law for enforcing mechanics liens to provide that certain erroneous information contained in a claim of mechanics lien does not invalidate the claim of lien, unless specified otherwise.

This bill specifically requires that erroneous information contained in a claim of lien invalidates the claim of lien, if the court determines: (1) the claim of lien was made with the intent to defraud; and (2) an innocent third party, without notice, became the bona fide owner of the property after the recordation of the claim of lien, and the claim of lien is so deficient that it did not put the party on further inquiry in any manner. This bill also requires that a person forfeit his or her lien, if the person willfully includes in the claim of lien labor, services, equipment, or materials that were not furnished to the property in the claim.

This bill takes effect as of July 1, 2012.

ENVIRONMENTAL IMPACT REPORT**AB 209 – Public Notice Of Preparing Environmental Impact Report In Electronic Format.**

Amends Section 21092 of the Public Resources Code.

When existing law requires a lead agency to prepare an environmental impact report (EIR) or a negative declaration, that agency is also required to provide public notice of that fact within a reasonable period of time prior to the certification of the EIR or adoption of the negative declaration. Under existing law, the notice must specify the address where copies of the draft EIR or negative declaration and all associated documents, are available for review.

This bill requires that the public notice also include a description of how the draft EIR or negative declaration can be provided in an electronic format. Although this bill imposes a state-mandated local program because it requires a lead agency to provide this description in the notice, the state is not required to reimburse local agencies or school districts because local agencies and school districts have the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

HEALTH BENEFITS

SCOPE OF COVERAGE

AB 210 – All Group Health Insurance Policies Must Provide Coverage For Maternity Services.

Adds Section 10123.866 to the Insurance Code, relating to maternity services.

Existing law provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health insurer that provides maternity coverage may not restrict inpatient hospital benefits, as specified, and is required to provide notice of the maternity services coverage.

AB 210, commencing July 1, 2012, requires every group health insurance policy to provide coverage for maternity services for all insureds covered under the policy.

PRIVACY

CREDIT REPORTS

AB 22 – Limits On The Categories Of Jobs For Which An Employer Can Request A Consumer Report.

Amends Section 1785.20.5 of the Civil Code; and adds Chapter 3.6 (commencing with Section 1024.5) to Part 2 of Division 2 of the Labor Code, relating to employment.

The federal Fair Credit Reporting Act (FCRA) and the state Consumer Credit Reporting Agencies Act specify the procedures that an employer is required to follow before requesting a report and if adverse action is taken based on the report. Existing federal law provides that, subject to certain exceptions, an employer may not procure a report or cause one to be procured for employment purposes, unless prior disclosure of the procurement is made to the consumer and the consumer authorizes the procurement, as specified. Existing federal law further requires, sub-

ject to certain exceptions, an employer, before taking any adverse action based on the report, to provide the consumer with a copy of the report and a written description of certain rights of the consumer.

Under existing state law, an employer may request a credit report for employment purposes so long as he or she provides prior written notice of the request to the person for whom the report is sought. Existing state law also requires that the written notice inform the person for whom the consumer credit report is sought that a report will be used and of the source of the report and contain space for the person to request a copy of the report. Existing state law further requires an employer, whenever he or she bases an adverse employment decision on information contained in a consumer credit report, to advise the person for whom the report was sought that an adverse action was taken based upon information contained in the report and provide the person with the name and address of the consumer credit agency making the report.

AB 22 prohibits an employer or prospective employer, with the exception of certain financial institutions, from obtaining a consumer credit report for employment purposes unless the position of the person for whom the report is sought is (1) a position in the state Department of Justice, (2) a managerial position, as defined, (3) that of a sworn peace officer or other law enforcement position, (4) a position for which the information contained in the report is required by law to be disclosed or obtained, (5) a position that involves regular access to specified personal information for any purpose other than the routine solicitation and processing of credit card applications in a retail establishment, (6) a position in which the person is or would be a named signatory on the employer's bank or credit card account, or authorized to transfer money or enter into financial contracts on the employer's behalf, (7) a position that involves access to confidential or proprietary information, as specified, or (8) a position that involves regular access to \$10,000 or more of cash, as specified.

AB 22 also requires that the written notice informing the person for whom a consumer credit report is sought for employment purposes also inform the person of the specific reason for obtaining the report, as specified.

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