

LEGISLATIVE ROUND-UP

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

The *Education Legislative Round-Up* is a compilation of bills, presented by subject, which were signed into law and have an impact on the Education Clients of Liebert Cassidy Whitmore. Bills will go into effect on **January 1, 2010**, unless otherwise noted. Urgency legislation (which goes into effect the day it is signed into law) 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, Fresno or San Francisco office and an attorney will be happy to answer your questions.

INSTRUCTIONAL MATERIALS

AB 386.

Amends Education Code sections 67302 and 67302.5.

Currently, publishers and manufacturers of printed instructional material for use at public postsecondary institutions are required to provide the material, upon request, in an electronic format that is compatible with commonly used braille translation and speech synthesis software for use by students whose disabilities prevent them from using standard instructional materials.

Under AB 386, publishers must provide a captioned format of instructional materials, or an electronic format of those materials and a license to create a captioned format of those materials, upon request by a public postsecondary educational institution. The captioned format or license must be provided free of charge. The educational institution is also authorized to create a captioned format, subject to prescribed conditions, if the publisher provides a license to create the captioned format or fails to respond to a request for a captioned format.

These provisions will apply only if the educational institution makes these provisions applicable by resolution.

2010



CONTENTS

Instructional Materials	1
Disability Insurance	2
School Choice	2
Employee Health Benefits	3
Registered Sex Offenders	3
K-12 - Student Work Permits	4
Graduation Requirements	4
Child Nutrition	4
Post Employment Benefits	5
Community Colleges - Residency	11
Community Colleges - Transportation Fees	11
Items Prohibited on School Campuses	12
Credentialing	12
Education Finance	15
Regional Occupational Programs	16
K-12 Merit System	16
K-12 Athletics	17
Miscellaneous Provisions	17
Community Colleges - Student Housing	18
Higher Education Reporting Requirements	19
Pupil Achievement Data	20
Four Day School Week	20
Harvey Milk Day	21
Privacy	21
Administration/Governance/ Conflicts of Interest	22
Public Records	23
Arbitration	24
Worker's Compensation	24
Unemployment Insurance	25
Alcoholic Beverages/School Grounds	26
School District Reorganization	26
School District Leases	27
Community College District Lease	27
Revenue Bonds	28
School Facilities Improvement District	29
School Buses	29
Bingo Games	30
Immunity For Pollution Conditions	30
School Facilities Funding	31
Charter School	31

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

©2009 Liebert Cassidy Whitmore

6033 W. Century Blvd., Suite 500
Los Angeles, CA 90045
Tel: (310) 981-2000
Fax: (310) 337-0837

5701 N. West Ave.
Fresno, CA 93711
Tel: (559) 256-7800
Fax: (559) 449-4535

153 Townsend Street, Suite 520
San Francisco, CA 94107
Tel: (415) 512-3000
Fax: (415) 856-0306

www.lcwlegal.com

AB 321.

Current law authorizes the State Board of Education and school districts to dispose of surplus or undistributed obsolete instructional materials that are usable for educational purposes, including by sale to any organization that agrees to use the materials solely for educational purposes and to make no charge of any kind to the persons to whom the organization gives or lends materials.

Under AB 321, county offices of education are also authorized to dispose of surplus or undistributed obsolete instructional materials as well. In addition, all of the proceeds of any sale of these instructional materials must be available for school districts and county offices of education to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. Entities are no longer required to obtain certification from the purchasing entity that it will use the materials for educational purposes and will not charge for use of the materials.

DISABILITY INSURANCE**AB 381.**

Adds Unemployment Insurance Code section 710.9.

Current law permits any public agency to elect to become an employer subject to requirements pertaining to disability insurance coverage if the election is the result of a negotiated agreement between the public agency and a recognized employee organization. Current law allows the public agency employer to elect to provide coverage to its management and confidential employees and to employees who are not a part of an appropriate unit.

Under AB 381, a community college district is authorized to elect to become an employer subject to specified requirements pertaining to dis-

ability compensation coverage with respect to all employees who are part of an appropriate employee organization bargaining unit. The election must be the result of a negotiated agreement between the community college district and the certified employee organization. The community college employer is also permitted to elect to provide coverage to management and confidential employees and to employees not part of an appropriate unit. Further, the community college employer may elect to provide disability compensation coverage to specified permanent, part-time or temporary academic employees.

SCHOOL CHOICE**AB 343.**

Adds Education Code sections 47900, 47900.5 and 47901.

Current law authorizes a school district of choice to give priority for attendance to children of military personnel, if the school district elected to accept transfer pupils by a resolution adopted by the governing board of the school district prior to April 1, 2005.

The state of California has now, via this bill, adopted the Interstate Compact on Educational Opportunity for Military Children. This Compact facilitates the enrollment, placement, advancement and transfer of the academic records of the children of military families to remove barriers to their educational success which may occur due to the frequent moves and deployment of their parents.



EMPLOYEE HEALTH BENEFITS

AB 65.

Adds Government Code sections 22959.90, 22959.91, 22959.92, 22959.93, 22959.96, and 22959.97.

Current law establishes the Vision Care Program for State Annuitants. The program is administered by the Department of Personnel Administration. In addition, the Vision Care Program for State Annuitants Fund in the State Treasury, is continuously appropriated for expenditures solely for vision care benefits for state annuitants.

This bill establishes a similar vision care program for school members and university members and their dependents, among others, to be known as the Retired Public Employees Vision Care Program. The Board of Administration of the Public Employees' Retirement System is required, on or before January 1, 2011, to administer the program. The Retired Public Employees Vision Care Program Fund is also established by the new legislation, and will be continuously appropriated for those purposes.

AB 23.

Amends Health and Safety Code sections 1366.20, 1366.21, 1366.22, and 1366.25, amends Insurance Code sections 10128.50, 10128.51, 10128.52, and 10128.55 and declaring the urgency thereof, to take effect immediately.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) requires group health plans providing coverage to employers of 20 or more employees to provide former employees with continuation of benefits. The American Recovery and Reinvestment Act of 2009 (ARRA) provides premium assistance under COBRA and state programs that provide comparable continuation coverage for certain assistance eligible individuals. The California COBRA

requires health care service plans and health insurers providing group coverage to employers of 2 to 19 employees to offer continuation of that coverage for a specified period of time to certain qualified beneficiaries.

AB 23 requires health care service plans and health insurers to provide notice of the availability of premium assistance under the ARRA to qualified beneficiaries who may be eligible for that assistance and requires the notice to include certain information and to be sent within specified periods of time. The bill allows a qualified beneficiary eligible for the federal premium assistance to elect Cal-COBRA coverage within a certain period of time and allows individuals enrolled in Cal-COBRA coverage as of February 17, 2009, to request application of the federal premium assistance.

REGISTERED SEX OFFENDERS

AB 307.

Amends Penal Code section 290.95, and declaring the urgency thereof to take effect immediately on October 11, 2009.

Under current law, a person required to register as a sex offender must disclose that fact when applying for or accepting a position as an employee or volunteer with any person, group, or organization where he or she would be working directly and in an unaccompanied setting with minor children on a regular basis. The law also prohibits a person required to register as a sex offender because of a conviction for a crime where the victim was a minor under 16 years of age from being an employer, employee, or independent contractor, or acting as a volunteer with any person, group, or organization in a capacity in which the registrant would be "working directly and in an unaccompanied setting" with minor children on more than an incidental and occasional basis or from having supervision or discipli-

nary power over minor children.

AB 307 specifies that "working directly and in an unaccompanied setting" includes, but is not limited to, providing goods or services to minors.

K-12 - STUDENT WORK PERMITS

AB 66.

Amends Education Code section 49110.

Current law authorizes the superintendent of a school district, the chief executive officer of a charter school, and specified school employees authorized by the superintendent or chief executive officer in writing, to issue a work permit to a pupil. Permits are issued upon written request from a parent, guardian, foster parent, or other specified person. A superintendent is also authorized to designate the principal or another person having charge of a private school to issue work permits. Current law limits the number of hours per school day and per week that a pupil with a work permit may work.

AB 66 authorizes the principal of a public or private school to issue, or to designate another administrator in the school to issue, work permits to pupils who attend the school. A principal who issues a work permit must provide a self-certification that he or she understands the requirements in the law for issuing a work permit. The superintendent of a district may revoke a work permit issued by a principal, and a principal may not issue a work permit to his or her own child.

In addition, the hour limitations that apply to permits issued by any authorized authority must be based on the school calendar of the school the pupil attends.



GRADUATION REQUIREMENTS

AB 167.

Amends Education Code section 51225.3.

Current law prescribes the course of study a pupil is required to complete, while in grades 9 to 12, in order to graduate. Current law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements.

AB 167 requires a school district to exempt a pupil in foster care from additional coursework requirements adopted by the governing board of the district that exceed the statewide coursework requirements if the pupil transfers to the district from another school district or between high schools within the school district, while he or she is in grades 11 or 12, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while remaining eligible for foster care benefits pursuant to state law.

School districts are also required to notify a pupil in foster care who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the pupil, if any of the requirements that are waived will affect the pupil's ability to gain admission to a postsecondary educational institution. Additionally, districts must provide information about transfer opportunities available through the California Community Colleges to these pupils.

CHILD NUTRITION

AB 627.

Adds and repeals Education Code section 49546.5.

Under current law, the State Department of Education administers the child care food pro-

gram pursuant to federal law, under which food is provided to child development programs and alternative child care programs.

This bill requires the Superintendent of Public Instruction to establish a pilot program of at least 12 months in duration, in which licensed child care centers and child day care homes selected by the department that participate in the federal Child and Adult Care Food Program shall implement certain nutritional and physical activity standards in exchange for a higher state meal reimbursement. This bill would require the State Department of Education to design and implement the pilot program.

POST-EMPLOYMENT BENEFITS

AB 654.

Amends Education Code 22714, 22715, 23003, 23006, 26301, and 26303, and amends, repeals and adds section 22162, and adds sections 23010 and 26303.5.

Current law authorizes the Governor, a school district, community college district or county office of education to grant members of the Defined Benefit Program of the State Teachers' Retirement Plan two additional years of service credit, if the member retires for service within a designated period and certain conditions are satisfied, including the transfer of a specified amount to the Teachers' Retirement Fund. This bill would require regular interest to be charged on the unpaid balance if the transfer to the retirement fund is made in installments. The bill would modify the definition of "regular interest" for purposes of the State Teachers' Retirement Law.

Current law specifies the date by which member and employer contributions are due in the office of the State Teachers' Retirement System, and provides that payments thereafter are delinquent

and subject to interest as specified. This bill, instead, would require the board to assess penalties and charge regular interest for any delinquent contributions. Penalties or interest may be appealed.

Current law requires the county superintendent of schools or employing agency, and authorizes a school district or community college district, to submit a report monthly to the State Teachers' Retirement System containing information as the Board may require. If those monthly reports are submitted late or in an unacceptable form, or include late or improper adjustments, the Board is authorized to assess penalties pursuant to a specified formula, or a fee of \$500, whichever is greater. This bill would require the Board to assess the penalties, and would provide that any penalties may be appealed as provided.

SB 634.

Amends Education Code sections 22115, 22508, 22515, 22661, 22713, 22801, 22802, 22803, 22805, 22820, 22821, 22822, 22823, 22826, 23200, 23201, 23859, 24001, 24101, 24201.5, 24216, 24216.5, 24216.6, 24301, 24309, 25007, 25010, 25011.1, 25017, and 25020.

Under the State Teachers' Retirement Law, the compensation earnable for a member employed by a community college prior to July 1, 1996, is defined by a specified number of hours based on provisions in effect on June 30, 1996. That law permits the Teachers' Retirement Board to establish and implement certain factors and assumptions to determine the compensation earnable of a member employed by a community college prior to July 1, 1996, including when the community college subsequently acts to reduce the minimum standard for full-time, as specified.

Under SB 634, these Codes clarify that the same provisions apply when the community college subsequently acts to reduce the minimum standard for full-time for the class of employees.

Current law authorizes substitute teachers and other part-time employees who perform creditable service, as defined, to elect membership in the Defined Benefit Program of the State Teachers' Retirement Plan. Now, that membership election is irrevocable and remains in effect until the member terminates employment.

The State Teachers' Retirement Law prescribes a comprehensive system of rights and benefits for its members and specifically permits a court, upon legal separation or dissolution of marriage, to award to a nonmember spouse, as defined to include a member's registered domestic partner, a separate account under the Defined Benefit Program pursuant to that person's community property interest. The nonmember spouse who is awarded a separate account has the right to a refund of the accumulated retirement contributions in the account under the Defined Benefit Program, and a return of the Defined Benefit Supplement account balance, of the nonmember spouse.

Under SB 634, the law contains an exception for nonmember domestic partners in connection with federal tax law limitations.

Current law authorizes the governing board of a school district or a community college district or a county superintendent of schools to establish regulations permitting an employee who is a member of the Defined Benefit Program to reduce his or her workload and receive the service credit for full-time work. Among other things, the regulations must include a requirement that the member have at least 10 years of credited service, including 5 years of credited service for full-time employment immediately preceding the reduction in workload.

Under SB 634, the regulation requires the member to have at least 10 years of credited service prior to the reduction in workload and, in addition, to have 5 years of credited service for full-time employment immediately preceding the reduction in workload.

The State Teachers' Retirement Law permits a member of the Defined Benefit Program to elect to purchase additional service credit, including out-of-state service credit, if specified contributions are paid to the State Teachers' Retirement System. Regular interest must be charged on all contributions from the end of the school year on which the contributions were based to the date of payment. Among other things, the law permits the member to purchase as additional service credit time spent on approved family care or medical leave of up to 4 months in any 12-month period, as specified.

Under SB 634, regular interest is added only when the member is not employed to perform creditable service subject to coverage by the Defined Benefit Program on the date of the request to purchase additional service credit. A member of the Defined Benefit Program is permitted to request to purchase as additional service credit time spent on employer-approved leave based on the guidelines for the Family and Medical Leave Act or the California Family Rights Act, or both. The bill would make related technical and conforming changes.

Existing law permits a member of the Defined Benefit Program to apply for a disability allowance or disability retirement if the member has 5 or more years of credited service, and subject to specified requirements.

Under SB 634, the member must make that application in writing to the Teachers' Retirement Board on a properly executed form provided by the State Teachers' Retirement System.

The law provides that upon termination of a survivor benefit allowance, if the total allowance paid or payable is less than the amount of the member's accumulated retirement contributions at the time of death, the remaining balance of accumulated retirement contributions shall be paid to the estate of the spouse.

Under SB 634, if there is no spouse, and if there is a designated beneficiary, then upon termination

of the survivor benefit allowance payable to all eligible dependent children, if the total allowance paid or payable is less than the amount of the member's accumulated retirement contributions at the time of death, the remaining balance of the accumulated retirement contributions shall be paid to the member's designated beneficiary.

Current law permits a member of the Defined Benefit Program who is eligible and applies for a disability allowance or disability retirement to apply for and receive a service retirement pending a determination of his or her application for disability, and subject to specified requirements and restrictions. If a member who applies for a service retirement pending a determination of his or her application for disability dies prior to a determination of the application for disability, any subsequent benefits payable to the member's surviving spouse or beneficiary shall be based on the service retirement allowance, as specified. That law also provides that if a member who is granted a disability allowance or a disability retirement dies prior to receiving notification of the approval of his or her application for disability, the disability allowance or disability retirement shall be payable to the member's surviving spouse or beneficiary, as specified.

Under SB 634, if a member who applies for a service retirement pending a determination of his or her application for disability dies prior to a determination of the application for disability, the member shall be considered retired for service at the time of death and any subsequent benefits shall be paid accordingly. Also, if a member who is granted a disability allowance or a disability retirement dies after the board has approved the member's application for disability, the member shall be considered a disabled member, or retired for disability, at the time of death, and any subsequent benefits shall be paid accordingly, even if the member died prior to receiving notification of the approval of his or her application for disability. If the board approves the application for disability and the member has received service retirement allowance payments, the effective date for the disability allowance or disability retire-

ment shall be the same as the effective date of the service retirement allowance.

Current law limits the amount of postretirement compensation that may be earned in specified types of employment by a retired member of the Defined Benefit Program without a reduction in the retirement benefits of the member. That law, operative until June 30, 2010, provides exemptions from this limit, as specified. The law requires the employing school district to submit documentation to substantiate the eligibility of the temporary employment of a member retired from service for the exemption. Existing law also provides that the period of exemption for members who retired for service and are appointed or assigned to specified positions ends no more than 2 calendar years from the date of appointment or assignment.

Under SB 634, the documentation must be received by the system no later than June 30 of the school year for which the exemption is to apply. The bill would also provide that the exemption would end no more than 24 consecutive months, rather than 2 calendar years, from the date the exemption commenced.

Under existing law, a member may change or cancel a preretirement election of an option on a properly executed form provided by the State Teachers' Retirement System, subject to receipt within 30 days of the member's signature and on or before the effective date of retirement or other specified date.

Under SB 634, the spouse's signature, if required, must be included within that 30-day period.

Current law requires the board to establish and maintain a segregated account within the retirement fund, known as the Annuitant Reserve, for the payment of annuities under the Defined Benefit Supplement Program. When the board declares an additional earnings credit for a plan year, the board may also declare by plan amendment an additional annuity credit, for members and annuity beneficiaries who are receiving an

annuity as of a specified date, based on the balance of credits transferred from the member's Defined Benefit Supplement account to the Annuitant Reserve.

Under SB 634, instead, the credit shall be based on the annuity of the member and annuity beneficiaries for the plan year and paid to the members and annuity beneficiaries on the date specified by the board.

Current law establishes eligibility criteria for a member to receive a retirement or a disability benefit under the Defined Benefit Supplement Program, including that a member submit an application for the benefit or allowance on a form prescribed by the system. Existing law also provides that a final benefit under this program becomes payable when the system receives proof of the member's death.

Under SB 634, the eligibility criteria is expanded to provide that a member retiring from service, as specified, on or after January 1, 2010, or whose disability allowance or disability retirement allowance is effective on or after January 1, 2010, shall not receive an allowance unless the member has submitted a completed application on a form prescribed by the system.

In addition, no benefit shall be paid to a beneficiary until the final benefit is paid. In addition, any section of any other act enacted by the Legislature during the 2009 calendar year that takes effect on or before January 1, 2010, and which affects a provision of this act, would prevail over this act.

AB 506.

Amends Education Code sections 24214, 24216, 24216.5, and 24216.6, and adds section 24214.5.

The State Teachers' Retirement Law limits the amount of postretirement compensation that may be earned in specified types of employment by a retired member of the Defined Benefit Program

without a reduction in the retirement benefits of the member. That law, operative until June 30, 2010, provides exemptions from this limit and specifies that the limitation provisions do not apply to compensation earned by a member retired for service who has returned to work after retirement and, for at least 12 consecutive months, has not performed specified activities.

Under AB 506, as of July 1, 2010, the statute applies a limitation of \$0 to the compensation for performance of specified activities as an employee of an employer, an employee of a third party, or as an independent contractor during the first 6 calendar months after a member retired for service under this part, if the member is below normal retirement age at the time the compensation is earned. The operation of these provisions will also be extended until June 30, 2012.

Under current law, operative until June 30, 2010, the service retirement allowance of a retired member of the Defined Benefit Program is exempt from a reduction if the retired member is appointed as a trustee or administrator by the Superintendent of Public Instruction for a maximum period of 2 years, as specified. That law also exempts from the earnings limitation, until June 30, 2010, service performed by a retired member in an emergency situation to fill a vacant administrative position, as specified. The law requires the employing school district to submit documentation to substantiate the eligibility of the temporary employment of the retired member for these exemptions.

Under AB 506, these exemptions end no more than 24 consecutive months, rather than 2 years, from the date the exemption commenced. An exemption under the latter provision is prohibited from being granted to a member retired for service whose termination of employment with the employer is the basis for the vacant administrative position. The documentation is required to substantiate that exception to be received by the system no later than June 30 of the school year for which the exemption is to apply. These provisions will be extended until June 30, 2012.

AB 506 further exempts from the earnings limitation, until June 30, 2010, compensation received by a retired member providing specified types of services, including direct remedial instruction, as specified, if that retired member retired on or before January 1, 2007. AB 506 requires a school district that employs the retired member to submit documentation to the retirement system that substantiates the eligibility of the temporary employment of the retired member for this exemption.

AB 506 provides that the compensation received by a retired member providing those specified types of services is exempt from the earnings limitation if the member retired for service with an effective date on or before January 1, 2009. The documentation must substantiate that exception to be received by the system no later than June 30 of the school year for which the exemption is to apply. These provisions are extended until June 30, 2012.

AB 232.

Amends Education Code section 24604 and adds section 22011.

Current law requires that certain documents relating to retirement benefits for schoolteachers and other persons formerly employed in connection with the schools be signed pursuant to certain requirements.

Under AB 232, an application or document requiring a signature may be made by electronic means. The amendment also changes some requirements with regard to non-electronic signatures. This bill also added provisions with regard to lump sum disbursements and benefit payments to members, nonmember spouses or beneficiaries.



AB 399.

Amends Education Code section 22708, amends Government Code section 20731, and adds Government Code sections 20969, 75103.6, and 75605.1.

Under current law, a PERS member with less than 3 years of service who enters employment as a member of another public retirement system supported by state funds can elect to leave his or her contributions in the PERS retirement fund within 6 months of his or her leaving state service. A member's failure to elect to withdraw the contributions will be considered an election to leave contributions in the retirement fund.

AB 399 requires that a member who is permanently separated from all service covered by PERS, and 70 years of age, be provided with an election to withdraw contributions or, if vested, an election to either apply for service retirement or withdraw contributions. The bill also requires that failure to apply for service retirement or to elect to withdraw contributions within 90 days be considered an election to withdraw contributions.

Under current law, PERS calculates service credit based upon service rendered and compensated in a fiscal year. STRS calculates a member's creditable service based on his or her creditable compensation. Meanwhile, many state employees have been furloughed without compensation. And existing law allows a judge or justice to waive a certain percentage of salary and not appear for work on a day a court is closed because of furloughs.

AB 399 requires that STRS retirement benefits for furloughed members be calculated based on the earnings, contributions, and compensation earnable that would have been reported if not for the mandatory furloughs. The employer must pay the cost of the resulting increased service credit. Similarly, for all retirement purposes, service credit and compensation earnable for PERS members employed by the state that are subject to mandatory furloughs must be based on

the amount that would have been credited had the employee not been furloughed.

AB 1584.

Amends Education Code section 22212.5, amends Government Code sections 20098 and 31528, and adds Government Code sections 7508.5, 7513.8, 7513.85, 7513.9, and 513.95, and declaring the urgency thereof, to take effect immediately on October 11, 2009.

Under existing law, PERS prohibits designated officers and employees of the PERS Board of Administration and the Teachers' Retirement Board of the State Teachers' Retirement System (STRS), who served in those positions for less than 5 years, from taking any specified action on behalf of any person, other than the state, to influence certain actions by the retirement boards or systems within 2 years after leaving that position.

AB 1584 includes a member of the board, a deputy executive officer, and an assistant executive officer among those positions subject to the 2 years postemployment restriction, and deletes the qualification that the person have served in that position for less than 5 years.

AB 966.

Amends Family Code section 2610, amends Government Code sections 20037.6, 20037.7, 20037.8, 20037.9, 20037.10, 20037.11, 20037.12, 20039.5, 20069, 2016, 20195, 20221, 20228, 20281.5, 20283, 20305, 20475, 20479, 20636.1, 20962, 20967, 21117, 21118, 21252, 21264, 21296, 21753, 22839, 22960.15, 75006, 75028.5, and 75507 of, adds Government Code sections 20831.2, 21310, and 75080.5, and repeals Government Code sections 20041 and 20043.

Existing law requires every contracting agency to provide immediate written notice to the PERS Board of Directors of the change in status of any

member resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal, or death.

AB 966 revises these provisions to provide that the notice be filed in the manner prescribed by PERS.

Current law provides that an employer that fails to enroll an employee into PERS membership when he or she becomes eligible, or within 90 days of that date, when the employer knows or should have known of that eligibility, is required to pay all arrears costs and administrative costs.

AB 966 prohibits the employer from passing these costs onto the employee. The bill also requires an employer that fails to withhold and submit an employee's normal contributions within the applicable time limitations to notify PERS and to take no action until authorized by PERS.

Existing law excludes an employee who serves on a less than full-time basis from membership in PERS unless that person comes within specified exceptions. One such exception is where the person's employment is seasonal, limited-term, on-call, or another irregular basis, and the person works more than 125 days, or 1,000 hours within the fiscal year.

AB 966 instead provides that an employee whose appointment or employment contract does not fix a term of full-time, continuous employment in excess of 6 months is excluded from PERS membership unless specified exceptions apply. A position is not excluded from PERS membership if it requires service equivalent to an average of 20 hours a week for one year or longer.

AB 966 also revises the exception described above, regarding seasonal, limited-term, or on-call employment, to have it apply if the person completes 125 days or 1,000 hours, as specified.

Existing law permits a contracting agency to amend its contract with PERS without election among its employees if the agency has fully dis-

charged obligations imposed on it with respect to the amendments and the amendments apply uniformly to all members in specified member classes. AB 966 includes local safety officers and school safety members within the member classes to which the amendments must apply uniformly.

Current law prohibits making a contract or contract amendment to provide retirement benefits for some, but not all members of specified membership classifications. AB 966 includes local safety officers and school safety members within these classifications.

Current law requires that a state miscellaneous member or industrial member, other than a university member, or a local member of PERS be retired for service if he or she has elected to participate in partial service retirement, has been credited with 20 years of state service, and has attained normal retirement age.

AB 966 eliminates the 20 years service credit requirement for partial service retirement.

Current law requires that the effective date of a written application for retirement submitted to the board more than 9 months after the member's discontinuance of state service be determined by the PERS Board of Administration consistent with criteria established for the correction of errors and omissions.

AB 966 requires that the effective date of a retirement application under these circumstances to be the first day of the month in which the member's application is received at an office of the board or by an employee of PERS designed by the board.



COMMUNITY COLLEGES - RESIDENCY

AB 669.

Adds Education Code section 68085.

Current law establishes uniform residency requirements for purposes of ascertaining the amount of fees to be paid by students. Various exceptions to the uniform residency requirements exist, including, but not limited to, exceptions for a student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, and for a student who is a full-time employee of an institution or of any state agency who is assigned to work out of state.

AB 669 adds an exception to the uniform residency requirements. Now, there is an exemption for a student 19 years of age or under at the time of enrollment, who either: 1) resides in California and is a dependent or ward of the state through California's child welfare system, or 2) was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system.

COMMUNITY COLLEGES - TRANSPORTATION FEES

AB 774.

Amends Education Code section 76361.1.

Current law authorizes the governing boards of the Los Rios, Peralta and Rio Hondo Community College Districts to require that a transportation service fee be paid only by employees and students using the services or, in the alternative, by various groups of people, upon the majority vote of the people in the affected groups. Current law prohibits the governing boards of these districts

from entering into, or extending, a contract for transportation services, funded by the proceeds of a transportation fee and provided by a common carrier or a municipally owned transit system, unless specified conditions are met.

Under AB 774, all community college districts in the state are included in this provision, and may charge a transportation fee pursuant to the terms of section 76361.

ITEMS PROHIBITED ON SCHOOL CAMPUSES

AB 870.

Amends Penal Code section 626.10.

Current law makes it a misdemeanor or a felony for a person, with certain exceptions, to bring or possess any of specified weapons, including dirks, daggers, ice picks, knives, razors with unguarded blades, tasers, stun guns, instruments expelling metallic projectiles, and spot maker guns upon the grounds of, or within, any public or private school providing instruction in kindergarten, or grades 1 through 12.

Under AB 870, it is also a misdemeanor to bring or possess a razor blade or box cutter upon school grounds, except in the following circumstances: 1) when a razor blade or box cutter is brought upon the grounds at the direction of a certificated or classified employee for use in a school-sponsored activity or class; 2) for a lawful purpose within the scope of a person's employment; 3) or with the written permission of the school principal or designee.



CREDENTIALING

AB 1025.

Amends Education Code section 44258.7 and adds sections 44356.5 and 49024.

Current law allows qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board.

Under AB 1025, a noncertificated candidate is required to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district. A "pupil activity program" includes, but is not limited to, scholastic programs, interscholastic programs, and extra curricular activities sponsored by a school district or school booster club, including, but not limited to, cheer team, drill team, dance team, and marching band. Each certificate will be issued initially for a period of five years, and may be renewed. The Commission will be required to submit information to the Department of Justice to obtain state and federal criminal history information prior to the issuance of the certificate, and require the commission to make that information available to the Department of Justice or the Federal Bureau of Investigation, upon request. The Commission must establish a fee for the certificate.

Volunteer supervisors for breakfast, lunch or other nutritional periods, or nonteaching volunteer aides under the immediate supervision and direction of certificated personnel of the district are not required to obtain the Certificate.



SB 512.

Amends Education Code sections 44421, 44422, 44426, 44830.7, 44853, 44856, 44917, 44980, 44987.3, 52127, 52163, and 52165.

Current law establishes the Commission on Teacher Credentialing to issue teaching and services credentials, and to establish standards for the issuance and renewal of credentials, certificates, and permits.

This bill updates references to the commission, updates cross-references, deletes obsolete provisions, and make other technical, nonsubstantive changes.

SB 171.

Amends Education Code sections 44839 and 44839.5.

Current law requires a school district or a county superintendent of schools to require a candidate for a position requiring certification qualifications or a retirant position, if the candidate has not previously been employed in a position requiring certification qualifications in this state or has not previously been employed as a retirant, to obtain a medical certificate showing that he or she is free from any disabling disease making him or her unfit to instruct or associate with children. Current law requires that the medical certificate be submitted directly to the governing board of the school district or the county superintendent of schools by a physician and surgeon licensed pursuant to specified statutes or a commissioned medical officer following the completion of a prescribed medical examination of the candidate.

Under SB 171, the medical certificate may be issued by a physician assistant practicing in compliance with specified statutes, or a licensed advanced practice registered nurse acting pursuant to standardized procedures and protocols in compliance with specified statutory provisions.

AB 794.

Add Education Code section 44235.5.

Current law establishes the Commission on Teacher Credentialing to review and approve applications for and issue teaching and services credentials, and authorizes the commission to levy fees for the issuance and renewal of teaching and services credentials, to be deposited into the Teacher Credentials Fund in the State Treasury.

Under AB 794 the commission is required to waive all application and processing fees for the initial issuance of a teaching credential to an out-of-state applicant who relocates to California due to orders received from a branch of the United States Armed Forces that require the applicant's spouse to relocate to California.

SB 751.

Amends Education Code section 44275.4, and adds section 44401.

Current law requires the Commission on Teacher Credentialing to issue a California teaching credential, including a 5-year preliminary multiple subject teaching credential, a 5-year preliminary single subject credential, or a 5 year preliminary education specialist credential to a teacher prepared in a country other than the United States who meets specified requirements.

Under SB 751, the Commission is authorized to issue a multiple subject, single subject, or education specialist teaching credential to a teacher prepared in a country other than the United States who has earned a valid corresponding elementary, secondary or special education teaching credential in another state and who meets special requirements.

Current law requires the Commission to select, administer and interpret the subject matter examinations, and provides that the adequacy of subject matter preparation and the basis for

assignment of certified personnel is determined by the successful passage of a subject matter examination, except as specifically waived pursuant to specified provisions.

Under SB 751, a school district, county office of education or charter school that provides intensive examination preparation courses for the purposes of preparing credential holders to demonstrate subject matter knowledge to meet specified requirements. School districts, county offices and charter schools are authorized to contract with other entities, including the California subject matter projects administered by the University of California, for services to provide intensive examination preparation courses to assist teacher participants to prepare for taking commission-approved subject matter examinations.

AB 239.

Amends Education Code sections 44253.3, 44325, 44326, 44328, 44398, 44399, and 44830.3 of, and repeals sections 44329 and 44329.5.

Current law requires the Commission on Teacher Credentialing to issue an authorization to a teacher to provide specified services to limited-English-proficient pupils, and sets forth minimum requirements for that authorization.

Under AB 239, the Commission can also issue the authorization to an applicant who possesses a valid teaching credential and who holds either of the following certificates issued by the National Board for Professional Teaching Standards: 1) Early and Middle Childhood/English as a New Language Certificate; or 2) Early Adolescence through Young Adulthood/English as a New Language Certificate.

Current law requires the Commission to issue district intern credentials authorizing persons employed by a school district to provide classroom instruction to pupils with mild and moderate disabilities in special education classes.

Under AB 239 special education district intern credentials are not limited to authorization for teaching of pupils with mild and moderate disabilities.

Current laws authorizes persons holding district intern credentials to teach in kindergarten and grades 1 to 8 in a self-contained program or in self-contained bilingual classes if they have either completed a commission-approved academic diversified or liberal arts subject matter program or have met the subject matter requirement by passing the subject matter examination approved by the commission.

Under AB 239, district intern credential-holders are authorized to teach in those grades and classes if they have met the subject matter requirement. The reference to the commission-approved academic diversified or liberal arts subject matter program has been deleted.

Current law requires that upon recommendation of the governing board, district interns be issued professional credentials rather than preliminary credentials upon completion of successful service under a district intern credential.

Under AB 239, district interns must be issued a preliminary credential upon completion of successful service under a district intern credential.

Current law requires the Commission to issue a professional clear credential to a teacher who holds a preliminary multiple subject, single subject, or education specialist teaching credential who is licensed to teach in a state other than California and who is certified by the National Board for Professional Teaching Standards, in the area in which the teacher received the national certification.

The above provision was moved to a different section. Now, the requirement applies to any person who holds a teaching credential and certification from the National Board for Teaching Standards whether from outside the state or not.

AB 544.

Adds Education Code section 44262.5.

Current law authorizes the Commission on Teacher Credentialing to issue an eminence credential to any person who has achieved eminence in a field of endeavor taught, or service practiced, in the public schools of California.

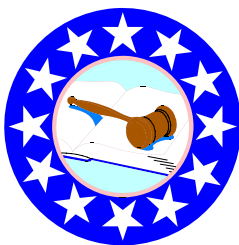
Under AB 544, the commission is required, upon recommendation by a tribal government of a federally recognized Indian tribe in California, to issue an American Indian languages credential to a candidate who has demonstrated fluency in that tribal language, and met other requirements. The holder of an American Indian languages credential is authorized to teach the American Indian language for which the credential was issued in California public schools in preschool, kindergarten, grades 1 to 12 and adult education courses. The holder would be eligible for a professional clear teaching credential upon completion of a specified period of time and application and consultation.

EDUCATION FINANCE

ACR 54.

Relative to Education Finance.

This measure states the intent of the Legislature that the State of California generate sufficient funds for, and allocate sufficient funds to, education, so as to bring per-pupil spending up to or beyond the national average, and to a level that accounts for the actual cost of educating California's diverse pupil population.

**SB 312.**

Adds Education Code section 33009.7 and Government Code section 15491.

Current law establishes the State Board of Education for the purpose of, among other things, studying the educational conditions and needs of the state and making plans for the improvement of the administration and efficiency of the public schools of the state. Existing law requires that the State Board of Education adhere to specified requirements relating to meetings and hearings. Existing law establishes the State Allocation Board, consisting of specified members and charged with specified duties, including, but not limited to, determining how bond funds are allocated for public school construction and modernization projects. Current law requires the State Allocation Board to adhere to specified requirements relating to meetings and hearings.

SB 312 requires the State Board of Education and the State Allocation Board to provide for live video and audio transmission of all meetings and hearings that are open to the public through a technology that is accessible to as large a segment of the public as possible. The technologies to be used include, but are not limited to, cable, satellite, over-the-air, or any other type of transmission that can be accessed through a television, and Web cast. The State Board of Education and the State Allocation Board must ensure that any Web cast transmission implemented pursuant to these provisions be transmitted over and accessed through the K-12 High-Speed Network. The State Board of Education and the State Allocation Board also must consult with the State Chief Information Officer for the purposes of implementing the provisions of the bill.



REGIONAL OCCUPATIONAL PROGRAMS

SB 640.

Amends Education Code sections 52302.2 and 52302.8.

Current law authorizes the county superintendent of schools of each county, with the consent of the State Board of Education, to establish and maintain, or with one or more counties to establish and maintain, a regional occupational center or regional occupational program in the county to provide education and training in career technical courses.

Current law also authorizes the governing board of any school district maintaining high schools in a county, with the consent of the state board and of the county superintendent of schools, to cooperate in the establishment and maintenance of a regional occupational center or program, except as otherwise specified.

Current law requires the governing board of each regional occupational center or program to establish and maintain an employer advisory board or boards pursuant to guidelines developed by the State Department of Education. The employer advisory board must perform various duties, including, among others, approving measures, criteria, and methods to evaluate whether pupils acquired the skills and knowledge identified in their skill certificates and assisting a regional occupational center or program in creating college scholarships for pupils participating in occupational course sequences.

Pursuant to SB 640, an employer advisory board is required, instead, to recommend measures, criteria, and methods to evaluate pupils' skills and knowledge. In addition to creating college scholarships, an employer advisory board is required to assist a regional occupational center or program in identifying scholarships.

Current law prescribes calculations that limit the percentage of state-funded average daily attendance which a regional occupational center or program may claim for services provided to students not enrolled in grades 9 to 12. Adult average daily attendance attributable to continuously enrolled grade 12 pupils who have not passed the high school exit examination are excluded from those calculations. Amounts that become available from reductions resulting from those calculations must be redirected to other regional occupational centers or programs to serve additional secondary pupils.

SB 640 prohibits the redirection of adult average daily attendance funding for a regional occupational center or program that has entered into a corrective action plan to other regional occupational centers or programs to serve additional secondary pupils for up to 3 years while the regional occupational center or program is in corrective action.

K-12 MERIT SYSTEM

AB 1293.

Amends Education Code section 45277.5.

Current law requires all vacancies in the classified service of a school district that has adopted the merit system to be filled from applicants on eligibility lists made up from promotional examinations or other specified methods. Current law requires that if a vacancy is filled from applicants on an eligibility list, the appointment is to be made from the eligible candidates having the first 3 ranks on the list.

Under current law, until January 1, 2012, in a school district with a pupil population over 400,000, an appointment may be made from other than the first 3 ranks on the eligibility list if specialized licenses, certifications, knowledge, or ability that cannot reasonably be acquired during

the probationary period, or a specific gender, is required for successful job performance of a position. Under those circumstance, the appointment must be made from among the highest 3 ranks of applicants on the list who meet the special requirements. Existing law makes these provisions apply only to specified classifications of positions and to classifications that have been designated as management.

AB 1293 applies these provisions to the classifications of accountant, contract assistant, coordinating contract assistant, assistant contracts supervisor, senior administrative analyst, senior financial analyst, senior administrative assistant, principal financial analyst, and principal administrative analyst.

K-12 ATHLETICS

AB 81.

Amends Education Code section 48850.

Current law recognizes that the California Interscholastic Federation is a voluntary organization that consists of school and school-related personnel with responsibility for administering interscholastic athletic activities in secondary schools. Current law expresses the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet the challenging state pupil academic achievement standards to which all pupils are held and that, in fulfilling their responsibilities to these pupils, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils.

Pursuant to AB 81, a foster child who changes residences pursuant to a court order or decision of a child welfare worker is immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

MISCELLANEOUS PROVISIONS

SB 509.

Amends Education Code sections 1270, 14035, 16197, 17584, 17592.5, 24216.5, 37254, 44259, 44961, 47660, 51452, 52052, 52127, and 54026 of, and repeals section 41857 and repeals Government Code section 53892.1.

Current law requires the State Allocation Board to apportion certain funds from the State School Deferred Maintenance Fund to school districts, and specifies that those funds be apportioned after December 1 of each fiscal year.

The provision specifying that those funds be apportioned after December 1 is now deleted.

Current law authorizes the governing board of a school district to provide for the transportation of pupils to and from school by purchasing or renting vehicles, contracting and paying for the transportation of pupils to and from school by a common carrier or a municipally owned transit system, or contracting with and paying responsible private parties for the transportation. In each fiscal year, a school district or county office of education is entitled to receive the same transportation allowance that it received in the prior fiscal year, as calculated by the Superintendent of Public Instruction based on the approved costs of home-to-school transportation, as defined, of the district or county office.

Under SB 509, a charter school is ineligible for funding pursuant to those provisions.

Under current law, an elementary school that has been operated by the University of California at the Los Angeles campus prior to January 1, 1994, may apply to become a charter school. Current law specifies that if an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, the school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus other specified funding.

Under SB 509, a charter school is ineligible to receive those funds.

Current law requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California. Current law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state for purposes of the High Achieving/Improving Schools Program.

Pursuant to SB 509, 5- and 6-year graduation rates will be included along with indicators currently reported to the department for purposes of calculating a school's API. The bill would specify a formula to calculate these rates, and would provide that schools receive partial credit in their API scores for graduating pupils in 5 and 6 years, except that schools would be granted full credit for graduating in 5 or 6 years a pupil with disabilities who graduates in accordance with his or her individualized education program.

Current law authorizes the allocation of economic impact aid funding to support educationally disadvantaged youth programs and bilingual education, and requires the Superintendent to determine an economic impact aid-eligible pupil count and

calculate an amount of economic impact aid for each school district. For charter schools that are funded through the block grant funding model, as specified, the department is required to use counts as of October of the prior year of pupils 5 to 17 years of age, inclusive, who are living with families whose annual income is at or below the federal poverty guideline, as defined, without revision.

Under SB 509, the provision specifying that it shall be without revision has been deleted.

COMMUNITY COLLEGES - STUDENT HOUSING

AB 1393.

Adds Education Code sections 76010, 90001.5 and 92660.

Current law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges. Current law establishes community college districts throughout the state, and authorizes them to provide instruction to students at community college campuses.

These statutes request community college campuses to give priority for housing to current and former foster youth. They also request community college campuses that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and next give priority to current and former foster youth for housing that is open for occupation during the most days in the calendar year.

Current law establishes the California State University and the University of California as two of the segments of public postsecondary edu-

cation in this state. Existing law imposes certain requirements on the California State University with respect to student housing.

Under AB 1393 a campus of the state university that maintains student housing facilities is required to give priority to current and former foster youth. A campus of the state university that maintains student housing facilities open for occupation during school breaks, or on a year-round basis, is required to give priority to current and former foster youth, as specified. Similar provisions apply to the University of California except that the housing priority for foster youth would only apply for residence in housing facilities for which the foster youth are eligible.

These provisions apply to the University of California only to the extent that the Regents of the University of California act, by resolution, to make them applicable.

HIGHER EDUCATION REPORTING REQUIREMENTS

AB 1182.

Amends Education Code sections 66057, 67312, 81254, 84760.5, 89009, 89753, 100700, 100900, 101034, and 101050, adds sections 66015.10, 66015.12, 66021.1, 66026, 67501, 67502, 67503, 67504, 92611.9, 92830, repeals sections 66352 and 71020, repeals Food and Agricultural Code section 550 et seq., amends Government Code section 67480, and amends Health and Safety Code sections 104145, 104500, and 104530.

Current law establishes the various segments of the higher education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, administered by the Board of Governors of the California

Community Colleges. Together, these segments comprise the public postsecondary education system.

Under AB 1182, the Education Code expresses the intent of the Legislature to refine higher education reporting requirements to provide for more effective, manageable, and transparent reporting by the higher education segments.

Current law contains various reporting requirements of the University of California, the California State University, and the California Community Colleges both in statute and in Supplemental Report language to the annual Budget Act.

Under AB 1182 these requirements are codified by requesting the University of California, and requiring the California State University and the California Community Colleges, to report to the Legislature on institutional financial aid, campus enrollment and facilities, academic and research programs, and the capital outlay planning process, as specified.

In addition, the deadlines for the submittal of reports by the University of California, the California State University, and the California Community Colleges are revised.

Current law requires the trustees and the board of governors to establish and convene a task force to develop a plan for integrating instruction in business ethics into their business and business administration programs and to submit a diversity paper concerning its own membership.

Pursuant to AB 1182, these requirements have been deleted.



PUPIL ACHIEVEMENT DATA

AB 1130.

Adds Education Code section 52052.6.

Current law requires the Superintendent of Public Instruction to establish an advisory committee to make recommendations by July 1, 2005, regarding a methodology for generating a measurement of academic performance by utilizing unique pupil identifiers for pupils and annual academic achievement growth to provide a more accurate measure of a school's growth over time. Current law also requires, if appropriate and feasible, the Superintendent, with the approval of the State Board of Education, to implement this measurement of academic performance.

Under AB 1130, state findings and declarations regarding standards-based education reform, assessments, and accountability and the use of cohort growth measures in accountability systems and intervention determinations are required. Now, the intent of the Legislature that the committee take into consideration specified recommendations and consider measures already in use by other states is expressly stated. The code also provides that if the committee considers any measure of annual academic achievement growth, the measure of annual academic achievement growth by cohort approved in connection with requirements described above or adopted through a state plan, as specified, must meet certain requirements.

FOUR DAY SCHOOL WEEK

AB 691.

Amends Education Code section 37710 and adds and repeals section 37710.3.

Current law authorizes the Pacific Unified School District, the Leggett Valley Unified School

District, the Reeds Creek Elementary School District, the Potter Valley Community Unified School District, the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, and the Warner Unified School District to operate one or more schools in their districts on a 4-day school week, so long as those school districts comply with specified requirements, including the annual provision of at least 560 hours of instructional time for kindergarten, 700 hours of instructional time for grades 1, 2, and 3, and 845 hours of instructional time for grades 4 to 8, inclusive.

Pursuant to AB 691, the authority to operate one or more schools on a 4-day school week and apply those minimum annual instructional time requirements, and other specified requirements, is extended to the Alpaugh Unified School District, beginning in the 2010-11 fiscal year. In addition, if a school operating on a 4-day school week pursuant to this statute fails to achieve its Academic Performance Index growth target for 2 consecutive years, the authority of that school to operate on a 4-day school week will be permanently revoked commencing with the beginning of the following school year. This provision will be repealed on January 1, 2016.

This provision declares that, due to the unique circumstances applicable to the Alpaugh Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.



HARVEY MILK DAY

SB 572.

Amends Education Code section 37222, and adds Government Code section 6721.

Current law requires the Governor to proclaim certain days each year as having special significance for specified reasons. Existing law also designates particular days each year as having special significance in public schools and educational institutions and encourages those entities to conduct suitable commemorative exercises on those dates.

SB 572 proclaims May 22 of each year as Harvey Milk Day. This day shall have special significance and the Governor encourages public schools and educational institutions to conduct suitable commemorative exercises on that date.

Harvey Milk was the first openly gay elected official in a major city and was assassinated while serving as a member of the San Francisco Board of Supervisors.

PRIVACY

SB 40.

Repeals and adds Civil Code section 1798.89, and amends Family Code section 4506.

Under existing law, any person, entity, or government agency that is presenting a document for recording or filing with a county recorder need only list the last 4 digits of a social security number. A county recorder must use due diligence to truncate social security numbers in the public record version of official records.

SB 40 provides that a document containing more than the last 4 digits of a social security number is not entitled for recording. It also provides that a recorder shall be deemed to be in compliance if he or she uses due diligence to truncate social

security numbers in documents recorded.

AB 524.

Amends Civil Code section 1708.8.

Under existing law, a person is liable for invasion of privacy when he or she attempts to capture, in a manner that is offensive to a reasonable person, or knowingly trespasses or commits assault with the intent to capture, any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a personal or familial activity under circumstances in which the plaintiff had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device. However, the sale, transmission, publication, broadcast, or use of any such image or recording does not itself constitute a violation of that provision.

AB 524 creates an exception to the latter provision regarding the first sale, offer for sale, transmission, publication, broadcast, or other use of any visual image, sound recording, or other physical impression, if the person sold, transmitted, published, broadcast, or used any such image or recording with actual knowledge that the images or recordings were obtained in violation of specified provisions and provided compensation, consideration or remuneration for the rights to the unlawfully obtained visual image or recording. AB 524 only applies to visual images, sound recordings, or other physical impressions captured or taken in California after January 1, 2010.

AB 524 provides that a person who violates the above provisions or who directs, solicits, actually induces, or actually causes another person to violate any of those provisions will be subject to a civil fine of not less than \$5,000 and not more than \$50,000. AB 524 authorizes a county counsel or a city attorney to recover those civil fines. Half of the fines will go to the prosecuting agency and the other half will go to the Arts and Entertainment Fund in the State Treasury.

AB 681.

Amends Civil Code section 56.104.

Under existing law, health care providers, health care service plans, and contractors are prohibited from releasing medical information to persons authorized by law to receive that information if the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the requester of the information submits a specified written request for the information to the patient and to the provider of health care, health care service plan, or contractor. Existing law sets forth exceptions to these provisions for specified disclosures that are made for the purpose of diagnosis or treatment of a patient.

AB 681 also excepts from these provisions disclosures that are made to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim or victims.

ADMINISTRATOR/ GOVERNANCE/CONFLICTS OF INTEREST

AB 906.

Amends Government Code section and declares the urgency thereof, to take effect immediately on October 11, 2009.

Members of the Legislature, and state, county, district, judicial district, and city officers or employees are prohibited from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Existing law defines what is a remote interest in a contract that does not present a prohibited conflict of interest.

AB 906 revises the definition of "remote interest"

to include the interest of a person who is both a member of a state, county, district, judicial district, or city body or board, and an officer or employee of an investor-owned utility in a contract related to energy efficiency encouragement programs.

AB 1494.

Amends Government Code section 11122.5.

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. With the exception of teleconferencing, the Act's definition of "meeting" prohibits any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body. The Act specifies the contacts, conferences, and other types of gatherings that are excluded from this prohibition.

AB 1494 repeals the prohibition regarding the use of those communications or devices to develop a collective concurrence. The bill instead prohibits a majority of the members of a state body from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. The bill also excludes from that prohibition an employee or official of a state agency engaging in a separate conversation or communication with a member of a legislative body for the purpose of answering questions or providing information.

The Act provides that the general open meeting requirement does not apply to certain activities, including an individual contact or conversation that is between a member of a state body and any other person.

AB 1494 specifies that the individual contact or conversation between a member of a state body and any other person shall remain excluded from the Act's general open meeting requirement, despite any changes AB 1494 imposes.

PUBLIC RECORDS

AB 32.

Amends Government Code section 6254.21.

A person, business, or association cannot publicly post or display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand to that person, business, or association to not disclose the personal information. Upon receiving such a demand, a person, business, or association cannot transfer the official's information to any other person, business, or association. The law also prohibits soliciting, selling, or trading on the Internet the home address or telephone number of an elected or appointed official with the intent to cause bodily harm to the official or to any person residing at the official's home address.

AB 32 requires a person, business, or association, upon receiving the written demand of an official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand and to continue to ensure that information is not reposted on any web site maintained by the recipient of the written demand. AB 32 also allows an official to designate an agent (e.g. the official's employer, a related governmental entity, etc.) to make the written demand or seek enforcement of these posting requirements.



SB 359.

Amends Government Code sections 6275, 6276.02, 6276.04, 6276.06, 6276.08, 6276.10, 6276.12, 6276.14, 6276.16, 6276.18, 6276.22, 6276.24, 6276.26, 6276.28, 6276.30, 6276.32, 6276.34, 6276.36, 6276.38, 6276.40, 6276.42, 6276.44, 6276.46, and 6276.48.

The California Public Records Act, requires each state and local agency to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law. Included in the Act's exemptions are records that are exempted or prohibited from disclosure by federal or state law. The Act lists the records subject to that exemption, specifying that the listed exemptions are not inclusive of all exemptions under the Act.

SB 359 revises the list of exempted records to reflect changes in existing law.

AB 1245.

Adds Chapter 3.01 (commencing with Section 6204) to Division 7 of Title 1 of the Government Code.

It is a crime for any person who has custody of a public record to willfully steal, remove, destroy, mutilate, deface, alter, or falsify the record, or cause another person to do so.

If the Secretary of State has reasonable grounds to believe that a public record belonging to a state or a local agency is in the possession of a person or organization not authorized by law to possess the record, AB 1245 allows the Secretary to issue a written notice demanding that person or organization within 20 calendar days to either return the record or respond in writing and declaring why the record does not belong to the state or local agency. When a record is returned, the Secretary or local agency must issue a copy or digital image of the record to the person or organization returning that record upon request.

If the person or organization does not deliver the described record, or does not respond to the notice within the required time, or does not adequately demonstrate that the record does not belong to the state or local agency, under AB 1245, the Secretary may ask the Attorney General to petition the superior court for an order requiring the return of the record.

AB 1540.

Amends Government Code section 6276.24, amends Health and Safety Code sections 1250, 1344, 1366.4, 1374.64, 1375.4, 1376.1, 1377, 1399, 116283, 116286, 116380, 116540, 116650, 116725, 121360.5, 127662, 127664, 127665, 128730, and 128745, adds Health and Safety Code sections 116451 and 116552, and amends Welfare and Institutions Code sections 14043.26, 14043.28, 14043.29, and 14115.8.

The California Public Records Act requires certain public records to be made available for public inspection. AB 1540 provides that patient medical record numbers and any other data elements that the office believes could be used to determine the identity of an individual patient shall be exempt from the disclosure requirements of the Public Records Act.

ARBITRATION

AB 1090.

Amends Code of Civil Procedure section 1281.85.

A person serving as a neutral arbitrator pursuant to an arbitration agreement must comply with the ethics standards for arbitrators adopted by the Judicial Council. However, this requirement does not apply to an arbitration conducted pursuant to the terms of a public or private sector collective bargaining agreement.

AB 1090 specifies that certain ethics require-

ments and standards are nonnegotiable and cannot be waived.

WORKER'S COMPENSATION

SB 186.

Amends, repeals, and adds Labor Code section 4600.

Workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law, until December 31, 2009, provides an employee with the right to be treated by his or her personal physician from the date of injury if specified requirements are met, including a requirement that the physician agrees to be pre-designated.

SB 186 deletes the December 31, 2009 repeal date.

AB 361.

Adds Labor Code section 4610.3.

Under workers' compensation law, every employer must have a medical treatment utilization review process either directly or through its insurer or an entity with which the employer or insurer contracts for these services. An employer or insurer may establish or modify a medical provider network for the provision of medical treatment to injured employees. Employers may contract with a health care organization that has been certified by the Administrative Director of the Division of Workers Compensation to provide medical services to injured employees.

AB 361 provides that, regardless of whether an employer has established a medical provider network or contracted with a health care organiza-

tion, an employer that authorizes medical treatment cannot rescind or modify the authorization for the portion of the medical treatment that has been provided after that treatment has been provided for any reason, including if the employer later determines that the treating physician was not eligible to treat that injured employee.

AB 361 shall not be construed to expand or alter the benefits available under any contract, including existing medical provider network and health care organization contracts. The bill also shall not be construed to impact an employer's ability to transfer treatment of an injured employee into a medical provider network or health care organization. Moreover, AB 361 shall not be construed to establish that a provider of authorized medical treatment is the primary care physician for specified purposes.

AB 1093.

Amends Labor Code section 3600.

Workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, and in the course of, employment.

If an employee is injured or killed by a third party in the course of the employee's employment, AB 1093 provides that a workers' compensation claim cannot be denied to the employee-victim based solely on the employee's personal characteristic and a third party's personal belief regarding the employee's race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation.

AB 1227.

Amends Labor Code section 4850.

Labor Code section 4850 provides certain public employees who are members of PERS or the Los

Angeles City Employees' Retirement System, or subject to the County Employees Retirement Law, and disabled by injury or illness arising out of and in the course of their duties, to a leave of absence while so disabled without loss of salary for up to one year. Under existing law, employees are entitled to this leave regardless of their period of service with the public employer.

AB 1227 requires that these employees be employed on a regular, full-time basis, but eliminates the requirement that these employees be members of PERS or the Los Angeles City Employees' Retirement System, or subject to the County Employees Retirement Law. The provision pertaining to a leave of absence shall not apply to certain public safety personnel.

UNEMPLOYMENT INSURANCE

ABX3 23.

*Amends Unemployment Insurance Code sections 4003, 4004, and 4552, making an appropriation therefore, and **declaring the urgency thereof, to take effect immediately on March 27, 2009.***

California law allows individuals to receive unemployment insurance benefits for a maximum duration of 59 weeks. AB 23 allows for federal funds to be used to provide individuals with an additional 20 weeks of unemployment insurance benefits.

AB 29.

Amends Unemployment Insurance Code sections 1032.5, 1275, 1277.5, 1329, and 1951, and adds sections 1277.1 and 1329.

California's existing law provides that the base period for purposes of calculating unemployment insurance benefits excludes earnings in the last three to six months of employment.

AB 29 specifies that unemployed persons who fail to qualify for benefits under the existing base period can have their eligibility determined under the alternative base period, in which earnings as recent as one to three months prior may be counted.

ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS

AB 172 and AB 1448.

Amends Business and Professions Code section 25608 relating to the places where alcoholic beverages may be consumed at schoolhouses and grounds. AB 172 incorporates changes to Business and Professions Code section 25608 as proposed by AB 1448. Because AB 1448 and AB 172 were both enacted and become effective on or before January 1, 2010, Section 1 of AB 172 is not operative; rather, Section 1.5 of AB 172 amends Business and Professions Code Section 25608 as stated below.

Under existing law, every person who possesses, consumes, sells, gives, or delivers to any other person any alcoholic beverage in or on any public schoolhouse or its grounds is guilty of a misdemeanor.

As codified in Business and Professions Code section 25608, AB 172 applies to school districts and community college districts, and allows the acquisition, sale, and consumption of alcoholic beverages in or on any public schoolhouse or its grounds in sixteen specific circumstances. These circumstances include the consumption of alcoholic beverage in connection with a course of instruction including culinary arts; where the public schoolhouse is no longer used as an operating schoolhouse; where the beverages are consumed at a professional minor league baseball game conducted at a community college stadium and pursuant to a contract between the community college district and a professional sports organization; the beverages are consumed

during events at a college-owned or operated facility and can include fundraisers but shall not include athletic contests sponsored by any college or public community college; or the beverages are consumed pursuant to a license obtained for an event during a weekend or at times when pupils are not on the grounds of an overnight retreat facility owned and operated by a county office of education in a county of the 18th or 20th class. Anyone violating Section 25608 is subject to a penalty and barred from using public school property accorded by the Civic Center Act (Education Code section 82537 et seq.).

SCHOOL DISTRICT REORGANIZATION

AB 174.

Amends Education Code sections 35511, 35706, 35708, 35710, and 35711, amends and renumbers Education Code section 35535, and adds Education Code sections 35710.3, 35780.1, and 35787.

Existing laws set forth the requirements to reorganize school districts by forming new school districts, dissolving existing school districts, or annexing all or part of the territory of a school district; unify, disunify, or alter a school district's boundaries; allow a school district to lapse; or any combination of these actions.

AB 174 revises and clarifies the requirements for reorganization of school districts as follows:

1. Education Code section 35511 defines what constitutes an action to reorganize a school district.
2. The timeline for public hearing on a petition to unify school districts or a petition to divide the territory of a school district is 120 days after certification of an environmental impact report or approval of a negative declaration, or a determination that the project is exempt from the

California Environmental Quality Act ("CEQA").

3. The lead agency for purposes of CEQA compliance is either the county committee on school district organization (Education Code section 35710.3) or the State Board of Education (Education Code section 35710(c)).
4. Education Code section 35710 describes the conditions for all other petitions to transfer a school district's territory and the county committee on school district organization's obligation (if the petition is approved) to notify the county superintendent of schools to call an election. If the county committee on school district organization does not approve a petition to form one or more school districts, the petition to transfer territory must be transmitted to the State Board of Education to be heard pursuant to Education Code section 35708.
5. Education Code section 35711 is amended to allow appeals of the county committee on school district organization's decision to form one or more school districts based on a finding that that the proposed formation does not adversely affect the racial or ethnic integration of the schools in the affected school districts.

SCHOOL DISTRICT LEASES

AB 1080.

Amends Education Code sections 17515-17516, 17518-17519, and 17524 relating to school district leases.

Existing law authorizes school districts to enter into leases or agreements for joint use and occupancy of buildings and land with private persons, firms, or corporations. AB 1080 adds local government

agencies to the list of allowable joint occupants. Government Code section 4420, subdivision (f), defines local government agencies as any city, county, city and county, special district, authority, or other political subdivision of or within the State of California.

COMMUNITY COLLEGE DISTRICT LEASE OR PURCHASE OF REAL PROPERTY

AB 1240.

Amends Education Code sections 81361, 81367, 81370, 81372, and 81375; adds Education Code section 81523.5; and repeals Education Code sections 81371 and 81373 relating to community college district real property.

Existing law allows a community college district to lease temporary-use buildings subject to certain procedural requirements but any lease that extends more than three years must comply with existing law providing for construction of school buildings under the supervision of the Department of General Services (Division of the State Architect). A temporary-use building is defined as any building for which the intended use by the district at the time of entering into a lease or agreement is not for more than three years from the date of first occupancy.

AB 1240 adds Education Code section 81523.5, applicable only to Los Angeles Community College District. This new section does not apply to a lease with an effective date or effective renewal date on or after January 1, 2015. Any temporary use-building (see definition above) that is 50,000 square feet or less that Los Angeles Community College District leases under one or successive leases for five years or less and which students are expected to enter shall be exempt from the Field Act (Education Code section 81130 *et seq.*) and Education Code section 81160 *et seq.* (describing the standards and requirements for school buildings).

AB 1240 also amends existing laws to eliminate the following requirements existing in current laws: (1) community college districts must call for oral bids before accepting a written proposal for the purchase or lease of district property, and must accept an oral bid if the oral bid exceeds the highest written proposal by at least five percent; and (2) in the event of a sale to a higher oral bidder, community college districts must split the commission between the broker who brought in the highest written bid and the broker who brought in the highest oral bid.

REVENUE BONDS: ADDITIONAL REPORTING AND DISCLOSURE REQUIREMENTS

SB 99.

Amends Government Code section 6547 and adds Government Code sections 5870, 6503.6, 6548.5, 6592.1 and 53895.7 relating to joint powers.

Existing law allows a joint exercise of powers authority to issue or purchase bonds to finance public capital improvements. In addition, the Ralph M. Brown Act requires, with limited exceptions, that meetings of the legislative body of a local agency must be open and public.

Ambiguities and discrepancies in existing laws have made it difficult to ascertain whether all conduit financing providers are complying with the State's audit and reporting requirements. SB 99's stated purpose is to obtain greater public awareness of and participation in the activity of conduit financing providers. Conduit financing providers can be any county, city, city and county, public district, public authority, public corporation, nonprofit corporation, joint powers authority, or other statutorily constituted public entity. SB 99 applies to, and requires additional reporting and public disclosures by, specified public agencies that issue certain revenue bonds, including conduit revenue bonds.

SB 99 imposes the follow additional requirements:

1. Any resolution issued pursuant to the Marks-Roos Local Bond Pooling Act of 1985 relating to bonds must be adopted by the local agency during a regular meeting.
2. Chapter 10.7 commencing with section 5870 is added to the Government Code. This chapter relates to reporting on local agency revenue bonds and conduit revenue bonds (municipal security proceeds loaned to any non-governmental borrower, e.g., individuals, nonprofit corporations, for-profit corporations or partnerships, and other legal entities for purposes that are permitted for qualified private activity bonds under applicable federal law). SB 99 requires additional reporting and public disclosures by the local public agency or conduit financing provider that issues certain revenue bonds, including those that issue conduit revenue bonds. The conduit financing provider must make the following information on its website, if one is maintained: agendas for regular meetings posted by the conduit financing provider, staff reports for the meetings noticed, minutes of the meetings for which the agendas were posted, audits of the conduit financing provider's accounts and records, and copies of reports of the conduit financing provider's annual financial transactions required by Government Code section 12463 (State Controller's Report), and annual lists of applications approved for financing by the governing body of the conduit financing provider for any fiscal year in which at least one application is approved. If a public agency does not make the required disclosure, SB 99 authorizes forfeiture to the State of specified amounts based on the local agency's total revenue. The bill also authorizes the Attorney General to prosecute such forfeitures.

SCHOOL FACILITIES IMPROVEMENT DISTRICT, AND REQUIRED REPORTS REGARDING SECURITIES, INVESTMENTS, AND MONIES

SB 113.

Amends numerous statutes relating to local government activities.

SB 113 amends existing statutes as follow:

- Existing law authorizes the formation of a school facilities improvement district (SFID) in a county, if the county's board of supervisors adopts a resolution authorizing the establishment of the SFID. Education Code section 15303 is amended to allow for the county board of supervisors of any county in which a proposed SFID is to be located and the county superintendent of schools having jurisdiction or the community college district having jurisdiction, to adopt by majority vote of their boards to make the formation of an SFID applicable in the county. The resolution may make formation of the SFID operative in the county generally or to one or more school districts or community college districts within the county. School districts or county offices of education seeking to establish an SFID should be aware of the change that broadens the area in which the SFID may be formed.
- Existing law (Government Code section 53601 *et seq.*) authorizes local agencies, including county, city, city and county (including a chartered city or county), school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation, to

invest a portion of their surplus funds and sets forth allowable as well as prohibited investments. SB 113 makes technical corrections to statutory citations. It also repeals the requirement that the local agency's treasurer or chief fiscal officer submit a quarterly report to the legislative body or oversight committee for securities, investments, or moneys held by the school district or county office of education in individual accounts that are less than \$25,000. Despite this repeal, the Legislature suggests continuing this reporting requirement. Additionally, there may be school district or community college district board policies that require this reporting.

SCHOOL BUSES

SB 124.

Amends section 42407 and adds sections 39640 - 39642 to the Health and Safety Code relating to air pollution and idling school buses.

Existing law designates the State Air Resources Board (ARB) as the state agency with primary responsibility for the control of vehicular air pollution. ARB's regulations establish toxic control measures to limit school bus idling at stops and at schools. Drivers of school buses (and other identified vehicles transporting students) must turn off the bus or vehicle engine upon stopping at or within 100 feet of a school, and prohibits the driver from turning on the bus's engine more than 30 seconds before departure and idling for more than five consecutive minutes or five aggregate minutes in any one hour at any location greater than 100 feet from a school. Under existing law, drivers are subject to a minimum civil penalty of \$100 for violation and to criminal penalties.

SB 124 increases the minimum civil penalty to \$300 and authorizes additional civil penalties under Health and Safety Code section 39674 that may

include daily civil penalties.

BINGO GAMES

SB 126.

Amends Business and Professions Code section 19850.6 and amends Penal Code sections 326.3, 326.45, and 326.5 relating to bingo games.

Existing law authorizes cities, counties, and school districts to conduct bingo games for charitable purposes; and authorizes charitable organizations affiliated with a school district to conduct remote caller bingo games, which consist of a "live" bingo game that is transmitted via an audio and video link to other locations within California where bingo players may participate in the game.

Under SB 126, school districts may no longer conduct bingo games. However, SB 126 authorizes charitable organizations affiliated with a school district to conduct bingo games, including remote caller bingo games. Emergency regulations adopted by the California Gambling Control Commission ("Commission") adopted before July 1, 2009 remain in effect until December 31, 2011.

Organizations authorized to conduct a remote caller bingo game must not have overhead costs exceeding 20% of gross sales of the bingo games, and the records regarding those games must be audited by an independent California certified public accountant annually. The Commission is required to establish criteria for this licensure and registration of persons who provide services and equipment for use in playing remote caller bingo games as well as of nonprofit organization(s) that intend to conduct remote caller bingo games. Penal Code section 325.3(c)(1) contains a model ordinance for adoption by a city or county to authorize remote caller bingo games.

As a result of SB 126, school districts that previously conducted bingo games as fund-raisers may no longer do so. Charitable organizations affiliated with a school district are subject to overhead limita-

tions and auditing requirements, the result of which may be that the organizations may no longer be able to conduct bingo games as a school fundraiser.

IMMUNITY FOR POLLUTION CONDITIONS FOR QUALIFYING LANDOWNERS

SB 143.

Amends Health and Safety Code sections 25395.91, 25395.109, and 25395.110 relating to hazardous materials.

Existing law under the California Land Reuse and Revitalization Act of 2004 (Act), provides liability protections to brownfield developers, innocent landowners and contiguous property owners that are intended to promote the cleanup and redevelopment of contaminated properties. The Act established a process for eligible property owners to obtain certain immunities, conduct a site assessment, and implement a cleanup plan to ensure that the property would be ready for reuse. Under the Act, the Department of Toxic Substances Control, the State Water Resources Control Board, or a regional water quality control board is prohibited from requiring one of the persons identified above from taking a response action under certain state laws.

SB 143 provides for immunity from liability from certain state laws for pollution conditions caused by a release or a threatened release of a hazardous material for qualifying innocent landowners, bona fide purchasers, or contiguous property owners.

A bona fide ground tenant who seeks to qualify for immunity is required to make all appropriate inquiries and enter into an agreement with the Department of Toxic Substance Control, the State Water Resources Control Board, or a regional water quality control board to take responsibility for implementation of a site assessment and response plan. The Act will be repealed on January 1, 2010.

SB 143 extends the repeal date of the Act to January 1, 2017, thus, providing for continued immunity of a person subject to the Act if the person complies with the Act. It applies only to those innocent landowners, bona fide purchasers, contiguous property owners, or bona fide ground tenants who meet the specific agencies' conditions. SB 143 also authorizes a qualified bona fide purchaser, who is in contract with a seller to acquire a site, to enter into an agreement to clean up the site with one of the above-referenced agencies; the prospective purchaser, however, does not have immunity from liability until the prospective purchaser acquires the site.

SCHOOL FACILITIES FUNDING

SB 334.

Amends Education Code section 17072.10 relating to the new construction grant amount.

Existing law requires the State Allocation Board to allocate state funding for new construction of school facilities based on the number of unhoused pupils. The grants differ according to the grade level of the unhoused pupil and whether the unhoused pupil has exception needs.

This bill corrects prior legislation (SB 132, Statutes of 2007) that did not include an adjustment to the per unhoused pupil grant amount for pupils with exceptional needs. It requires that any State Allocation Board increase to the unhoused pupil grant amount on or after January 1, 2010, whether made pursuant to Education Code section 17072.10(a) or section 17072.11, must also be made to the unhoused pupil grant for a qualifying individual with exceptional needs. If an increase to the unhoused pupil grant amount differentiates based on the grade level (elementary, middle, or high

school), the Office of Public School Construction (OPSC) must recommend to the State Allocation Board a methodology to adjust the grant amount for pupils who are qualifying individuals with exceptional needs. The OPSC's recommendation must be made within 60 days of the increase to the unhoused pupil grants.

CHARTER SCHOOL: TITLE TO STATE-FUNDED CHARTER SCHOOL FACILITY

SB 592.

Amends sections 17078.57 and 17078.62 of, and adds section 17078.63 to, the Education Code, relating to school facilities.

Existing law requires that a school district hold title, in trust, for the benefit of the state public school system, to any project facility constructed with state bond funds. Existing law also provides for the continued use of a charter school facility by another charter school, or the school district, if the charter school funded under the Charter Schools Facilities Program ceases to use the facility for a charter school purpose. If the school district declines to take possession of the facility or the facility is no longer needed for public school purposes, the school district may dispose of the facility in a manner applicable to the disposal of surplus public school sites.

This bill authorizes a charter school to hold title to a charter school facility constructed with state bond funds. The bill also authorizes charter schools to request a school district currently holding title to such a facility to transfer title to the charter school or other local government entity as identified in the statute upon mutual agreement.

§

Legislative Round-Up is published annually for the benefit of the clients of Liebert Cassidy Whitmore. The information in *Legislative Round-Up* should not be acted on without professional advice. To contact us, please call (310) 981-2000, (559) 256-7800 or (415) 512-3000 or e-mail info@lcwlegal.com.

LIEBERT CASSIDY WHITMORE

6033 West Century Blvd., Suite 500
Los Angeles, CA 90045

PRSRT STD
U.S. POSTAGE
PAID
LOS ANGELES CA
PERMIT #33068