

WHAT'S  
NEW FOR

# 2022

A compendium  
of new laws  
that impact  
K-12 education  
in California

## Dear School District and County Board Leaders,

In 2021, schools have continued to face unprecedented challenges. Across the state, school leaders have worked tirelessly to bring students back into the classroom safely while navigating public health challenges and shifting guidance from state and federal authorities.

In the midst of all this, lawmakers in Sacramento advanced an extensive amount of new legislation and approved a number of ambitious budget proposals, including an expansion of transitional kindergarten and the creation of a new community schools program. In this rapidly changing landscape, CSBA has worked hard to advocate for the needs and concerns of schools and governing boards at every step of the legislative process. Our Governmental Relations staff, along with our legal and policy staff, reviewed every bill introduced in the Legislature, analyzed hundreds of K-12 related proposals, worked with CSBA's Legislative Committee to take positions on the most critical pieces of legislation and advanced critical advocacy strategies to ensure the interests of students and local educational agencies were addressed.

The "What's New for 2022" report contains a comprehensive list of measures signed into law in 2021 that will impact K-12 education. This review covers bills on which CSBA actively adopted a position and lobbied, as well those that CSBA tracked throughout the legislative session but did not take a position on. As a follow up to this report, subscribers to CSBA's GAMUT Policy service can expect information that references impacted board policies and updates to those policies in the coming months to reflect these new laws.

As you look ahead to the year to come, I hope this report aids you and your leadership team in advancing your district or county office of education's goals. And as usual, our staff is always available to help you understand these new laws, the politics involved in crafting them and the potential implications they may have on your schools.



—Vernon M. Billy,  
CEO & Executive Director

# What's New For 2022

This report provides a comprehensive list of new legislation signed into law in 2021 that impacts K-12 education in California. Much of the legislation in this report are bills that CSBA adopted a specific position on and actively lobbied for or against. Also included are a number of bills CSBA monitored closely throughout the year to assess impact on public schools, but on which the organization did not adopt a formal position.

**IMPORTANT NOTE:** Many of the bills in this report show “No Official Position,” indicating that CSBA did not adopt a formal legislative position on the bill. However, each bill in this report will have an impact on K-12 public education, even if CSBA did not adopt a position.

Each bill listing is grouped by subject (Broadband, District Operations, Employees, Finance, Governance, Health and Wellness, Instruction, and Students) and provides the following information:

- » The bill number, author, title and a brief summary
- » The bill's chapter number (Statutes of 2021)
- » When the bill takes effect (Most new statutes take effect on Jan. 1, 2022, unless passed with an urgency clause or unless an alternative effective date is included)
- » Which CSBA Policy Pillar(s) the bill falls under ([www.csba.org/policyplatform](http://www.csba.org/policyplatform)):
  - › **Strengthen Local Governance**
  - › **Secure Fair Funding**
  - › **Improve Conditions of Children**
  - › **Ensure Achievement for All**
- » What sections of the Education Code and/or other relevant code sections are affected
- » CSBA's position on the bill (see next page for details on positions)



## Descriptions of CSBA legislative positions:

Position	Description	New Laws with this Position
<b>Sponsor</b>	CSBA drafts bill language, secures a legislator to author and strongly pursues passage	0
<b>Co-sponsor</b>	Share sponsor role with other organizations	0
<b>Support</b>	Actively monitor, pursue and lobby in support	16
<b>Support &amp; Seek Amendments</b>	Support and seek appropriate amendments	2
<b>Support if Amended</b>	Support <b>only</b> if specific amendments made	1
<b>Approve</b>	Approve in concept or principle but do not actively lobby in support	1
<b>Neutral/ No Official Position</b>	Existence of bill is noted, but no action taken	22
<b>Disapprove</b>	Disapprove in concept or principle but do not actively lobby in opposition	0
<b>Oppose Unless Amended</b>	Seek defeat <b>unless</b> specific amendments are made	2
<b>Oppose</b>	Actively monitor, pursue and lobby in opposition	3

## Additional information on new bills

Details on 2021 legislation: [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)

News and updates from 2021: [www.csba.org/legislativenews](http://www.csba.org/legislativenews)

### QUESTIONS?

**Governmental Relations:** (800) 266-3382 | [govrel@csba.org](mailto:govrel@csba.org)

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## 2021 bills signed

*View details on each bill beginning on page 8.*

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<b>AB 14 (Aguiar-Curry)</b>	Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges	8
<b>AB 27 (Rivas)</b>	Homeless children and youths and unaccompanied youths: reporting	36
<b>AB 41 (Wood)</b>	Broadband infrastructure deployment	8
<b>AB 86 (Committee on Budget)</b>	COVID-19 relief and school reopening, reporting, and public health requirements	29
<b>AB 101 (Medina)</b>	Pupil instruction: high school graduation requirements: ethnic studies	34
<b>AB 104 (Gonzalez)</b>	Pupil instruction: retention, grade changes, and exemptions	37
<b>AB 130 (Committee on Budget)</b>	Education finance: education omnibus budget trailer bill	21
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<b>AB 361 (Rivas)</b>	Open meetings: state and local agencies: teleconferences	24
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<b>AB 643 (Ramos)</b>	Apprenticeship programs: career fairs	11
<b>AB 815 (Rivas)</b>	School nurses: credentialing	15
<b>AB 824 (Bennett)</b>	Local educational agencies: county boards of education: governing boards of school districts: governing bodies of charter schools: pupil members	26
<b>AB 846 (Low)</b>	Local Agency Public Construction Act: job order contracting	11
<b>AB 856 (Maienschein)</b>	Pupil health: COVID-19 Youth Health Information Act	32
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<b>SB 28 (Caballero)</b>	Digital Infrastructure and Video Competition Act of 2006: deployment data	10
<b>SB 97 (Roth)</b>	Pupil health: type 1 diabetes information: parent notification	33
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<b>SB 254 (Borgeas)</b>	Public schools: September 11th Remembrance Day	35
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<b>SB 378 (Gonzalez)</b>	Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance	10
<b>SB 400 (Jones)</b>	Homeless children and youths: local educational agencies: collaboration, training, and reporting	40
<b>SB 411 (Cortese)</b>	Public Employees' Retirement System: employment without reinstatement	20
<b>SB 442 (Newman)</b>	School districts and community college districts: governing board elections: charter cities	28
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## Broadband

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### **Assembly Bill 14** (*Aguiar-Curry*) – Communications: California Advanced Services Fund: deaf and disabled telecommunications program: surcharges

Under current law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Current law requires the commission to develop, implement and administer the California Advanced Services Fund (CASF) to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation and the substantial social benefits of advanced information and communications technologies. Current law authorizes the commission to impose a surcharge to collect \$330,000,000 for deposit into the CASF beginning Jan. 1, 2018, and continuing through the 2022 calendar year. Current law specifies the amount of surcharge revenues to be deposited into each account within the CASF, subject to appropriation by the Legislature. This law authorizes the commission to impose the surcharge to fund the CASF until Dec. 31, 2032, as specified.

**Chapter #:** 658

**Policy Pillar:** Ensure Achievement for All

**Effective:** 10/8/21

**CSBA Position:** Support

*An act to amend Sections 285, 914.7, and 2881 of, and to add Sections 281.1 and 884.2 to, the Public Utilities Code relating to communications, and declaring the urgency thereof, to take effect immediately.*

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### **Assembly Bill 41** (*Wood*) – Broadband infrastructure deployment

Current law vests the Department of Transportation with full possession and control of state highways and associated property. Current law requires the department to notify companies and organizations working on broadband deployment on its website of specified department-led highway construction projects and authorizes those companies and organizations to collaborate with the department to install broadband conduits as part of those projects. This law will require the department, as part of those projects that are funded by a specified item of the Budget Act of 2021 and are located in priority areas, to ensure that construction includes the installation of conduits capable of supporting optic communication cables.

**Chapter #:** 659

**Policy Pillar:** Ensure Achievement for All; Secure Fair Funding

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Section 14051 of the Government Code, and to add Section 281.6 to the Public Utilities Code, relating to communications.*





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### **Assembly Bill 537 (Quirk) – Communications: wireless telecommunications and broadband facilities**

Current law requires a collocation or siting application for a wireless telecommunications facility be deemed approved if a city or county fails to approve or disapprove the application within the time periods specified in applicable Federal Communications Commission decisions, all required public notices have been provided regarding the application, and the applicant has provided a notice to the city or county that the time period has lapsed. This law requires that the time periods described above be determined pursuant to specified FCC rules. The law requires that the city, county, or city and county notify the applicant of the incompleteness of an application within the time periods established by applicable FCC rules. The law requires that the time period for a city or county to approve or disapprove a collocation or siting application commence when the applicant makes the first required submission or takes the first required step, as specified. The law prohibits, where a city or county requires a traffic control plan, or other submission or permit related to either obstruction or safety in the public right-of-way, the applicant from beginning construction before complying with that requirement, and the city or county would be prohibited from unreasonably withholding, conditioning or delaying the approval of any submission related to this requirement. The law requires that a city or county not prohibit or unreasonably discriminate in favor of, or against, any particular wireless technology.

**Chapter #:** 467

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Section 65964.1 of the Government Code, relating to communications.*

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### **Senate Bill 4 (Gonzalez) – Communications: California Advanced Services Fund**

This law extends the operation of the California Advanced Services Fund (CASF) through 2032, increases the annual funding cap for the CASF, and expands projects eligible for CASF grants to include fund broadband deployment at unserved locations used for emergency response. This law requires the Governor’s Office of Business and Economic Development to coordinate with other relevant state and local agencies and national organizations to explore ways to facilitate streamlining of local land use approvals and construction permit processes for projects related to broadband infrastructure deployment and connectivity.

**Chapter #:** 671

**Policy Pillar:** Secure Fair Funding; Strengthen Local Governance

**Effective:** 10/8/14

**CSBA Position:** Support

*An act to add Section 12096.3.5 to the Government Code, and to amend Section 281 of the Public Utilities Code, relating to communications, and declaring the urgency thereof, to take effect immediately.*



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## **Senate Bill 28** (Caballero) – Digital Infrastructure and Video Competition Act of 2006: deployment data

The Digital Infrastructure and Video Competition Act of 2006 establishes a procedure for the issuance of state franchises for the provision of video service, defined to include cable service and open-video systems, administered by the Public Utilities Commission. The act provides that the holder of a state franchise is not a public utility as a result of providing video service and does not provide the commission with authority to regulate the rates, terms and conditions of video service except as explicitly set forth in the act. The act requires a franchise holder to annually report to the commission regarding the availability of and subscriptions to broadband and video service, as specified. This law repeals the requirement that franchise holders annually report regarding the availability of and subscriptions to broadband and video service. Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. This law makes legislative findings to that effect.

**Chapter #:** 673

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Approve

*An act to add Section 5895 to, and to repeal Section 5960 of, the Public Utilities Code, relating to communications*

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## **Senate Bill 378** (Gonzalez) – Local government: broadband infrastructure development project permit processing: microtrenching permit processing ordinance

This law requires a local agency to allow, except as provided, microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber. The law also requires, to the extent necessary, a local agency with jurisdiction to approve excavations to adopt or amend existing policies, ordinances, codes or construction rules to allow for microtrenching. The law provides that these provisions do not supersede, nullify or otherwise alter the requirements to comply with specified safety standards. The law authorizes a local agency to impose a fee for its reasonable costs on an application for a permit to install fiber, as provided. By imposing new duties on local agencies with regard to the installation of fiber, the law imposes a state-mandated local program.

**Chapter #:** 677

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to add Section 65964.5 to the Government Code, relating to local government.*



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## District Operations

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### **Assembly Bill 643** (Ramos) – Apprenticeship programs: career fairs

Current law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards within the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. This law requires a school district or school to notify each apprenticeship program in the same county as the school district or school of a career or college fair it is planning to hold, as specified.

**Chapter #:** 324

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support if Amended

*An act to add Section 3074.2 to the Labor Code, relating to apprenticeship.*

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### **Assembly Bill 846** (Low) – Local Agency Public Construction Act: job order contracting

The Local Agency Public Construction Act authorizes job order contracting for school districts and community college districts until Jan. 1, 2022. Current law requires job order contractors to submit a questionnaire to the school district or community college district containing specified information verified under oath. This law changes the Jan. 1, 2022, repeal date to Jan. 1, 2027, thereby extending authorization for job order contracting for school districts and community college districts and makes conforming changes. By extending the operation of those provisions that expand the crime of perjury, this law imposes a state-mandated local program. Existing law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce, which requires, among other conditions, that all the workers performing work in an apprenticeable occupation, as defined, in the building and construction trades are either skilled journeypersons or registered apprentices. Existing law also authorizes a public entity to require that a bidder, contractor or other entity use a skilled and trained workforce to complete a contract or project, regardless of whether the public entity is required to do so by a statute or regulation. This law requires an entity awarded a job order contract in excess of \$25,000 to provide an enforceable commitment to the school district or community college district that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the job order contract that falls within an apprenticeable occupation in the building and construction trades, as specified, unless a project labor agreement already specifies that a skilled and trained workforce will perform the job order contract.

**Chapter #:** 303

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Sections 20665.23, 20665.33, 20919.23, and 20919.33 of the Public Contract Code, relating to public contracts.*

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**Assembly Bill 1352** (*Chau*) – Independent information security assessments: Military Department: local educational agencies

This law authorizes the Military Department, at the request of a local educational agency, and in consultation with the California Cybersecurity Integration Center, to perform an independent security assessment of the LEA, or an individual school site under its jurisdiction, the cost of which is to be funded by the LEA, as specified.

**Chapter #:** 593

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Section 11549.3 of the Government Code, relating to information security.*

## Employees

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**Assembly Bill 237** (*Gray*) – Public employment: unfair practices: health protection

Under current law, the Public Employment Relations Board (PERB) has the power and duty to investigate an unfair practice charge and to determine whether the charge is justified and the appropriate remedy for the unfair practice. This law, the Public Employee Health Protection Act, will make it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike. This law requires the restoration of health or other medical care premiums, contributions, or out-of-pocket expenses actually paid by the employee or their dependents as a result of the employer's violation of this provision, or because the employer failed to ensure continued coverage during a strike, and would require other equitable adjustments to ensure that the employee and their dependents are made whole, as specified.

**Chapter #:** 740

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to add Chapter 9.4 (commencing with Section 3140) to Division 4 of Title 1 of the Government Code, relating to public employment.*



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## **Assembly Bill 289** (Calderon) – Classified school employees: merit system: adoption and termination

Current law authorizes both the adoption and termination of a merit system in a school district or community college district by a majority vote of its classified employees or by a majority of the voting electors of the school district or community college district, as provided. Upon the filing of a petition for the adoption or for the termination of the merit system for classified employees of a school district or community college district, current law requires the governing board of the district to perform specified activities in response, including, among others, devising an identification system to ensure against fraud in the balloting process, and forming a tabulation committee. This law will require the devised identification system to also ensure ballot secrecy and will prohibit a representative of the district from making any marks upon the ballot envelope or ballot of any employee, except to allow the tabulation committee to adopt a system of uniformly stamping in a consistent manner and in the same location on all ballots received or all ballots counted, or both of those, to help ensure an accurate count. The law requires at least one member of the tabulation committee to be a classified employee designated by the largest exclusive representative of classified employees within the district. If a district communicates with classified employees in opposition to adopting the merit system or in favor of terminating that system, the law requires the district to provide at least equal time and equal access to any exclusive representative of classified employees within the district to communicate its position on adopting or terminating that system, as applicable. The law requires all election procedures not specified for an election to adopt or terminate a merit system for a district pursuant to those provisions to be within the scope of representation for purposes of the Educational Employment Relations Act, including the rules for campaigning, the election date, time, and place, translation of the ballot, electioneering near the polls, and balloting methods.

**Chapter #:** 88

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Sections 45221, 45319, 88051, and 88138 of the Education Code, relating to school employees.*



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## **Assembly Bill 320 (Medina) – Teacher preparation programs: regionally accredited institutions**

Current law requires the Commission on Teacher Credentialing to, among other duties, establish standards for the issuance and renewal of credentials, certificates and permits. This law will define “regionally accredited,” as that term is applied to institutions of higher education with teacher preparation programs, as either an institution that has been approved or recognized by the Accrediting Commission for Senior Colleges and Universities, the Western Association of Schools and Colleges, the Higher Learning Commission, the Middle States Commission on Higher Education, the Northwest Commission on Colleges and Universities, the New England Commission of Higher Education, or the Southern Association of Colleges and Schools Commission on Colleges or an institution of higher education that held preaccreditation status at the time the degree of an applicant for a credential was conferred, if that institution achieved full regional accreditation status within 5 years of earning preaccreditation status. Existing law specifies the minimum requirements for the preliminary multiple subject, single subject, or education specialist teaching credential, including a subject matter competence requirement demonstrated by either completion of a subject matter program that has been approved by the commission or passage of a subject matter examination.

This law authorizes a candidate for the preliminary multiple subject, single subject or education specialist teaching credential to demonstrate subject matter competence by completing higher education coursework in the subject matters related to the content area of the credential, or through a combination of a subject matter examination and higher education coursework in the subject matters related to the content area of the credential, as provided.

**Chapter #:** 663

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Sections 44203, 44225, 44225.6, 44227, 44253.3, 44253.10, 44253.11, 44256, 44258.2, 44258.7, 44259, 44259.1, 44260.2, 44261.2, 44265, 44266, 44273, 44275.4, 44275.5, 44277, 44301, 44311, 44313, 44325, 44344, 44453, 44460, and 44830.3 of, and to add Sections 44252.2, 44420.5, and 44806 to, the Education Code, relating to teacher credentialing.*



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## **Assembly Bill 438** (Reyes) – School employees: classified employees: layoff notice and hearing

This law expands the March 15 certificated layoff deadline to include classified employees. This law revises and recasts provisions relating to the layoff of classified employees of school districts and community college districts to require certain notices and opportunities for a hearing when a permanent classified employee's services will not be required for the ensuing year due to lack of work or lack of funds. The law will, for the purposes of specified notice and hearing rights, define "permanent classified employee" to include both an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice. The law expresses the intent of the Legislature in enacting the law to provide permanent classified school employees and those who become permanent classified school employees with the same rights to notice and hearing with respect to layoffs as are provided to certificated employees of school districts, including teachers and administrators, and academic employees of community college districts. If classified positions must be eliminated as a result of the expiration of a specially funded program, the law requires written notice of the layoff date and certain rights be given to the classified employees not less than 60 days before the effective layoff date. If, after Jan. 1, 2021, the Legislature provides certificated or academic employees with any additional rights to notice or hearing as to layoffs, the law requires the respective permanent classified employees, as described, to be afforded the same rights by the school district or community college district, as applicable. To the extent school districts and community college districts are required to perform additional duties, the law imposes a state-mandated local program.

**Chapter #:** 665

**Policy Pillar:** Ensure Achievement for All; Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** Oppose

*An act to amend Sections 45117 and 88017 of the Education Code, and to amend Sections 11503 and 11505 of the Government Code, relating to school employees.*

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## **Assembly Bill 815** (Rivas) – School nurses: credentialing

Current law requires the Commission on Teacher Credentialing to, among other duties, establish standards for the issuance and renewal of credentials, certificates and permits. Current law sets forth the minimum requirements for a services credential with a specialization in health for a school nurse, which include, among other requirements, a baccalaureate or higher degree from an accredited institution for a preliminary credential and, for a professional credential, an additional year of coursework beyond a baccalaureate degree in a program approved by the commission. This law instead requires the baccalaureate or higher degree to be from a regionally accredited institution of higher education. The law authorizes the commission to approve a program offered by a local educational agency for one year of coursework beyond the baccalaureate degree, as provided.

**Chapter #:** 668

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Section 44267.5 of the Education Code, relating to school employees.*



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### **Assembly Bill 898** (Lee) – Criminal records: automatic conviction record relief

This law requires the Department of Justice, in cases where probation has been transferred, to electronically submit notice of conviction record relief to both the transferring court and any subsequent receiving court. The law also requires a receiving court that reduces a felony to a misdemeanor or dismisses a conviction under specified provisions to provide a disposition report to the department with the original case number from the transferring court. If probation was transferred multiple times, the law requires the department to electronically submit notice to all involved courts in a mutually agreed upon format. The law further requires any court receiving notice of a reduction or dismissal to update its records to reflect the same. The law requires the receiving court to provide a receipt of records from the transferring court, including the new case number. The law requires the transferring court to report to the department that probation was transferred and identify the receiving court and new case number, if applicable. The restrictions imposed by this law conflict with existing permissions in law allowing criminal background information to be shared with licensing agencies, including the state Commission on Teacher Credentialing and will restrict the ability of the CTC to receive and evaluate a candidate's criminal record and whether it potentially impacts his or her fitness to hold a credential and teach students.

**Chapter #:** 202

**Policy Pillar:** Ensure Achievement for All

**Effective:** 7/1/22

**CSBA Position:** Oppose Unless Amended

*An act to amend Sections 1203.425, 1203.9, and 13151 of the Penal Code, relating to criminal records.*

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### **Senate Bill 270** (Durazo) – Public employment: labor relations: employee information

Current law, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, the Trial Court Employment Protection and Governance Act, the Trial Court Interpreter Employment and Labor Relations Act, and the Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act, provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act, among others, regulates the labor relations of the state, the courts, and specified local public agencies and their employees. Current law requires these public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire.

This law, commencing July 1, 2022, authorizes an exclusive representative to file a charge of an unfair labor practice with the board, as specified, alleging a violation of the above-described requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged violation and that the public employer fails to cure the violation, as specified. The law limits a public employer's opportunity to cure certain violations. This law subjects a violator to a penalty, not to exceed \$10,000, to be determined by the board based on specified criteria and requires the penalty to be deposited in the General Fund. The law requires the board to award a party who prevails in these circumstances attorney's fees and costs, as specified, and requires a superior court to award the board attorney's fees when the board initiates court proceedings to enforce a board order or is required to defend a decision of the board involving these provisions after a party seeks judicial review, if the board is the prevailing party.

**Chapter #:** 330

**Policy Pillar:** Ensure Achievement for All

**Effective:** 7/1/22

**CSBA Position:** Oppose

*An act to amend Section 3558 of the Government Code, relating to public employment.*





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## **Senate Bill 278** (*Leyva*) – Public Employees’ Retirement System: disallowed compensation: benefit adjustments

This law establishes new procedures under Public Employees’ Retirement Law (PERL) for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with California Public Employees’ Pension Reform Act of 2013 (PEPRA) and other specified laws and thus impermissible under PERL. The law also applies these procedures retroactively to determinations made on or after Jan. 1, 2017, if an appeal has been filed and the employee member, survivor or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer or a contracting agency is disallowed, the law requires the applicable employer to discontinue the reporting of the disallowed compensation and requires that contributions made on the disallowed compensation, for active members, be credited against future contributions on behalf of the state, school employer or contracting agency that reported the disallowed compensation and that the state, school employer or contracting agency return to the member any contributions paid by the member or on the member’s behalf.

With respect to retired members, survivors or beneficiaries whose benefits are based on disallowed final compensation, the law requires PERS to adjust the benefit to reflect the exclusion of the disallowed compensation and provide that contributions made on the disallowed compensation be credited against future contributions on behalf of the employer entity that reported the disallowed compensation. Additionally, if specified conditions are met, the employing entity is required to pay to the system the full cost of any overpayment of the prior paid benefit and a penalty of 20 percent of the amount calculated as a lump sum of the actuarial equivalent present value representing the difference between the monthly allowance that was based on the disallowed compensation and the adjusted monthly allowance, as specified, for the duration that allowance is projected to be paid by the system to the retired member, survivor or beneficiary. The employing entity is required to pay 90 percent of that penalty as restitution to the affected retired member, survivor or beneficiary who was impacted by disallowed compensation and 10 percent of the penalty to the system. The system is required to provide certain notices in this regard and provide confidential contact information of retired members, and their survivors and beneficiaries, who are affected by these provisions to the relevant employing entities, the confidentiality of which the entities is required to maintain.

The law authorizes the state, a school employer, as specified, or a contracting agency, as applicable, to submit to the system an additional compensation item proposed to be included or contained in a memorandum of understanding or collective bargaining agreement on and after Jan.1, 2022, that is intended to form the basis of a pension benefit calculation in order for PERS to review its consistency with PEPRA and other laws, as specified, and requires PERS to provide guidance regarding the review within 90 days, as specified. The law requires PERS to publish notices regarding proposed compensation language submitted to the system for review and the guidance given by the system that is connected with it. For educational entities that participate in the system, the final responsibility for funding payments to the system and to retired members, survivors and beneficiaries belongs to the educational entity that is the actual employer of the employee.

**Chapter #:** 331

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** Oppose

*An act to add Section 20164.5 to the Government Code, relating to public employees’ retirement.*



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## **Senate Bill 294** (*Leyva*) – Public retirement: leave of absence: service credit

Current law entitles an elected officer of an employee organization that is on a compensated leave of absence, as specified, for purposes of service with an employee organization to retirement service credit in State Teachers' Retirement System (STRS) and Public Employees' Retirement System (PERS) if specified conditions are met. Current law requires the governing board of a school district, or the governing board of a community college district, to grant any employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve in this manner, as specified. Current law excepts certain employees from these provisions if they are subject to a collective bargaining agreement that expressly provides for a leave of absence without loss of compensation for participation in authorized activities as an elected officer or an unelected member of the public employee organization. Current law limits the maximum amount of the service credit earned during a compensated leave of absence for the purposes described above to 12 years. This law removes the 12-year limitation for service credit earned on a compensated leave of absence for purposes of service with an employee organization, as described above. The law states that this leave is in addition to any leave to which public employees may be entitled by other laws or by a memorandum of understanding or collective bargaining agreement.

**Chapter #:** 539

**Policy Pillar:** Ensure Achievement for All; Secure Fair Funding

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Sections 22711, 44987, 45210, 87768.5, and 88210 of the Education Code, and to amend Section 20906 of the Government Code, relating to public retirement, and making an appropriation therefor.*



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## **Senate Bill 331** (*Leyva*) – Settlement and nondisparagement agreement

Current law prohibits a settlement agreement from preventing the disclosure of factual information regarding specified acts related to a claim filed in a civil action or a complaint filed in an administrative action. These acts include sexual assault, as defined; sexual harassment, as defined; an act of workplace harassment or discrimination based on sex, failure to prevent such an act or retaliation against a person for reporting such an act; and an act of harassment or discrimination based on sex by the owner of a housing accommodation, as defined, or retaliation against a person for reporting such an act. This law clarifies that this prohibition includes provisions which restrict the disclosure of the information described above. For purposes of agreements entered into on or after Jan. 1, 2022, the law also expands the prohibition to include acts of workplace harassment or discrimination not based on sex and an act of harassment or discrimination not based on sex by the owner of a housing accommodation.

The California Fair Employment and Housing Act (FEHA) prohibits various actions as unlawful employment practices unless the employer acts based upon a bona fide occupational qualification or applicable security regulations established by the United States or the state of California. In this regard, FEHA makes it an unlawful employment practice for an employer, in exchange for a raise or bonus, or as a condition of employment or continued employment, to require an employee to sign a nondisparagement agreement or other document that purports to deny the employee the right to disclose information about unlawful acts in the workplace, including, but not limited to, sexual harassment or discrimination. This law provides that unlawful acts in the workplace for these purposes include any harassment or discrimination and instead prohibits an employer from requiring an employee to sign a nondisparagement agreement or other document to the extent it has the purpose or effect of denying the employee the right to disclose information about those acts. The law makes it an unlawful employment practice for an employer or former employer to include in any agreement related to an employee's separation from employment any provision that prohibits the disclosure of information about unlawful acts in the workplace. The law provides that any provision in violation of that prohibition would be against public policy and unenforceable and requires a nondisparagement or other contractual provision that restricts an employee's ability to disclose information related to conditions in the workplace to include specified language relating to the employee's right to disclose information about unlawful acts in the workplace.

**Chapter #:** 638

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Section 1001 of the Code of Civil Procedure, and to amend Section 12964.5 of the Government Code, relating to civil actions.*



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## **Senate Bill 411** (*Cortese*) – Public Employees’ Retirement System: employment without reinstatement

The Public Employees’ Retirement Law (PERL) creates the Public Employees’ Retirement System (PERS), which provides pension and disability benefits to its members and prescribes their rights and duties. Current law, the Public Employees’ Pension Reform Act of 2013 (PEPRA), prescribed various limitations on public employees, employers and retirement systems concerning, among other things, work after retirement. PERL generally prohibits retired PERS members from working for an agency participating in the system without reinstatement in the system unless that employment is otherwise specifically authorized. This law eliminates the above-described requirement that a person employed without reinstatement in a manner other than authorized by PERL be reinstated, instead providing that reinstatement is permissive. The law limits the circumstances pursuant to which retired members and employers are obligated to pay employee and employer contributions, which would have otherwise been paid, plus interest, to apply only to specified reinstatements.

**Chapter #:** 136

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Sections 21202 and 21220 of the Government Code, relating to public employees’ retirement.*



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## Finance

### **Assembly Bill 130** (*Committee on Budget*) – Education finance: education omnibus budget trailer bill

As the education omnibus budget trailer bill, this law provides greater detail on the 2021–22 Budget Act. Major components include provisions on changes to independent study; the implementations of universal transitional kindergarten; the Expanded Learning Opportunities Grant Program; the A–G Completion Improvement Grant Program; ethnic studies course offerings and resources; career technical education; community schools; the Broadband Infrastructure Grant Program; teacher recruitment, retention and development; school nutrition; special education; and charter school reauthorization and the moratorium on new non-classroom based charter schools.

A full listing of the funding and budget provisions contained in this bill can be viewed online [here](#).

**Chapter #:** 44

**Policy Pillar:** Secure Fair Funding

**Effective:** 7/9/21

**CSBA Position:** No official position

*An act to amend Sections 1240, 1241, 1630, 8482.6, 8483, 8483.1, 11800, 14041.5, 14041.6, 14041.65, 17076.10, 17199.4, 17375, 32091, 35780, 41020, 41020.3, 41203.1, 42238.01, 42238.02, 42238.051, 42238.07, 43504, 43507, 43509, 43521, 43522, 43523, 43525, 44252, 44259, 44280, 44310, 44395, 44396, 44399.1, 44830, 45500, 46111, 46300, 46392, 47607, 47607.2, 47612.7, 48000, 51461, 51745, 51745.6, 51747, 51747.3, 51747.5, 51749, 51749.5, 51749.6, 52064, 52070, 52070.5, 53070, 53070.1, 53071, 53071.1, 53073, 53074, 53075, 53076, 53076.2, 56400, 56402, 56406, 56408, 56410, 56836.146, 56836.148, 56836.165, 56836.173, 56836.21, 56836.24, 56836.31, 56836.40, 60640, and 60810 of, to amend and repeal Section 49564 of, to amend, repeal, and add Section 45125.1 of, to add Sections 42238.022, 43504.5, 44415.5, 44417.5, 46120, 46393, 47607.4, 49501.5, 49564.3, 51745.5, 53076.1, 56411, 56836.045, and 56836.168 to, to add Article 13.2 (commencing with Section 8281.5) to Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Article 1 (commencing with Section 41480), Article 2 (commencing with Section 41490), and Article 9 (commencing with Section 41590) to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to add Article 1.5 (commencing with Section 49418) to Chapter 9 of Part 27 of Division 4 of Title 2 of, to add Chapter 6 (commencing with Section 8900) to Part 6 of Division 1 of Title 1 of, to repeal Section 41204.2 of, and to repeal and add Section 56415 of, the Education Code, to amend Sections 7902.1, 7906, 7907, 7908, 16724.4, and 17581.6 of, and to add Section 7902.2 to, the Government Code, to amend Items 6100-001-0890 and 6100-158-0001 of Section 2.00 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020), and to amend Section 95 of Chapter 24 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.*



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## **Assembly Bill 167** (*Committee on Budget*) – Education finance: education omnibus budget trailer bill

Among the major components of this follow-up law to the Budget Act of 2021 and its implementing legislation are updates to independent study, model curriculum development and teacher credentialing.

A full listing of the funding and budget provisions contained in this bill can be viewed online [here](#).

**Chapter #:** 252

**Policy Pillar:** Secure Fair Funding

**Effective:** 9/23/21

**CSBA Position:** No official position

*An act to amend Sections 8281.5, 14041, 17375, 33540.2, 33540.4, 33540.6, 41020, 41422, 41480, 41590, 42238.01, 43521, 43522, 44230.6, 44252, 44257.2, 45500, 46120, 46392, 46393, 48000, 49066.5, 49421, 49429, 49501.5, 51226.9, 51745, 51745.5, 51747, 51747.5, 51749.5, 51749.6, and 56836.146 of, and to amend and renumber Section 49422 of, the Education Code, to amend Section 110 of Chapter 24 of the Statutes of 2020, and to amend Sections 124, 127, 134, 138, 141, 144, 149, 152, 157, 159, and 164 of Chapter 44 of the Statutes of 2021, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.*



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## Senate Bill 170 (Skinner) – Budget Act of 2021

A full listing of the funding and budget provisions contained in the Budget Act of 2021 can be viewed online [here](#).

**Chapter #:** 240

**Policy Pillar:** Secure fair funding

**Effective:** 9/23/21

**CSBA Position:** No official position

*An act to amend the Budget Act of 2021 (Chapters 21 and 69 of the Statutes of 2021) by amending Items 0250-101-0932, 0250-111-0001, 0250-301-0660, 0509-001-0001, 0509-102-0001, 0511-001-0001, 0540-001-0001, 0540-101-0001, 0540-101-6088, 0555-101-0001, 0650-001-0001, 0650-101-0001, 0650-162-8506, 0650-163-8506, 0690-001-0001, 0690-101-0001, 0820-001-0001, 0820-101-0001, 0890-001-0228, 1115-001-3288, 2665-004-6043, 2740-004-0001, 3340-001-0001, 3360-001-0465, 3360-005-0001, 3360-101-0001, 3360-105-0001, 3480-001-0001, 3540-001-0001, 3560-162-8506, 3600-006-0001, 3600-007-0001, 3640-101-0001, 3790-001-0001, 3790-492, 3830-001-0001, 3860-001-0001, 3860-101-0001, 3860-301-0001, 3900-001-0115, 3900-101-0001, 3900-101-0115, 3940-106-0001, 3960-490, 4100-001-0001, 4170-101-0890, 4260-101-0001, 4260-115-0890, 4260-116-0890, 4265-001-0001, 4265-001-0890, 4265-111-0001, 4265-111-0890, 4300-101-0001, 4300-101-0890, 4700-001-0001, 4700-101-0001, 5180-001-0001, 5180-101-0001, 5180-101-0890, 5180-111-0001, 5180-141-0890, 5180-151-0001, 5180-151-0890, 5180-492, 5225-016-0001, 5225-490, 5227-001-0001, 6100-001-0001, 6100-001-0890, 6100-062-0890, 6100-067-0890, 6100-134-0890, 6100-135-0890, 6100-137-0890, 6100-149-0890, 6100-163-0890, 6100-194-0001, 6100-195-0890, 6100-196-0001, 6100-197-0890, 6100-203-0001, 6100-488, 6120-011-0001, 6120-211-0890, 6120-213-0001, 6120-217-0001, 6120-219-0001, 6360-001-0407, 6440-001-0001, 6440-005-0001, 6600-001-0001, 6610-001-0001, 6870-101-0001, 6980-101-0001, 6980-162-8506, 7120-101-0001, 7120-490, 7120-491, 7350-001-0001, 7350-001-0223, 7350-001-0890, 7600-001-0001, 7730-001-0001, 7760-311-0001, 8260-001-0001, 8260-001-0890, 8260-101-0890, 8570-002-0001, 8570-101-0001, 8570-102-0001, 8955-001-0890, and 9210-101-0001 of, adding Items 0509-112-0001, 0521-103-0001, 0555-102-0001, 0977-001-0001, 0977-490, 1111-015-0001, 2665-001-9331, 2665-492, 3125-001-0001, 3125-002-0001, 3340-301-0001, 3480-101-0001, 3480-102-0001, 3540-101-0001, 3540-101-3228, 3540-102-0001, 3600-005-0001, 3640-102-0001, 3640-301-0001, 3760-001-0001, 3760-102-0001, 3760-103-0001, 3790-001-0001, 3790-005-0001, 3790-102-0001, 3810-101-0001, 3810-102-0001, 3810-103-0001, 3825-101-0001, 3825-102-0001, 3825-103-0001, 3830-301-0001, 3835-101-0001, 3845-101-0001, 3845-102-0001, 3845-103-0001, 3850-101-0001, 3855-101-0001, 3855-102-0001, 3860-102-0001, 3875-101-0001, 3900-102-3228, 3940-002-0001, 3970-011-0001, 3970-101-0001, 3970-101-3228, 3970-102-0133, 3970-493, 4700-001-3228, 4700-101-3228, 6100-178-0890, 6100-202-0001, 8260-491, and 8570-101-3228 to, and repealing Items 0559-162-8506, 3360-004-0001, 6100-190-0001, and 6100-194-0890 of Section 2.00 of, amending Sections 11.95, 19.56, 19.57, 39.00, and 99.50 of, and adding Section 28.10 to, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.*

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## Governance

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### **Assembly Bill 361** (*Rivas*) – Open meetings: state and local agencies: teleconferences

This law authorizes, until Jan. 1, 2024, a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

**Chapter #:** 165

**Policy Pillar:** Strengthen Local Governance

**Effective:** 9/16/21

**CSBA Position:** Support

*An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.*

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### **Assembly Bill 473** (*Chau*) – California Public Records Act

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This law will recodify and reorganize the provisions of the act. The law includes provisions to govern the effect of recodification and state that the law is intended to be entirely non-substantive in effect. The law contains related legislative findings and declarations. The law will become operative on Jan. 1, 2023.

**Chapter #:** 614

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/23

**CSBA Position:** No official position

*An act to add and repeal Article 3 (commencing with Section 6276.50) of Chapter 3.5 of Division 7 of, and to add Division 10 (commencing with Section 7920.000) to, Title 1 of the Government Code, relating to public records.*





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## **Assembly Bill 474 (Chau) – California Public Records Act: conforming revisions**

Enacts various conforming and technical changes related to AB 473, which recodifies and reorganizes the California Public Records Act. This law becomes operative on Jan. 1, 2023. The law also specifies that any other bill enacted by the Legislature during the 2021 calendar year that takes effect on or before Jan. 1, 2022, and that affects a provision of this law shall prevail over this act, except as specified.

**Chapter #:** 615

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/23

**CSBA Position:** No official position

*An act to amend Sections 27, 30, 161, 211, 655, 4083, 4372, 4857, 5070, 5070.5, 5079, 6001, 6026.11, 6056, 6060.2, 6060.25, 6086.1, 6086.5, 6090.6, 6168, 6200, 6232, 6234, 7071.18, 7125, 9882.6, 10083.2, 10141.6, 10166.07, 10166.11, 10232.2, 11317.2, 17594, 19819, 19821, 22954, 22979.24, 25205, 25622, 26067, and 26162 of the Business and Professions Code, to amend Sections 1670.9, 1798.3, 1798.24, 1798.29, 1798.70, 1798.75, 1798.82, 1798.85, 1899.5, 1947.8, 3426.7, 5405, and 6760 of the Civil Code, to amend Sections 130, 425.16, and 1985.4 of the Code of Civil Procedure, to amend Sections 25247 and 28106 of the Corporations Code, to amend Sections 5091, 17250.25, 17611, 24214.5, 26812, 33133, 33353, 35147, 44438, 47604.1, 49006, 49060, 49562, 54004.1, 67380, 67383, 72695, 72696, 72701, 76060.5, 87102, 89307, 89573, 89574, 89915.5, 89916, 89919, 92955, 92956, 92961, and 99162 of the Education Code, to amend Sections 2166.7, 2194, 2194.1, 2227, 2267, 9002, 11301, 13300.7, 13311, 17200, 17400, 18109, 18650, and 23003 of the Elections Code, to amend Section 1157.7 of the Evidence Code, to amend Sections 17212 and 17514 of the Family Code, to amend Sections 12104, 14257, 18394, 22067, 22375, 22380, 23049, 31111, and 50314 of the Financial Code, to amend Sections 2584 and 9002.5 of the Fish and Game Code, to amend Sections 4061, 9269, 13134, 14022, 14407, 15205, 29041, 46013.2, 46014.1, 46029, 55075, 58577, 71089, 77965, 78925, and 79505 of the Food and Agricultural Code, to amend Sections 925.6, 1363, 3105, 3558, 5872, 5976, 6204, 6204.1, 6204.2, 6204.3, 6527, 7283.1, 7284.6, 7514.7, 8201.5, 8301.3, 8545, 8585, 8587.11, 8589.5, 8592.45, 11000.5, 11015.5, 11018.5, 11019.7, 11104.5, 11124.1, 11125.1, 11126, 11126.1, 11146.2, 11549.3, 12019.45, 12019.55, 12172.5, 12237, 12271, 12274, 12419.10, 12525, 12525.5, 12811.3, 12894.5, 12999, 13073.6, 14462, 15570.42, 15650, 15652, 15705, 20057, 22854.5, 24102, 25124, 26908.5, 27394, 36525, 52054, 53087.8, 53170, 53232.3, 53235.2, 53237.2, 53359.7, 53398.51.1, 53753, 53755.5, 53760.9, 54230.5, 54953, 54953.5, 54956.9, 54957.2, 54957.5, 60201, 62001, 62262, 63048.63, 64511, 64626, 65913.4, 66024, 66201, 66704.3, and 100508 of the Government Code, to amend Sections 1255.7, 1280.20, 1324.22, 1339.88, 1368, 1371.31, 1380, 1382, 1385.07, 1397.5, 1399.72, 1399.74, 1416.28, 1439, 1457, 1536, 1776.6, 1798.200, 1798.201, 1799.112, 11605, 25152.5, 25186.5, 25200.3, 25201.10, 25201.11, 25205.13, 25214, 25214.8.5, 25214.17, 25215.51, 25257, 25358.7, 25501, 25512, 25538, 25968, 34191.55, 39660, 40440.5, 40440.7, 42303.2, 44346, 50220.6, 50222, 51615, 57020, 101661, 101848.2, 101848.9, 101850, 101855, 102100, 102230, 102231, 105459, 110845, 111792, 111792.6, 115000.1, 116456, 116787, 120160, 123853, 125191, 125290.30, 125290.50, 125342, 127673.81, 127696, 128735, 128736, 128737, 128745, 130060, 130506, and 131052 of the Health and Safety Code, to amend Sections 791.13, 922.41, 923.6, 925.3, 929.1, 935.8, 936.6, 1215.8, 1666.5, 1861.07, 1871.1, 10112.82, 10113.2, 10181.7, 10489.15, 10489.99, 11401.5, 11785, 11873, 12921.2, and 12968 of the Insurance Code, to amend Sections 138.7, 147.2, 432.3, 1776, 2810, 4600.5, 4610, 6322, 6396, and 7873 of the Labor Code, to amend Sections 55 and 56 of the Military and Veterans Code, to amend Sections 146e, 186.34, 290.07, 290.46, 293, 293.5, 637.5, 679.03, 832.5, 832.7, 832.18, 936.7, 1524.4, 5058, 6126.3, 7443, 11167.5, 13300, 13302, 13519.4, 13650, 14029, and 14167 of the Penal Code, to amend Sections 2602, 6703, 6824, 10191, 10335, 10506.6, 10506.9, 20101, 20119.3, 20155.3, 20663.3, 20928.2, and 22164 of the Public Contract Code, to amend Sections 2207, 3160, 3234, 3752, 4604, 5080.24, 5080.25, 5096.512, 5096.513, 14547, 14551.4, 14554, 21082.3, 21089, 21160, 21167.6.2, 21189.70.1, 25223, 25322, 25364, 25402.10, 26213, 29754, 40062, 41821.5, 41821.6, 42036.4, 42987.3, and 48704 of the Public Resources Code, to amend Sections 345.5, 349.5, 399.25, 743.3, 3328, 6354, 7665.4, 9614, 9618, 28844, 99246, 130051.28, 132354.1, 132360.5, and 132660 of the Public Utilities Code, to amend Sections*

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408.2, 408.3, 409, 7284.6, 7284.7, 7284.10, 18410.2, 19195, and 19528 of the Revenue and Taxation Code, to amend Sections 36612 and 36740 of the Streets and Highways Code, to amend Sections 10205 and 14109 of the Unemployment Insurance Code, to amend Sections 12801.9, 21362.5, 21455.5, and 40240 of the Vehicle Code, to amend Sections 5206, 6102.5, 6161, 10730.8, and 81671 of the Water Code, and to amend Sections 827.9, 1764, 4712.5, 4903, 11478.1, 12301.24, 13302, 14005.27, 14087.5, 14087.36, 14087.58, 14087.98, 14089, 14089.07, 14105.8, 14105.22, 14105.33, 14105.45, 14105.334, 14107.11, 14124.24, 14129.2, 14167.37, 14301.1, 14456.3, 14499.6, 15805, 16519.55, 16809.4, and 17852 of the Welfare and Institutions Code, relating to public records.

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**Assembly Bill 599 (Jones-Sawyer) – Public schools: accountability: county superintendents of schools**

Under existing law, county superintendents superintend the schools of that county, maintain responsibility for the fiscal oversight of each school district in that county, and visit and examine each school in the county at reasonable intervals to observe its operation and learn of its problems. This law recasts and revises the duties of the county superintendent and requires the Superintendent of Public Instruction (SPI), commencing with the 2021–22 fiscal year, to identify a list of schools pursuant to a specified procedure based on the schools identified for comprehensive support and improvement and additional targeted support and improvement or as low-performing pursuant to specified federal laws, and to additionally include on the list schools where 15 percent or more of the teachers are holders of a permit, certificate or any other authorization that is a lesser certification than a preliminary or clear California teaching credential. The law requires, after the initial list is established in the 2021–22 fiscal year, the SPI to identify a list of these schools again in the 2022–23 fiscal year, and then every three fiscal years thereafter, during the same fiscal year that the schools are identified for comprehensive support and improvement or additional targeted support and improvement, as specified. The law requires the county superintendent to annually inspect those schools on the list in the county and submit a report that describes the state of those schools in that county.

**Chapter #:** 667

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Section 1240 of the Education Code, relating to public schools.*

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**Assembly Bill 824 (Bennett) – Local educational agencies: county boards of education: governing boards of school districts: governing bodies of charter schools: pupil members**

This law authorizes county boards of education and charter schools to appoint one or more high school pupils as members of their governing bodies in response to petitions from high school pupils enrolled in their county, as specified, or in their charter school, as appropriate. The law requires policies and procedures for the selection of pupils to serve on a county board of education to ensure and protect the privacy of each pupil, and of the parents or guardians of each pupil, involved in proceedings before the county board of education acting in its capacity as an appellate body.

**Chapter #:** 669

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Sections 1000 and 35012 of, and to add Section 47604.2 to, the Education Code, relating to local educational agencies.*

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## **Senate Bill 274** (*Wieckowski*) – Local government meetings: agenda and documents

The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This law requires a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the law requires the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.

**Chapter #:** 763

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Section 54954.1 of the Government Code, relating to local government.*



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## **Senate Bill 442** (*Newman*) – School districts and community college districts: governing board elections: charter cities

Current law authorizes, in any school district or community college district, a county committee on school district organization to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of a governing board, or to adopt an alternative method of electing governing board members, as specified, except in a school district governed by a board of education provided for in the charter of a city or city and county. This law deletes the exception for a school district governed by a board of education provided for in the charter of a city or city and county, for purposes of that provision. The law prohibits a county committee on school district organization from rearranging trustee-area boundaries in a school district or community college district that has established a hybrid or independent redistricting commission, as specified.

The California Voting Rights Act of 2001 prohibits an at-large method of election from being imposed or applied in a political subdivision, as defined, in a manner that impairs the ability of a protected class, as defined, to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class. Existing law establishes procedures for transitioning from at-large elections to district-based or trustee-area elections. Existing law requires a resolution of the county committee approving a proposal to establish trustee areas to constitute an order of election and requires the proposal to be presented to the electors of the district not later than the next succeeding election for members of the governing board. This law authorizes the county committee, by resolution, to approve a proposal to establish trustee areas and elect governing board members using district-based elections without submitting the resolution to the electors of the district for approval. The law requires such a resolution to include a declaration that the change in the method of electing members of the governing board is being made in furtherance of the purposes of the California Voting Rights Act of 2001, and requires the resolution to govern all elections for governing board members occurring at least 125 days after the adoption of the resolution.

Existing law authorizes the governing board of a community college district to change election systems upon the adoption by the board of trustees of a resolution in support of that change and upon the approval of the Board of Governors of the California Community Colleges, as specified. As part of the change in election systems, existing law authorizes the governing board of a community college district to determine the number of trustees. If the number of members of a governing board of a community college district is increased, existing law requires additional members of the governing board to be elected at the next regular district election of board members occurring at least 123 days after the governing board approved the increased number of board members. This law instead requires the additional members of the governing board of a community college district to be elected at the next regular district election of board members occurring at least 125 days after the governing board approved the increased number of board members.

**Chapter #:** 139

**Policy Pillar:** Strengthen Local Governance

**Effective:** 1/1/22

**CSBA Position:** Support & Seek Amendments

*An act to amend Sections 5019, 5020, 5021, 5025, and 72036 of the Education Code, relating to school districts and community college districts*



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## Health and Wellness

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### **Assembly Bill 86** (Committee on Budget) – COVID-19 relief and school reopening, reporting, and public health requirements

An urgency measure, this law lays out the statewide school reopening plan for a return to in-person instruction.

A full listing of the policy and funding provisions in this bill can be found [here](#).

**Chapter #:** 10

**Policy Pillar:** Secure Fair Funding

**Effective:** 3/5/21

**CSBA Position:** No official position

*An act to amend Section 69432.9 of, to add and repeal Article 8 (commencing with Section 32090) of Chapter 1 of Part 19 of Division 1 of Title 1 of, and to add and repeal Part 24.6 (commencing with Section 43520) of Division 3 of Title 2 of, the Education Code, to amend Section 110 of Chapter 24 of the Statutes of 2020, and to amend Section 3 of Chapter 6 of the Statutes of 2021, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

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### **Assembly Bill 133** (Committee on Budget) – Health

As a health budget trailer bill, this law provides greater detail on the 2021–22 Budget Act. Among the law's major provisions that impact schools is the creation of the Children and Youth Behavioral Health Initiative, which establishes a prevention-focused behavioral health system where all children and youth are routinely screened, supported and served for emerging and existing behavioral health needs. The initiative includes the following components: Behavioral Health Virtual Platform; School-Linked Partnership, Capacity, and Infrastructure Grants; Medi-Cal Managed Care Plan Incentive Payments; Statewide School-Linked Behavioral Health Fee Schedule; Evidence-Based Behavioral Health Programs; Behavioral Health Workforce Development.

A full listing of the funding and budget provisions contained in this bill can be viewed online [here](#).

**Chapter #:** 143

**Policy Pillar:** Secure Fair Funding

**Effective:** 7/27/21

**CSBA Position:** No official position

*An act to add Section 502 to, and to repeal Sections 2717, 2852.5, 3518.1, 3770.1, and 4506 of, the Business and Professions Code, to amend Section 100504 of, and to add Sections 100503.5 and 100520.5 to, the Government Code, to amend Sections 38074, 102430, 120511, 120780.2, 120956, 120972, 127000, 127005, 127010, 127280, 127285, 127345, 127346, 127350, 127360, 127400, 127435, 127450, 127671, 127671.1, 127672, 127672.8, 127672.9, 127673, 127673.1, 127673.2, 127673.3, 127673.4, 127673.5, 127673.6, 127673.7, 127673.8, 127673.81, 127673.82, 127673.83, 127673.84, 127674, 127674.1, 127675, 127677, 127679, 127681, 127683, 127685, 127885, 127900, 127940, 127985, 127995, 128000, 128005, 128020, 128030, 128035, 128040, 128050, 128051, 128052, 128130, 128135, 128140, 128155, 128165, 128170, 128175, 128180, 128190, 128195, 128205, 128215, 128220, 128230, 128235, 128330, 128345, 128350, 128355, 128365, 128370, 128371, 128375, 128385, 128401, 128454, 128458, 128485, 128550, 128551, 128552, 128553, 128555, 128556, 128690, 128700, 128705, 128730, 128734, 128735, 128736, 128737, 128738, 128740, 128745, 128747, 128748, 128750, 128755, 128760, 128765, 128766, 128770, 128775, 128782, 128785, 128790, 128795, 128800, 128805, 128810, 129010, 129015, 129020, 129022, 129030, 129035, 129040, 129045, 129049, 129050, 129051, 129052, 129055, 129065, 129070, 129075, 129080, 129085, 129087, 129090, 129092, 129095, 129100, 129105, 129110, 129125, 129130, 129135, 129140, 129145, 129150, 129152, 129155, 129160, 129165, 129170,*

129172, 129173, 129174, 129174.1, 129175, 129180, 129185, 129200, 129205, 129210, 129220, 129221, 129230, 129295, 129330, 129335, 129355, 129680, 129715, 129730, 129740, 129750, 129760, 129761, 129765, 129770, 129775, 129785, 129787, 129790, 129795, 129800, 129805, 129810, 129812, 129820, 129825, 129830, 129835, 129840, 129850, 129851, 129853, 129855, 129856, 129875, 129875.1, 129880, 129885, 129890, 129895, 129900, 129905, 129925, 129930, 129940, 129950, 129975, 129980, 129985, 129990, 130000, 130005, 130010, 130020, 130025, 130050, 130055, 130060, 130061, 130061.5, 130062, 130063, 130063.1, 130064, 130065, 130066, 130070, and 131300 of, to amend the heading of Part 1 (commencing with Section 127000) of Division 107 of, to amend the heading of Division 107 (commencing with Section 127000) of, to amend the heading of Article 5 (commencing with Section 128050) of Chapter 2 of Part 3 of Division 107 of, to amend the heading of Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of, to amend the heading of Article 1 (commencing with Section 128330) of Chapter 5 of Part 3 of Division 107 of, and to amend the heading of Chapter 5 (commencing with Section 128330) of Part 3 of Division 107 of, to amend and repeal Section 128335 of, to add Sections 1374.722, 120972.1, 122445, 127002, 128337, and 128338 to, to add Article 11.9 (commencing with Section 1399.870 to Chapter 2.2 of Division 2 of, to add Chapter 14 (commencing with Section 1860) to Division 2.5 of, to add Chapter 13.8 (commencing with Section 121295) to Part 4 of Division 105 of, to add Chapter 1.5 (commencing with Section 127825) to Part 3 of Division 107 of, and to add Division 109.7 (commencing with Section 130290) to, to add and repeal Chapter 1.7 (commencing with Section 103871) of Part 2 of Division 102 of, to repeal Sections 103870.2, 125075, 127015, 127020, 127025, 127030, 127035, 127040, 127045, 127050, 127125, 127130, 127135, 127140, 127145, 127150, 127155, 127160, 127165, 127170, 127175, 127180, 127185, 127190, 127195, 127200, 127205, 127210, 127215, 127220, 127225, 127230, 127235, 127240, 127245, 127250, 127255, 127260, 127265, 127270, 127275, 127290, 127295, 127300, 128207, 128224, 128240, 128240.1, 128241, 128340, 128395, 128456, 128495, 128554, 128557, and 128681 of, to repeal the heading of Article 1 of Chapter 2 of Part 2 of Division 107 of, to repeal the heading of Article 3 of Chapter 4 of Part 3 of Division 107 of, to repeal the heading of Chapter 2 of Part 5 of Division 107 of, to repeal the heading of Chapter 3 of Part 5 of Division 107 of, to repeal the heading of Chapter 2 of Part 7 of Division 107 of, to repeal Article 1 (commencing with Section 127750) of Chapter 1 of Part 3 of Division 107 of, to repeal Article 2.5 (commencing with Section 127925) of Chapter 2 of Part 3 of Division 107 of, to repeal Article 2 (commencing with Section 128198) of Chapter 3 of Part 3 of Division 107 of, to repeal Article 2 (commencing with Section 128250) of Chapter 4 of Part 3 of Division 107 of, to repeal Article 3 (commencing with Section 128425) of Chapter 5 of Part 3 of Division 107 of, to repeal Article 6 (commencing with Section 128560) of Chapter 5 of Part 3 of Division 107 of, to repeal Part 4 (commencing with Section 128600) of Division 107, to repeal Chapter 3 (commencing with Section 127575) of Part 2 of Division 107 of, Chapter 4 (commencing with Section 127620) of Part 2 of Division 107 of, and Chapter 8 (commencing with Section 127670) of Part 2 of Division 107 of, to repeal Chapter 2 (commencing with Section 129375) of Part 6 of Division 107 of, and to repeal Chapter 2 of Part 7 of Division 107 of, and to repeal and add Sections 128225 and 128360 of, the Health and Safety Code, to add Section 10144.53 to the Insurance Code, to amend Sections 1370, 1370.01, 1372, and 4011.11 of the Penal Code, to add Section 30130.59 to the Revenue and Taxation Code, to amend Sections 4100, 4122, 4361, 5886, 7275, 7276, 7277.1, 7278, 7282, 14005.18, 14007.8, 14011.10, 14042.1, 14043.15, 14059.5, 14087.46, 14105.075, 14105.192, 14105.22, 14105.48, 14124.12, 14124.89, 14127.6, 14131.10, 14132.968, 14184.10, 14184.30, 14184.40, 14188.1, 14196.2, 14196.4, 14196.5, 14197.4, 14301.1, 15840, and 17601 of, to amend and repeal Sections 14132.275, 14132.276, 14132.277, 14182.16, 14182.17, 14182.18, 14186, 14186.1, 14186.2, 14186.3, and 14186.4 of, to amend, repeal, and add Section 14132 of, to add Chapter 6.7 (commencing with Section 4361.5) to Part 3 of Division 4 of, to add Part 7 (commencing with Section 5960) to Division 5 of, to add Article 5.51 (commencing with Section 14184.100) to Chapter 7 of Part 3 of Division 9 of, to add Sections 4147, 4335.2, 14000.6, 14005.185, 14005.62, 14043.51, 14105.194, 14105.222, 14126.029, 14132.755, 14132.85, 14132.969, and 14197.9 to, to repeal Chapter 1 (commencing with Section 5960) of Part 7 of Division 5 of, to repeal Sections 14021.37 and 14105.485 of, and to repeal and add Sections 14124.90 and 14188.4 of, the Welfare and Institutions Code, to repeal Section 69 of Chapter 12 of the Statutes of 2020, and to amend Items 4265-001-0001 and 4265-111-0001 of Section 2.00 of the Budget Act of 2019 (Chapters 23 and 55 of the Statutes of 2019), relating to health, and making an appropriation therefor, to take effect immediately, bill related to the budget.



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### **Assembly Bill 309** (*Gabriel*) – Pupil mental health: model referral protocols

This law requires the state Department of Education to develop model referral protocols, as provided, for addressing pupil mental health concerns. The law requires the department to consult with various entities in developing the protocols, including current classroom teachers, administrators, pupils and parents. The law requires the department to post the model referral protocols on its internet website. The law makes these provisions contingent upon funds being appropriated for its purpose in the annual Budget Act or other legislation, or state, federal or private funds being allocated for this purpose.

**Chapter #:** 662

**Policy Pillar:** Improve Conditions of Children

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to add Section 49428.1 to the Education Code, relating to pupil health.*

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### **Assembly Bill 367** (*Garcia*) – Menstrual products

This law will enact the Menstrual Equity for All Act of 2021, which requires a public school, as provided, maintaining any combination of classes from grades 6 to 12, inclusive, to stock the school's restrooms with an adequate supply of free menstrual products, as defined, available and accessible, free of cost, in all women's restrooms and all-gender restrooms, and in at least one men's restroom, at all times, and to post a designated notice, on or before the start of the 2022–23 school year, as prescribed.

**Chapter #:** 664

**Policy Pillar:** Improve Conditions of Children

**Effective:** 1/1/22

**CSBA Position:** Support & Seek Amendments

*An act to amend, repeal, and add Section 35292.6 of, and to add Section 66027.7 to, the Education Code, relating to menstrual products.*



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## **Assembly Bill 856** (*Maienschein*) – Pupil health: COVID-19 Youth Health Information Act

This law enacts the COVID-19 Youth Health Information Act. The law requires the state Department of Education to post on its internet website information related to the safe return of pupils to exercise and physical activity, as defined, after exhibiting signs or symptoms of, or testing positive for, COVID-19, and specifies that the information include current guidelines issued by the American Academy of Pediatrics. The law also requires the department to include in its posts current guidelines of the American Academy of Pediatrics for pupils to obtain medical clearance before returning to exercise and physical activity after exhibiting signs or symptoms of, or testing positive for, COVID-19, as specified. The law requires require the department to monitor best practices and evolving guidelines on the safe return of pupils to exercise and physical activity after exhibiting signs or symptoms of, or testing positive for, COVID-19, and to update its internet website in response to new information. The law also requires the department to encourage schools and school districts to give pupils and their parents and guardians ready access to the information obtained pursuant to this law by posting it on their internet websites, and actively distributing this information, as specified. The law makes these provisions inoperative on July 1, 2024 and repeals them as of Jan.1, 2025.

**Chapter #:** 123

**Policy Pillar:** Improve Conditions of Children

**Effective:** 7/23/21

**CSBA Position:** No official position

*An act to add and repeal Article 13.3 (commencing with Section 33477) of Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.*

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## **Senate Bill 14** (*Portantino*) – Pupil health: school employee and pupil training: excused absences: youth mental and behavioral health

Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil's illness. This law includes, within the meaning of an absence due to a pupil's illness, an absence for the benefit of the pupil's mental or behavioral health. This law, contingent on an appropriation made for these purposes, requires the state Department of Education, on or before Jan. 1, 2023, to recommend best practices and identify evidence-based, as defined, and evidence-informed, as defined, training programs for schools to address youth behavioral health, including, but not necessarily limited to, staff and pupil training, as specified. The law defines a local educational agency for purposes of these provisions to mean a county office of education, school district, state special school or charter school that serves pupils in any of grades 7 to 12, inclusive.

**Chapter #:** 672

**Policy Pillar:** Ensure Achievement for All

**Effective:** 10/8/21

**CSBA Position:** Support

*An act to amend Section 48205 of, and to add Section 49428.15 to, the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.*





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### **Senate Bill 97** (Roth) – Pupil health: type 1 diabetes information: parent notification

This law requires the state Department of Education to develop type 1 diabetes informational materials for the parents and guardians of pupils, as specified, and requires those informational materials to be made available to each school district, county office of education and charter school through the department’s website. The law requires, on and after Jan. 1, 2023, school districts, county offices of education and charter schools to make those materials available to the parent or guardian of a pupil when the pupil is first enrolled in elementary school, or as part of a certain notification.

**Chapter #:** 674

**Policy Pillar:** Improve Conditions of Children

**Effective:** 1/1/23

**CSBA Position:** Support

*An act to add Section 49452.6 to the Education Code, relating to pupil health.*

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### **Senate Bill 722** (Melendez) – Pupil safety: swimming pools: adult presence: cardiopulmonary resuscitation training

This law will, if a school district or charter school elects to sponsor or host, in or around a swimming pool, an on-campus event that is not part of an interscholastic athletic program, require the school district or charter school to require at least one adult with a valid certification of CPR training to be present throughout the duration of the event.

**Chapter #:** 679

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Section 34183 of, and to add Section 34183.1 to, the Health and Safety Code, relating to community redevelopment.*

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## Instruction

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### **Assembly Bill 101** (*Medina*) – Pupil instruction: high school graduation requirements: ethnic studies

Current law requires the Instructional Quality Commission to develop, and the State Board of Education to adopt, modify or revise, a model curriculum in ethnic studies. Current law also encourages each school district and charter school that maintains any of grades 9 to 12, inclusive, and that does not otherwise offer a standards-based ethnic studies curriculum to offer, beginning in the school year following the adoption of the model curriculum, a course of study in ethnic studies based on the model curriculum. This law will add the completion of a one-semester course in ethnic studies, meeting specified requirements, to the graduation requirements commencing with pupils graduating in the 2029–30 school year, including for pupils enrolled in a charter school. The law also requires local educational agencies, including charter schools, to offer an ethnic studies course commencing with the 2025–26 school year. The law expressly authorizes LEAs, including charter schools, to require a full-year course in ethnic studies at their discretion.

**Chapter #:** 661

**Policy Pillar:** Ensure Achievement for All

**Effective:** Graduation requirement commences with pupils graduating in the 2029–30 school year; requirement to offer an ethnic studies course is effective for the 2025–26 school year.

**CSBA Position:** Support

*An act to amend Sections 51225.3 and 51226.7 of the Education Code, relating to pupil instruction.*

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### **Senate Bill 224** (*Portantino*) – Pupil instruction: mental health education

This law requires each school district, county office of education, state special school and charter school that offers one or more courses in health education to pupils in middle school or high school to include in those courses instruction in mental health that meets the requirements of the law, as specified. The law requires that instruction to include, among other things, reasonably designed instruction on the overarching themes and core principles of mental health. The law requires that instruction and related materials to, among other things, be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities and English learners. The law requires the state Department of Education to develop a plan to expand mental health instruction in California public schools on or before Jan. 1, 2024.

**Chapter #:** 675

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Oppose Unless Amended

*An act to add Article 6 (commencing with Section 51925) to Chapter 5.5 of Part 28 of Division 4 of Title 2 of the Education Code, relating to pupil instruction.*



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## **Senate Bill 254** (*Borgeas*) – Public schools: September 11th Remembrance Day

Current law designates particular days each year as having special significance and encourages all public schools and educational institutions to observe those days and to conduct suitable commemorative exercises on those days. This law designates and sets apart Sept. 11 each year as September 11th Remembrance Day, a day having special significance. The law encourages, when September 11th Remembrance Day falls on a school day, each public elementary and secondary school to observe a moment of silence at an appropriate time while school is in session.

**Chapter #:** 102

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to add Section 37222.21 to the Education Code, relating to public schools.*



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## Students

### **Assembly Bill 27** (*Rivas*) – Homeless children and youths and unaccompanied youths: reporting

Under current state law, public schools, including charter schools, and county offices of education are required to immediately enroll a homeless child or youth seeking enrollment, except as specified. Current law requires a local educational agency liaison for homeless children and youths to ensure that public notice of the educational rights of homeless children and youths is disseminated in schools within the liaison's LEA that provide services pursuant to the act. This law will require a local educational agency to ensure that each school within the local educational agency identifies all homeless children and youths and unaccompanied youths, as defined, enrolled at the school. The law also requires LEAs receiving designated federal funds to administer a housing questionnaire, as specified, for purposes of identifying homeless children and youths and unaccompanied youths, and to annually provide the housing questionnaire to all parents or guardians of pupils and unaccompanied youths of the LEA.

This law requires a school district, charter school or county office of education to create a web page or post on its website a list of the LEA liaisons for homeless children and youths and unaccompanied youths in that school district, charter school or county office of education, respectively, the contact information for those liaisons, and specific information regarding the educational rights and resources available to persons experiencing homelessness. The law requires a school to post on its website, if the school has a website, the contact information for the liaison, if available. The law also requires, if a school has an employee or person under contract whose duties include assisting the liaison in completing the liaison's duties under the federal act, the school to post on its website, if the school has a website, the contact information for that employee or person under contract. The law requires data collected by the department or by an LEA under these provisions to be used in accordance with all state and federal laws regarding pupil privacy and the collection and use of pupil data.

Upon appropriation by the Legislature, this law authorizes \$1,500,000 to be allocated to up to three county offices of education in different regions throughout the state for purposes of establishing technical assistance centers to foster relationships with community partners and other LEAs in each region, as provided. The law requires the department to determine which county offices of education to allocate those funds to through a competitive process, as provided, and to take into account geographic diversity and concentrations of homeless children and youths and unaccompanied youths. The law requires the technical assistance centers to be operative only for the duration of a specified federal grant period.

The law requires the department to develop, as specified, best practices and a model housing questionnaire that an LEA may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the local educational agency. The law requires the department to post the best practices and model housing questionnaire on its internet website.

The law provides that, upon appropriation by the Legislature, the department would be authorized to use designated federal funds or the General Fund, or a combination of funds from these sources, to implement the provisions of the law commencing with the 2021–22 school year.

**Chapter #:** 394

**Policy Pillar:** Improve Conditions of Children

**Effective:** 9/29/21

**CSBA Position:** Support

*An act to amend Sections 48852.5 and 48859 of, and to add Sections 48851, 48852.6, and 48857 to, the Education Code, relating to homeless children and youths and unaccompanied youths, and declaring the urgency thereof, to take effect immediately.*



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## **Assembly Bill 104** (Gonzalez) – Pupil instruction: retention, grade changes, and exemptions

For the 2021–22 academic year, this law requires a school district, county office of education or charter school to implement a supplemental policy regarding the retention of pupils who, in the 2020–21 academic year, received deficient grades, as specified, for at least half of the pupil’s coursework, except for pupils enrolled in grade 12 during the 2020–21 academic year. The law requires a school district, county office of education or charter school, as part of that policy and within 30 calendar days of receiving a written retention consultation request from a parent, to conduct the consultation with the parent, the pupil, the administrator and a teacher, and requires the consultation to include a discussion of all available learning recovery options, research on the effects of retention and the benefits of particular interventions and supports, and consideration of the pupil’s academic data and any other information relevant to whether retention is in the pupil’s best interests, academically and socially. The law requires a retention decision to be consistent with a pupil’s individualized education program. The law requires regardless of the retention decision, the pupil to be offered specific interventions and supports. The law also requires, if the decision is to not retain the pupil, the pupil to be offered access to prior semester courses in which the pupil received a D or F letter grade in the 2020–21 academic year, some other form of credit recovery, or other supports as specified. The law requires a school district, county office of education or charter school to notify the requesting parent of its retention decision within 10 calendar days of the consultation.

This law authorizes the parent, guardian, or education rights holder of a pupil, or, for a pupil who is 18 years of age or older, the pupil, who was enrolled in high school and enrolled in a course during the 2020–21 school year to apply to the pupil’s school district, county board of education or charter school to change the letter grade for that course to a Pass or No Pass grade on the pupil’s transcript. The law requires the school district, county office of education or charter school to make the requested change, as specified. The law requires the California State University, and encourages private postsecondary institutions and the University of California, to accept, and to notify the state Department of Education whether the institution will accept, those changed transcripts for admission purposes. The law requires the department to develop the application for the grade change request and to provide related assistance to school districts, county offices of education and charter schools.

This law requires a school district, charter school or county office of education to exempt all pupils who, in the 2020–21 school year, were in their third or fourth year of high school and who are not on track to graduate in four years from all coursework and other requirements adopted by the governing body of a school district, charter school or county office of education that are in addition to the statewide coursework requirements, and to separately provide, for all pupils who, in the 2020–21 school year, were in their third or fourth year of high school and who are not on track to graduate in the 2020–21 or 2021–22 school year, the opportunity to complete the statewide coursework required for graduation, which may include, among other opportunities for completion of the coursework, a fifth year of instruction.

**Chapter #:** 41

**Policy Pillar:** Ensure Achievement for All

**Effective:** 7/1/21

**CSBA Position:** Neutral

*An act to add Sections 48071, 49066.5, and 51225 to the Education Code, relating to pupil instruction, and declaring the urgency thereof, to take effect immediately.*



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### **Assembly Bill 272** (Kiley) – Enrollment agreements

Current law prescribes various conditions and limitations on enrollment in educational institutions, including, in some cases, on the provisions in enrollment agreements. This law will authorize a minor to disaffirm a provision in an educational institution’s enrollment agreement that purports to waive a legal right, remedy, forum, proceeding or procedure, regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor’s behalf, to the extent that the provision is construed to require the minor to waive a legal right, remedy, forum, proceeding or procedure arising out of a criminal sexual assault or criminal sexual battery, as defined, on that minor. The law will apply only to enrollment agreements for public or private schools maintaining a kindergarten or any of grades 1 through 12.

**Chapter #:** 146

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to add Chapter 3.7 (commencing with Section 1002.7) to Title 14 of Part 2 of the Code of Civil Procedure, relating to enrollment agreements.*

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### **Assembly Bill 516** (Dahle) – Pupil attendance: excused absences: cultural ceremonies or events

Current law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil’s illness. This law includes as another type of required excused absence an absence that is for the purpose of participating in a cultural ceremony or event. The law defines “cultural” for these purposes to mean relating to the habits, practices, beliefs and traditions of a certain group of people.

**Chapter #:** 281

**Policy Pillar:** Ensure Achievement for All

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Section 48205 of the Education Code, relating to pupil attendance.*



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## **Assembly Bill 1055** (*Ramos*) – Foster youth: tribal pupils and voluntarily placed children

Current law requires funding for the public school financing system pursuant to the Local Control Funding Formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are unduplicated, which is defined to include English learners, foster youth or pupils eligible for free or reduced-price meals, as specified, served by the local educational agency. Current law defines a foster youth for these purposes to include a dependent child of the court of an Indian tribe, consortium of tribes or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, if the child would also meet specified state law standards describing when a child may be adjudged a dependent child of a juvenile court. This law deletes the requirement that a dependent tribal child also meet specified state law standards for purposes of the definition of foster youth for purposes of the local control funding formula. The law adds children who are subjects of voluntary placement agreements to the definition of foster youth for purposes of the local control funding formula.

Existing law provides specified rights and supports for pupils in foster care, including access to the same academic resources, services and extracurricular and enrichment activities that are available to all pupils, the right to immediate enrollment and education in the least restrictive environment, the right to remain in the school of origin during specified proceedings, prompt academic record transfers, protections against grade reductions due to changes in residential placement or court-ordered activities, recognition of partial credit, the right to remain in school for a fifth year to complete the LEA's graduation requirements, fee waivers for certain exams and procedural protections for disciplinary hearings. This law extends those educational rights and supports to dependent children in accordance with tribal law, as specified, and children who are the subject of voluntary placement agreements.

Existing law requires the state Department of Education and the state Department of Social Services to enter into a memorandum of understanding on or before Feb. 1, 2014, that requires the state Department of Social Services, at least once per week, to share disaggregated information related to foster youth with the state Department of Education. Existing law exempts the state Department of Social Services from collecting or sharing specified information relating to a dependent child of a court of an Indian tribe, consortium of tribes or tribal organization. This law prohibits LEAs from requiring an Indian tribe or tribal court representative to certify that a pupil is a dependent of an Indian tribe, consortium of tribes or tribal organization, and authorizes tribal authorities to notify LEAs about a tribal pupil's status as a dependent child under the court of an Indian tribe, consortium of tribes or tribal organization.

**Chapter #:** 287

**Policy Pillar:** Ensure Achievement for All; Secure Fair Funding

**Effective:** 1/1/22

**CSBA Position:** No official position

*An act to amend Sections 42238.01, 48850, 48853.5, 49069.5, 49085, and 51225.2 of the Education Code, relating to foster youth.*



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## **Senate Bill 400** (*Jones*) – Homeless children and youths: local educational agencies: collaboration, training, and reporting

The federal McKinney-Vento Homeless Assistance Act provides grants to states to carry out activities relating to the education of homeless children and youths. A state plan submitted for the receipt of the grant must include assurances that local educational agencies will designate an appropriate staff person to act as an LEA liaison for homeless children and youths and a description of how the state will ensure that LEAs and their liaisons will comply with specified requirements of the act, including the identification of homeless children and youths. This law requires a liaison for homeless children and youths of an LEA, as defined to include a school district, county office of education, charter school or Special Education Local Plan Area (SELPA), to ensure the identification by school personnel of those children and youths through outreach and coordination activities with other organizations and the referral of services to homeless families and homeless children and youth. The law requires the state Department of Education to develop and implement a system to verify that LEAs are providing federally required training to school personnel providing services to youth experiencing homelessness at least annually. The law also requires the department to develop and implement procedures for verifying key information submitted by LEAs to comply with the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001 and requires the department to review all submitted information and remind each LEA for which information about its policies is outdated to update their policies to reflect current requirements.

**Chapter #:** 400

**Policy Pillar:** Improve Conditions of Children

**Effective:** 1/1/22

**CSBA Position:** Support

*An act to amend Section 48852.5 of, and to add Section 48851.5 to, the Education Code, relating to homeless children and youths.*







California  
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