LCW 2022

EDUCATION LEGISLATIVE ROUNDUP

Education Legislative Roundup is a compilation of bills, presented by subject, which were signed into law and have an impact on the legal issues our clients are facing. Unless the bills were considered urgency legislation (which means they went into effect the day they were signed into law), bills are effective on January 1, 2023, unless otherwise noted. Urgency legislation will be identified as such. Many of the bills summarized below apply directly to public education districts. Bills that do not directly apply to public education districts are presented either because they indirectly apply, may set new standards that apply or would generally be of interest to our school clients.

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

INDEX

TERMS OF EMPLOYMENT

AB 2413 – Prohibits A School District Or Community College District From Implementing A Suspension Without Pay, Suspension Or Demotion With A Reduction In Pay Or From Dismissing A Permanent Classified Employee Who Requests A Hearing On The Charges Until After The Hearing Is Held Unless Certain Requirements Are Met.

Existing law requires the governing board of a school district or community college district to prescribe written rules and regulations governing the personnel management of the classified service whereby classified employees are designated as permanent employees after serving a prescribed period of probation. Existing law subjects a permanent classified employee to disciplinary action only for cause, as prescribed by rule or regulation of the governing board of the school district or community college district.

Existing law authorizes the governing board of a school district or community college district to enter into a collective bargaining agreement with an employee organization. Existing law authorizes the governing board of a school district or community college district to delegate its authority to determine whether sufficient cause exists for disciplinary action against a classified employee to an impartial third-party hearing officer, pursuant to the terms of the collective bargaining agreement.

AB 2413 amends existing law by prohibiting the suspension without pay, suspension or demotion with a reduction in pay, or dismissal of a permanent employee who timely requests a hearing on charges against the employee before a decision is rendered after the hearing. Except, discipline may be imposed before a decision is rendered, if the governing board or impartial third-party hearing officer finds that at the time discipline was imposed after the conclusion of Skelly process, the employer demonstrated by a preponderance of the evidence that the employee engaged in criminal misconduct, misconduct that presents a risk of harm to pupils or students, staff, or property, or committed habitual violations of the district's policies or regulations.

The bill authorizes a school district or a community college district to stop paying a permanent employee before a decision is rendered after 30 calendar days from the date the hearing is requested if a hearing on the charges will be conducted by an impartial third-party hearing officer pursuant to a collective bargaining agreement.

Lastly, if the bill conflicts with a collective bargaining agreement entered into before January 1, 2023, the terms of this bill do not apply to the school district or community college district until the expiration or renewal of the collective bargaining agreement.

(AB 2413 amends Sections 45113 and 88013 of the Education Code.)

SB 874 – Requires That Classified Employees In School Districts And Community Colleges Districts That Do Not Have A Merit System Who Accepts A Promotion And Fails To Complete A Probationary Period, Revert Back To Their Previous Position.

Existing law provides that a person, in either a school district or a community college district, who has served an initial probationary period in a class not to exceed six months or 130 days of paid service, whichever is longer, as prescribed by the rules of the commission shall be deemed to be in the permanent classified service, except that the commission may establish a probationary period in a class not to exceed one year for classes designated by the commission as executive, administrative, or police classes.

Under existing law, in a school district or community college district that has not adopted a merit system for its employees, a permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position is required to be employed in the classification from which the employee was promoted.

This bill provides that in a school district or community college district that has adopted a merit system for its employees, a permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position be employed in the classification from which the employee was promoted.

This provisions of this bill do not apply to a conflicting collective bargaining agreement entered into before January 1, 2023, until the expiration or renewal of that collective bargaining agreement.

(SB 874 amends Section 45301 and 88120 of the Education Code.)

ELECTIONS & BOARD GOVERNANCE

AB 2584 – Amends Existing Rules Related To Recall Elections.

AB 2584 amends existing law and provides a number of changes to recall elections and petitions. It increases the number of signatures required based on number of registered voters in the electoral jurisdiction.

The bill requires a recall petition to recall a member of the governing board of a school district include an estimate of the cost of conducing the special election. The estimate may be obtained from the county elections official in consultation with school district.

The bill requires that for a petition for the recall of a local officer the county elections official shall make a copy of the recall petition available for public examination for 10 days, which shall run concurrently with the 10-day review period for the elections official to determine the sufficiency of the petition. The bill authorizes a voter of the applicable electoral jurisdiction or the elections official, during those 10 days, to seek a writ of mandate or injunction requiring any or all of the statement of the proponents or the answer of the officer to be amended or deleted. The bill requires a court to issue a writ of mandate or injunction only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the applicable requirements for recall petitions.

Existing law requires the governing board of a local government entity to issue an order calling an election if the elections official certifies to the board that the recall proponents gathered sufficient signatures to hold a recall election for an officer of the local government entity. Existing law requires the election be held not less than 88 days and not more than 125 days from the issuance of the order.

This bill permits the election be consolidated with a regularly scheduled election conducted within 180 days after the issuance of the order.

(AB 2584 amends Sections 1020, 11022, 11024, 11041, and 11242 of, and adds Section 11042.5 to, the Elections Code.)

SB 1061 – Amends The Time Period By Which A Special Election Must Be Called Following A Special Election Request And Requires The Cost Of The Election To Be Included In The Petition.

This bill applies to school district and community college district elections. It amends existing law and requires that following a provisional appointment, if the registered voters of the district petition for a special election, the special election petition must contain the cost estimate expressed in a per-pupil or per-student basis.

SB 1061 also amends the time period by which an election shall be ordered by the county superintendent of schools. The bill requires the special election be conducted not less than 88, nor more than 125 days following the order of the election, except the bill provides for one exception. An election may be held within 180 days if it is being consolidated with a regularly scheduled election.

(SB 1061 amends Section 5091 of the Education Code.)

K-12 EDUCATION

AB 22 – Requires The State Department Of Education To Collect Preschool Data By July 1, 2024.

The Early Education Act requires the Superintendent of Public Instruction to administer all California state preschool programs for three and four year old children. Existing law authorizes school districts and charter schools to maintain a transitional kindergarten program, defined as the first year of a two- year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. To receive apportionment for pupils in a transitional kindergarten program, school districts and charter schools must admit children who meet certain age requirements.

Existing law establishes the California Longitudinal Pupil Achievement Data System, which is maintained by the State Department of Education and consists of pupil data from elementary and secondary schools related to demographics, program participation, enrollment, and statement assessment. Existing law requires the system be used to accomplish certain goals, including to provide an efficient, flexible and secure means of maintaining statewide pupil level data.

AB 22 requires that by July 1, 2024, the State Department of Education (Department) will collect pupil data for each pupil enrolled in a California state preschool program operated by a local educational agency, including all applicable data elements that are collected for pupils in transitional kindergarten. The bill also requires the Department to collect the same data for educators in a California state preschool program operated by a LEA that is collected for educators in the K-12 classroom setting.

(AB 22 adds Chapter 11, commencing Section 60910, to Part 33 of Division 2 of Title 2 of the Education Code.)

AB 58 – Requires Local Educational Agencies Revise And Update Their Policy On Pupil Suicide Prevention And Training Materials To Include Best Practices On How To Conduct Awareness And Prevention Training Remotely By January 1, 2025.

Existing law requires the governing board or body of a county office of education, school district, state special school, or charter school that serves pupils in kindergarten and grades 1 to 12 to adopt a policy on pupil suicide prevention that specifically addresses the procedures relating to suicide prevention, intervention, and postvention; and requires that any training on suicide awareness and prevention to be provided to teachers of pupils in all of the grades served by the local educational agency. Current law requires the State Department of Education to develop and maintain a model policy in accordance with these provisions to serve as a guide for LEA in developing policies for pupil suicide prevention.

AB 58 requires that on or before January 1, 2025, a LEA review and update its policy on pupil suicide prevention, and revise training materials to incorporate best practices identified in the Department's model policies. The bill encourages a LEA to provide suicide prevention training to teachers commencing with the 2024-2025 school year.

The bill also requires that by June 1, 2024, the Department must complete the development of, and issue to LEA, resources and guidance on how to conduct suicide awareness and prevention training remotely.

(AB 22 amends Education Code Section 215.)

AB 48 – Requires School Districts, County Offices Of Education, Charter Schools, And Special Education Local Plan Areas To Develop Homeless Education Program Policies And Provide Staff Working With Homeless Children And Youth Training.

AB 48 expands existing law by requiring a local educational agency (LEA) to develop homeless education program policies that are consistent with the McKinney-Vento Homeless Assistance Act and use the resources developed by the state department of education and by the homeless education technical assistance centers established using the American Rescue Act of 2021 funds. The bill requires the policies be updated every three years.

AB 48 further requires a LEA liaison for homeless children and youths and unaccompanied youths to provide training at least annually to classified and certificated employees of the LEA who work with pupils experiencing homelessness. The training must consist of the following: (1) the homeless education program policies established; and (2) recognition of signs that pupils are experiencing, or are at risk of experiencing, homelessness. The liaison must also notify these employees of the available training.

The bill encourages the training be offered to all other classified and certificated employees who work with pupils.

The State Department of Education shall develop and implement a plan for monitoring the compliance of LEA to the extent possible. The implementation of the risk-based monitoring plan shall include reviews of the local education agencies that shall include, but not be limited to, school site inspections. The purpose of the monitoring is to ensure the state is not underestimating the number of youth experiencing homelessness.

(AB 408 adds Sections 48851.3 and 48852.3 to the Education Code.)

AB 558 – Requires The State Department Of Education Develop Guidance By July 1, 2023, For Local Educational Agencies Participating In The Federal School Breakfast Program On How To Serve Eligible Non-School-Aged Children Breakfast Or Morning Snacks At School Sites.

Commencing with the 2022-2023 school year, existing law requires a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, or charter schools to provide two nutritiously adequate school meals free of charge during each school day to any pupil who requests a meal. Existing law provides that no consideration shall be made of the pupil's eligibility for a federally funded free or reduced-priced meal, with a maximum of one free meal for each meal service period.

AB 558 establishes the Child Nutrition Act of 2022. It requires the State Department of Education consult with the State Department of Social Services to develop guidance by July 1, 2023 on how to serve eligible non-school children breakfast or a morning snack for local educational agencies participating in the federal School Breakfast Program. The guidance shall highlight opportunities to maximize federal reimbursement through the federal School Breakfast Program and the federal Child and Adult Care Program. The bill also requires that a guardian must accompany an eligible non-school-aged child at the school site in order for the non-school-aged child to receive breakfast or a snack. The bill defines "eligible non-school-aged child," "guardian," and "local educational agency" for purposes of this act. The bill does not require the local education agency to take any action.

(AB 558 adds Article 7.5, commencing with Section 49495, to Chapter 9 of Part 27 of Division 4 of the Education Code.)

AB 740 – Amends Existing Law Related To Suspension And Expulsion Notice Requirements To Require Notice To Foster Youth And Homeless Child And Youth Representatives.

Existing law requires that charter school petitions include a clear statement of the notice they must provide to parents and guardians to the involuntary removal of a pupil. This bill expands the definition of parent and guardian to include a homeless child's educational rights holder, the foster child's educational rights holder, the attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker. The bill requires that notice of the intent to suspend be provided in the native language of the homeless or foster child's educational rights holder and be provided to the foster child's attorney and county social worker. For a pupil who is an Indian child as defined in section 224.1 of the Welfare and Institutions Code, the notice must be provided to the Indian child's tribal social worker and, if applicable, the county social workers. The notice must also inform the homeless child's educational rights holder, the foster child's educational rights holder, the attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of their rights. These same individuals must also receive any notice of suspension, expulsion, manifestation determination notice, and other documents and related information.

Existing law requires the governing board of each high school or unified school district that assigns pupils to continuation school to adopt rules and regulations governing procedures for the involuntary transfer of pupils to continuation schools including establishing specific notice requirements prior to the involuntary transfer. Under existing law, a pupil's parent or guardian must receive written notice of their rights prior to an involuntary transfer. AB 740 amends existing law to require the notice of rights prior to an involuntary transfer and the written decision to transfer a foster child, be given to the foster child's education rights holder, attorney, and county social worker, or, if the pupil is a Indian child, the Indian child's tribal social worker and, if applicable, county social worker. The bill also entitles these individuals to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.

The bill also amends existing law to require that notice of a proposed change in placement given to the pupil's educational rights holder, attorney, and county social worker if the pupil is a foster child with exceptional needs. If the pupil is an Indian child, notice must be given to the tribal social worker and, if applicable, county social worker.

Finally, AB 740 amends existing law to require the governing board of a school district to provide notice of their decision to expel a foster child to the pupil's educational rights holder, attorney, and county social worker. The bill also requires the governing board of a school district that recommends the expulsion of a homeless child or youth, to provide notice of the expulsion hearing to the pupil's local educational agency liaison for homeless children and youth. Finally, if the expulsion involves an Indian child, the governing board of the school district must provide notice of the expulsion hearing to the pupil's tribal social worker and, if applicable, county social worker.

(AB 740 amends Sections 47605, 47605.6, 48432.5, 48853.5, 48911, 48915.5, and 48918.1 of the Education Code.)

AB 748 – Requires School Sites With Pupils In Grades 6 To 12 To Create And Post On Pupil Mental Health By The Start Of 2023-2024 School Year.

AB 748 requires that on or before the start of the 2023-2024 school year, each school site in a school district, county office of education, and charter school serving pupils in any of grades 6 to 12, create a poster that identifies approaches and shares resources regarding pupil mental health. The poster must display at a minimum the following:

- Identification of common behaviors of those struggling with mental health or who are in a mental health crisis, including, but not limited to, anxiety, depression, eating disorders, emotional dysregulation, bipolar episodes, and schizophrenic episodes.
- A list of, and contact information for, school site-specific resources, including, but not limited to, counselors, wellness centers, and peer counselors.
- A list of, and contact information for, community resources, including, but not limited to, suicide prevention, substance abuse, child crisis, nonpolice mental health hotlines, public behavioral health services, and community mental health centers.
- A list of positive coping strategies to use when dealing with mental health, including, but not limited to, meditation, mindfulness, yoga, breathing exercises, grounding skills, journaling, acceptance, and seeking therapy.
- A list of negative coping strategies to avoid, including, but not limited to, substance abuse or self-medication, violence and abuse, self-harm, compulsivity, dissociation, catastrophizing, and isolating.

The language in the poster must be age appropriate and culturally relevant. It must be prominently and conspicuously displayed in appropriate public areas that are accessible to, and commonly frequented by, pupils at each school site. The poster must be in English and in any primary language spoken by 15 percent or more of the pupils enrolled at the school site.

(AB 748 adds Section 49428.5 to the Education Code.)

AB 1797 – Makes Minor Revisions To California Immunization Registry And Extends Law Beyond January 1, 2026.

Existing law establishes the California Immunization Registry (CAIR), which is operated by the California Department of Public Health (CDPH). Current law generally authorizes health care providers and other agencies, including, among others, schools, childcare facilities, family childcare homes, and county human services agencies, to disclose specified immunization information with local health departments and the CDPH, and authorizes local health departments and the CDPH to disclose that same information to each other and to health care providers, schools, childcare facilities, family childcare homes, and county human services agencies, and certain others. Current law sets forth the immunization, patient, or client information that may be disclosed, such as patient or client demographic information, immunization data, adverse reactions to the immunization, or other information needed to identify the patient or client or to comply with other laws.

AB 1797 revises the current law to instead require health care providers and other agencies, including schools, childcare facilities, family childcare homes, and county human services agencies to disclose the specified immunization information, and would add the patient's or client's race and ethnicity to the list of information that shall or may be disclosed.

Current law further requires schools, childcare facilities, family childcare homes, and county human services agencies to maintain the confidentiality of the specified immunization information and to only use the information for specified purposes, including to carry out their responsibilities regarding required immunization for attendance or participation benefits, or both. AB 1797 additionally authorizes, until January 1, 2026, schools, childcare facilities, family childcare homes, and county human services agencies to use the specified immunization information for the COVID-19 public health emergency to perform immunization status assessments of pupils, adults, and clients to ensure health and safety.

(AB 1797 amends, repeals, and adds Section 120440 of the Health and Safety Code.)

AB 2085 – Revises Definition Of General Neglect Under CANRA.

The Child Abuse and Neglect Reporting Act (CANRA) establishes procedures for the reporting and investigation of suspected child abuse or neglect. CANRA requires certain professionals, known as "mandated reporters," to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or a county welfare or probation department, within certain timeframes. Under existing law, CANRA defines "general neglect" as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

AB 2085 revises the definition of general neglect by narrowing it to circumstances in which the child is at substantial risk of suffering serious physical harm or illness. AB 2085 further provides that general neglect does not include a parent's economic disadvantage.

(AB 2085 amends Sections 11165.2, 11166, and 11167 of the Penal Code.)

AB 2274 – Revises Statute Of Limitations For Misdemeanor Failure To File Mandated Report.

The Child Abuse and Neglect Reporting Act (CANRA) establishes procedures for the reporting and investigation of suspected child abuse or neglect. CANRA requires certain professionals, known as "mandated reporters," to report whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Under existing law, a mandated reporter's failure to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Under existing law, prosecution of a misdemeanor for failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault may be filed at any time within 5 years from the date of occurrence of the offense.

Under AB 2274, the timeframe for prosecution of a failure to report reasonably suspected sexual assault case remains within 5 years from the date of occurrence of the offense, while the timeframe for prosecution of failure to report any other child abuse or severe neglect to be within one year of the discovery of the offense, but in no case later than 4 years after the commission of the offense.

(AB 2274 amends Section 801.6 of, and adds Section 801.8 to, the Penal Code.)

AB 1868 – Establishes New Data Reporting Requirements For The Superintendent Of Public Instruction Related To The California Assessment Of Student Performance And Progress (CAASPP).

AB 1868 requires the Superintendent of Public Instruction publicly report on an annual basis on its website, enrollment data by English language acquisition status and disability. The bill defines "English language acquisition" and "disability" for this reporting requirement.

(AB 1868 adds Section 60900.1 to the Education Code.)

AB 1923 – Requires The Superintendent Of Public Instruction To Prioritize Plans For California Partnership Academies Based On Specified Pupil Groups.

Existing law establishes the California Partnership Academies to promote state-school-private sector partnerships combining academic and vocational training to high school pupils who present a high risk of dropping out of school and motivating them to stay in school and graduate. Under existing law, the Superintendent of Public Instruction issues grants to school districts, to plan, establish, and maintain these academies. Existing law requires the Superintendent to establish eligibility criteria for school districts that apply for these grants.

This bill amends existing law by expressly including science, technology, engineering, and mathematics (STEM) programs as part of the California Partnership Academies.

The bill also establishes criteria that the Superintendent of Public Instruction must use in prioritizing proposals for new partnership academics. When prioritizing proposals, the Superintendent must consider the school district's enrollment of the following pupil groups:

- Unduplicated pupils.
- Pupils from groups historically underrepresented in career technical education or STEM programs or professions.
- At-promise pupils.
- New partnership academies for school districts located in a rural area or an economically disadvantaged area.

(AB 1923 amends Sections 54690, 54692, and 54693 of the Education Code.)

AB 2028 – Expands Bicycle Safety Instruction To Include Scooters, Electric Bicycles, And Motorized Scooter.

Existing law authorizes the governing board of any school district with jurisdiction over any elementary, intermediate, or junior high school to provide any local law enforcement agency having jurisdiction over the schools of the district with time and facilities for bicycle safety instruction.

AB 2028 amends existing law to expand the safety instruction provided to also include scooter, electric bicycle, and motorized scooter. The bill also authorizes the governing board to provide time and facilities to other organizations, including but not limited to public agencies and nonprofit organizations that provide bicycle, scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction.

(AB 2028 amends Section 51860 of the Education Code.)

AB 2038 – Amends Existing Law To Allow The Los Angeles Unified School District To Expand The Definition Of Teacher For Purposes Of Calculating The Administrative Employees-To-Teacher Ratio.

Existing law sets forth the maximum ratio of administrative employees to each 100 teaches in various types of school districts.

AB 2038 amends existing law to exempt the Los Angeles Unified School District from the current ratio calculation and amends the definition of teacher. For purposes of calculating the administrative employee-to-teacher ratio in the 2022-2023 to 2024-2025 fiscal year, the bill authorizes the Los Angeles Unified School District to include in the definition of "teacher," teachers who spend a majority of their time with pupils as intervention specialists or teachers who spend a majority of their time on a school campus providing training, coaching, or professional development to other teachers, or both of those.

The bill requires the Los Angeles Unified School District to submit various reports related to the administrative employee-to-teacher ratio to the Superintendent, the Department of Finance, and the budget committees of both houses of the Legislature. The bill also makes conforming and nonsubstantive changes.

(AB 2038 amends Sections 41401, 41403, 41404, and 41404.5 of the Education Code.)

AB 2072 – Requires County Offices Of Education Coordinate Agreements Between School Districts And Charter Schools To Create A System That Enables The Repaid Deployment Of Qualified Mental Health Professions To Support Pupils And Staff Experiencing A Natural Disaster Or Other Traumatic Event.

AB 2072 requires that on or before November 1, 2024, county offices of education coordinate agreements between school districts and charter schools within the county to develop a system through which qualified mental health professionals and other key school personnel employed by the individual school district or charter school can rapidly be deployed to support pupils and staff experiencing a natural disaster or other traumatic event. County offices of education shall consult with the California Department of Education and other state and local agencies to coordinate the agreements. County offices of education shall consider the following facts when developing agreements:

- The cost of creating and maintaining the system.
- The criteria required for a local educational agency (LEA) to request the use of mental health professionals and other key school personnel employed by another LEA.
- Potential reimbursement between LEA; and
- Reimbursement for travel expenses incurred by mental health professionals and other key school personnel.

Single school district county offices of education shall comply with AB 2072 and enter into agreements with at least one county office of education they share a boarder with.

(AB 2072 adds Section 49429.5 to the Education Code.)

AB 2337 – Establishes The Definition Of Frontier School District.

AB 2337 defines "frontier school district" to mean a school district that meets either of the following conditions:

- The total number of pupils in average daily attendance at all the schools served by the school district is fewer than 600; or
- Each county in which a school operated by the school district is located has a total population density fewer than 10 persons per square mile.

(AB 2337 adds Section 94 to the Education Code.)

AB 2508 – Amends Existing Law And Identifies Areas That Must Be Included In Educational Counseling As Well As Permissible Areas Of Counseling.

Existing law authorizes the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the school district. Existing law requires educational counseling to include academic counseling in specified areas; and authorizes educational counseling to include counseling in certain areas. Existing law defines "educational counseling" for these purposes.

AB 2508 amends existing law and urges the governing board of a school district to provide access to a comprehensive educational counseling program for all pupils enrolled in the school district. The bill requires educational counseling to include postsecondary services in the following areas:

- Development and implementation, with parental involvement, of the pupil's immediate and long-range educational plans.
- Optimizing progress towards achievement of proficiency standards and competencies.
- Completion of the required curriculum in accordance with the pupil's needs, abilities, interests, and aptitudes.
- Academic planning for access and success in higher education programs, including advisement on courses needed for admission to colleges and universities, standardized admissions tests, and financial aid.
- Provide high-quality career programs at all grade levels for pupils that assist pupils in specified areas.

The bill revises the definition of "educational counseling" to mean specialized services provided by a school counselor possessing a valid credential with a specialization in pupil personnel services who directly counsels pupils and implements equitable school programs and services that support pupils in their academic development, social emotional development, and college and career readiness.

The bill also identifies eleven permissible areas that may be including educational counseling.

(AB 2508 amends Section 49600 of the Education Code.)

AB 2598 – Requires The State Department Of Education Develop Best Practices For Effective, Evidence-Based Restorative Justice Practices For School Districts, County Offices Of Education And Charter Schools To Use.

Existing law requires suspension of a pupil only when other means of correction fail to bring about proper conduct, and specifies that other means of correction may include, among other things, participation in a restorative justice program.

AB 2598 requires the State Department of Education develop evidence-based best practices for restorative justice practice implementation. The department shall make the resources available on the department's internet website on or before June 1, 2024 for use by local educational agencies.

The bill further requires that the department consult with the following groups to identify the best practices for effective, evidence-based restorative justice practices in elementary and secondary schools:

- School-based restorative justice practitioners;
- Educators from public schools serving kindergarten and grades 1 to 12, inclusive;
- Pupils from public schools serving kindergarten and grades 1 to 12, inclusive; and
- Community partners or community members, and nonprofit and public entities

The bill encourages the department to consider resources and best practices that have been identified or developed as part of aligned efforts, including, but not limited to, the Scaling Up MTSS Statewide (SUMS) Initiative, the California Community Schools Partnership Program, and resources developed by the department in support of social-emotional learning, when developing its best practices.

(AB 2598 adds Article 9, commencing with Section 49055, to Chapter 6 of Part 27 of Division 4 of Title 2 of the Education Code.)

AB 2640 – Establishes The Zacky Bill, A Health And Safety Bill Concerning Pupils With Life-Threatening Food Allegories And Requires The State Department Of Education To Create The California Food Allergy Resources Internet Webpage Providing Voluntary Guidance To Local Educational Agencies.

AB 2640 requires the State Department of Education create the California Food Allergy Resources internet web page to provide school districts, county offices of education, and charter schools (the local educational agencies) voluntary guidelines to help protect pupils with food allergies.

The web page shall include the following:

- A compilation of state and federal resources available for pupils with food allergies.
- Methods and qualifications necessary for pupils, or their parents and guardians, to initiate individualized food allergy management and prevention plans.
- Potential strategies to minimize the risk of food allergy anaphylaxis in school.
- Methods to obtain ingredient lists for foods served to pupils at school from each of the school's food service providers.

The bill encourages local educational agencies to use the website to create equitable resources to ensure that inclusive of pupils with food allergies at schools. A local educational agency is also encouraged to make the website available annually to pupils, parents, and guardians.

(AB 2640 adds Section 49414.2 to the Education Code.)

AB 2959 - Clarifies Existing Law And Provides That A Claim For Damages Resulting From Childhood Sexual Assault Is Not Required Prior To Initiating An Action.

Existing law requires that specified actions for recovery of damages suffered as a result of childhood sexual assault be commenced within 22 years of the date the plaintiff attains the age of majority or within 5 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, whichever occurs later. The Government Claims Act generally requires the presentation to a public entity of a written claim for money or damages against the entity before the commencement of an action. The Government Claims Act excludes from this requirement a claim brought against a local public entity for the recovery of damages suffered as a result of childhood sexual assault.

This bill affirms existing law by clarifying that that a claim for damages arising out of a claim of childhood sexual assault does not have to be filed with the public entity prior to initiating an action.

(AB 2959 amends Section 340.1 of the Code of Civil Procedure.)

SB 291 – Increases The Number Of Members On The Advisory Commission On Special Education.

Current law establishes the Advisory Commission on Special Education as an entity in state government consisting of 17 members.

This bill increases the number of members on the commission to 19 and requires the commission to appoint two pupils with exceptional needs. The pupils must be 16 to 22 years of age, inclusive, and shall serve a term of one year with the option to serve a second term of one year.

(SB 291 amends Section 33590 of the Education Code.)

SB 532 – Provides New Exemptions And Alternatives For Pupils From High School Coursework And Graduation Requirements.

Existing law allows a local educational agency (LEA) to exempt certain pupils from all coursework and other requirements adopted by the governing body of the LEA that are in addition to the statewide coursework requirements necessary to receive a diploma of graduation from high school, unless the LEA makes a finding that the pupil is reasonably able to complete the LEA's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school.

The bill amends existing law to instead require a LEA consult with a pupil who is in foster care, a homeless child or youth, a former juvenile court school pupil, a child of a military family or a migratory child and the person holding the right to make educational decisions for the pupil of the option to remain in school for a fifth year, if the LEA determines the pupils are reasonably able to complete the graduation requirements within the fifth year of high school. The bill requires that until January 1, 2028, an LEA consult with a pupil and provide the pupil the available options.

If a pupil does not qualify for an exception the year in which they transfer, the bill requires the LEA reevaluate the eligibility for exemption.

Existing law requires a school district, county office of education, or charter school to accept full credit or partial credits for coursework satisfactorily completed by certain pupils at a prior school and prohibits requiring the pupil retake that coursework at the new school. SB 532 instead requires that a transferring school issue and the new school accept and issue those credits on their respective official transcript for the pupil. Furthermore, the bill requires a new school that enrolls a pupil with a transcript that it knows does not include any of those credits to contact the transferring school within two business days and the transferring school shall issue the appropriate credits and provide all academic records to new school within two business days of the request.

Existing law establishes procedures for the transfer of pupils in foster care between schools and requires the transferring LEA to compile the complete educational record of the pupil, including a determination of seat time, full or partial credits earned, and current classes and grades. This bill requires the educational record to also include a determination of days of enrollment or seat time, or both if applicable, and an official transcript with full and partial credits earned, or any measure of full or partial coursework being satisfactorily completed.

(SB 532 amends Section 49069.5, 51225.1, and 51225.2 of the Education Code.)

SB 692 - Requires The State Department Of Education To Publish Data Related To The Federal Measures Of Least Restrictive Environment For Pupils With Disability.

Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and provide those individuals with a free appropriate public education in the least restrictive environment, with special education and related services, as reflected in an individualized education program.

This bill requires the State Department of Education to, on or before November 30, 2023, publish data related to federal measures of least restrictive environment for pupils with disabilities. The information must be disaggregated by race or ethnicity and the local educational agency.

(SB 692 adds Section 56049 and 56049.1 to the Education Code.)

SB 906 - Requires A School District, County Office Of Education, And Charter School To Provide An Annual Notice To Pupil Parents Or Guardians Regarding Safe Storage Of Firearms Beginning 2023-2024 School Year And Establishes Additional Reporting Requirements For School Staff.

Existing law requires school districts and county offices of education to develop comprehensive school safety plans for each of their schools operating kindergarten or any of grades 1 to 12.

This bill applies to school districts, county offices of education and charter schools. It requires that on or before July 1, 2023, the State Department of Education (Department), in consultation with relevant local educational agencies (LEA), civil rights groups, and the

Department of Justice, develop a model content that informs parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms. The Department shall update the model content on an annual basis as needed to reflect changes in the law.

Commencing with the 2023–24 school year, LEAs maintaining kindergarten or any of grades 1 to 12, must provide an annual notification to the parents or guardians of pupils that includes the model content.

The bill also requires a school official that is alerted whose duties involve regular contact with pupils in any of grades 6 to 12, who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement. The school official's report shall include any documentation or any other evidence associated with the threat or perceived threat. Upon notice of the threat or perceived threat, the local law enforcement agency or school site police shall immediately conduct an investigation and threat assessment with the support of the LEA. The investigation and threat assessment must include a review of the firearm registry of the Department of Justice and, if justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat, a school site search.

Lastly, the bill provides an LEA immunity from civil liability for any damages allegedly caused by, arising out of, or relating to these provisions.

(SB 906 adds Article 8, commencing with Section 49390, to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code.)

SB 913 - Extends The Application Of Rules Related To Single-Gender Classes, Use Of Property, Terms Of Employment For School Employees And Authorized Salaries Of The Governing Board That Currently Apply To Districts With An Average Daily Attendance Of 400,000 To Now Apply To Districts With An Average Daily Attendance Of 250,000.

Under existing law, certain rules related to single-gender classes, the use of property, and terms of employment for school employees and governing board members only apply to school districts with average daily attendance of 400,000 or more pupils.

SB 913 amends existing law by reducing the average daily attendance from 400,000 pupils to 250,000. The bill also revises the average daily attendance in rules related to single-gender classes, the use of property, and terms of employment for classified employees and governing board member. The changes result in the application of these rules to school districts with 250,000 or more average daily attendance.

(SB 913 amend Sections 232.2, 17467, 17500, 35120, 44918, 44928, 44959.5, 45168.5, 45191, 45251, and 45308 of the Education Code.)

SB 941 – Authorizes School Districts, County Boards Of Education And Charters Schools To Enter Into Agreements To Provide Students With Stem And Dual Immersion Programs.

Existing law authorizes the governing boards of two or more school districts to enter into an agreement, for a term not to exceed 5 school years, for the interdistrict attendance of pupils who are residents of the school districts.

This bill amends existing law by authorizing the governing board of a school district, a county board of education, or the governing body of a charter school to enter into an agreement with one or more local educational agencies (LEA). The purpose of the agreement is to offer the same or similar corresponding individual courses and coursework to pupils from other LEA impacted by disruptions, cancellations, or teacher shortages in science, technology, engineering, or mathematics classes, or dual language immersion programs.

The bill requires a LEA subject to the agreement to accept pupils through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, the pupil's academic or athletic performance, proficiency in English, physical condition, family income or based any protected characteristic. If the number of pupils seeking a classroom opportunity exceeds the available number of seats in a classroom, the LEA must hold a random drawings to determine approval for study and publicly post certain information related to these opportunities.

The bill requires the State Department of Education, on or before January 1, 2028, to evaluate the success of these LEA collaborations.

(SB 941 adds and repeals Article 9.5, commencing with Section 48345, of Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code.)

SB 955 - Amends Existing Law To Allows Middle And High School Students With One Excused Absence Per School Year To Engage In A Civil Or Political Event.

Existing law requires a pupil be excused from school for specified absences.

This bill amends existing law to include that a middle or high school pupil engaging in a civil or political event has an excused absence so long as the pupil provides the school advance notice of their absence. The bill requires the school excuse the pupil for only one school day-long absence per school year. The bill provides the school administrator with discretion to excuse the pupil for additional excused absences.

(SB 955 amend Section 48205 of the Education Code.)

SB 1016-Requires The State Board Of Education Include "Fetal Alcohol Spectrum Disorder" In The Definition Of "Other Health Impairments" For Purpose Of Providing A Pupil Special Education And Related Services.

The State Board of Education provides that a child who is assessed as having a specified health impairment or other health impairment is entitled to special education and related services. Those regulations define "other health impairment" as having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the environment that is due to a chronic or acute health problem and adversely affects the child's educational performance.

SB 1016 requires the State Board of Education include "fetal alcohol spectrum disorder" in the definition of "other heath impairments."

(SB adds Article 2.4, commencing with Section 56332, to Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code.)

SB 1057 – This Bill Is Known As The Omnibus Bill For Elementary And Secondary Education And Makes Various Technical, Conforming, Clarifying, And Non-Controversial Changes To The Education Code.

SB 1057 makes the following statutory changes:

1. Adds special education community advisory committees and districtwide school advisory committees on compensatory education to the list of local council and school site advisory committees that are exempt from the BagleyKeene Open Meeting Act and the Ralph M. Brown Act.

2. Clarifies existing law relating to the provisions to reorganize school districts, to include unified school districts, and to clarify procedures related to appeals to the State Board of Education (SBE) and the role of the Secretary of State in notifying the county superintendent of schools upon the filing of an appeal.

3. Authorizes an action by the county committee approving a petition to be appealed to the state board by the chief petitioners or one or more affected school districts. Authorizes a person questioning the finding of the county committee that the action to transfer territory or form one or more new districts will not adversely affect the racial or ethnic integration of the schools of the districts affected, to appeal a decision based on that finding. The appeal shall be made to the state board within 30 days. The appeal shall be based upon factual and statistical evidence. If the state board denies the appeal, the decision of the county committee shall stand. If the state board approves the appeal, it shall review the findings of the county committee at a regular meeting of the state board.

4. Authorizes, following the public hearing, or the last public hearing, the county committee to adopt a final recommendation for unification or other reorganization and shall transmit that recommendation together with the petition or with the resolution, if any, to the State Board of Education for a hearing.

5. Requires the county superintendent of schools, within 35 days after receiving the notification, to call an election, to be conducted at the next election of any kind in the territory of districts as determined by the state board.

6. Authorizes the governing board of any elementary, high school, or unified school district or any county superintendent of schools to maintain classes on Saturday or Sunday, or both. The classes maintained pursuant to this section may include, but are not limited to:

    a. Continuation classes.

    b. Special day classes for mentally gifted minors.

    c. Makeup classes for absences occurring during the week.

    d. The programs of a regional occupational center or regional occupational program.

7. Prohibits the voluntary attendance of pupils in approved programs for mentally gifted minors in special educational activities conducted on Saturday or Sunday from being included in the computation of the average daily attendance of the school district.

8. Repeals the authorization for the Commission on Teacher Credentialing (CTC) to establish criteria for alternative routes to credentialing within the Science, Technology, Engineering, Math (STEM) and

Career Technical Education Educator Credentialing Program (CTEEC), and removes an obsolete reference to the federal Race to the Top Fund. The bill establishes the STEM and CTEEC Program for purposes of providing alternative routes to credentialing, in accordance with the guidelines for the federal Race to the Top Fund, authorized under the federal American Recovery and Reinvestment Act of 2009. The California Commission on Teacher Credentialing (CTC) is required, in consultation with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations.

9. Requires CTC to authorize community-based or nongovernmental organizations accredited by an accrediting organization that is recognized by the Council for Higher Education Accreditation and the United States Department of Education. The commission may also establish alternative criteria, if necessary, for project participants that are not eligible for accreditation by one of the accredited organizations.

10. Requires the members of the Community Advisory Committees (CAC) be appointed by, and responsible to, the governing board of each participating district or county office, or any combination thereof participating in the local plan. Appointment shall be in accordance with a locally determined selection procedure that is described in the local plan.

11. Repeals an obsolete code reference and inserts the phrase "gifted and talented pupils" to replace the phrase "mentally gifted minors" within the section authorizing Saturday or Sunday classes.

12. Repeals an obsolete provision relating to a restriction on a pupil's driving privilege upon classification as a truant.

(SB 1057 amend Sections 35147, 35540, 35541, 35710.5, 35711, 35722, 35756, 37223, 44227.2, 48260.5, and 48264.5 of the Education Code.)

SB 1479-Authorizes The State Department Of Public Heath To Provide Support Services To School Districts, County Offices Of Education, And Charter Schools With Respect To COVID-19 Testing Programs And Requires A School District, County Office Of Education, And Charter School To Create And Post A COVID-19 Testing Plan On Its Website.

The bill requires the State Department of Public Health (Department) coordinate specified school districts, county office of education, and charter school COVID-19 testing program currently federally funded or organized under the California COVID-19 Task Force.

The bill authorizes the Department to provide supportive services, including technical assistance, vendor support, guidance, monitoring, and testing education, related to testing programs for teachers, staff, and pupils to help schools reopen and keep schools operating safely for in-person learning. The bill encourages the Department to expand its contagious, infectious, or communicable disease testing guidance and other public health mitigation efforts to include prekindergarten and childcare centers.

SB 1479 also requires a local educational agency (LEA) after consulting with its local health department, to create a COVID-19 testing plan, or adopt the State Department of Public Health's framework that is consistent with guidance from the Department. The bill defines LEA to mean school district, county office of education, or charter school.

The bill requires that each LEA publish the testing plan on its internet website. The bill authorizes LEAs to designate one staff member to report information on its COVID-19 testing program to the Department. The bill requires that all COVID-19 testing data be in a format that facilitates a simple process by which parents and LEAs may report data to the department or a local health department.

The bill also requires that the department determine which COVID-19 tests are appropriate for the testing program.

The bill makes the implementation of these provisions contingent upon an appropriation by the Legislature, and repeals these provisions on January 1, 2026.

(SB 1479 adds and repeals Article 9 (commencing with Section 32096) of Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code.)

TEACHER CREDENTIALING

SB 1397-Requires The Commission On Teacher Credentialing Waive The Basic Skills Proficiency Requirements When Issuing An Emergency 30-Day Substitute Permit.

The Commission on Teacher Credentialing (Commission) is responsible for establishing standards for the issuance and renewal of credentials, certificates, and permits. Existing law authorizes the Commission to issue or renew emergency teaching and specialist permits if certain conditions satisfied, including that the applicant passes the state basic skills proficiency test.

SB 1397 amends existing law until July 1, 2024, and requires the Commission to waive the basic skills proficiency requirement for issuance of an emergency 30-day substitute permit.

The bill also deletes obsolete references and updates cross-references.

(SB 1397 amend Section 44300 of the Education Code.)

SB 1487 - Requires The Commission Of Teacher Credentialing And The State Department Of Education To Create A Survey To Collect Information Regarding Resignation, Non-Acceptance Of Teaching Assignment And Those Leaving The Profession.

The Commission on Teacher Credentialing (Commission) establishes the minimum requirements for the issuance of a teaching credible, which requires the satisfactory completion of a program of an accredited professional prepared program.

SB 1487 requires that no later than July 1, 2023, the Commission and the State Department of Education (Department) develop a survey to collect data from teachers in local educational agencies (LEA) who resign from their positions, or elected not to accept a teaching assignment for the upcoming school year. The survey must also collect data on whether or not the teachers are exciting the profession.

The Commission and the Department shall gather input from stakeholders in developing the survey. The bill also requires the Commission and Department to prepare an annual report, submit the report to the Department and Legislature, and post the report on their website. The bill encourages but does not requires the LEA to share the results of the survey.

(SB 1487 add Section 44223 to the Education Code.)

AB 1876 – Establishes An Alternative Method For Employment Verification For Emergency Career Substitute Teaching Permits.

This bill amends existing law establishing an alternative method of employment verification for the issuance of an emergency career substitute teaching permit. Under existing law, the Commission on Teacher Credentialing (the Commission) establishes the employment verification requirements for an initial insurance of an emergency credible substitute permit. Currently, employers are required to verify, in the 3 years immediately preceding the date of application, 3 consecutive years of at least 90 days per year of day-to-day substitute teaching in either the school district requesting the permit or, if the county office of education is responsible for the assignment of day-to-day substitutes for all the school districts in the county, accumulated from one or more California school districts in the county requesting the permit.

This bill amends existing law and requires the Commission accept verification by an employer or employers of, in the three years immediately preceding the date of application, at least 90 days per year of day-to-day substitute teaching accumulated from one or more California school districts participating in a consortium with the school district requesting the permit.

(AB 1876 adds Section 44300.5 to the Education Code.)

SB 731 – Excludes Certain Convictions For Possession Of Specified Controlled Substances From The Criminal Background Information That May Be Considered By The Commission On Teacher Credentialing And Shared With Schools.

The California Commission on Teacher Credentialing (Commission) issues teaching and services credentials to elementary and secondary public school teachers who wish to be employed in a California public school. The Commission's Committee of Credentials reviews applications for new credentials and renewals of credentials. Under current law, the Commission is required to deny an application for the issuance of a credential or the renewal of a credential for a person who has been convicted of a controlled substance offense and certain other offenses. SB 731 prohibits the Committee from using a conviction for possession of specified controlled substances that is more than 5 years old and for which relief was granted from being used to deny a credential.

Current law requires the Department of Justice (DOJ) to maintain state summary criminal history information, as defined, and to furnish this information to various entities, such as public and private schools that are

required to conduct a fingerprint-based criminal history information check of certain employees. SB 731 prohibits the DOJ from disseminating information to public and private schools and certain other entities of a conviction for possession of specified controlled substances if that conviction is more than 5 years old and relief has been granted.

(SB 731 amends Sections 44242.5 and 44346 of the Education Code, and amends Sections 1203.41 and 11105 of, and amends, repeals, and adds Sections 851.93 and 1203.425 of, the Penal Code.)

COMMUNITY COLLEGES

AB 102 - Amends Existing Requirements For College And Career Access Pathways Partnerships By Removing The Requirement That Courses Be Certified For Remedial Purposes And Require They Be Certified For Pre-Transfer Level Courses.

Existing law authorizes the governing board of a school district to authorize a pupil who meets specified criteria to attend community college. Current law limits the number of pupils a principal is authorized to recommend for a community college summer session to 5% of the total number of pupils in any grade level. Existing law, until January 1, 2027, exempts from the 5% limitation pupils who meet specified requirements, prohibits the Board of Governors of the California Community Colleges from including enrollment growth attributed to pupils enrolled pursuant to these provisions as part of its annual budget request for the California Community Colleges, and requires the Chancellor of Community Colleges to report to the Department of Finance the number of pupils who enrolled and received a passing grade in a community college summer session course under these provisions. AB 102 amends existing law to extend these provisions indefinitely.

Existing law, until January 1, 2027, authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district or the governing body of a charter school with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. Existing law requires a CCAP partnership agreement to, among other things, certify that any remedial course taught by community college faculty at a partnering high school campus be offered only to high school pupils who do not meet their grade level standard in mathematics, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district or county office of education, and to involve a collaborative effort between high school and community college faculty to deliver an innovative remediation course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation. Existing law limits the statewide number of full-time equivalent students claimed as special admits to 10% of the total number of full-time equivalent students claimed statewide.

AB 102 removes the word "remedial" and replaces it with "pretransfer-level" so that the certification requirements now apply to pretransfer-level courses. The bill also extends the provisions authorizing CCAP partnerships indefinitely and removes the statewide limit for full-time equivalent students claimed as special admits. The bill also removes the limitation prohibiting the offering of a community college course that is oversubscribed or has a waiting list in a CCAP partnership. The bill also makes non-substantive conforming changes pursuant to AB 2973.

(AB 102 amends Sections 48800 and 76004 of the Education Code.)

AB 1232 – Nonresident Tuition Fees For English As A Second Language Courses.

AB 1232 amends existing law requiring community colleges to charge nonresident students a tuition fee. The bill exempts a nonresident student who enrolls in a credit English as a second language (ESL) course at a Community College from tuition fees if they are (1) a recent migrant; (2) a recent refugee; or (3) a person who has been granted asylum by the United Sates. This exception applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. Only the tuition fee for the credit ESL course is exempt.

(AB 1232 amends Section 76140 of the Education Code.)

AB 1467 – Requires Community College Districts Amend Existing Written Procedures Or Protocols Providing Treatment And Information To Victims Of Sexual Assault To Also Include Victims Of Domestic Violence And Now Applies To Any Location.

Existing law requires community college districts adopt written procedures or protocols to ensure that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of the institution receive treatment and information.

The bill expands existing law to require the written procedures or protocols also apply to victims of domestic violence and shall apply to any location, expanding the application beyond the institution's grounds. The bill requires that victims of sexual assault or domestic violence receive information about the availability of all of the following options:

(A) Counselors and support services for victims.

(B) Criminal prosecutions.

(C) Civil prosecutions.

(D) The disciplinary process through the college.

(E) Alternative dispute resolution or other accountability processes.

(F) Alternative housing assignments.

(G) Academic assistance alternatives.

The bill also establishes new requirements. AB 1467 requires that sexual assault and domestic violence counselors be independent from the Title IX office, and shall, at a minimum, meet the qualifications identified in Evidence Code section 1035.2 and 1037.1 defining "sexual assault counselor" and "domestic violence counselor." Services provided by counselors cannot be contingent upon a victim's decision to report to the Title IX office or law enforcement.

(AB 1467 amends Section 67385, and adds Section 89033 to the Education Code.)

AB 1491 – Establishes New Rules Permitting The Reduction Of Carryover Funds Of A Consortium Member Who Is Consistently Ineffective In Providing Services That Address The Adult Education Plan.

Existing law establishes the Adult Education Program under the administration of the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. Under existing law, the amount distributed to a member of a consortium cannot be reduced unless the consortium makes specified findings related to the member for which the distribution would be reduced.

AB 1491 amends existing law by authorizing a consortium to reduce a member's allocation by no more than the amount of the member's carryover if the consortium makes a finding by a majority vote that the member has had excessive carryover for at least two consecutive fiscal years beginning with the 2022-2023 fiscal year, that the member has been consistently ineffective in providing services that address the needs identified in the adult education plan, and reasonable interventions have not resulted in improvements. The bill requires a consortium with carryover from one or more prior fiscal years exceeding 20 percent to submit a written expenditure plan, as specified, to the chancellor and the Superintendent. The bill also requires the Chancellor and the Superintendent to prescribe and assign technical assistance to that consortium to ensure that adequate adult education services are provided to the region in proportion to the region's available funding for each fiscal year that a consortium has carryover of more than 20 percent.

(AB 1491 amends Sections 84901 and 84914 to the Education Code.)

AB 1625 – Allows An Existing Student Member On The Board Of Trustees Of The California State University To Remain In Office Past June 30 If The Governor Has Not Appointed A Successor.

Existing law requires the term of office of one student member to commence on July 1 on the even-numbered year and expire on June 30, two years thereafter, and requires the term of office of the other student member to commence on July 1 of an odd-numbered year and expire on June 30, two years thereafter.

AB 1625 amends existing law by authorizing a student member to remain in office until January 1 of the following year or until a successor is appointed, whichever occurs first, if the Governor has not appointed a successor for a student member whose term of office expires on June 30 of any year.

(AB 1625 amends Section 66602 of the Education Code.)

AB 1633 – Requires The California State University To Identify Students Whose Tuition Or Fees Are Paid Or Will Be Paid Using GI Bill Education Benefits To The Department Of Veterans Affairs.

The bill requires the California State University and Regents of the University of California to electronically submit the true full name, email address, mailing address, and mobile number to the Department of Veterans Affairs of any student receiving or who is going to receive educational benefits. The first data transfer shall identify all students using or intending to use GI Bill educational benefits for the 2023-2024 academic year. Thereafter, each annual data transfer shall identify only new students not identified in the prior data transfer.

The bill also requires, on or before June 1, 2023, the office of the Chancellor of the California State University, and requests the office of the President of the University of California to develop and post on its

website a template for informed, written consent to be used by campus financial aid offices that permits a student, when applying for financial aid, to opt in to having the student's personal information shared with the Department of Veteran Affairs. The informed, written consent shall be developed and administered in compliance with state and federal law.

(AB 1633 adds Section 66014.4 to the Education Code.)

AB 1703 – Establishes The California Indian Education Act To Encourage Local Educational Agencies To Form California Indian Education Task Forces With Local California Indian Tribes In Their Region.

AB 1703 establishes the California Indian Education Act to encourage local educational agencies to form California Indian Education Task Forces with California Indian tribes local to their region and establishes reporting requirements applicable to the task force. The California Indian Education Task Forces are encouraged to discuss issues of mutual concern and to work to do the following:

1. Develop a thorough, shared understanding of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and develop curricular materials for use within local educational agencies that include tribal experiences and perspectives and teach about the history, culture, and government of local tribes.

2. Develop a shared understanding of proper or improper instructional material when these materials use depictions of Native Americans.

3. Encourage local educational agencies to adopt curriculum developed by the California Indian Education Task Forces, in order to ensure that all pupils learn about the history, culture, government, and experiences of their Indian peers and neighbors, and to ensure that Indian pupils are more engaged and learn more successfully.

4. Identify the extent and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it.

5. Within a year of formation and annually thereafter, the task force must submit a report of findings to the State Department of Education, including findings on the progress of the work. The bill also requires the State Department of Education to submit a report to the Senate Education Committee and the Assembly Committee of Education within one year of receiving task force reports.

(AB 1703 adds Article 7, commencing with Section 33390, to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code.)

AB 1705 – Requires Students Be Placed In Transfer-Level English And Math Within The First Year Of Matriculation With Limited Exceptions.

AB 1705 amends existing law and requires that community colleges districts and colleges (collectively "districts") maximize the probability that a student will enter and complete college-level coursework in English and mathematics within a one-year timeframe that satisfies the student's academic goal. Districts are prohibited from using placement tests and may only use assessment instruments approved by the board of governors. Districts must rely on a student's high school coursework, high school grades and high school grade point average when placing students into English and mathematics courses. Districts utilizing multiple measures must ensure all of the following are met:

1. Low performance on one measure shall be offset by a higher performance on another measure;

2. Multiple measures are used to increase a student's placement recommendation and shall not be used to lower it;

3. Any one measure may demonstrate a student's preparedness for transfer-level coursework;

4. The placement shall not require student to repeat coursework they successfully completed in high school or college or for which they demonstrate competency through other methods of credit for prior learning; and

5. Placement gives students access to a transfer-level course that will satisfy a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major.

If a student did not graduate from high school, or for high school graduates unable to provide self-reported high school information, community colleges may use guided placement or self-placement. Guided placement or self-placement methods must maximize the probability that students enter and complete transfer-level mathematics and English coursework that satisfies a requirement of the intended certificate or associate degree or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline.

The bill requires a district use multiple evidence-based measures for placing students into English-as-a-second language (ESL) coursework and provides that any such placement must maximize the probability that the student will complete degree and transfer requirements in English and within three years.

The bill prohibits districts from recommending or requiring students to enroll in pretransfer-level English or mathematics coursework unless (1) the student is highly unlikely to succeed in a transfer-level English or mathematics course based on their high school grade point average and coursework; and (2) enrollment in pre-transfer coursework will improve the student's probability of completing transfer-level coursework in English within a three-year timeframe. However, by July 1, 2023, the district must verify the benefit in placing students in coursework that is not transfer-level coursework by demonstrating the following:

1. The student is highly unlikely to succeed in transfer-level English or mathematics that satisfies a requirement for the intended certificate or associate's degree, or a requirement for transfer within the intended major; and

2. The enrollment will improve the student's probability of completing transfer-level mathematics or English coursework that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe.

Districts unable to verify the benefit cannot recommend or require students to enroll in that course after July 1, 2024 and must notify the students who continue to enroll that the course is optional and does not improve their chances of completing subsequent coursework that satisfies a requirement for their intended certificate or associate degree or a requirement for transfer within their intended major.

Additionally, by July 1, 2024, for calculus based associate degrees or transfer majors in science, technology, engineering, and mathematics (STEM) districts must examine the impact of placing and enrolling students into transfer-level course sequences, composed of no more than two transfer-level courses that prepare students for their first STEM calculus course, in order to verify the benefit of the coursework. Districts that are unable to verify the benefit cannot recommend or require students to enroll in the course after July 1, 2025, and must notify students who continue to enroll in the course that it is optional and does not improve their chances of completing calculus for their STEM program.

Effective July 1, 2023, additional restrictions are placed on districts with respect to the type of information districts can consider and use to justify placing students in pretransfer coursework.

The bill exempts the following from its transfer-level placement and enrollment into mathematics and English coursework requirements:

1. Students who have not graduated from a United States high school or been issued a high school equivalency certificate.

2. Students enrolled in a certificate program without English or mathematics requirements.

3. Students enrolled in a noncredit ESL course who have not graduated from a United States high school or been issued a high school equivalency certificate.

4. Students with documented disabilities in educational assistance classes, as described in Section 56028 of Title 5 of the California Code of Regulations, who are otherwise not able to benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services.

5. Students enrolled in adult education programs who have not graduated from a United States high school or been issued a high school equivalency certificate or who are enrolled in coursework other than mathematics or English.

6. Current high school students in dual enrollment or taking courses not available in their local high school.

7. The community college who provides local research and data verifying the benefit of the placement and enrollment into transfer-level coursework that does not satisfy a requirement for the intended certificate or associate degree or a requirement for transfer within the intended major.

8. College-level placement and enrollment in lieu of transfer-level placement and enrollment may occur for students in career technical programs seeking a certificate or associate degree with specific requirements, as dictated by the program's advisory or accrediting body, that cannot be satisfied with transfer-level coursework.

9. College-level placement and enrollment in lieu of transfer-level placement and enrollment may occur for specific subgroups of students for whom a community college district or community college has provided local research and data meeting the

evidence standards pursuant to subdivisions (e) and (f) that allow for the placement and enrollment of the student subgroup into pretransfer-level mathematics or English coursework.

Finally, the bill requires beginning July 1, 2023, the Chancellor's Office of the California Community Colleges to make available on its website a dashboard containing multiyear data, beginning from 2015. The data must be updated annually and must contain data submitted to the chancellor's office by community colleges on student progression and completion of transfer-level English, mathematics, and ESL courses, disaggregated by community colleges and by 12 specified subgroup classifications.

(AB 1705 amends Section 78213 of, and adds Sections 78212.5 and 78213.1 to the Education Code.)

AB 1712 – Requires The Chancellor Of The Community Colleges And The Chancellor Of The California State University To Create Trauma Informed Questions For An Online Survey Tool For Campus Safety.

AB 1712 requires the Chancellor of the California Community Colleges, and the Chancellor of the California State University, and requests the President of the University of California develop questions with trauma-informed language to determine student perspective on campus climate. The questions must be developed in consultation with student organizations and trauma experts. The questions must be submitted to the United States Secretary of Education for review and approval and to be incorporated into the online survey.

One year after the survey is completed and made available, and every two years thereafter, the office of the Chancellor of the California Community Colleges and the office of the Chancellor of the California State University shall, and the office of the President of the University of California is requested to, submit a report on the published campus-level results from the online survey to the Assembly Committee on Higher Education and the Senate Committee on Education.

(AB 1712 adds Section 66293 to the Education Code.)

AB 1736 – Allows A Disabled Student Or Student Enrolled In A Community College District's Adult Education Program To Serve On Student Government.

AB 1736 amends existing law to allow a student to be elected to serve as an officer in the student government if they are enrolled in an adult education program offered by a community college district or are enrolled in the community college district and are disabled. The student must be enrolled at the time of the election and throughout the student's terms.

(AB 1736 amends Section 76061 of the Education Code.)

AB 1777 – Provides For The Development Of Two Extended School Year Programs To Serve Migrant Students.

AB 1777 commencing on January 1, 2024, authorizes up to two local educational agencies to provide an extended school year program to migrant pupils to mitigate the loss of instruction time due to family movement related to migratory agricultural employment. The extended school year program must be provided to migrant pupils who enroll in kindergarten, including transitional kindergarten, or any of the grades 1 to 6 on or after March 1 of the school year and depart on or after December 1 of the next school year. If more than two local educational agencies request authorization, the State Board of Education is required to develop a process to determine the two local educational agencies that will be authorized based on the ability of each local educational agency to provide a high-quality extended school year program consistent with this section.

The authorized local educational agency may receive average daily attendance funding for those migratory pupils enrolled in the extended learning program and whose program meets the following requirements:

- Enrollment is limited to migratory pupils who, due to family movement related to migratory agriculture employment, are enrolled in kindergarten, including transitional kindergarten, or any grades 1 to 6, inclusive, on or after March 1 of the school year and depart on or before December 1 of the next school year.
- The days of attendance are the same length of time as the school day for pupils of the same grade level attending summer school in the local educational agency in which the extended school year program is provided, but not less than the minimum school day for that grade level.
- Is comparable in standards, scope, and quality to the school year program offered during the regular school year.
- Instruction is conducted in-person and is not independent study.

Funds from the migrant children summary school program may be used to supplement the extended school year program so long as the requirements under the migrant children summer school program are

met and the funds are used to offer additional days or hours of instruction. Additionally, the local educational agency operating an extended learning program may enter into a memorandum of understanding for the purpose of transferring funds generated by the attendance of migrant pupils in multiple school districts.

The authorized local educational agency must submit an annual report to the State Board of Education that includes the following:

- The characteristics of pupils enrolled in the program;
- Academic and other support services provided through the program;
- Academic and other outcomes for pupils enrolled in the program; and
- The financing for the program, including any other local, state, federal, or nongovernmental funding sources used.

(AB 177 adds Section 41601.6 to the Education Code.)

AB 1796 – Requires The California State University Grant Certain Students The Right To Reenroll After Withdrawing Or Stopping Out.

AB 1796 requires the Trustees of the California State University, and requests that the Regents of the University of California require each campus to grant students the right to reenroll in baccalaureate degree programs after withdrawing or stopping out. The student must be in good standing with the university to qualify.

The bill further authorizes the university to require students to pay any outstanding tuition or fees to be eligible and may require the student to submit transcripts and proof of good academic standing if the student enrolled at another college or university.

The bill also encourages the universities to begin outreach campus programs to students who left campus without completing their baccalaureate degree program, beginning with students closest to graduation. For purposes of calculating the student's real graduation time, under a graduation initiative, the universities may exclude the semesters or years in which the student was not enrolled in any classes from the student's time to graduation.

(AB 1796 adds Section 66208 to the Education Code.)

AB 1942 – Requires The Chancellor's Office To Report Its Recommendations On The Apportionment Districts Are Eligible To Claim For Instructional Service Agreements To The Department Of Finance And The Legislature By.

Existing law provides for a formula for the calculation of general purpose apportionments of state funds to community colleges. Existing law provides a separate formula for the allocation of apportionments of state funds to community colleges, which uses the numbers of full-time equivalent students as its basis, for use for apportionments for noncredit instruction and instruction in career development and college preparation.

Commencing with the academic year 2022-2023, this bill authorizes each community college district with an instructional agreement with a public safety agency to submit annually a copy of its most up-to-date instructional services agreement to the Chancellor's office for review. Agreements renewed or revised may be submitted for review at the time they are renewed or revised. For purposes of this bill, "public safety agency" includes, but is not necessarily limited to, a fire department, a police department, a sheriff's office, a public agency employing paramedics or emergency medical technicians, the Department of the California Highway Patrol, and the Department of Corrections and Rehabilitation.

Beginning January 1, 2024, each community college district with an instructional service agreement with a public safety agency may annually submit data to the Chancellor's office on the course offerings, student enrollment and full-time equivalent students (FTES), and course completion, including data from each academic year beginning 2020-2021.

The bill further requires that on or before December 31, 2024, the Chancellor's office shall issue a recommendation to the Department of Finance and the Legislature, on the instructional service agreement FTES apportionment that community college districts are eligible to claim after reviewing the data submitted by districts.

(AB 1942 amends Section 84750.4 of the Education Code.)

AB 1958 – Establishes The Community College Student Access, Retention, And Debt Cancellation Program To Support Student Enrollment And Retention.

This bill establishes the Community College Student Access, Retention, and Debt Cancellation Program. The bill requires the Chancellor of the California Community Colleges allocate one-time funds to

support these efforts. In considering the allocation of methodology, the Chancellor shall allocate funds to districts that have the most significant declines in unduplicated student headcount since Fall 2019. The bill further authorizes the Chancellor to allocate up to 10 percent of the appropriated funds to support statewide and retention efforts.

The purpose of the program is to support efforts to increase student retention rates and enrollment by engaging the following students:

- Former students who may have withdrawn due to the impacts of the COVID-19 pandemic;
- Current students who may be hesitant to remain enrolled due to the impacts of the COVID-19 pandemic; and
- Prospective students who may be hesitant to enroll due to the impacts of the COVID-19 pandemic.

Community college districts must prioritize the allocation of funds to the colleges with the largest declines in enrollment due to the impacts of the COVID-19 pandemic. Districts may use funds to (1) to provide a fiscal incentive for students to reenroll, or for prospective students to enroll, at the community college; or (2) to discharge unpaid fees due or owed by a student to a community college in the district.

(AB 1958 add Article 8, commencing with Section 78090, to Chapter 1 of Part 48 of Division 7 of Title 3 of the Education Code.)

AB 1998 – Authorizes The Board Of Governors To Enter Into The Western Undergraduate Exchange And Reduces The Nonresident Per-Unit Fee.

Existing law authorizes the board of governors to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for institutions of postsecondary education providing the first 2 years of college instruction and that is an agency of a state that is a party to the Western Interstate Compact for Higher Education, for the exchange of residents, on a one-for-one basis, for purposes of instruction. Existing law authorizes community college districts to admit nonresident students, and requires community college districts to charge a tuition fee to nonresident students, with specified exceptions, including an exception for those students who enroll in certain community colleges pursuant to a reciprocity agreement with California.

This bill authorizes the board of governors to enter into the Western Undergraduate Exchange through the Western Interstate Commission for Higher Education. AB 1998 authorizes community college districts with 3,000 or fewer full-time students to exempt students from states that participate in the Western Undergraduate Exchange from the mandatory fee requirement for nonresidents.

The bill also reduces the per-unit fee that nonresident students who are exempt from paying tuition are charged from 3 times the amount of the fee established for residents to 1.5 times the amount of the fee established for residents. This fee requirement also applies to students from states participating in the Western Undergraduate Exchange.

(AB 1998 amends Section 66801 and 76140 of the Education Code.)

SB 893 – Authorizes The San Mateo Community College District To Use Unrestricted General Funds To Provide Fee Waivers And Additional Assistance To Students In Need Who Do Not Qualify for Other Fee Waivers.

Under existing law, community colleges are required to charge students an enrollment fee of $46 per unit per semester.

SB 893 authorizes the San Mateo Community College District (District) to adopt a policy using local unrestricted general funds to provide fee waivers to students with the greatest financial need when other fee waivers are provided. The bill requires as part of the policy, a fiscal impact statement that includes a three-year projection of the fiscal impact of the fee waive.

This bill further authorizes the District's use of local unrestricted general funds, in addition to funding received under the California College Promise, to assist students with the total cost of attendance. The bill defines total cost of attendance for a student attending a community college as including the student's tuition and fees, books and supplies, living expenses, transportation expenses, and any other student expenses used to calculate a student's financial need for purposes of federal Title IV student aid programs.

This bill allows the District to use local unrestricted general funds only for students who reside within the boundary of the District.

This bill would require the governing board of the San Mateo County Community College District, on or before March 1, 2026, to submit a report to the Chancellor's Office of the California Community Colleges, the Department of Finance, and the

appropriate committees of the Legislature on the implementation of these provisions, as specified.

This bill is effective through July 1, 2028, and repealed by its own provisions on January 1, 2029.

(SB adds and repeals Section 76302 of the Education Code.)

SB 1141-Eliminates The Restriction Limiting Attendance At A Campus Of Community College For Purposes Of Paying Nonresident Tuition.

Existing law exempts a student, other than a person excluded from the term "immigrant," from paying nonresident tuition at the California State University and the California Community Colleges if certain conditions are met including that the student has a total of 3 or more years of full-time attendance in certain California schools or attainment of equivalent credits earned while in those schools, or the student completes 3 or more years of full-time high school coursework in California and a total of 3 or more years of attendance in California elementary schools or California secondary schools. Existing law requires attendance in credit courses at a campus of the California Community Colleges counted toward meeting the 3-year requirement to not exceed 2 years of full-time attendance.

SB 1141 eliminates the requirement that attendance in credit courses at a campus of the California Community Colleges counted towards meeting the 3-year requirement not exceed 2 years of full-time attendance.

(SB 1141 amends Section 68130.5 of the Education Code.)

AB 2315 – Requires Community College Districts Develop And Implement A Process For Students, Staff, And Faculty To Declare An Affirmed Name, Gender Or Both By Academic Year 2023-2024.

AB 2315 requires the governing board of each community college district to implement a process that students, staff, and faculty can use to declare an affirmed name, gender or both name and gender identification used for their records where legal names are not required by law. Upon request, the community college campus must update the name on a school-issued email address, campus identification cards, class rosters, transcripts, and diplomas, certificates of completion or similar records.

Commencing with the 2023–24 academic year, each community college campus is to be capable of allowing current students, staff, or faculty to declare an affirmed name, gender, or both name and gender identification. A community college campus cannot charge a higher fee for correcting, updating, or reissuing a document or record based on the declaration of an affirmed name or gender identification than any existing fee it charges for correcting, updating, or reissuing that document or general record.

(AB 2315 adds Section 66271.41 to the Education Code.)

AB 2359 – Require The Compton Community College District Board Of Trustees Serve As The Personnel Commission At The End Of The Suspension And Establishes New Requirements Following The District's Repayment Of The Emergency Apportionment.

Existing law authorizes the board of governors to suspend the authority of the Board of Trustees of the Compton Community College District (the District) until the chancellor, the Fiscal Crisis and Management Assistance Team, the Director of Finance, and the Governor concur with the special trustee that the District, for 2 consecutive academic years, has met certain requirements relating to a comprehensive assessment and a recovery plan. Existing law, in the event of a suspension, authorizes the chancellor to appoint a special trustee to manage the district, as specified. Existing law, until July 1, 2029, requires that the Board of Trustees of the District assume those powers and duties of the District's Personnel Commission that the Board of Trustees determines are necessary for the management of the personnel functions of the District.

AB 2359 repeals the authority of the District's Board of Trustees to assume the powers and duties of the District's Personnel Commission until July 1, 2029. Instead, the bill requires at the end of the suspension that the Board of Trustees assume the powers of the personnel commission. The bill authorizes the Board of Trustees to establish the personnel commission in an advisory commission, beginning in the year the District repays the emergency apportionment.

Finally, the bill provides that beginning one calendar year after the District has made its final repayment of the emergency apportionment; the District may reinstate the personnel commission to exercise the powers or duties necessary for the management of the personnel functions of the District. On or before September 15, 2023, and annually thereafter, the District must provide an update on the repayment of the emergency apportionment to the Department of Finance, the Assembly Budget Subcommittee on Education Finance, and the Senate Budget Subcommittee on Education.

(AB 2359 amends Section 71093 of the Education Code, and amends Section 29 of Chapter 23 of the Statutes of 2017.)

HIGHER EDUCATION

AB 288 – Establishes The California Ban On Scholarship Displacement Act Of 2021.

AB 288 enacts the California Ban on Scholarship Displacement Act of 2021, which is intended to ensure that private scholarships for students supplement, and do not supplant, gift aid, grants, scholarships, tuition waivers, and fellowship stipends provided by institutions of higher education to California students who have financial need.

AB 288 applies to public and private institutions of higher (postsecondary) education in California that receive, or benefit from, state-funded financial assistance or enroll students who receive state-funded student financial assistance, as well as students who are California residents who enroll in any institution of higher education to obtain an undergraduate degree.

Commencing with the 2023–2024 academic year, AB 288 prohibits covered institutions of higher education from reducing the institutional gift aid offer of a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for an academic year as a result of private scholarship awards designated for the student unless the student's gift aid exceeds the student's annual cost of attendance. A student's institutional gift aid offer may be reduced, however, by no more than the amount of the student's gift aid that is in excess of the student's annual cost of attendance.

An institution of higher education is further prohibited from considering receipt or anticipated receipt of private scholarships when considering a student who is eligible to receive a federal Pell Grant award or financial assistance under the California Dream Act for qualification for an institutional gift aid.

AB 288 encourages institutions of higher education to implement efforts to avoid scholarship displacement through consultation with scholarship providers and students to avoid situations where institutional gift aid and private scholarships can only be used for specific purposes.

The provisions of AB 288 are severable, which means that if any provision of AB 288 or its application is held invalid due to a conflict with federal requirements, the other valid provisions or applications remain in effect.

AB 288 takes effect on January 1, 2023.

(AB 288 adds Sections 70045 through 70048 to the Education Code.)

AB 2122 – Requires California Community College Campuses, California State University Campuses, And Requests University Of California Campuses Print The Phone Number Of Their Campus' Mental Health Hotline Or Local Mental Health Hotline Beginning January 1, 2023.

AB 2122 requires that Community Colleges and California State University campuses with existing mental health hotlines print the phone number of the mental health hotline on either side of student identification cards. If a campus does not have a mental health hotline, it must print the phone number to the City's or County's mental health hotline. This requirement applies to student identification cards issued for the first time to a student, and those printed to replace lost or damaged student identification cards, anytime on or after January 1, 2023.

The bill also requests that each campus of the University of California comply with the provisions of this bill.

(AB 2122 adds Section 66027.8 to the Education Code.)

AB 1823 - Expands The Definition Of Individual Health Insurance Coverage To Include Student Health Insurance Coverage Provided By The University Of California Student Health Insurance Plan And The University Of California Voluntary Dependent Plan Beginning January 1, 2024 And Subjects Student Health Insurance Plans To Other Requirements.

AB 1823 establishes new legal obligations for student health insurance coverage provided through institutions of higher education. AB 1823 requires, for policy years beginning on or after January 1, 2024, student health insurance coverage to be considered individual health insurance coverage. AB 1823 defines student health insurance coverage as a blanket disability insurance policy provided to students enrolled in an institution of higher education and to their dependents pursuant to an agreement between the institution of higher education and an insurer that covers hospital, medical, or surgical benefits that meets all of the following conditions:

1. Does not make coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education.

2. Does not condition eligibility for the insurance coverage on any health status-related factor relating to a student or a dependent of a student.

3. Does not condition eligibility, an offer, issuance, a sale, or a renewal for the insurance coverage on

any factor other than enrollment as a student or dependent of a student in the institution of higher education.

California residents are required to obtain and maintain qualifying health insurance. Students who already have minimum essential coverage consistent with applicable legal requirements are exempt from purchasing a blanket disability insurance policy through their institution of higher education.

AB 1823 further generally requires a blanket disability insurance policy that meets the definition of student health insurance coverage to comply with insurance provisions that are applicable to non-grandfathered individual health insurance, including, among others, essential health benefits requirements and annual limits on out-of-pocket expenses. AB 1823 exempts student health insurance coverage from certain requirements otherwise applicable to health insurers and health benefit plans, including the establishment of specified enrollment periods, guaranteed availability and renewability, specified coverage level requirements, and single risk-pool rating requirements.

The bill also requires that students receive notice in clear, conspicuous, 14-point bold type as part of their student health insurance enrollment material that states the following:

- California requires residents and their dependents to obtain, and maintain, health coverage or pay a penalty, unless they qualify for an exemption. Enrolling in student health insurance offered by the college or university you are attending is one way to meet this requirement.

- You may be eligible to get free or low-cost health coverage through Medi-Cal regardless of immigration status. In addition, you may be eligible for free or low-cost health coverage through Covered California. Visit Covered California at www.coveredca.com to learn about health coverage options that are available for you and your dependents, and how you might qualify to get financial assistance with the cost of coverage.

- If you are under 26 years of age, you may be eligible for coverage as a dependent in a group health plan of your parents' employer or under your parents' individual market coverage. In addition, you may be eligible to buy individual health insurance directly from a health insurer or health plan, regardless of immigration status.

- Please examine your options carefully to see if other options are more affordable and whether you are currently eligible to enroll in these other forms of coverage pursuant to an open or special enrollment period.

Institutions of higher education may also provide this notice on its internet website in addition to including it in the enrollment materials.

(AB 1823 adds Section 10965.3 to the Insurance Code.)

AB 2286 - Authorizes The Student Aid Commission To Receive Donations And Philanthropic Funds.

AB 2286 authorizes the Student Aid Commission to receive donations, bequests, grants, and philanthropic funds subject to conditions set by the Commission's Executive Director, and subject to approval by the Department of Finance. The bill requires that beginning January 1, 2024, at the first regular Commission meeting of the calendar year the Commission must publically report (1) the source and amount of the gift received during the calendar year immediately preceding the reporting deadlines and (2) the purpose for which the funding was used.

(AB 2286 adds Section 69514.3 to the Education Code.)

AB 1968 – Establishes The Uniform Information Guidance For Survivors Of Sexual Assault Applicable To California State Universities And Universities Of California.

The bill establishes the Uniform Information Guidance for Survivors of Sexual Assault, which requires the California State University, and requests the University of California to develop and post on its website sexual assault informational guidance.

The bill requires the Trustees of the California State University, and request the Regents of the University of California, develop standards for the content and presentation of information and resources regarding the steps a campus community member who is a survivor of a sexual assault might immediately take following the sexual assault, including the options, timing parameters, and potential outcomes relating to each step; and a model internet website template incorporating the standards developed.

The standards shall be developed in collaboration with sexual assault survivor advocates and others who work with sexual assault survivors. The bill also identifies the specific standards that must be covered.

(AB 1968 adds Chapter 15.9, commencing with Section 67395, to Part 40 of Division 3 of Title 3 of the Education Code.)

AB 2004 – Amends The California DREAM Loan Program To Limit The Aggregate Amount A Student May Borrow And Be Forgiven.

AB 2004 amends the California DREAM Loan Program by prohibiting a student from borrowing more than $40,000 in aggregate from a program. The bill prohibits a student enrolled in an undergraduate program from borrowing more than $20,000, in aggregate, and a student enrolled in a graduate program from borrowing more than $20,000 under each program.

The bill requires that on or before January 1, 2024, the participating institution establish the DREAM loan forgiveness options for borrows with similar standards as those set forth in the Federal Perkins Loan Program. It also requires that the participating institution provide exit counseling to include information about DREAM loan repayment, forbearance, deferment, discharge, and forgiveness. Institutions must also post information regarding DREAM loan on their websites.

The bill also provides borrowers with administrative relief consistent with state and federal state of emergency orders.

Finally, the bill requires institutions report the following additional information on an annual basis:

- The annual amount contributed by DREAM loan repayments to the institution's DREAM revolving fund.
- The annual amount of DREAM loans issued by campus.
- The annual amount of remaining DREAM loan debt owed by borrowers.
- The number of borrowers in DREAM loan income-driven repayment, deferment, discharge, forbearance, and loan forgiveness at the end of each fiscal year.
- Borrower demographic information, which shall include, but is not limited to, age, gender, race, ethnicity, completed education level, and family education level.

AB 2046 – Appropriates Additional Funds To UC Merced And UC Riverside To Support Campus Expansion Projects And Climate Initiatives.

This bill requires that additional moneys appropriated by the Legislature during the 2022–23 to 2024–25, inclusive, fiscal years directly support campus expansion projects or University of California climate initiatives, or both, at the University of California, Riverside, and the University of California, Merced.

The bill provides that the additional funding must supplement and not supplant any current or future funding, as provided. The bill requires that subcontractors and contractors at every tier commit to using a skilled and trained workforce to complete the work unless work is performed under a project labor agreement. Commencing July 1, 2023, the bill requires the University of California to submit an annual report to the Legislature and the Department of Finance regarding these funds, as provided.

(AB 2046 adds Article 8, commencing with Section 92180, to Chapter 2 of Part 57 of Division 9 of Title 3 of the Education Code.)

AB 2459 – Requires The Chancellor Of The California Community Colleges, The Chancellor Of The California State University, And Requests The President Of The University Of California, To Collect And Report Data On Student Housing.

The bill requires the office of the Chancellor of the California Community Colleges, the Chancellor of the California State University, and requests the President of the University of California, to require each of their campuses providing campus-owed, campus-operated, or campus-affiliated student housing to collect student-housing data. The institutions must collect the following information:

- The number of enrolled students.
- Existing campus housing stock, including, but not limited to, the number of available beds on campus.
- The number of students on the campus-housing waiting list and how many students have removed themselves from the waiting list since the last report.
- If available, the number of students who request campus-owned, campus-operated, or campus-affiliated student housing.
- If available, the number of incoming freshmen, transfer students, and international students requiring campus-owned, campus-operated, or campus-affiliated student housing.

The bill requires the institutions post the information on their external and internal websites at least twice each academic year. The bill also requires the Chancellor of the California Community Colleges, the Chancellor of the California State University, and

requests the office of the President of University of California to submit one report that compiles all of the campus data collected.

(AB 2459 adds Section 66014.6 to the Education Code.)

AB 2747 – Amends Existing Law To Provide Team USA Student Athletes Training In An Elite Level Program With Resident Classification For Tuition And Fees If They Provide The Required Documentation To The California Community College, California State University, Or University Of California Campus They Are Attending.

Existing law entitles an amateur student athlete in training at the United States Olympic Training Center in the City of Chula Vista to resident classification for the purpose of determining tuition and fees. These provisions apply to the University of California only to the extent that the regents, by appropriate resolution, make them applicable.

This bill amends existing law to provide that any Team USA student athlete who trains in an elite level program approved by the United States Olympic and Paralympic Committee is entitled to resident classification for tuition and fee purposes until the athlete has resided in the state the minimum time necessary to become a resident. The bill requires the student athlete certify their participating in an Olympic or Paralympic elite level training program and providing supporting documentation from United States Olympic and Paralympic Committee verifying eligibility, to the campus they are attending of the California Community Colleges, California State University, or University of California. This section of the bill shall be effective until July 1, 2032.

Effective July 1, 2032, the bill provides that any amateur student athlete in training at the United States Olympic Training Center in the City of Chula Vista is entitled to resident classification for tuition purposes until the student athlete has resided in the state the minimum time necessary to become a resident.

(AB 2747 amends, repeals, and adds Section 68083 of the Education Code.)

AB 2810 – Encourages Institutions Of Higher Education To Use FAFSA Data To Inform Students Of Eligibility For CalFresh.

Under existing law, CalFresh, known federally as the Supplemental Nutrition Assistance Program (SNAP), provides nutrition assistance benefits to eligible individuals to the extent permitted by federal law. Existing federal law provides that students who are enrolled in college or other institutions of higher education at least one-half time are not eligible for SNAP benefits unless they meet one of several specified exemptions, and encourages institutions of higher education to use the Free Application for Federal Student Aid (FAFSA) data to aid in the administration of several federal benefits programs, including SNAP.

AB 2810 codifies the federal administrative guidance encouraging institutions of higher education to use FAFSA data to inform students of eligibility for CalFresh, and conforms the definition of "half-time" to the federal definition for the purposes of determining a student's CalFresh eligibility. As such, "half-time" means enrollment in at least one-half of the number of credits needed each semester or term to graduate within four years of enrollment as a first-time freshmen or within two years of enrollment as a transfer student.

AB 2810 requires the California State University and each community college district to use FAFSA data to identify students who meet the income qualifications for the CalFresh program, and must identify students of their eligibility by email sent to their campus-based email account. The email must encourage the student to contact the local county welfare agency to apply for the CalFresh program, provide the contact information for the local county welfare agency, and provide the contact information for the designated campus staff who can assist the student in applying for the CalFresh program.

AB 2810 encourages, but does not require, the University of California, independent institutions of higher education, and private postsecondary educational institutions to use FAFSA data to identify students who meet the income qualifications for the CalFresh program, and to send students an email to their campus-based email account notifying them of their eligibility with contact information for the local county welfare agency and the designated campus staff who can assist the student in applying for the CalFresh program.

(AB 2810 adds Section 66023.6 to the Education Code.)

AB 2881 – Requires Each Campus Of A Community College District And The California State University That Administers A Priority Enrollment System To Grant Priority Enrollment To A Student Parent; The Bill Also Requires The Development Of A Student Parent Internet Web Page.

AB 2881 requires that no later than July 1, 2023, the California State University and each community college district, and requests the University of California, that administers a priority enrollment system on their campuses, to grant priority in that system for registration for enrollment to a student parent. The

bill also identifies the information institutions are encouraged to use to identify student parent's eligible for priority registration.

The bill requires that Basic Needs Centers on California Community Colleges ensure students have the information they need to enroll in the California Earned Income Tax Credit (CalEITC), the Young Child Tax Credit (YCTC), and the California Special Supplemental Food Program for Women, Infants, and Children (WIC).

Additionally, the bill requires California Community Colleges and California State University campuses, and requests the University of California, include in their campus orientation as part of their educational information eligibility requirements for the CalEITC, YCTC, and WIC.

The bill requires no later than February 1, 2023, each campus of the California Community Colleges and the California State University, and requests that each campus of the University of California host on its website a student parent internet web page that is clearly visible and accessible from a drop-down menu on the internet home page of the campus's internet website. The bill further identifies the specific information that must be listed on the student parent website.

(AB 2881 amends Sections 66023.5, 66027.4, and 66027.6 of, and adds Sections 66025.81 and 66027.81 to, the Education Code.)

AB 2973 –Annual Higher Education Omnibus Bill That Makes Technical Changes To Existing Law.

This bill provides that the California Community Colleges may offer instruction beyond the second year of college as authorized by law, revises the mission of the community colleges to include the provision of instruction and additional learning supports to close learning gaps for those in need of it, and includes the provision of student support services to facilitate academic success and achievement. This bill also changes the term "remedial" to "pretransfer" and the term "basic skills" to "foundational skills" and makes nonsubstantive and conforming changes to these provisions.

Includes the Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021 in the list of specified categories of beneficiaries under the federal GI Bill, thus exempting a student enrolled at a campus of the California Community College or the California State University from paying nonresident tuition or any other fee that exclusively applies to nonresident students.

This bill amends existing law to include "California State Polytechnic University, Humboldt" and "California State Polytechnic University, Pomona" in the list of names of various campuses of the California State University that are the property of the state.

Existing law requires the Trustees of the California State University to ensure that a change in the criteria for admission to a campus of the university complies with specified community notice and consultation requirements. Existing law requires that these community notice and consultation requirements apply to determinations regarding impaction of majors.

This bill provides a change in the criteria for admission that requires community notice and consultation determinations regarding establishing or modifying admission criteria for impacted majors. The bill authorizes a decision to discontinue additional admission criteria for an impacted program or campus to be implemented without following the community notice and consultation requirements, provided that the decision is published on the campus internet website, distributed to community officials and local high schools, and submitted to the Chancellor of the California State University for approval.

Delays, from March 1 each year to July 1 each year, the date that the California Community College Chancellor's Office must provide a specified nursing report to the Legislature and Governor.

(AB 2973 amends Sections 66010.4, 66746, 68075.7, 76004, 76300, 78220, 78222, 78261, 84757, 84916, 88920, 89005.5, and 89030.5 of the Education Code.)

SB 20 – Requires The Student Aid Commission Provide Notice To Students Of Their Eligibility For CalFresh Benefits.

The bill requires the Student Aid Commission (the Commission) provide written notice to recipients of Cal Grant awards whose grants include any amount of funding that has been derived the Temporary Assistance for Needy Families (TANF) or state match, to verify the student qualifies for participating in the CalFresh program under an exemption.

The bill also requires the Commission, to the extent permitted by federal law, to use information to determine a student's CalFresh eligibility and possesses the pertinent information, the Commission shall notify students of their exemption from CalFresh program eligibility rules and their potential eligible for CalFresh benefits. The bill requires the Commission confer with stakeholders on at least an annual basis to

implement this provision and to continuously improve the process of securing CalFresh benefits for eligible students.

(AB 20 amends Section 69519.3 of the Education Code.)

SB 367 - Requires Community College Districts And The California State University Campuses To Include Information Regarding Opioid Overdose And Reversal Medication In Campus Orientations; And Requires Health Centers Of The Respective Campuses Apply To Be Approved To Use Opioid Overdose Reversal Medication.

This bill requires the governing board of each community college district and the Trustees of the California State University provide as part of established campus orientations, educational and preventive information provided by the State Department of Public Health about opioid overdose and the use and location of opioid overdose reversal medication to students at all campuses of their respective segments. The bill requires campuses collaboration with campus-based and community-based recovery advocacy organizations in providing the required information.

The bill further requires that each campus health center located on a community college district or on a California State University campus apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication. The bill also requires these campuses to participate in the Naloxone Distribution Project administered by the State Department of Health Care Services. Upon approval for use of the statewide standing order and participation in the Naloxone Distribution Project, a campus health center shall distribute a federally approved opioid overdose reversal medication obtained through the Naloxone Distribution Project in accordance with its terms and conditions.

The bill requests the Regents of the University of California also comply with the provisions of this bill.

(SB 367 adds Section 67384 to the Education Code.)

SB 641 - Establishes The CalFresh For College Students Act That Provides Qualifying Students With Benefits. The Act Requires The State Department Of Social Services To Comply With Specified Reporting Requirements.

Under existing federal law, students enrolled in college or other institutions of higher education at least half-time are not eligible for Supplemental Nutrition Assistance Program (SNAP) benefits unless they meet one of several specified exemptions, including participating in specified employment and training programs.

California law requires for the purposes of determining eligibility for CalFresh that certain educational programs be considered employment and training programs, thereby qualifying a student participating in one of those programs for an exception. Existing law requires the State Department of Social Services (the department) to maintain and regularly update a list of programs that meet the employment and training exemption set forth in federal regulations. Existing law also requires the department issue and maintain instructions for county human services agencies to verify exemptions to the CalFresh student eligibility rule for specified students.

SB 641 requires that the department post on its website a program list as well as the instructions provided to counties. The instructions must include specific guidance for processing applications, reporting, and recertification for additional students who are exempt from the CalFresh student eligibility rule.

The bill also requires the department convene a workgroup to identify the steps necessary to establish a CalFresh application submission process that accommodates the large influx of CalFresh applications during the beginning of a school term. The bill requires the department submit a report on or before April 1, 2023 to the Legislature on the necessary steps identified by the workgroup and any cost estimate associated with implementation of the steps.

(SB 641 amends Section 18901.1 of, and adds Section 18901.14 to, the Welfare and Institutional Code.)

SB 768 - Amends The Existing Requirements Of The California Work Opportunity And Responsibility Of Kids.

The California Work Opportunity and Responsibility to Kids (CalWORKs) program allows each county to provide cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law requires that specified CalWORKs eligible individuals who are participating either full time in an educational activity or part time in an educational activity and meeting the hourly participation rates based on the number of academic units at a publicly funded postsecondary educational institution and making satisfactory progress, receive a standard payment of $175 to $500 per semester or quarter, which may be provided, in whole or in part, in the form of a book voucher, or reimbursement for verified actual expenses for the purpose of paying costs associated with attending the postsecondary

educational institution. Existing law prohibits those participants from being required to participate in job club, a required welfare-to-work activity. Existing law requires an individual who meets certain requirements and who wishes to receive supportive services to sign a welfare-to-work plan, as specified.

SB 768 amends existing law and prohibits those educational activity participants from being required to participate in orientation and appraisal more than once, or to participate in welfare-to-work activities to satisfy instructional hours during semester or quarter breaks. The bill also authorizes CalWORKs eligible individuals who participate in a full-time or part-time educational activity at a nonprofit postsecondary educational institution to receive the standard payments identified. The bill includes summer session as a quarter for these purposes. The bill provides that an instructional hour shall mean class time of 50 minutes.

The bill also makes other changes to provisions relating to an individual who wishes to receive supportive services and signs a welfare-to-work plan.

(SB 768 amends Sections 11322.84, 11323.21, and 11325.23 of the Welfare and Institutions Code.)

SB 1299 – Increases The Fee The Regents Of University Of California May Charge To Process An Application And Tuition For The California State Summer School Program For Mathematics And Science And Limits Admission To California Residents.

The California State Summer School for Mathematics and Science provides academic development to enable pupils, including pupils who are not California residents, with demonstrated academic excellence in mathematics and science who meet one of 3 specified enrollment criteria to receive intensive educational enrichment in these subjects and to provide an opportunity for pupils who wish to study mathematics or science or to pursue careers that require a high degree of skills in and knowledge of mathematics and science. Existing law requests the Regents of the University of California to operate the summer school. Existing law states the Legislature's intent is for the Regents of the University of California to adopt policies that will enable pupils who are not California residents, including residents of other countries, to be admitted to the summer school.

SB 1299 amends existing law by limiting the eligibility criteria to certain pupils from a California school. The bill deletes provisions related to the admission of pupils who are not California residents to the summer school.

Existing law, until January 1, 2023, requests the regents to develop and implement a statewide application procedure for the summer school. Current law requires that the cost of the application process be at least partially offset by charging each applicant a fee not to exceed $30. Existing law, until January 1, 2023, requests the regents to set a tuition fee within a range that corresponds to actual program costs, up to but not exceeding $2,810 per session in 2012 and to increase this fee by an amount of up to 5% each year thereafter. This bill instead sets the application fee at $40 in 2023, and authorizes this fee to be increased by an amount of up to 5% each year thereafter. The bill also requests that the regents set a tuition fee for the summer school within a range that corresponds to actual program costs, up to but not exceeding $4,770 per session in 2023, and allows for an increase in an amount of up to 5% each year thereafter.

The bill would remain in effect until January 1, 2028.

(SB amend Sections 8662, 8664, 8669, and 8669.1 of, and repeals Section 8663 of, the Education Code.)

RETIREMENT & DISABILITY

AB 551 – Extends Current Disability Retirement Presumptions Regarding COVID-19 For Members Of Various Public Employee Retirement Systems Until January 1, 2023.

In 2021, AB 845 created a temporary rule requiring California's public retirement systems to presume that a disability retirement arose out of employment, making the member eligible for industrial disability benefits, if the retirement was based at least in part on a COVID-19 related illness, if certain criteria are met. Specifically, the presumption applies to (1) firefighters, public safety officers, certain healthcare workers, and equivalent classifications, and (2) members in other job classifications who test positive during a COVID-19 outbreak at the member's workplace.

This presumption was originally set to sunset automatically on January 1, 2023. AB 551 extends the statutory presumption until January 1, 2024.

(AB 551 amends section 7523.2 of the Government Code.)

AB 1667 – Establishes New Requirements And Duties In Connection With Audits By The Teachers' Retirement Board Of Public Agencies And Recovery Of Overpayments.

Existing law authorizes the Teachers' Retirement Board (the Board) to audit, or cause to be audited, the records of any public agency as often as it deems necessary. The Teachers' Retirement Law establishes the State Teachers' Retirement

AB 1667 imposes various requirements and duties in connection with audits of public agencies by the Board. The bill also imposes additional requirements for the State Teachers' Retirement System (STRS).

The bill requires that the Board comply with the following requirements when auditing public agencies:

- Provide written notice of an intended audit to the affected public agency and to the exclusive representative of the members affected by the audit.
- The notice must identify the purpose and scope of the intended audit.
- Must provide the public agency and the exclusive representative of the affected members with the preliminary audit findings, statutes being addressed by the audit, and a list of every member known to be affected.
- Establish a time period for the public agency to provide the Board and the exclusive representatives with a list of the names of members affected by the audit not included in the list provided by the board.
- Must consider any information provided by the public agency or the exclusive representative in preparing its audit findings.
- Must establish a time period for the public agency or the exclusive representatives to provide the Board their written responses to the preliminary audit report before the Board issues its final audit report.
- The final audit report must be provided to the public agency, to the exclusive representative or representatives of members affected by the audit, and to the affected members, with an explanation of their appeal rights.
- All final audit reports must be made available on the Board's website.
- In addition to the above requirements, STRS is also required to provide resources that interpret and clarify the applicability of credible compensation and credible service laws and promulgated regulations on an annual basis.
- The bill also establishes new requirements for the audited public agency and an exclusive representative:
- The public agency must provide the Board with any information requested in a timely manner and at the same time, provide the same information to the exclusive representative of the members affected by the audit.
- The public agency has right to request an administrative hearing within 90 days of the Board's transmission of the final audit report, if it disagrees with the report. A member affected by the audit has the same appeal rights as a public agency.

The bill also provides that for purposes of audits or any other actions by STRS, employers are only responsible for the rules in effect at the time the compensation is reported, except when expressly superseded by state or federal law or an executive order of the Governor. The bill explicitly provides that any new or different interpretation, including those that would modify the application of prior interpretation, whether in resources, regulations, employer information circular or similar means, shall not take effect until after notice is issued to employer and exclusive representatives. Furthermore, any change shall not be applied retroactively to compensation reported prior to the notice, unless a retroactive interpretation is expressly required by state or federal law or an exclusive order of the Governor.

Effective July 1, 2023, the bill authorizes an employer or an exclusive representative to submit to STRS a request for an advisory letter. STRS must issue a response within 30 days of receipt of all information requested by STRS. The period of time to issue the advisory letter may be extended if necessary for good cause. The advisory letter may only be relied upon or used by the employer or exclusive representative requesting the advisory letter.

The bill also establishes new rules regarding the recovery of overpayments. STRS must recover overpayments as follows:

- From the participant, former member, former participant, or beneficiary all amounts overpaid due to inaccurate information, untimely submission, non-submission of information, or on

the basis of fraud or internal misrepresentation by, or on behalf of, a receipt of a benefit, annuity, or refund.

- Directly from the employer all amounts that have been overpaid due to inaccurate information, untimely submission, or non-submission of information by an employer that reports directly to STRS;

- From the county superintendent of schools any overpayment due to inaccurate information, untimely submission, or non-submission of information, if the county superintendent of schools reports directly on behalf of the employer. However, if the overpayment resulted from an employer's errors, the county superintendent of schools may recover the amounts from the employer by drawing requisitions from against the county school service fund and the funds of the county's respective agencies on an annual basis;

- All payments are due to STRS within 30 days of receipt of notice of the overpayment. Failure to timely submit payment will result in the recalculation of the amount due to include regular interest from the date of the overpayment to the date of recovery.

(AB 1667 amends Sections 24616 and 24617 of, and adds Sections 22132.5 22206.1, 22206.2, 22206.3, 22206.4, 22206.5, 22325, 22326, 23012, and 24616.2 to, and to repeal Section 24616.5 of, the Education Code.)

AB 1722 – Repeals Sunset Date For Alternative Calculation Of CalPERS Safety Members' Industrial Disability Retirement Benefits.

Under current law, safety members of the California Public Employees' Retirement System (CalPERS) who retire on or after January 1, 2013, due to a job-related (industrial) injury or illness, receive a disability retirement benefit equal to the highest of three possible calculations:

1. Half the safety member's final compensation plus an annuity purchased from the member's contributions;

2. The safety member's service retirement allowance, if the member qualifies for service retirement; or

3. An actuarially reduced service retirement allowance for safety members younger than 50 years, based on age and years of service.

This law was originally set to expire and sunset automatically on January 1, 2023, which would have eliminated the third formula. In many cases, this would have resulted in significantly reduced benefits for safety members who retire due to disability before age 50. AB 1722 deletes the sunset date, extending the alternative calculations indefinitely.

(AB 1722 amends Section 21400 of the Government Code.)

AB 1824 – Revises And Amends Provisions Of The Public Employees' Retirement.

Existing law creates the Cash Balance Benefit Program administered by the Teachers' Retirement Board and provides a retirement plan for the benefit of participating employees who provide credible services for less than 50% of full time. Existing law defines activities that earn credible service to include trustee service. The Public Employees' Retirement Law (PERL) creates the Public Employees' Retirement System (PERS), which is administered by the Board of Administration of the Public Employees' Retirement System. PERL generally authorizes the board of administration to adjust retirement payments due to errors or omissions.

AB 1824 revises and amends a number of provisions in existing law. The bill amends the definition of trustee service to link the definition of this service to mean duties performed by a member of the governing body of an employer. It also amends existing law to require that all credible service subject to coverage by the Cash Balance Benefit Program and the Defined Benefit Program, which excludes retired members or retired participants, must be terminated before the retirement date.

The bill revises existing law removing the limitation that a beneficiary, for purposes of lump-sum benefits, must be a person, trust, or the estate of the participant. A participant must make their beneficiary designation before their death and on the system's prescribed form. The bill also restricts who can be designated as an annuity beneficiary. It provides that a corporation, trust, charitable organization, parochial institution, or public entity are not eligible as annuity beneficiaries except a qualifying revocable trust may be designated.

This bill revises current penalty rules for reporting disallowed contributions. Under existing law, 90% of the penalty is paid to the affected retired member, survivor, or beneficiary who was impacted by disallowed compensation and 10% is paid to PERS. This bill amends existing law to require the entire penalty be paid to the affected retired member, survivor, or beneficiary eliminating the payment to PERS.

AB 1824 amends existing law incorporating the Cantwell v. San Mateo County (1980) 631 F.2d 631 decision, allowing a member to receive credit for a period of federal public service if federal law expressly permits the credit even though the member is already entitled to receive a pension or retirement allowance from that service.

The bill amends existing law applicable to safety member retirement. It provides that a member's retirement cannot become effective (1) earlier than the date the application is filed with the board; or (2) more than 60 days after the date of filing the application or more than a number of days that has been approved by the board.

The bill also deletes gender pronouns and replaces it with a gender-neutral phrase "the member."

(AB 1824 amends Sections 24602, 26113, 26803, 27100, and 27201 of, and adds Section 27100.5 to, the Education Code, and amends Sections 20164.5, 31452.7, 31641.4, 31663.25, 31663.26, 31726, 31726.5, 31761, 31762, 31763, 31764, and 31781 of the Government Code.)

SB 868 – Increases The Payments Provided From The Supplemental Benefit Maintenance Account Beginning July 1, 2023, And Every Year Thereafter.

The Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) and creates the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program, based on final compensation, credited service, and age at retirement, subject to certain variations. STRS is administered by the Teachers' Retirement Board. Existing law creates the Teachers' Retirement Fund and establishes within that fund a segregated account named the Supplemental Benefit Maintenance Account. Existing law continuously appropriates funds in the Supplemental Benefit Maintenance Account for expenditure for the purpose of restoring the purchasing power of the allowances of retired members and nonmember spouses, disabled members, and beneficiaries, and prescribes various schedules pursuant to which these allowances are augmented.

SB 868 requires the payment of additional benefits on a quarterly basis from the Supplemental Benefit Maintenance Account beginning July 1, 2023, to retired members and nonmember spouses, disabled members and beneficiaries pursuant to the specified schedule. The bill requires the amount of these increases shall be determined by July 1, 2023, and shall increase by two percent each year thereafter commencing on July 1, 2024. The increase shall not be compounded.

The bill further specifies that the increases are not part of the base allowance and are payable only to the extent that funds are available from the Supplemental Benefit Maintenance Account. The bill provides that the increases provided are vested only up to the amount payable as a result of the annual appropriation made and the adjustments made by the board.

(SB 868 amends Sections 24415 and 24417 of, and to add Section 24410.8 to, the Education Code.)

SB 1402 – Revises A Member's Eligibility To Receive Credit For Specified Military Or Merchant Marine Service.

Existing law authorizes a member of STRS to receive credible service for certain types of service outside the system, including military services, and distinguishes in this regard between service performed before membership and after becoming a member. Existing law authorizes a member who is a state employee, or a retired member who retired immediately following service as a state employee, to receive credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. Existing law requires the member contribute sufficient funds to cover the total cost of military service credit. Existing law limits the application of this authorization to receive premembership service credit to specified service in the Armed Forces of the United States or in the Merchant Marine of the United States prior to January 1, 1950.

SB 1402 amends the existing law by eliminating the provision that the service have occurred prior to January 1, 1950. This provision does not apply to the following members receiving:

- Military retirement pay based on 20 or more years of active duty with the Armed Forces of the United States, except for credit toward military retirement pay that is earned by a combination of active duty and nonactive duty with a reserve component of the Armed Forces of the United States and where the retirement pay is payable only upon the attainment of a specified age.

- Disability retirement pay that is paid by one of the Armed Forces of the United States, except for a member who is receiving disability compensation from the Veterans Administration and is not receiving retirement pay from one of the Armed Forces of the United States.

- The member received or is eligible for credit for the same service or time in the Cash Benefit Program or in another public retirement system.

The bill also eliminates the requirement that the electing member is a state employee or a retired member who retired immediately following service as a state employee.

This bill makes the same revisions to PERS, except under PERS the authorization only apples to agencies contracting with PERS if the agency elects to amend its contract. SB 1402 requires that the contracting agencies provide members the option to receive the public service credit for specified service in the Armed Forces of the United States or in the Merchant Marine of the United States.

(SB 1402 amends Section 22806 of the Education Code, and amends Sections 21024, 21027, and 21029 of the Government Code.)

BUDGET & FINANCE

AB 181 – Provides $25 Million In New Funding For K-12 Education Programs.

AB 181 provides for statutory changes necessary to enact the K-12 statutory provisions of the Budget Act of 2022. AB 181 took effect immediately upon approval of the Governor on June 30, 2022. The bill makes the following appropriations and statutory changes:

1. Amends existing law to include a county superintendent of schools in a county where the county board of education serves as the governing board of any school district under its jurisdiction to be included in the Local Control Funding Formula (LCFF). Provides for an overall ongoing $101.2 million in Proposition 98 General Fund for county offices of education through their LCFF allocation. The bill requires the Superintendent to add $100,000 per charter school determined to be in need of differentiated assistance to each county superintendent of school's LCFF allocation.

2. Increases ongoing LCFF funding by $9.0 billion, including a 13% base increase to the formula, $637 million in increases to the Home to School Transportation, and $500 million in Special Education funding.

3. Extends the deadline for the California Department of Education (CDE) to develop a standardized English language teacher observation protocol for use by teachers in evaluating a pupil's English language proficiency, by one year, to December 31, 2023.

4. Amends existing law to require the county office of education to pay 75% of fees charged by the Superintendent for administrative expenses or cost involved in reviewing and confirming the county office of education will meet its budget, and requires the Superintendent to cover the other 25%.

5. Provides $300 million in additional one-time Proposition 98 General Fund for additional PreKindergarten Planning and Implementation Grants, including operational costs.

6. Provides $650 million in one-time Proposition 98 General Fund for the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program. Grant funds may be used to construct new school facilities or retrofit existing school facilities for providing transitional kindergarten classrooms, full-day kindergarten classrooms, or preschool classrooms. Also clarifies that community colleges that operate preschool programs on behalf of county offices of education or school districts can apply for funds in this program.

7. Amends the California Community Schools Partnership Act to extend the expenditure and encumbrance period by 3 years, make changes to the definition of qualifying entity, removes the authority to issue coordination grants and instead authorize extensions of implementation grants to LEA implementation grantees, revise priority criteria, and revise program evaluation requirements. Requires up to $1.4 million of the appropriated moneys to be allocated to county offices of education serving at least 2 qualifying entities receiving grant funding pursuant to the act to coordinate county-level governmental, nonprofit community-based organizations, and other external partnerships to support community school implementation at grant recipients in their county, including by designating a county-level community schools liaison, as provided. Provides an additional $1.1 billion in Proposition 98 General Fund to support the grant extensions provided.

8. Starting in 2022-2023, allows school districts to receive 60% of their reimbursed costs for the home-to-school transportation programs as a continuous apportionment. Also requires governing boards to develop and adopt a plan to provide transportation services to its students, and prohibits LEAs from charging a fee for unduplicated pupils.

9. Expands transitional kindergarten eligibility, consistent with the 2021 Budget, and rebenches

the Proposition 98 guarantee to accommodate enrollment increases, estimated at $611 million in Proposition 98 General Fund. Also reduces the adult-to-student ratio for transitional kindergarten, at an estimated cost of $383 million in Proposition 98 General Fund.

10. Amends existing law by eliminating the number of deferments a county board of education can provide a school district that has been organized for more than 3 years and is lapsed. For purposes of this article a lapse occurs if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in kindergarten and grades 1 to 8, inclusive, or is less than 11 in grades 9 to 12, inclusive.

11. Provides $200 million in one-time Proposition 98 General Fund over the next five years to expand dual enrollment planning and implementation opportunities coupled with student advising and support services.

12. Authorizes the use of funds allocated to the Educator Effectiveness Block Grant to fund coursework that would allow existing staff to become credentialed or fully credentialed for their assignment, costs reasonably related to providing and attending professional learning, and strategies to improve beginning teacher retention and support through teacher induction programs. Extends the deadline for developing an expenditure plan and reporting requirements related to the block grant.

13. Amends existing law authorizing the Orange County Department of Education to grant Multi-tiered Systems of Support to be awarded as grants to LEAs on or before December 15, 2022.

14. Provides $200 million for the CDE, in consultation with the office of the Chancellor of the CCC, to administer a competitive grant program to enable LEAs to establish opportunities for pupils to obtain college credits while enrolled in high school and provide dual enrollment opportunities, by January 1, 2023. Authorizes LEAs to apply for one-time grants of up to $250,000 to support the costs to plan for, and start up, a middle college or early college high school that is located on the campus of a LEA, a partnering community college, or other location determined by the local partnership. Also authorizes LEAs to apply for one-time grants of up to $100,000 to establish a California Career Access Pathways (CCAP) partnership.

15. Provides $500 million to CDE to competitively award grant funds to school districts, charter schools, county offices of education, or regional occupational centers or programs operated by a joint powers authority, or county office of education. Also authorizes community college districts to partner with LEAs to submit applications to receive funding to support the offering of a Golden State Pathways Program. Requires grant applicants to, among other things, commit to providing high school pupils with various academic and career development opportunities, as provided. Conditions grant eligibility on certain funding commitments, alignment with the priorities and activities of the grantee's local control and accountability plan, and data collection, as provided. Authorizes the Superintendent to award up to 10% of the total grant funds as consortium development and planning grants and no less than 85% of the total grant funds as implementation grants, as provided. Also authorizes the department to use up to 5% of the total appropriation to contract with up to 10 local educational agencies for the provision of technical assistance to local educational agencies, applicants, and grant recipients.

16. Amends existing law to require the governing board of a school district to exempt parents and guardians of pupils who are unduplicated pupils instead of exempting indigent pupils.

17. Repeals outdated code sections related to home-to-school transportation provisions.

18. Extends additional relief provided under AB 1840 (2018) to Oakland Unified School District and Inglewood Unified School District. The bill conditions the release of funds on certain requirements.

19. Provides 2021-2022 average daily attendance (ADA) protections for LEAs that can demonstrate they provided independent study offerings to students. Also revises the calculation of a school district's average daily attendance.

20. Commencing with the 2022–23 fiscal year, revises the funding bands used to compute necessary small schools and high schools entitlements to provide qualifying smalls schools with the greater of either their computed LCFF entitlement or their computed necessary small schools entitlement.

21. Amends existing reporting requirements for the A-G Completion Improvement Grant Program.

22. Revises the Integrated Teacher Preparation Program, to promote four-year teacher credential and degree initiatives.

23. Authorizes the Commission on Teacher Credentialing (Commission) to planning grants of up to $250,000 each to regionally accredited institutions of higher education to develop plans for the creation of integrated programs of professional preparation that lead to more credentialed teachers with an emphasis on identified shortage fields. Requires the Commission to award implementation or expansion grants of up to $500,000 each for regionally accredited institutions of higher education to develop new programs of professional preparation or to establish a new partnership with a California community college. Makes these grant programs contingent upon appropriation of funds in the annual Budget Act or another statute.

24. Provides additional funding to the Teacher Residency Grant Program established in the 2021 Budget in the amount of $184 million in one-time Proposition 98 General Fund. This additional allocation provides for a total increase of $250 million Proposition 98 General fund and expands eligibility to school counselors. Also extends the sunset deadline by one year to 2030.

25. Provides $20 million for a state technical assistance center for teacher residency programs.

26. Amends the 21st Century California School Leadership Academy program to require the Department of Education and the collaborative to establish criteria and measures to assess the performance of the grantees and authorizes the collaborative to enter into contracts to assist with program evaluation.

27. Provides an additional ongoing $3 billion in Proposition 98 General Fund for the Expanded Learning Opportunities Program, for total program expenditures of $4 billion in ongoing Proposition 98 General Fund for after school and summer options for all pupils. Provides grant amounts of $2,750 per unduplicated pupil in schools required to offer services to all students, and $1,250 per unduplicated pupil in schools required to serve half their low-income, foster-youth, and dual-language-learner students.

28. Amends existing law to extend the definition of an acquiring charter school by 2 years until July 1, 2025, and the charter school will no longer be regarded as a continuing charter school.

29. Commencing with the 2022–23 school year, requires the Superintendent to withhold from the school district's or charter school's LCFF funds if they fail to comply with the requirements imposed on early childhood programs.

30. Amends existing law to eliminate the requirement that the CDE revise its illness verification regulations, as necessary, to account for including a pupil's absence for the benefit of the pupil's mental or behavioral health.

31. Amends the definition of "foster youth" to include the following two definitions: (a) a child who has been removed from their home pursuant to the temporary custody provisions of the juvenile dependency law; and (b) a child who is the subject of a juvenile wardship or dependency petition, whether or not the child has been removed from their home.

32. Requires a LEA to exempt an individual with exceptional needs who satisfies specified eligibility criteria from all coursework and other requirements adopted by the governing board or governing body of the LEA that are additional to the above-described coursework requirements and to award the pupil a diploma of graduation from high school.

33. Establishes California Serves Program to expand access for high school graduates in obtaining a State Seal of Civil Engagement through service learning.

34. Revises various provisions of Independent Study to clarify requirements for special education students, synchronous instruction allowance, and chronic attendance triggers for tiered re-engagement and signature timelines. Also requires a pupil's individualized education program team to make an individualized determination as to whether the pupil can receive a free appropriate public education in an independent study placement following a request by the pupil's parent or guardian for independent study.

35. Revises the requirement regarding the composition of parent advisory committees to, among other things, require the inclusion of parents or legal guardians of pupils with disabilities currently enrolled in those schools.

36. Requires an Individuals with Disabilities Education Act (IDEA) Addendum process for the Local Control Accountability Plan (LCAP) that will be adopted by the CDE by 2025 to coordinate

IDEA spending planning process with existing LCAP spending planning.

37. Provides $100 million in one-time Proposition 98 General Fund for the Community Engagement Initiative Expansion, which will be co-administered by California Collaborative for Educational Excellence and the lead agency.

38. Shifts funding for Educationally Related Mental Health Services funds from Special Education Local Plan Areas to LEAs, beginning in the 2023-2024 fiscal year.

39. Increases the special education base rate to $820, makes statutory changes to calculate Special Education funding rates by LEA ADA, and requires the CDE to report the calculation publicly.

40. Requires the CDE to collect and track Transitional Kindergarten pupil data as a distinct grade, rather than program, in the California Longitudinal Pupil Achievement Data System.

41. Clarifies reporting requirements for the California College Guidance Initiative.

42. Allows the eligibility of the Golden State Teachers program to expand to candidates seeking pupil personnel services credentials, and other clarifying changes to the program.

43. Exempts deposits by a local school jurisdiction into a routine restricted maintenance account from the state definition of "proceeds of taxes."

44. Extends substitute teacher 60-day maximums through the 2022-23 school year, and conforms retirement policy.

45. Makes statutory changes to the California Newcomer Education and Well-Being Program administered by the Department of Social Services. The 2022 Budget includes a $5 million ongoing Proposition 98 General Fund appropriation.

46. Shifts Early Literacy Block Grant administration costs of $2.92 million to General Fund.

47. Permits carryover for purposes of the 2021-22 Budget Act's Kitchen Infrastructure Grant.

48. Disallows overhead for the Exploratorium contract with San Francisco Unified School District.

49. Allows Nonpublic Schools providing contracted Special Education services to receive funding, as specified.

50. Makes technical changes to allow the CDE to fully allocate available Education Protection Account revenues to local educational agencies in 2021-22.

51. Provides $85 million in one-time Proposition 98 General Fund for a Math and Science Professional Development program.

52. Provides $413 million in one-time Proposition 98 General Fund to provide declining enrollment protections for classroom-based charter schools for the 2021- 22 fiscal year.

53. Provides a total of $35 million in Proposition 98 General Fund for the Educator Workforce Investment Grant, for English Language Learner, special needs, and computer science educators, pursuant to statute.

54. Provides $15 million in one-time Proposition 98 funding for 6,000 educators to assist participants in earning reading and literacy instruction authorizations through the Commission.

55. Provides $1.7 million in one-time Proposition 98 General Fund for the existing Center on Teacher Careers.

56. Provides $1.3 billion in General Fund for the School Facility Program, and states legislative intent for a total of $4.24 billion General Fund into 2025, after the exhaustion of $1.4 billion in remaining bond fund authority for new construction and modernization.

57. Amends existing law to authorize additional General Fund for special education programs, with consideration of property tax fund availability.

58. Provides $30 million in one-time General Fund for the Special Olympics of Northern and Southern California.

59. Appropriates $600 million in one-time Proposition 98 General Fund for kitchen infrastructure grants that will support local educational agencies in preparing for universal meals implementation, and the preparation of healthy, local, plant-based, and dietary-restricted meals, as specified.

60. Provides $100 million in one-time Proposition 98 General Fund, for school meals for Food Best Practices procurement grant administered by the CDE, in consultation with the California Department of Food and Agriculture. Eligible foods include California-grown, plant-based, and special dietary-restriction necessities for students in the existing universal school meal program.

61. Provides for a total of $3.48 billion in one-time Proposition 98 General Fund for an Arts, Music, and Instructional Materials Discretionary Block Grant, to all local education agencies, based on average daily attendance.

62. Provides up to $250 million in General Fund for emergency replacement facilities in the Lynwood Unified School District, through the Office of Public School Construction.

63. Provides $14 million in one-time Proposition 98 General Fund for the development of model curricula, pursuant to law.

64. Creates a one-time $250 million Literacy Coaches program for intensive literacy action plans in schools with at least 97 percent low-income student populations with minimum grant awards of $450,000 per school site over five years. Funds are to hire literacy coaches and implement evidence-based literacy action plans for students Preschool through grade 3 and their families.

65. Provides an additional $10 million in one-time Proposition 98 General Fund for the Anti-Bias Education Grant Program, established in the 2021-22 Budget Act.

66. Provides $1.5 billion in one-time Proposition 98 funding to the California Energy Commission and California Air Resources Board, to administer a state-wide zero-emissions school bus program. This program would prioritize low-income and rural LEAs, and LEAs purchasing electric school buses with bi-directional charging. State contracts are required to meet labor practices, as specified. LEAs have various requirements, as specified.

67. Provides $2.2 million in Proposition 98 General Fund backfill for basic aid districts due to property tax revenue losses because of the 2020 wildfires.

68. Extends various statutory deadlines from prior Budget Acts.

(AB 181 amends Sections 313.3, 1630, 2574, 2575.2, 8281.5, 8901, 8902, 14002, 14041, 17375, 35780, 39807.5, 41203.1, 41480, 41490, 41544, 41590, 42238.02, 42238.025, 42238.05, 42238.051, 42280, 42282, 42284, 42287, 44259.1, 44395, 44415.5, 44418, 44690, 45500, 46120, 46392, 47606.5, 47654, 47655, 48205, 48850, 48853.5, 49069.5, 49421.5, 51225.2, 51745, 51745.5, 51746, 51747, 51747.5, 51749.5, 51749.6, 52063, 52064, 52065, 52066, 52069, 52073.2, 56122, 56402, 56836.07, 56836.144, 56836.146, 56836.148, 60900, 60900.5, and 69617 of, amends and repeals Section 42238.052 of, adds Sections 2575.3, 2575.4, 39800.1, 41850.1, 41204.7, 42162, 42163, 42238.023, 44415.6, 44415.7, 48000.1, 51225.31, 51475, 51744, 52064.3, and 52073.3 to, to add Article 8.5, commencing with Section 41585, to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, adds Chapter 16.1, commencing with Section 53020, to Part 28 of Division 4 of Title 2 of, repeals Sections 41851, 41851.2, 41851.5, 41851.7, 41852, 41853, 41854, 41855, 41856, and 42286 of, to repeal Article 10.5, commencing with Section 41860, of Chapter 5 of Part 24 of Division 3 of Title 2 of, repeals Article 4.7, commencing with Section 42300, of Chapter 7 of Part 24 of Division 3 of Title 2 of, and to repeal and add Section 41851.12 of, the Education Code, amends Sections 7901, 7906, and 20309 of the Government Code, amends Section 13265 of the Welfare and Institutions Code, amends Sections 113 and 119 of Chapter 24 of the Statutes of 2020, to amends Sections 123, 138, and 147 of Chapter 44 of the Statutes of 2021, and amends Sections 47 and 52 of Chapter 252 of the Statutes of 2021.)

AB 182 – Establishes The Learning Recovery Emergency Fund And Appropriates approximately $14.5 Billion To Support School Districts And Community Colleges For Specified COVID-19 Purposes.

AB 182 took effect immediately upon approval of the Governor on June 30, 2022. The bill establishes the Learning Recovery Emergency Fund in the State Treasury for the purpose of receiving appropriations for school districts, county offices of education, charter schools, and community college districts related to the state of emergency declared by the Governor on March 4, 2020.

The bill provides $7,936,000,000 from the General Fund to the State Department of Education (Department) for transfer to the Learning Recovery Emergency Fund. The bill requires the Superintendent to allocate these appropriated funds to school districts, county offices of education, and charter schools. The bill authorizes the use of funds for learning recovery initiatives through the 2027–28 school year that, at a minimum, support academic learning recovery, and staff and pupil social and emotional well-being. The bill requires local educational agencies receiving these allocations to report interim expenditures to the Department by December 1, 2024, and December 1, 2027, as well as a final report no later than December 1, 2029.

This bill also allocates $6.5 billion from the General Fund to the Chancellor's Office of the California Community Colleges for transfer to the Learning Recovery Emergency Fund. The bill requires the Chancellor's Office to allocate these appropriated funds to community college districts based on actual reported full-time equivalent students. The bill authorizes the use of funds for purposes related to the impact of the COVID-19 pandemic, including student supports, reengagement strategies, faculty

grants, and professional development opportunities, as well as technology investments, cleaning supplies and personal protective equipment, and to discharge unpaid student fees. The bill requires community college districts, as a condition of receiving funds, to report, by March 1, 2023, to the Chancellor's Office metrics on the provision of employer-sponsored health insurance for part-time faculty in the 2021–2022 academic year, and by March 1, 2026, metrics on the provision of employer-sponsored health insurance to part-time faculty in the 2024–2025 academic year. The Chancellor's Office is then required to submit a report on the use of funds by March 1, 2024, to the Legislature, the Legislative Analyst's Office, and the Department of Finance on the expenditure of the appropriated funds.

(AB 182 add Part 19.6, commencing with Section 32525, to Division 1 of Title 1 of the Education Code.)

AB 183 – Expansion And Creates Various Grant Programs For Higher Educational Institutions.

AB 183 makes necessary changes to implement the higher education provisions adopted as part of the Budget Act of 2022. The bill is known as the higher education budget trailer bill. AB 183 took effect upon approval by the Governor on June 30, 2022.

1. The Higher Education Student Housing Grant Program provides one-time grants for the construction of student housing or for the acquisition and renovation of commercial properties into student housing for the purpose of providing affordable, low-cost housing options for students enrolled in public postsecondary education in California. AB 183 appropriates funds from the General Fund as follows: $1,428,133,000 for grants under the Higher Education Student Housing Grant Program to be allocated to the various institutions as outlined in the bill, $17,974,000 for the purpose of providing planning grants for California community colleges (CCC) that are exploring or determining if it is feasible to offer affordable student rental housing and $3,893,000 to support specific Education Student Housing Grant Program projects to be identified in subsequent legislation.

2. The Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program authorizes community colleges to award an associate degree for transfer, and provides that the amount of Cal Grant A and B tuition awards for future years for students at independent institutions of higher education depends on the number of commitments those institutions make to accept associate degrees for transfer. AB 183 fixes the 2022–2023 award year amount for a new recipient at an independent institution of higher education at $9,358 and commencing with the 2023–2024 award year, set the maximum tuition award amount as either $9,358 or $8,056, with the higher amount conditioned on the achievement of the target numbers for associate degree for transfer commitments that apply for the prior award year. AB 183 fixes the amount for a renewal recipient at an independent institution of higher education at $9,358, if the recipient first received a new award before the 2022–2023 award year.

3. Authorizes a student who receives a California Community College Expanded Entitlement Award and who subsequently transfers to an independent institution of higher education to remain eligible to receive the award, but only if certain criteria are met with regard to funding and forecasts with the General Fund moneys and the annual Budget Act.
4. Provides an additional award to Cal Grant A and B Entitlement, Competitive Cal Grant A and B, and Cal Grant C recipients who: (1) attend an independent institution of higher education and have a dependent child or dependent children; or (2) are foster youth or former foster youth attending an independent institution of higher education.

5. AB 183 increases the maximum amount of a grant under the California Dreamer Service Incentive Grant Program to up to $2,250 per semester or $1,500 per quarter. It fixes a student's award amount per term based on whether the student is enrolled in a semester-based or quarter-based system and would set the minimum amount of a grant awarded in a semester or quarter at $450, without regard to a student's part-time or full-time status. Makes a Cal Grant A award recipient who is not a recipient of a Cal Grant B award, but was eligible for a Cal Grant B award, eligible to receive a grant under the program if the student meets the other eligibility requirements.

6. Creates an additional requirements for community colleges and community college districts that participate in, and receive funding for, the California College Promise. The community colleges and community college districts must maximize available resources to address student basic needs. AB 183 makes students who have taken a break of one or more semesters, or the equivalent quarters, eligible for the fee waiver, if they complete the Free Application for Federal Student Aid or a California Dream Act application.

7. Creates the California Community College Equitable Placement and Completion Grant

Program under the administration of the office of the Chancellor of the California Community Colleges to award grants to ensure the implementation of equitable placement and completion policies and practices at community colleges, as provided. AB 183 appropriates $64,000,000 from the General Fund to the Board of Governors of the California Community Colleges to support the program.

8. Establishes the Hire UP Program and authorizes the Chancellor of the California Community Colleges to enter into agreements with up to 10 community college districts to provide funding for stipends to formerly incarcerated individuals, CalWORKs recipients, and former foster youth. Under the Hire UP Program, a community college student enrolled in a certificate or degree program at a California community college participating in the Hire UP Program is eligible for a stipend if the student was released from incarceration within the last 3 years and is a current participant in the Rising Scholars Network or in another dedicated reentry program, or if the student is a CalWORKs recipient or former foster youth.

9. Revises and recasts provisions Cooperating Agencies Foster Youth Educational Support Program and renames the program to NextUp. It also authorizes the office of the Chancellor of the California Community Colleges to enter into agreements with all community college districts under NextUp to provide additional funds for services in support of postsecondary education for foster youth.

10. Establishes the Native American Student Support and Success Program under the administration of the office of the Chancellor of the California Community Colleges to provide to provide grants to up to 20 community colleges for the purpose of developing local Native American student support and success programs and delivering matriculation services for Native American students. The office of the Chancellor of the CCC is currently required to annually calculate a base allocation, supplemental allocation, and student success allocation for each community college district in California. Beginning with the 2025-2026 fiscal year, each community college district must receive the greater of the district's total revenue computed pursuant to the sum of the base allocation, supplemental allocation, and student success allocation for that fiscal year, or the general purpose apportionment funding computed for the 2024–2025 fiscal year, including the greater of discretionary resources or specified revenue received by the district.

11. Establishes the Classified Community College Employee Summer Assistance Program, which would authorize community college districts to participate in the Classified Community College Employee Summer Assistance Program and would authorize classified employees of a participating community college district who meet certain requirements to withhold an amount from their monthly paychecks during the academic year to be paid out during the summer recess period.

12. Extends the California Community Colleges Economic and Workforce Development Program through January 1, 2025.

13. Increases the amount of the grants eligible CCC students can receive to help offset their total cost of community college attendance to: (1) $1,298 per semester for students enrolled in 12, 13, or 14 units; and (2) $4,000 for students enrolled in 15 units per semester or quarterly equivalent.

14. Establishes the California Community Colleges Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Student Achievement Program at the CCC to provide culturally responsive services to enhance student educational experiences and promote higher education success for low-income, underserved, and first-generation AANHPI students and other underrepresented students.

15. Extends the California Community Colleges Economic and Workforce Development Program through January 1, 2025.

16. Extends an exemption from advertising for and inviting bids for certain contracts provided to the Chancellor of the CCC until July 1, 2025. The Chancellor of the CCC is not required to advertise for or invite bids, for: (1) contracts or other agreements that are $20 million or less with the governing board of any community college district whereby the district performs services or acts as a fiscal agent on behalf of the CCC, if the funds for the contract or agreement meet certain requirements under the California Constitution; and (2) the renewal of existing contracts or other agreements that the chancellor has entered into with a governing board, regardless of the amount.

17. Makes multiple appropriations of approximately $1.2 billion from the General Fund to the Board of Governors of the CCC for various purposes.

(AB 183 amends Sections 17200, 17201, 17202, 17203, 17204, 69432, 69438.3, 69438.5, 69465, 69470, 69969, 69996.2, 69996.3, 69996.9, 70023, 76396.1, 76396.2, 76396.3, 79220,

79221, 79223, 79228, 84750.4, 88651, 88931, 89046, and 89753 of, amends and repeals Sections 66021.2 and 69506 of, amends, repeals, and adds Section 69435.5 of, adds Sections 69438.9, 78213.2, and 89348 to, adds Article 10, commencing with Section 79510) and Article 11, commencing with Section 79520, to Chapter 9 of Part 48 of, and Article 11, commencing with Section 88280) to Chapter 4 of Part 51 of, Division 7 of, Article 8, commencing with Section 89270, and Article 11, commencing with Section 89297, to Chapter 2 of Part 55 of Division 8 of, Article 6.7, commencing with Section 92663, to Chapter 6 of Part 57 of Division 9 of, and Chapter 1.5, commencing with Section 69405, to Part 42 of Division 5 of, Title 3 of, to add and repeal Section 17203.5 of, adds and repeal Article 7, commencing with Section 78080, of Chapter 1 of Part 48 of Division 7 of, and Article 11, commencing with Section 69475, of Chapter 1.7 of Part 42 of Division 5 of, Title 3 of, and to repeal Section 79229 of, the Education Code, amends Section 20662 of the Public Contract Code, amends the Budget Act of 2020 by amending Item 6870-101-0001 of Section 2.00 of that act, to amends the Budget Act of 2021 by amending Item 6870-101-0001 of Section 2.00 of that act.)

AB 185 –Makes Budgetary Allocations To Fund Early Childhood And K-12 Education Programs.

AB 185 provides for statutory changes necessary to enact the K-12 and child care-related statutory provisions of the Budget Act of 2022. It also provides $4 million for early childhood education programs. AB 185 took effect immediately upon approval of the Governor on September 27, 2022.

1. Provides $4 million to the California Department of Education (CDE) to administer preschool grant and workgroup activities.

2. Provides $300 million for allocation to local educational agencies (LEA) to support the California Prekindergarten Planning and Implementation Grant Program. AB 185 requires the Superintendent award $100 million in competitive grants to LEAs to increase the number of highly-qualified teachers available to serve state preschool programs and transitional kindergarten pupils, and to provide training in providing instruction in inclusive classrooms, culturally responsive instruction, supporting dual language learners, enhancing social-emotional learning, implementing trauma-informed practices and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline.

3. Provides for the allocation of approximately $7.9 million to support the Learning Recovery Emergency Fund. This allocation of funds shall be known as the Learning Recovery Emergency Block Grant. Also clarifies reporting requirements for the Learning Recovery Block Grant.

4. Provides $184 million to the Commission of Teacher Credential (Commission) for the Teacher Residency Grant Program. The Teacher Residency Grant Program provides support to teacher and counselor residency programs that recruit and support the preparation of teachers and school counsellors.

5. Provides $20 million to the Commission for allocation to a LEA to serve as a statewide technical assistance center to support teacher residency programs. Preference shall be given to a LEA with a currently administers residency programs and that commits to partnering with Commission approved teacher preparation programs with experience supporting a residency program or residency programs.

6. Adds transitional kindergarten as an eligible requirement for the mentor teacher experience as part of the Teacher Residency Grant Program.

7. Provides for the allocation of $5 million to county offices of education to provide technical assistance, evaluation, and training services to support program improvement. County offices of education already providing technical assistance shall have priority allocation. Also makes technical changes to the Expanded Learning Opportunity Program, including defining "nonschoolday" and adds back the three-year funding guarantee language.

8. Provides $20 million for the Educator Workforce Investment Grant Program to coordinate and support professional learning opportunities for educators across the state. The bill further clarifies the process for awarding the grants.

9. Provides $15 million to CDE for allocation to one or more county offices of education to coordinate and support professional learning opportunities for educators across the state. The bill amends existing law to revise the application process to apply for the grant.

10. Establishes the 2022 Antibias Education Program for the purpose of preventing, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people. To support these efforts, allocates $10 million to the program. A maximum of 50 grants shall be awarded to LEAs in an amount not less than $75,000.

11. Requires the Superintendent allocate a transportation allowance of equal to 60 percent of the home-to-school transportation expenditures reported by the school district or county superintendent of schools to each school district

and county superintendent of schools that provides pupil transportation services.

12. Requires the Superintendent, in consultation with the Director of Social Services (DSS) and the Executive Director of the CDE to convene a statewide interest holder workgroup. The workgroup must be established no later than December 1, 2022. The workgroup shall include representatives from county offices of education, contracted state preschool programs, including those operated by school districts and by community-based organizations, transitional kindergarten programs, tribal preschool programs, educators, the Commission on Teacher Credentialing, First 5, resource and referral programs, alternative payment programs, contracted general childcare programs serving preschool-age children, Head Start, private center-based preschool providers, licensed family childcare providers, researchers, and child development experts. The workgroup shall prove recommendations on the best practices to increase access to high-quality universal pre-school programs for three and four-year-old children offered through a mix delivery model that provides equitable learning experiences across a variety of settings and recommendation to update preschool standards. The Superintendent must submit a report to the Legislature and the Department of Finance with the recommendations of the workgroup no later than January 15, 2023.

13. Revises the eligibility requirements and rankings prescribed in the Early Education Act. It also requires that each state preschool program applicant or contracting agency give priority to part-day and full-day programs in accordance within the prescribed ranking.

14. Requires the Superintendent authorize California state preschool program contracting agencies to offer 4 hours each instructional day of wraparound childcare services. Further allows the operation of a part-time program that allows flexibility in the operational hours and enrollment cutoff dates to better align with the enrollment for the new school year.

15. Requires the Superintendent include in the procedures it developed for state preschool contractors to identify and report data on dual language learners enrolled in their programs, to also include criteria for the family and interest interview.

16. Requires that contractors who were reimbursed as of December 31, 2021, under the Early Education Act to receive reimbursement at the greater of the 75th percentile of the 2018 regional market rate survey or the contract per-child reimbursement amount as of December 1, 2021, as increased by a specified cost-of-living adjustment (COLA).

17. Provides that new COLA add-ons to the County Local Control Funding Formula (LCFF) Floor and Minimum State Aid Guarantee are cumulative from one fiscal year to the next. It also increases the base increase for the LCFF above COLA from 6.2% to 6.7%.

18. Provides support for dual language learners, three year-old child eligibility, and intent on how to provide special education set-aside for the California State Preschool Program (CSPP).

19. Establishes the process LEAs must follow to recoup overpayment of wages from school employees.

20. Conforms adult/child ratios for childcare programs to the childcare facility licensing regulations.

21. Clarifies language for how to distribute COLA with regard to childcare costs.

22. Requires that the California Transitional Kindergarten Planning Grant Program funds be expended by June 30, 2026. Specifies how funds should be awarded and spent, and requires LEAs to provide program data to CDE.

23. Clarifies grant funding and application process for the Preschool Planning Grants.

24. Clarifies who is subject to background checks under the Cradle-to-Career project to conform to the Federal Bureau of Investigations guidance.

25. Establishes an alternative design-build process for school facilities that applies beginning January 1, 2023. Provides the governing board of a school district to authorize the use of alternative design-build contracts for projects in excess of $5 million. These provisions remain in effective until January 1, 2029.

26. Repeals the requirement to adopt regulations for Pupil Transportation Services funding.

27. Clarifies requirements for LEAs to be eligible for the 2021-2022 average daily attendance boost based on following independent study requirements in the 2021-2022 school year.

28. Updates language for school district reorganizations or territory transfers to specify that adjustments will be made to any applicable prior fiscal year, because of the new three prior year average calculation.

29. Increases the necessary small school funding bands to correspond to the increase for school districts.

30. Amends existing law governing classified employee's layoff rights. Allows classified employees and community college employees to be represented by an attorney or non-attorney representative of the employee organization designated as the exclusive representative of the employees in the employee's classification during layoff proceedings.

31. Amends the Classified Employee Summer Assistance Program to define "month" which means 20 days or four weeks of 5 days each, including legal holidays.

32. Amends existing law and clarifies that transitional kindergarten class size requirements are not subject to collectively bargained class size alternative for purposes of calculating the transitional kindergarten average class size requirements for purposes of LCFF funding.

33. Clarifies how class size and adult-to-pupil ratio should be defined for purposes of calculating the LCFF for Transitional Kindergarten, and clarifies CDE authority on expanded learning wrap for TK, using State Preschool contracts.

34. Adds language clarifying the fiscal penalties calculation for failing to meet Transitional Kindergarten requirements.

35. Extends the sunset for the district of choice program through July 1, 2028.

36. Extends the sunset for graduation requirements related to career technical education through July 1, 2027.

37. Adds exceptions for students participating for fewer than 15 schooldays and make conforming changes to Course-based Independent Study statute.

38. Adds back provision that allowed LEAs to obtain a signed master agreement within 30 days of the first day of independent study instruction.

39. Clarifies that the COLA should not be counted twice in the base rate for special education.

40. Clarifies that a provision of current law, which allows local governments to condition the approval of new residential development based on the adequacy of school facilities in the event that a future statewide school facilities bond fails passage, does not apply if non-bond state resources are provided for school facilities.

41. Clarifies the State Allocation Board process for LEA authorization to assess Level III developer fees when the School Facility Program is funded with non-bond funds.

42. Redefines TK children as school-age for purposes of school age community care licensing, and provides the Department of Social Services authority for rule-making.

43. Increases the mental health adjustment for direct contract childcare programs to 1.1, providing parity with the CSPP.

44. Shifts the reporting deadline from June 30, 2023 to June 30, 2024 for the 2021 Kitchen Infrastructure and Training Funds.

45. Extends the encumbrance period for the Model Curriculum Coordinating Council through June 30, 2025.

46. Specifies that Computer Science is its own content area with standards and credentialing requirements apart from science for the Math and Science Professional Development Fund.

(AB 185 amends Sections 2575.4, 8208, 8210, 8211, 8217, 8240, 8241.5, 8242, 8281.5, 8320, 10873, 32526, 41850.1, 42238.02, 42238.023, 42238.05, 42282, 42284, 44415.5, 44415.6, 44415.7, 45117, 45500, 46120, 48000, 48000.1, 48313, 48315, 48316, 51225.3, 51749.5, 51749.6, 56836.146, 69617, and 88017 of, to add Sections 8202.6, 17250.52, 44042.5, and 51225.9 to, adds and repeals Chapter 2.6. commencing with Section 17250.60, of Part 10.5 of Division 1 of Title 1 of, and repeals Section 41851.12 of, the Education Code, amends Sections 65995.7 and 65997 of the Government Code, amends Sections 1596.806 and 1596.807 of the Health and Safety Code, to amend Sections 10271.5 and 10281.5 of the Welfare and Institutions Code, to amend Section 138 of Chapter 44 of the Statutes of 2021, to amend Sections 264 and 265 of Chapter 116 of the Statutes of 2021, to amend Section 53 of Chapter 252 of the Statutes of 2021, and to amend Sections 122, 124, 125, 134, 137, and 138 of Chapter 52 of the Statutes of 2022.)

AB 190- Makes Budgetary Changes To Higher Education Programs.

This bill is the clean-up higher education budget trailer bill. AB 190 makes the necessary changes to implement the higher education provisions adopted as part of the Budget Act of 2022. AB 190 took effect upon approval by the Governor on September 27, 2022.

AB 190 makes the following statutory changes:

1. Establishes the California Student Housing Revolving Loan Fund to provide zero-interest loans to qualifying campuses at the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) for the purpose of constructing affordable student, faculty, and staff housing. Allocates $1.8 billion in 2023-2024 and 2024-2025 and creates a process for the California School Finance Authority and the California Educational Facilities Authority to create and receive applications from campuses, and distribute funds.

2. The Budget Act of 2022 includes $200 million in the ongoing Proposition 98 General Fund to augment the Part-Time Faculty Health Insurance Program to expand healthcare coverage provided to part-time faculty by community college districts (CCDs). AB 190 amends existing law to authorize the governing board of a CCD to provide a health insurance program for "multidistrict part-time faculty," defined as any faculty member whose total teaching load at two or more CCDs is at least 40% of a full-time assignment. The bill requires that a CCD reimburse a multidistrict part-time faculty member for the district's proportionate share of the total health insurance premium paid by the multidistrict part-time faculty member, up to a proportionate share of the maximum of the full cost of the district's most commonly subscribed family coverage plan. The CCD's proportionate share is calculated by dividing the total health insurance premium paid by the multidistrict part-time faculty member by the total number of CCDs in which the multidistrict part-time faculty member works for, and multiplying that quotient by the percentage of the health care cost paid by the CCDs toward the total cost of the health insurance premium. A CCD is authorized to require reasonable documentation for purposes of verifying eligibility as a multidistrict part-time faculty and to determine the proportionate share of the CCD.

3. Makes clarifying changes to the Higher Education Student Housing Grant Program. Revises the application deadlines, and information to be submitted to the Legislature, Joint Legislative Budget Committee, and Department of Finance. Allocates $6 million to the California State University, Humboldt. It also repeals $3.8 million for future allocation in subsequent legislation.

4. Amends the Classified School Employee Summer Assistance Program to include a definition for "month" to mean 20 days or 4 weeks of 5 days each, including legal holiday.

5. Amends existing provisions of the Asian American, Native Hawaiian, and Pacific Islander Student Achievement Program. Requires the applicable statewide central office to (a) develop the criteria and process for a grant program to provide funding to the segment's qualifying campuses; (b) establish an AANHPI stakeholder process for purposes of the segment's program; (c) prepare an annual report that includes specified information on or before March 31 of each year; and (D) require the report prepared by the independent evaluator and submitted by the offices of the Chancellor of the CCC and CSU on or before March 31, 2026, to include an assessment of the impact of the segment's program.

6. Provides the California Student Aid Commission the temporary authority to grant an appeal for Cal Grant participation for academic year 2023-24 if an institution failed to meet the cohort default rate solely due to acquisition of an out-of-state institution that impacted its cohort default rate, and the acquired institution has since closed.

7. Establishes that for the academic year commencing 2022-2023, any full-time student who qualifies for $1 under the Middle Class Scholarship Program shall be eligible to receive a minimum scholarship of $90.

8. Amends the age eligibility requirement to qualify for NextUp program. The bill provides that current or former foster youth are eligible for NextUp so long as they are not older than 25 years of age at the commencement of the academic year in which they first enroll in the program. Further, foster youth will maintain eligibility regardless of whether they meet eligibility criteria for additional programs or services. Deletes the provision that requires the regulations adopted by the board of governors for the program to allow waiving of income criteria specified in the regulations as a condition of eligibility.

(AB 190 amends Sections 17201, 69432.7, 70023, 79222, 79223, 79225, 79511, 87861, 87862, 87863, 87864, 87867, 88280, 89297.1, 94110, 94140, 94144, 94146, 94147, 94151, 94154, 94190, 94191, 94192, 94193, 94194, and 94195 of,

adds Sections 79223.5 and 87865 to, and adds Chapter 14.28, commencing with Section 67329.1, to Part 40 of Division 5 of Title 3 of, the Education Code.)

AB 1187 – Makes Certain Supervised Tutoring Eligible For State Apportionment.

AB 1187 amends existing law and provides that supervised tutoring for foundational skills and for degree-applicable and transfer-level courses, as authorized pursuant to regulations adopted by the board of governors on or before July 31, 2023 are eligible for funding.

(AB 1187 amends Section 84757 of the Education Code.)

BUSINESS & FACILITIES

SB 490 - Establishes The Buy American Food Act Requiring K-12 Districts, California Community Colleges And The California State University Purchase Domestic Agriculture Food Products Unless A Nondomestic Product Is 25% Lower And Other Requirements Are Met.

AB 490 is effective January 1, 2024; and remains in effect until January 1, 2029. The bill establishes the Buy American Food Act.

The Buy American Food Act applies to public institutions that receive federal meal reimbursement funding to provide prepared meals and solicit bids for the purchase of agriculture food products. This bill defines a "public institution" to mean any state, city or county agency, a school, school district, county office of education, charter school, the California Community Colleges and the California State University.

The bill requires a public institution that solicits bids for the purchase of an agriculture food product to include in their solicitation for bids and contracts that only the purchase of agricultural products grown, packed, or processed domestically is authorized. A public institution may, however, purchase a nondomestic product if any of the following applies:

- The bid or price of the nondomestic agriculture product is more than 25 percent lower than the bid or price of the domestic agricultural food product;
- The quality of the domestic agricultural food product is inferior to the quality of the agricultural food product grown, packed, or produced nondomestically; or
- The agricultural food product is not produced or manufactured domestically in sufficient and reasonably available quantities of a satisfactory quality to meet the needs of the public institution.

The bill exempts local educational agencies (LEA) with annual federal meal reimbursement funding of less than $1,000,000 from these provisions. The bill requires the public institution to retain documentation relating to the purchase of agricultural food products for 3 years and to make that documentation available to the public upon request.

The bill further provides that its provisions neither limit nor expand California's obligations under the Agreement on Government Procurement of the World Trade Organization. The provisions of this bill do not apply to the Child and Adult Care Food Program, the Summer Food Service Program, the Department of Corrections and Rehabilitation, or to agricultural food products purchased by or provided to a public institution through the United States Department of Agriculture.

The bill provides an exception to the above requirement for public institutions when a vendor substitutes an agricultural food product without notice or because a product is not available.

Lastly, the bill authorizes a local agency participating in a federal school lunch or school meal program to report to the State Department of Education any increases in the prices of agriculture food products that exceeds 25 percent of the previous year's prices and encourages the retention of documentation supporting the compliant. The State Department must annually post on its internet website the aggregate information on reports received from LEA regarding price increases.

(SB 490 adds and repeals Chapter 8, commencing with Section 58596.1, of Part 1 of Division 21 of the Food and Agricultural Code.)

AB 778 – Requires School, School District, County Office Of Education And Charter Schools To Purchase Agricultural Food Products Grown In California.

AB 778 requires that a local educational agency that solicits bids for the purchase of agricultural food product accept a bid or price for that agriculture grown in California before accepting an out of state bid or price if the following two conditions are met:

1. The bid or price of the California-grown agriculture food product does not exceed the lowest bid or price for a domestic agricultural food product produced outside the state; and

2. The quality of the California-grown agricultural food product is comparable to the domestic agricultural food product produced outside the state.

The bill also requires that state-owned or state-run institutions that purchase agriculture products implement the necessary practices to purchase no less than 60 percent of the agriculture food products that it purchases in a calendar year are grown and produced in the state by December 31, 2025. This requirement does not apply to California Community Colleges, the California State University, University of California, and each campus, branch or function thereof; or to a school, school district, county office of education and charter school.

(AB 778 amends Section 58595 of the Food and Agriculture Code.)

SB 1184 – Authorizes Disclosure Of Medical Information To School-Linked Services Coordinators.

The California Confidentiality of Medical Information Act (CMIA) generally prohibits the acquisition, use, and disclosure of medical information without prior written authorization from the person whom the information concerns, and sets forth certain confidentiality requirements for medical information. The CMIA authorizes a health care provider or a health care service plan to disclose medical information in certain circumstances, including to other health care providers, health care service plans, contractors, or other health care professionals or facilities for purposes of diagnosis or treatment of the person whom the information concerns.

SB 1184 additionally authorizes a health care provider or a health care service plan to disclose medical information to a school-linked services coordinator, pursuant to a written authorization between the health provider and the person whom the information concerns that complies with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). A HIPAA use and disclosure authorization form must contain specific elements. A "school-linked services coordinator" is an individual located on a school campus or under contract by a county behavioral health provider agency for the treatment and health care operations and referrals of students and their families that holds any of certain credentials, including the following:

1. A services credential with a specialization in pupil personnel services

2. A services credential with a specialization in health authorizing service as a school nurse

3. A license to engage in the practice of marriage and family therapy

4. A license to engage in the practice of educational psychology

5. A license to engage in the practice of professional clinical

While SB 1184 imposes affirmative obligations on a health care provider or a health care services plan, schools with school-linked services coordinators who receive medical information about their students from these entities may want to be aware of this additional step.

(SB 1184 amends Section 56.10 of the Civil Code.)

SB 1340 – Extension Of Property Tax Exemption For The Construction Or Addition Of Any Active Solar Energy System.

Existing property tax law excludes the construction or addition of any active solar energy system from the definition of "newly constructed" for the purposes of appraising the value of real property. This exclusion was set to expire after the 2023-2024 fiscal year.

SB 1340 extends the property tax exemption for the construction or addition of any active solar energy system. SB 1340 extends the exclusion construction or addition of any active solar energy system from the definition of "newly constructed" for the purposes of appraising the value of real property through the end of the 2025-2026 fiscal year. This exclusion remains in effect only until there is a subsequent change in ownership, but an active solar energy system that qualifies for the exclusion before January 1, 2027, will continue to receive the exclusion until there is a subsequent change in ownership.

(SB 1340 amends Section 73 of the Revenue and Taxation Code.)

SB 1172 – Creation Of The Student Test Taker Privacy Protection Act.

SB 1172 creates the Student Test Taker Privacy Protection Act imposing certain requirements on businesses that provide proctoring services, such as observing, monitoring, or administering an exam, in an educational setting. These proctoring businesses are limited to only collecting, using, retaining, and disclosing the personal information strictly necessary to provide proctoring services.

(SB 1172 adds Chapter 22.2.7, commencing with Section 22588, to Division 8 of the Business and Professions Code.)

SB 886 – Public University Housing Development Projects Are Exempt from California Environmental Quality Act (CEQA),

SB 886 exempts certain housing development projects at the University of California and the California Community Colleges from the California Environmental Quality Act (CEQA) until January 1, 2030.

To be eligible for the exemption from CEQA, the housing development project must be housing facilities intended to be occupied by students, faculty, or staff of one or more campuses, of one or more campuses and owned by the University of California or the California Community Colleges on real property owned by the public university. SB 886 specifically outlines certain criteria that would not exempt the project from CEQA such as location on farmland and wetlands, or required demolition of certain types of housing.

SB 886 requires that the University of California and the California Community Colleges hold at least one noticed public hearing to hear and respond to public comments before determining that the university housing development project is exempt under SB 886.

SB 886 requires that the University of California, the California Community Colleges or relevant public agency, before the issuance of a certificate of occupancy for each building within a project, obtain the LEED certification of the building, and to make a determination that all construction impacts of the project have been fully mitigated and issue a notice of that determination. That lead agency must file the LEED certification and the notice with the Office of Planning and Research and the county clerk. The Office of Planning and Research and the county clerk must make the certification and notice available to the public.

(SB 886 add and repeal Section 21080.58 of the Public Resources Code.)

SB 367 – Community College Districts And Campus Health Centers Are Required to Apply to Distribute Opioid Overdose Reversal Medication, And To Participate In The Naloxone Distribution Project.

SB 367 requires all Community College District (CCD) governing boards to inform students about opioids and require the campus health centers to take action to distribute of opioid overdose reversal medications.

SB 367 requires all CCD governing boards to provide their students with educational and preventive information provided by the State Department of Public Health about opioid overdose and the use and location of opioid overdose reversal medication. This information must be provided as part of establish campus orientations.

The CCD governing boards must require their campus health centers to apply to use the statewide standing order issued by the State Public Health Officer to distribute dosages of a federally approved opioid overdose reversal medication, and to participate in the Naloxone Distribution Project administered by the State Department of Health Care Services. Upon approval, the campus health centers must distribute federally approved opioid overdose reversal medications obtained through the Naloxone Distribution Project.

University of California is requested to do the same and meet the same requirements if it participates.

(SB 367 adds Section 67384 to the Education Code.)

SB 218- Authorizes The Superior Court To Ratify Certain Lawful Corporate Actions.

SB 218 authorizes the Superior Court to validate or ratify otherwise lawful corporate actions not in compliance, or purportedly not in compliance, with the General Corporation Law, the articles, bylaws, or a plan or agreement to which the corporation is a party in effect at the time of a corporate action, if the requirements outlined in the bill are met.

If the corporate action is not related to the election of the initial directors, the Board must ratify the corporate action by resolutions that set forth: (1) each action to be ratified, (2) the date the action took place and the date the action is effective, if different; (3) the nature of the noncompliance or purposed noncompliance of each action; and (4) a statement that the ratification of each action is approved. If the corporate action is related to the election of the initial directors, the resolution must set forth: (1) the name of the person or persons who first took action in the name of corporation as the initial directors; (2) the earlier date of which such person took action or were purported to have been elected as initial directors and the date the persons shall be deemed to become the initial directors; and (3) a statement that the ratification of each election is approved.

The corporation must file a certificate of ratification with the Secretary of State if the ratified corporate action would have required filing or any document previously filed becomes inaccurate or incomplete after giving effect to the ratification. The code sets forth the required provisions that must be included in the certificate of ratification.

If the Secretary of State refuses to file the certificate of ratification because it would render prior filings inaccurate, ambiguous, or unintelligible, an authorized person may file a Petition with the superior court to determine the validity with the corporate action. An "authorized person" is defined as the corporation, any successor entity to the corporation, any director, or any other person that claims to be substantially and adversely affected by the ratification of a corporate action. The petition must be filed in the superior court in the county where the principal office of the corporation is located. The authorized person must serve the petition on the corporation's registered agent and does not need to join any other party. The code sets forth the required provisions that must be included in the petition.

The corporation must file a certificate of validation with the Secretary of State if the corporate action validated by the Superior Court would have required filing or any document previously filed becomes inaccurate or incomplete after giving effect to the validation. The code sets forth the required provisions that must be included in the certificate of validation.

(SB 218 amends Section 110 of, and adds Section 119 to, the Corporations Code.)

AB 2355 – Schools Are Required To Report Cyberattacks To The California Cybersecurity Integration Center.

The bill requires a school district, county office of education and charter school to report any cyberattack affecting 500 pupils or personnel to the Cybersecurity Integration Center (Center). Cyberattack means (1) any alteration, deletion, damage, or destruction of a computer system, computer network, computer program, or data caused by unauthorized access; or (2) the unauthorized denial of access to legitimate users of a computer system, computer network, computer program, or data.

The bill also requires that the Center establish a database that tracks reports of cyberattacks submitted by local educational agencies. The Center, annually, beginning January 1, shall report to the Governor and the relevant policy committees of the Legislature a summary of the following:

- The types and number of cyberattacks;
- The types and number of data breaches reported to the Attorney General;
- Any activities the Center provided to prevent cyberattacks or data breaches; and
- Support provided by the Center following a cyberattack or data breach.

The bill requires the Attorney General to provide sample copies of data breach notifications received from local educational agencies.

This bill shall remain in effect until January 1, 2027.

(AB 2355 adds and repeals Article 8.5, commencing with Section 35265, of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education Code.)

AB 2482 – Establishes The Wellness Vending Machine Pilot Program Which Requires The California Community College And The California State University, And Requests The University Of California Provide Vending Machines Dispensing Wellness Products, Such As Condoms, Dental Dams, And Menstrual Cups.

AB 2482 establishes a pilot program, until July 1, 2029, that requires the California State University and the California Community Colleges to establish at 5 campuses of their segments at least one vending machine that dispenses wellness products. Participation of community colleges under the pilot program is voluntary. This bill also requests that the University of California establish at any number of campuses of their segment at least one vending machine that dispenses wellness products.

The bill identifies wellness products to include, but is not limited to, condoms, dental dams, menstrual cups, lubrication, tampons, menstrual pads, pregnancy tests, and nonprescription drugs, including discounted emergency contraception. Each participating campus must place the wellness vending machines in central locations on campus that will enable students to have access 24/7, and select and implement a method from those provided in the bill to notify students of the presence of the wellness vending machines.

The bill also requires, the California Community Colleges and the California State University submit a report to the Legislature on or after July 1, 2025, and on or after July 1 thereafter. At a minimum, the report must include the following information:

- The location of the wellness vending machine.
- Which times of the day and days of the week the wellness vending machine is stocked, functioning, and accessible to students.
- The total cost to acquire and maintain the wellness vending machine.
- Which method or meth

ods were used to notify students of the presence of the wellness vending machine as required by this bill.

- The types of products offered through the wellness vending machine.
- Whether the price for each type of product was offered at a discounted rate as compared to the average retail price.
- The total sales volume, disaggregated by type of product.
- The name of each entity or organization, if any, the campus or segment partnered with to offer products through the wellness vending machine.
- The source or sources of funding used to finance the wellness vending machine.

The bill requests the University of California comply with the requirements of AB 2482.

(AB 2482 adds and repeals Section 66023.8 of the Education Code.)

AB 2638 – Requires New Construction And Modernization Projects Submitted To DSA By A School District Or The Governing Board Of A Charter School, Within The Specific Time-Period, To Include Water Bottle Filling Stations.

Existing law requires a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011. Except, the governing board of a school district that adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns is not required to comply with the existing requirements.

AB 2638 requires new construction or modernization projects submitted to the Division of State Architect (DSA) by a school district or the governing board of a charter school to include water bottle filling stations. This requirement only applies to projects submitted to DSA three months after voters approve a statewide general obligation bond that provides for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring on or after November 1, 2022.

The bill requires modernization projects to include a minimum of one water bottle filling station for each school undergoing modernization, and for new construction projects, a minimum of one water bottle filling station per 350 people at each school being constructed. The bill requires water bottle filling stations be placed in or near high traffic and common areas, including hallways, gymnasiums, school food service areas, outdoor recreation areas and faculty lounges. The water bottle filling stations must dispense drinking water that meets primary drinking water standards and secondary drinking water standards.

This bill requires school districts and charter schools to allow pupils, teachers, and staff to bring and carry water bottles. The bill also requires school districts and charter schools to inform teachers, staff, parents, and pupils of their rights to have water bottles, encourage water consumption through promotional and educational activities and signage, and are encouraged to develop water bottle carrying policies.

(AB 2638 adds Chapter 2, commencing with Section 38040, to Part 23 of Division 3 of Title 2 of the Education Code.)

AB 2638 – Requires New Construction And Modernization Projects Submitted To DSA By A School District Or The Governing Board Of A Charter School, Within The Specific Time-Period, To Include Water Bottle Filling Stations.

Existing law requires a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011. Except, the governing board of a school district that adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns is not required to comply with the existing requirements.

AB 2638 requires new construction or modernization projects submitted to the Division of State Architect (DSA) by a school district or the governing board of a charter school to include water bottle filling stations. This requirement only applies to projects submitted to DSA three months after voters approve a statewide general obligation bond that provides for school facilities for kindergarten or any of grades 1 to 12, inclusive, at a statewide election occurring on or after November 1, 2022.

The bill requires modernization projects to include a minimum of one water bottle filling station for each school undergoing modernization, and for new construction projects, a minimum of one water bottle filling station per 350 people at each school being constructed. The bill requires water bottle filling stations be placed in or near high traffic and common areas, including hallways, gymnasiums, school food service areas, outdoor recreation areas and faculty lounges. The water bottle filling stations must dispense

drinking water that meets primary drinking water standards and secondary drinking water standards.

This bill requires school districts and charter schools to allow pupils, teachers, and staff to bring and carry water bottles. The bill also requires school districts and charter schools to inform teachers, staff, parents, and pupils of their rights to have water bottles, encourage water consumption through promotional and educational activities and signage, and are encouraged to develop water bottle carrying policies.

(AB 2638 adds Chapter 2, commencing with Section 38040, to Part 23 of Division 3 of Title 2 of the Education Code.)

AB 2953 – Local Agencies Must Utilize Technologies And Techniques To Reduce Greenhouse Gas Emission When Maintaining And Rehabilitating Streets And Highways.

AB 2953 requires local agencies that have jurisdiction over a street or highway, to the extent feasible and cost effective, to utilize advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method, such as the use of recycled base and subbase materials, reclaimed asphalt pavement and reclaimed aggregate, fly ash, returned plastic concrete, and other materials in concrete as set forth the Department of Transportation Standard Plans. This requirement is not applicable to special districts or cities with a population equal to or less than 25,000 people or counties with a population equal to or less than 100,000 people based on the most recent census.

(AB 2953 add Section 42704.6 to the Public Resources Code.)

AB 2375 - School Districts, County Offices Of Education, Charter Schools, And Special Education Local Plan Areas Are Required To Take Steps To Identify Homeless Children And Youths Regardless Of Whether The Agency Receives Federal Funds.

The McKinney-Vento Homeless Assistance Act provides grants to states to carry out activities relating to the education of homeless children and youths, including but not limited to, providing services and activities to improve the identification of homeless children and youths and to enable them to enroll in, attend, and succeed in school. Currently, if a school district, county office of education, or charter school receives funds from the federal American Rescue Plan Act of 2021, it is required to submit a housing questionnaire intended to identify homeless children and youths and unaccompanied youths to all parents or guardians of pupils and to all unaccompanied youths on an annual basis. The school district, county office of education, or charter school is also required to report the number of homeless children and youths and unaccompanied youths enrolled at its agency to the California Department of Education.

AB 2375 expands this law and now requires all school districts, county office of educations, or charter schools to issue the questionnaire and report the number of homeless children and youths and unaccompanied youths enrolled. The receipt of federal funds from the federal American Rescue Plan Act of 2021 is no longer a prerequisite to comply with these requirements.

(AB 2375 amends Section 48851 of the Education Code.)

AB 2272 – Expansion Of The California Educational Facilities Authority Act For Institutions Of Higher Education.

California Educational Facilities Authority Act establishes the California Educational Facility Authority. The California Educational Facility Authority can provide California private institutions of higher education with an additional means by which to expand, enlarge, and establish dormitory, academic, and related facilities, finance those facilities, and refinance existing facilities. The California Educational Facility Authority can also enter into agreements with specified nonprofit entities to develop student, faculty, and staff housing for the benefit of students enrolled at or faculty working at the University of California, the California Community Colleges, or a participating private college.

AB 2272 amends California Educational Facilities Authority Act to authorize California Educational Facilities Authority to finance working capital loans to private colleges that do not restrict the student admissions on the student's race or ethnicity. The private colleges must use the working capital for maintenance or operation expenses in connection with the ownership or operation of an educational facility, faculty or staff housing, and student housing.

(AB 2272 amends Sections 94110, 94140, 94146, 94150, 94151, and 94191 of the Education Code.)

AB 2232 – Schools Must Update HVAC Systems And Install Infiltration To HVAC Systems.

Through AB 2232 the Legislature finds and declares that it is California policy that school facilities provide healthy indoor air quality, including adequate ventilation, to protect students, teachers, and other occupants' health, reduce sick days, and improve student productivity and performance.

AB 2232 is applicable to school districts, county offices of education, charter schools, private schools, California Community Colleges, and California State University (Schools). The University of California is not required but requested to meet these new requirements if the Regents of the University of California, by resolution, make it applicable.

Schools are required to ensure that school facilities have heating, ventilation, and air conditioning (HVAC) systems that meet specified minimum ventilation rate requirements set forth in the California Code of Regulations and to install filtration that achieves minimum efficiency reporting values (MERV) levels of 13 or higher to be feasible with the existing HVAC system as determined by the school.

If the School's existing HVAC system is not capable of safely and efficiently providing the minimum ventilation rate, the School must ensure that its HVAC system meets the minimum ventilation rates in effect at the time the building permit for installation of that HVAC system was issued. The School must also document the HVAC system's inability to meet the current ventilation standards set forth in the California Code of Regulations and make that documentation available to the public upon request.

If the School's existing HVAC system is not designed to achieve MERV levels of 13 or higher, the School must install filtration that achieves the highest MERV level that the School determines is feasible without significantly reducing the lifespan or performance of the existing HVAC system.

AB 2232 also requires the California Building Standards Commission and the Division of the State Architect to research, develop, and propose for adoption mandatory standards for carbon dioxide monitors in classrooms in the next edition of the California Building Standards Code.

(AB 2232 adds Chapter 8, commencing with Section 17660, to Part 10.5 of Division 1 of Title 1 of the Education Code.)

AB 2206 –Parking Cash-Out Programs Are Required For Employers With 50 Or More Employees Who Offer Employees Parking Subsidies.

The California Health & Safety Code requires that the State Air Resources Board classify each air basin according to its pollution level. The State Air Recourses Board classifies each air basin as in attainment, in non-attainment or unclassified for any state ambient air quality standard based on a pollutant-by-pollutant basis.

Current law requires employers that meet the following criteria to provide a parking cash-out program: (1) located in the an air basin designated as non-attainment by the State Air Resources Board; (2) have 50 or more employees; (3) provide a parking subsidy to employees.

AB 2206 adds a distinct definition of "employer" and revises the definitions of "parking cash-out program," and "parking subsidy." Under AB 2206, the Legislature intends that the parking cash-out program is only applicable to an employer that provides a parking subsidy to employees that can reduce, without penalty, the number of paid parking spaces it maintains for its employees by providing employees with a cash-out option.

A parking subsidy, under this section, is now defined as the difference between the price, if any, charged to an employee for the use of a parking spaces not owned by the employer and made available to that employee by the employer and the market rate cost of parking. A parking cash-out program means a program wherein the employer offers to provide eligible employees a cash allowance equal to or greater than the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. AB 2206 also defines market rate cost of parking as an amount that is no less than if the parking were to be obtained by an individual unaffiliated with the property on which parking is provided or by the employer through a transaction with no special rate due to a property lease for the closest publicly available parking within one-quarter mile of the employee's workplace or $350, whichever is less. If the employer cannot established the market rate cost of parking, the rate shall be the monthly price of the lowest priced transit serving within one-quarter mile of the site or fifty dollars ($50) per month, whichever is higher. The employer is required to maintain evidence of their effort to establish the market rate cost of parking for at least four years.

AB 2206 also adds a requirement for employers to inform employees who receive a parking subsidy of their right to receive the cash equivalent of the parking subsidy and maintain records of that communication.

AB 2206 authorizes the State Air Resources Board to impose the civil penalty not to exceed thirty-seven thousand five hundred dollars ($37,500) for a violation of this section. Additionally, a city, county, or air district may also adopt, by ordinance or resolution, a penalty or other mechanism to ensure that employers within their jurisdictions comply with this section of the Health & Safety Code. An employer cannot be subject to penalties by both the State Air Resources Board and a city, county, or air district. Only penalties by the State Air Resources Board are applicable if two agencies impose a penalty on an employer.

(AB 2206 amends 43845 of the Health and Safety Code.)

AB 2173 – Payment Of Public Contracts.

AB 2173 eliminates the existing sunset date in Sections 7201 and 10261 of the Public Contract Code, which were set expire automatically on January 1, 2023. The Public Code authorizes a public entity in a contract to retain proceeds from any payment not to exceed 5% of the price. A public entity may retain more than 5% on specific projects where the director of the applicable department has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents.

(AB 2173 amends Sections 7201 and 10261 of the Public Contract Code.)

AB 1867 – Modernization Of Bathrooms For K-12 Districts.

Leroy F. Greene School Facilities Act of 1998 allows the Director of General Services to adopt of rules, regulations, and procedures for the allocation of state funds by the State Allocation Board for the construction and modernization of public school facilities.

If voters approve a statewide general obligation bond that provides funds for certain school facilities at a statewide election occurring after November 1, 2022, AB 1867 will require any school district, county office of education, or charter school that applies for state funding 3 months after the vote for a school modernization project to also modernize their bathrooms. When the school district, county office of education, or charter school submits its modernization project to the Division of the State Architect (DSA), it must also include faucet aerators and water-conserving plumbing fixtures in all bathrooms if the modernization project meets the following criteria: (1) the school facility was constructed before January 1, 2012; (2) the modernization project contains an existing faucet or water plumbing fixture in the space to be modernized or repaired; and (3) the plan includes modernization or repair of the interior of a school building.

This requirement is not applicable if the purpose of the modernization project is limited to the exterior of a school building, the school grounds, or the playing fields of a school or the bathrooms already have both faucet aerators and water-conserving plumbing fixtures at the time the plans are submitted to DSA.

(AB 1867 adds Section 17584 to the Education Code.)

AB 1719 – Establishes The Community College Faculty And Employee Housing Act Of 2022.

This bill establishes the Community College Faculty and Employee Housing Act of 2022 with the purpose to facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for faculty and community college district employees to allow them to access and maintain housing stability. The bill provides college districts with the right to prioritize community college district employees over local public employees and other members of the public to occupy housing. The act provides various definitions referenced in this act.

Finally, AB 1719 gives community college districts the authority to establish and implement programs that address the housing needs of faculty and community college employees who face challenges in securing affordable housing. To the extent feasible, the programs established and implemented by community college districts may do the following:

- Leverage federal, state, and local public, private, and nonprofit programs and fiscal resources available to housing developers.
- Promote public and private partnerships.
- Foster innovative financing opportunities.

(AB 1719 adds Part 14.1, commencing with Section 53580, of Division 31 of the Health and Safety Code.)

AB 1775 – Contract Requirements When Contracting For Live Events.

AB 1775 requires entities entering into contracts with entertainment vendors for events held at certain public venues to require the entertainment vendor to make certain certifications in writing as part of the contract. A "public events venue" is defined as a state-operated fairground, county fairground, state park, California State University, University of California, or auxiliary organization-run facility that hosts live events. The vendor must certify that all employees and employees of its subcontractors involved in the setting up, operation, or tearing down, have complied with specified training, certification, and workforce requirements, and have completed prescribed trainings of the United States Department of Labor's Occupational Safety and Health Administration. Failure to obtain these certifications will subject the entity to a citation and a civil penalty from the Division of Occupational Safety and Health.

(AB 1775 amends add Part 14, commencing with Section 9250, to Division 5 of the Labor Code.)

AB 1851 – Expansion Of The Definition Of Public Works For The Prevailing Wage.

AB 1851 expands the definition of the term public works as it relates to the payment of workers employed on public works projects. Existing law requires that workers employed on public works projects be paid not less than the general prevailing rate of per diem wages as determined by the Director of Industrial Relations.

AB 1851 expands the definition of the term public works as it relates to hauling to also include the on-hauling of materials used for paving, grading, and fill onto a public works site if the individual driver's work is integrated into the flow process of construction. Previously, only the hauling of refuse from a public works site to an outside disposal location was included in the definition of public works.

(AB 1851 amends Section 1720.3 of the Labor Code.)

AB 2295 – Allows Districts To Use Owned Real Property For Housing Development Projects.

AB 2295 is effective January 1, 2024, except that on or after January 31, 2023, the Department of Housing and Community Development must provide written notice to the planning agency of each county and city that this section becomes effective January 1, 2024. The bill is repealed effective January 1, 2033.

The bill provides that a housing development project is an allowable use on any real property owned by a local educational agency so long as certain requirements are satisfied. To qualify under this bill, the housing project must:

- Consists of 10 housing units.
- Have a recorded deed restriction that ensures, for a period of at least 55 years, that the majority of the units shall be set at an affordable rent to lower income or moderate-income households, with at least 30 percent of the units affordable to lower income households.
- All the units must be rented by local education agency employees, local public employees, and general members of the public. The bill establishes the required procedure and order for renting the units.
- Satisfy specific residential density and height requirements. The project must also satisfy local objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with the residential density and height requirements.
- Be adjacent to a property that permits residential uses as a principally permitted us.
- Located on an infill site.
- Be located entirely within any applicable urban limit line or urban growth boundary established by local ordinance; and
- Comply with all infrastructure-related requirements, including impact fees that are existing or pending at the time the application is submitted, imposed by a city or county or a special district that provides service to the parcel.

The bill permits the local educational agency and any other party to jointly use or jointly occupy any land used for the development of a housing development.

(AB 2295 adds and repeals Section 65914.7 of the Government Code.)

AB 2329 – Permits A Local Educational Agency To Contract With A Nonprofit Mobile Eye Examination Provider To Provide Pupil's Eye Examinations And Eyeglasses.

Existing law required the governing board of a school district to provide for the adequate testing of the sight and hearing of each pupil enrolled in schools of the school district and identifies the persons authorized to conduct the examination.

AB 2329 amends existing law to allow a local educational agency to enter into a memorandum of understanding with a nonprofit mobile eye examination provider to provide noninvasive eye examinations. The local education agency must provide notice to the pupil's parent or guardian an opportunity to opt out their child from receiving eye care services. The State Department of Education is required to develop and post on its website a sample opt-out form.

This bill supplements existing law and does not replace existing requirements. The bill further provides that participating health care professionals are immune from civil and criminal liability, and immune from any disciplinary action from a professional licensing board, for providing authorized services without parent or guardian consent. The bill also provides immunity to participating local educational agencies.

(AB 2329 adds Section 49455.5 to the Education Code.)

COVID-19

AB 152 – Extends COVID-19 Supplemental Paid Sick Leave Through December 31, 2022; Establishes Relief Grant Program For Small Businesses And Nonprofits.

On September 30, 2022, Governor Gavin Newsom signed AB 152 into law. The bill amends the Labor Code, making several important changes to how COVID-19 Supplemental Paid Sick Leave (SPSL) is administered, and also sets up a grant relief fund for small non-profits and other businesses with between 26-49 employees. The bill was designated as urgency legislation and therefore took effect immediately.

AB 152 makes two significant changes to SPSL. First, it extends the existing statutory leave rights. Prior to AB 152, statutory SPSL rights would have expired on September 30, 2022. AB 152 extends that expiration date to December 31, 2022. Importantly, the amendment does not provide employees with any additional SPSL, but merely extends the period during which employees who have not exhausted their SPSL may use such leave. As a result, employers should continue to allow employees who have not exhausted their SPSL entitlements to use such leave for any qualifying reasons until the end of the year.

Second, AB 152 provides more authority for employers to require retesting before an employee returns to work. Where an employee is on leave after testing positive for COVID-19, prior law authorized employers to require a follow-up COVID-19 test on or after the fifth day following the initial positive test in order to expedite an end to the employee's isolation and their return to work. Under AB 152, if that follow-up test is also positive, employers may require the employee to retest within a period of no less than 24 hours. The bill also provides that if an employee refuses to submit to follow-up testing, or refuses to provide documentation of the results from such tests, the employer may lawfully deny the employee SPSL.

The new law also establishes the Small Business and Nonprofit COVID-19 Supplemental Paid Sick Leave Relief Grant Program (Program). It is designed to provide grant relief to qualified small businesses and nonprofits in order to defray the costs associated with their provision of SPSL. Qualified entities may receive grant funding equal to the actual costs that they incurred related to their provision of SPSL between January 1 and December 31, 2022, up to a limit of $50,000. The Program will be administered by the California Office of the Small Business Advocate.

In order to qualify for a grant under this Program, a non-profit entity must satisfy each of the following criteria: (1) be currently active and operating; (2) have been operating prior to June 1, 2021; (3) employ between 26 and 49 employees and provides payroll data and an affidavit attesting to that fact; (4) have been providing SPSL to eligible employees, as required by law; and (5) provides organizing documents, including a 2020 or 2021 tax return or Form 990, and a copy of official filing with the Secretary of State or with the local municipality, as applicable, including, but not limited to, Articles of Incorporation, Certificate of Organization, Fictitious Name of Registration, or Government-Issued Business License.

Several exceptions in the legislation render certain entities ineligible for the grant funding. These exceptions include "businesses that restrict patronage for any reason other than capacity." At this time, it is not unclear whether this restriction might apply to private schools.

(AB 152 adds Sections 12100.96 through 12100.985 to the Government Code, amends Sections 248.6 and 248.7 of the Labor Code, and amends various provisions of the Revenue and Taxation Code.)

AB 1751 – Extends Workers' Compensation Benefits For Illness Or Death Resulting From COVID-19 Until January 1, 2024.

Current law, enacted during the COVID-19 pandemic, sets out several specific provisions governing workers' compensation claims and state disability benefits relating to employees who contract COVID-19. It creates a rebuttable presumption for purposes of California's workers' compensation system that a peace officer, firefighter, specified frontline employees, and certain health care employees who contract COVID-19 were infected with the virus via a workplace exposure. It also establishes a similar presumption for employees who contract COVID-19 after an outbreak at their worksite. Both of these presumptions extend 14 days after the last day of employment with a particular employer.

Under current law, these presumptions are scheduled to sunset automatically on January 1, 2023. AB 1751 extends this expiration date to January 1, 2024. The bill also extends the public safety presumption to several categories of state-employed firefighters not covered by the original statute.

(AB 1751 amends Sections 3212.86, 3212.87, and 3212.88 of the Labor Code.)

AB 2693 – Extends And Revises Cal/OSHA Requirements Regarding COVID-19 Exposures In The Workplace.

Under current law, the Division of Occupational Safety and Health (Cal/OSHA) has authority to prohibit any operation or process at a workplace, or prohibit entry to the workplace, if there exists a risk of exposure to COVID-19 that constitutes an imminent hazard to employees. Existing law also requires the employer to post a notice of the prohibition at a conspicuous location; violating the prohibition or removing the notice is a crime. This COVID-specific law is currently set to expire on January 1, 2023; AB 2693 extends those provisions until January 1, 2024. Existing law also imposes specific obligations on employers regarding reporting and notices of COVID-19 exposures and outbreaks. AB 2693 amends those requirements.

First, current law requires employers to provide a specified notice to the local public health agency in its jurisdiction if the number of reported workplace cases of COVID-19 amount to an "outbreak." Current law also requires the Department of Public Health to publicize workplace industry information received from local public health departments on its website. AB 2693 deletes those provision.

Second, current law requires an employer who receives notice of a potential exposure on its worksite to provide all employees who were on the premises with written notice that they may have been exposed to COVID-19. Under AB 2693, employers are only required to post a prominently-displayed notice in each worksite or on an electronic employee portal stating (a) the dates on which an employee or subcontractor with a confirmed case of COVID-19 was on the premises, (b) the location of the exposure, including the department, floor, building, or other area, and (c) contact information for employees to receive information regarding COVID-19 related benefits. The notice must be posted within one business day, must remain posted for no less than 15 calendar days, and must be in English and the language understood by the majority of employees. Employers may, but are not required to, provide direct written notice to each employee instead.

Employers must also provide written notice to the exclusive labor representative, if any, of confirmed cases and employees who had close contact with those confirmed cases, within one business day.

(AB 2693 amends Sections 6325 and 6409.6 of the Labor Code.)

PAY TRANSPARENCY

SB 1162 – Enacts Pay Transparency Requirements For Hiring Employers; Revises Pay Data Reporting Requirements For Private Employers.

SB 1162 imposes new obligations on employers, including sharing pay scale information in job postings and with current employees and revising private employers' pay data reporting requirements. SB 1162 takes effect on January 1, 2023.

Increased Pay Transparency

SB 1162 amends Labor Code Section 432.3 to require all public and private employers with 15 or more employees, to include a position's pay scale in any job posting the employer posts directly or through a third party. "Pay scale" means the salary or hourly wage range that the employer reasonably expects to pay for the position.

Current law requires an employer, upon reasonable request, to provide a position's pay scale to an applicant applying for employment. SB 1162 expands this to also require an employer to provide to an employee, on request, the pay scale for their current position.

SB 1162 further requires employers to maintain records of the job title and wage rate history for each employee for the entire duration of the employee's employment plus three years after the employee's employment ends. The records must be open to inspection by the Labor Commissioner. If an employer fails to keep these records and an employee brings a claim that the employer violated Labor Code Section 432.3, the employer's failure creates a rebuttable presumption in favor of the employee's claim.

Any claim filed by an employee, must be filed with the Labor Commissioner within one year after the date the applicant or employee learned of the violation. The Labor Commissioner has authority to investigate the claims. If the Labor Commissioner finds that the employer violated Labor Code Section 432.3, the Labor Commissioner may order the employer to pay a civil penalty of between $100 and $10,000 per violation. Employees may also bring a civil action for injunctive relief or other relief, as the court deems appropriate.

Expanded Pay Data Reporting For Private Employers

SB 1162 also modifies the pay data reporting obligations under existing law. Current law requires a private employer that has 100 or more employees and is required to file an annual Employer Information Report (EEO-1) pursuant to federal law, to also submit a

California pay data report to the California Civil Rights Department (CRD), formerly called the Department of Fair Employment and Housing, by March 31 of each year.

SB 1162 instead requires any private employer that has 100 or more employees, regardless of whether it is required to file an annual EEO-1, to submit a pay data report to the CRD. SB 1162 also revises the deadline for submission of the pay data report to be before the second Wednesday of May of each year beginning in 2023.

Private employer with 100 or more employees hired through labor contractors, must submit a separate pay data report to the CRD for those employees by the same deadline. For purposes of SB 1162, a "labor contractor" means an individual or entity that supplies, either with or without a contract, a client employer with workers to perform labor within the client employer's usual course of business.

SB 1162 eliminates the requirement that employers with multiple establishments submit a consolidated report that includes all employees, and instead requires employees to file one report for each establishment.

SB 1162 also expands the type of information an employer must include in the pay data report. Existing law requires that the pay data report include the number of employees by race, ethnicity, and sex in specified job categories within specific pay bands. SB 1162 requires the pay data report to also include the median and mean hourly rate for each combination of race, ethnicity, and sex within each job category.

SB 1162 further eliminates an employer's option to submit an EEO-1 to the CRD in lieu of filing the California pay data reporting. As such, for 2023, covered private employers must complete both the EEO-1 and the California pay data report.

SB 1162 imposes new civil penalties on an employer who fails to file the pay data report. A court may impose a civil penalty not to exceed $100 per employee for an employer's first failure to file the report, and a civil penalty not to exceed $200 per employee for a subsequent failure to file the report. Under SB 1162, the CRD remains able to obtain an order requiring an employer to comply with these provisions and to recover the costs associated with seeking the order for compliance.

(SB 1162 amends Section 12999 of the Government Code, and amends Section 432.3 of the Labor Code.)

LEAVE RIGHTS

AB 1041 – Expands CFRA And Paid Sick Leave Law To Cover Leave Taken To Care For A Designated Person.

AB 1041 amends the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014, also known as the Paid Sick Leave Law, to permit eligible employees of covered employers to take leave to care for individuals who are not family members. These changes take effect on January 1, 2023.

Leave Under CFRA to Care for a Designated Person

The CFRA makes it an unlawful employment practice for a private employer with 5 or more employees or any public employer to refuse to grant a request from an employee who meets specified requirements to take up to a total of 12 workweeks in any 12-month period for family care and medical leave. One of the qualifying reasons for an employee to take CFRA leave is for the employee to care for certain family members, including a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, who have a serious health condition.

AB 1041 expands the class of people for whom an employee may take leave to care for to now also include a "designated person." A designated person means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period.

Paid Sick Leave to Care for a Designated Person

California's Paid Sick Leave Law sets a statutory minimum amount of sick leave for most employees in California. Employees may use paid sick time for preventive care or the diagnosis, care, or treatment of an existing health condition of an employee or an employee's family member, which under current law means an employee's child, parent, spouse, registered domestic partner, grandparent, grandchild, and sibling.

AB 1041 expands the definition of the term "family member" to include a designated person, which means a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days.

(AB 1041 amends Section 12945.2 of the Government Code, and amends Section 245.5 of the Labor Code.)

AB 1655 And AB 2596 – Designate Juneteenth (June 19), The Lunar New Year, And Genocide Remembrance Day, As State Holidays.

AB 1655 and AB 2596 together add three dates to the list of holidays officially recognized by the state of California.

AB 1655 adds June 19, known as "Juneteenth." AB 2596 adds the Lunar New Year and Genocide Remembrance Day. The Lunar New Year is defined as the date corresponding with the second new moon following the winter solstice, or the third new moon following the winter solstice should an intercalary month intervene. Genocide Remembrance Day is April 24.

These bills do not directly affect employers other than the state, unless an employer has existing policies or labor agreements that incorporate the list of state holidays by reference.

(AB 1655 amends Sections 37220, 45203, 79020, and 88203 of the Education Code, and amends Sections 6700, 19853, and 19853.1 of the Government Code.)

AB 1949 – Entitles Eligible Employees To Five Days Of Bereavement Leave Upon The Death Of A Family Member And Expands Small Employer Family Leave Mediation Pilot Program.

AB 1949 amends the California Fair Employment and Housing Act (FEHA) to create a statutory right for eligible employees to take up to five days of bereavement leave upon the death of a covered family member, effective January 1, 2023.

AB 1949 applies to employers with five or more employees, and to all public agencies. Employees are eligible for statutory bereavement leave if they have been employed for at least 30 days before the leave commences. Bereavement leave may be taken for the death of a family member, which means a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. To be covered by the law, the bereavement leave must be completed within 3 months of the date of death, but need not be taken consecutively.

The new statutory leave works in conjunction with any existing bereavement leave policies an employer may have. Employers that have no bereavement leave policy, or a policy that provides less than five days, must provide no less than five days of leave.

However, AB 1949 does not require employer to provide paid bereavement leave. Employers with existing bereavement leave policies that provide employees less than five days of paid bereavement leave, must continue to give employees the number of paid days employees are entitled to under the bereavement leave policies, but the rest of the five days may be unpaid. For employers that do not currently provide paid bereavement leave, all five days can be unpaid. In any event, employers must allow employees to use paid vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee during a period of unpaid bereavement leave.

Employers may require employees to provide documentation of the death of the family member within 30 days of the first day of the leave. Documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. AB 1949 obligates employers to maintain the confidentiality of any employee requesting bereavement, as well as the documentation the employee provides, except to internal personnel or legal counsel, as necessary, or as required by law.

AB 1949 makes it an unlawful employment practice for an employer to refuse to hire, or to discharge, demote, fine, suspend, expel, or discriminate against, an individual because of either of the following:

1. An individual's exercise of the right to bereavement leave; or

2. An individual's giving information or testimony as to their own bereavement leave, or another person's bereavement leave, in an inquiry or proceeding related to the right to take bereavement leave.

AB 1949 also makes it an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, an employee's right to take bereavement leave.

Bereavement leave under AB 1949 is separate and distinct from any right under the California Family Rights Act.

AB 1949 does not apply to an employee who is covered by a valid collective bargaining agreement if the agreement expressly provides for bereavement leave equivalent to that required under AB 1949 and for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium

wage rates for all overtime hours worked, where applicable, and a regular hourly rate of pay for those employees of not less than 30 percent above the state minimum wage.

AB 1949 also requires the Civil Rights Department (CRD) to expand the small employer family leave mediation pilot program (Pilot Program) for alleged violations of specified family care and medical leave provisions, applicable to employers with between 5 and 19 employees, to include mediation for alleged violations of the new bereavement leave entitlement. The Pilot Program is only in effect until January 1, 2024, and as of that date is repealed.

(AB 1949 amends Sections 12945.21 and 19859.3 of, and adds Section 12945.7 to, the Government Code.)

WORKERS' COMPENSATION

SB 1002 – Extends The Scope Of Workers' Compensation Benefits To Include Services By A Licensed Clinical Social Worker.

Under existing law, California's workers' compensation system requires employers, usually through insurance, to provide requires an employer to provide medical, surgical, chiropractic, acupuncture, and hospital treatment reasonably required to treat injuries or illness an employee incurs in the course of their employment.

SB 1002 expands the meaning of medical treatment for workers' compensation purposes as including services provided by a licensed clinical social worker (LCSW). It thus includes LCSW services as treatment an employer is reasonably required to provide, and would authorize an employer to provide an employee with access to an LCSW, as defined, acting within the scope of their practice. The bill also authorizes medical provider networks to add LCSWs to a physician providers listing. However, it authorizes an LCSW to treat or evaluate an injured worker only upon referral from a physician, and prohibits an LCSW from making a determination of whether an employee is disabled.

(SB 1002 amends Sections 3209.5, 4600, 4600.3, and 4616 of, and adds Section 3209.11 to, the Labor Code.)

UNEMPLOYMENT INSURANCE

AB 1854 – Deletes Sunset Date On Electronic Submission Of Work-Sharing Plan Applications.

The Employment Development Department (EDD) administers a Unemployment Insurance Work Sharing program available to employers who are facing an economic downturn, as a temporary alternative to traditional layoffs. The work-sharing program allows an employer to reduce an employee's hours in lieu of layoff and allow the employee to receive partial unemployment benefits, even if the reduction of hours and compensation would not otherwise make them eligible for such benefits.

In 2020, responding to the economic uncertainty caused by the COVID-19 pandemic, and recognizing that the EDD program was not frequently used due to the burdensome application process, the Legislature enacted a temporary law to streamline the application process. That bill required the EDD to set up an online application portal and to automatically treat any work-sharing plan application submitted by eligible employers as approved for one year unless the employer requested a shorter plan. Originally, the streamlined process was limited to applications submitted between September 15, 2020, and September 1, 2023, and the statute itself would expire January 1, 2024.

AB 1854 removes the time limitation and sunset date, meaning the new streamlined process is now operative indefinitely. The bill also requires the EDD to accept electronic signatures on all work sharing plan application documents.

(AB 1854 amends section 1279.7 of the Unemployment Insurance Code.)

WORKPLACE SAFETY

AB 2068 – Requires Employers To Post Cal/OSHA Citations And Orders In Multiple Languages.

Under current law, if the Division of Occupational Safety and Health (Cal/OSHA) makes a finding that an employer violated health and safety standards or regulations, Cal/OSHA can issue a citation, which the employer is required to post at or near each place where the violation occurred, or in a place readily seen by all employees. However, current law does not require the employer to post translations of these notices even if the majority of the worksite speaks a language other than English.

AB 2068 aims to close this language gap. It requires that any time a citation or special order or action is required to be posted, the employer must also post an employee notification prepared by Cal/OSHA in multiple languages. The bill requires Cal/OSHA to prepare these notifications in English and the top seven non-English languages used by limited-English-proficient adults in California, as determined by the US Census Bureau's American Community Census, as well as Punjabi (if not already included). The bill allows Cal/OSHA to enforce this posting requirement by citations and civil penalties.

(AB amends Sections 6318 and 6431 of the Labor Code.)

SB 1131 – Enacts Confidentiality Protection Provisions For Public Employees And Contractors At Risk Of Violence Or Harassment From The Public.

In 1998, the Legislature established the "Safe at Home" program to allow victims of domestic violence to apply for a substitute address to be used in public records in order to prevent potential assailants from finding their work or home address. Subsequent legislation expanded this program to include victims of sexual assault and stalking, as well as reproductive health care service providers, employees, volunteers, and patients. The program is administered by the Office of the Secretary of State, and includes provisions allowing individuals to seek confidential voter status and have their home address, phone number, and email address declared confidential.

SB 1131 extends this program in several ways. Most notably, the program will now cover any employees or contractors of public entities who face harassment, violence, or threats of violence from the public due because of their work for a public entity. As examples, the bill lists public health officers and public health workers, election workers, school board members, and code enforcement officers; however, the revised provisions are not limited to these positions.

The bill additionally provides that reproductive health care providers, employees, volunteers, and patients can seek protection based on harassment, rather than only acts or threats of violence.

The bill also contains specific provisions intended to protect county election officials. Where current law requires the elections official in each county to post, at least a week before an election, a list of polling places in each precinct and a list of precinct board members, SB 1131 requires only a list of the party affiliation of each precinct board member, and prohibits including the names of the individual precinct board members.

SB 1131 was designated as urgency legislation, and came into effect immediately upon the Governor's signature on September 26, 2022.

(SB 1311 amends Sections 2166.5, 12105.5, and 12108 of, and adds Section 2166.8 to, the Elections Code. It also amends Sections 6215 and 6215.2 of the Government Code.)

SB 1044 – Enacts Employee Protections Relating To Workplace Emergency Conditions.

Senate Bill 1044 adds a new chapter to the Labor Code entitled Workers' Rights in Emergencies. Effective January 1, 2023, SB 1044 prevents employers from taking or threatening adverse action against any employee because the employee refused to report to or left a workplace or worksite within an area affected by an emergency condition because the employee has a reasonable belief that the workplace or worksite is unsafe. When feasible, employees must report the emergency condition to their employer prior to leaving or refusing to report for work. When prior notice is not feasible, employees are required to notify their employer of the emergency condition as soon as possible afterwards.

The bill defines an "emergency condition" as the existence of either "conditions of disaster or extreme peril to the safety of persons or property at the workplace or worksite caused by natural forces or a criminal act" or "an order to evacuate a workplace, a worksite, a worker's home, or the school of a worker's child due to natural disaster or a criminal act." However, it specifically provides that an "emergency condition" does not include a health pandemic. "A reasonable belief that the workplace or worksite is unsafe" means that a reasonable person, under the circumstances known to the employee at the time, would conclude there is a real danger of death or serious injury if that person enters or remains on the premises.

Certain categories of employees are excluded from the right to leave or refuse to report to work, including the following:

- First responders.
- Disaster service workers, as defined by Section 3101 of the Government Code.
- Employees required by law to render aid or remain on the premises in case of an emergency.
- Transportation employees participating directly in emergency evacuations during an active evacuation.

- Employees whose primary duties include assisting members of the public to evacuate in case of an emergency.

- Employees of health care facilities who provide direct patient care or services supporting patient care operations, or who are otherwise required by law or policy to participate in emergency response or evacuation.

Notably for public agencies, Section 3101 defines "disaster service workers" as including all public employees. As such, the bill does not give public employees a right to leave work or refuse to report for work in an emergency condition; however, the public employee would still have a right under Labor Code 6311 to refuse to perform work that is unreasonably hazardous under Cal/OSHA standards.

Separately, SB 1044 prohibits employers from preventing any employee from accessing the employee's mobile device or other communications device for seeking emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety during an emergency condition. The bill specifically states that this prohibition applies equally to public agencies.

SB 1044 does not apply when emergency conditions that pose an imminent and ongoing risk of harm to the workplace, the worksite, the worker, or the worker's home have ceased.

(SB 1044 adds Section 1139 to the Labor Code.)

EMPLOYMENT DISCRIMINATION

AB 2188 – Prohibits Discrimination Based On Off-Duty Cannabis Use, With Exceptions.

AB 2188 amends the California Fair Employment and Housing Act to prohibit employers from discriminating against employees and applicants based on off-duty use of cannabis, while aiming to preserve employers' ability to maintain a drug-free workplace.

Beginning on January 1, 2024, AB 2188 makes it unlawful for an employer to discriminate against or otherwise penalize an employee or applicant based upon the person's use of cannabis off the job and away from the workplace, or based on an employer-required drug screening that where the employee tested positive for non-psychoactive cannabis metabolites.

The bill does not prevent employers from acting on a scientifically valid preemployment drug screening conducted through methods that do not screen for non-psychoactive cannabis metabolites. The bill also does not give employees a right to possess, use, or be impaired by cannabis on the job, nor does it affect the employer's right and obligation to maintain a drug- and alcohol-free workplace.

AB 2188 also specifically does not apply to employees in the building and construction trades, or to applicants and employees in positions that require a federal background investigation or security clearance. Moreover, to the extent AB 2188 conflicts with state or federal laws requiring drug testing for applicants or employees as a condition of employment, receiving federal funding or federal licensing-related benefits, or entering into a federal contract, or laws regulating the manner of testing, those other laws take precedence.

These new provisions are to the same enforcement mechanisms through the California Civil Rights Department as the FEHA's other employment discrimination provisions.

(AB 2188 adds Section 12954 to the Government Code.)

LABOR RELATIONS

SB 191 – Implements Temporary Alternative Union Access Provisions For New Employee Orientations; Permits Waiver By Mutual Agreement.

SB 191, a budget trailer bill, makes statutory changes to implement various provisions of the state budget relating to labor, workforce, and employment policy. Among numerous other changes, SB 191 makes two changes to the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD), one of the statutes under the jurisdiction of the Public Employment Relations Board (PERB), and applicable to all public employers. As a budget trailer bill, SB 191 took effect immediately upon the Governor's signature on June 30, 2022.

Under current law, the PEDD requires public employers to give a recognized exclusive labor representative access to its new employee orientations, with at least 10 days' advance notice in most cases, and with the details to be determined by mutual agreement. SB 191 adds a provision allowing that agreement to expressly waive or modify the statutory requirements.

SB 191 also adds temporary provisions to the PEDD for situations where new employee orientations may be affected by remote working or public health restrictions.

Where a public employer has not conducted an in-person new employee orientation within thirty days of a newly hired employee's start date, and the new employee is working in person, the exclusive representative has a right to schedule an inperson meeting at the worksite during working hours. During that meeting, the exclusive representative shall be permitted to communicate directly with newly hired employees in the applicable bargaining unit for up to 30 minutes. The newly hired employees must be allowed paid time off, relieved of other duties, for attending the meeting. On receiving a request from the exclusive representative, public employers must provide an appropriate on-site meeting space within seven calendar days. Employers may, but are not required to, provide more than 30 minutes of paid time to newly hired employees.

In cases where a local public health agency has issued an order limiting the size of gatherings, the exclusive representative has the right to schedule multiple meetings to ensure each newly hired employee can attend without exceeding the maximum allowable number of people. If the order prohibits all gatherings, the exclusive representative has the right to schedule the meeting (or meetings) once the order is lifted or modified to permit gatherings. The details of this alternative access is to be determined through mutual agreement.

These temporary provisions remain in effect only until June 30, 2025, and are automatically repealed on that date.

(SB 191 amends Section 3556 of the Government Code, as well as various other statutory provisions.)

SB 931 – Authorizes Civil Penalties For Public Employers Deterring Or Discouraging Union Membership.

Existing law prohibits public employers from deterring or discouraging employees or applicants for public employment from becoming or remaining members of an employee organization, from authorizing representation by an employee organization, or from authorizing dues or fees to an employee organization.. In 2018, the Legislature enacted a statute codifying provisions to this effect, which are known as the Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD). The PEDD applies to all public employers and – with some exceptions – falls under the jurisdiction of the Public Employment Relations Board.

SB 931 authorizes an employee organization to bring a claim before PERB alleging that a public employer violated the PEDD. If PERB finds that the employer did violate the PEDD, the employer may be subject to a civil penalty of up to $1,000 per affected employee, up to $100,000 in total. The amount of the penalty is set by PERB, taking into account the severity of the violation, any prior history of violations by the employer, and the employer's annual budget.

In addition, the employer must pay attorney's fees and costs for a prevailing employee organization unless the claim was frivolous, unreasonable, or groundless, or the employee organization continued to litigate after the claim became so. And if PERB initiates compliance proceedings in superior court, or the employer seeks judicial review, and PERB prevails before the court, the employer must pay PERB's attorney's fees and costs as well.

(SB 931 adds Section 3551.5 to the Government Code.)

OPEN MEETINGS

AB 2449 – Revises The Brown Act's Requirements For Public Meeting By Teleconference.

Prior to the COVID-19 pandemic, the Ralph M. Brown Act had strict requirements on the legislative bodies of local agencies meeting by teleconference. Among other restrictions, all teleconference locations had to be identified in the notice and agenda of the meeting, and each teleconference location had to be accessible to the public. In addition, at least a quorum of the legislative body had to be present within the boundaries of the local agency.

In March of 2020, the Governor issued an executive order temporarily waiving some of these restrictions. The Legislature followed up the Governor's executive order with AB 361, which provided a statutory exception, authorizing local agencies to use teleconferencing without complying with all of the Brown Act's restrictions in specified circumstances related to public health and safety emergencies. By the terms of AB 2449, this authorization will sunset and expire on January 1, 2024.

AB 2449 does not extend AB 361, which still sunsets January 1, 2024. Instead, the bill implements another temporary exception authorizing agencies to meet by teleconference without strict compliance with the traditional notice and physical access requirements.

Notably, where AB 361 is based on an agency's need for teleconferencing, AB 2449's new framework is based on the circumstances of individual members of the legislative body.

Beginning January 1, 2023, the legislative body of a local agency can use teleconferencing without noticing each teleconference location or making it publicly accessible, provided at least a quorum of the body participates in person at a single physical location that is identified on the agenda, open to the public, and within the boundaries of the agency, and provided that other requirements regarding accessibility are met. However, an individual member of the legislative body may participate remotely only in one of two circumstances:

1. With "just cause", the member can participate remotely after giving notice as soon as possible. AB 2449 defines "just cause" as (a) a family childcare or caregiving need; (b) a contagious illness; (c) a need related to a physical or mental disability that is not otherwise accommodated; or (d) travel while on official business. The bill also limits a member to participating remotely under this provision to two meetings per calendar year.

2. In "emergency circumstances," defined as a physical or family emergency that prevents the member from attending in person, the member can participate remotely by requesting approval to do so from the legislative body. The legislative body may take action on the request as soon as possible, including at the beginning of the meeting, even if there was not sufficient time to place the request formally on the agenda.

Under either circumstance, the member in question must give a general description of the circumstances relating to their need to appear remotely, but need not disclose any medical diagnosis, disability, or other confidential medical information.

In addition, AB 2449 provides that a member cannot participate solely by teleconference under the new teleconference framework for more than 3 consecutive months or more than 20 percent of the agency's regular meetings (more than two meetings if the agency meets fewer than 10 times per year).

Outside of the limited circumstances authorized by AB 2449 (and until January 2024, AB 361) public meetings can still occur via teleconference if the legislative body complies with the general (pre-pandemic) agenda, notice, and quorum requirements of the Brown Act.

The new statutory authorization expires by its own terms on January 1, 2026. At that point, absent further legislation, the Brown Act's teleconferencing provisions will revert to essentially the same language as before the pandemic.

(AB 2449 amends Sections 54953 and 54954.2 of the Government Code.)

AB 2647 – Changes Local Agency Requirements For Posting Writings Of A Governing Board.

AB 2647 reforms the public disclosure requirements under the Brown Act in light of a recent Court of Appeal decision.

In 2007, the Legislature enacted SB 343. That bill required that any writing related to an agenda item for a regular open session meeting of a legislative body that is distributed to all or a majority of the body's member less than 72 hours before the meeting, must be made available for public inspection at a designated location at the time it is distributed to the members of the body. The agency must list the address of that location on the agenda for all meetings of the legislative body. SB 343 also authorized a local agency to additionally post the writing on the agency's website.

In 2021, the Third District Court of Appeal issued a decision in Sierra Watch v. Placer County, a case that involved a Board of Supervisor meeting in 2011 to consider a proposed real estate development plan. After the agenda for the meeting had been posted, the development agreement was amended to address concerns the Attorney General raised about compliance with the California Environmental Quality Act. The County clerk received updated documentation after normal business hours on the day before the meeting, and immediately placed copies of the documentation in the County clerk's office. That same evening the County clerk emailed the documents to Board members. The next day the Board met and approved the project.

The Court of Appeal ultimately found that the County violated the requirements under SB 343, holding that because the County clerk's office was closed when the documents were placed there, the documents were not "available to the public" until the next day, meaning the documents were not made available at the same time they were circulated to the Board.

AB 2647 revises the Brown Act to clarify that the public disclosure requirement for writings distributed to the legislative body within 72 hours of the meeting is satisfied by posting the documents online at the time the documents are distributed, so long as physical

copies are made available for public inspection at the beginning of the next regular business day at the designated public office.

(AB 2647 amends Section 54957.5 of the Government Code.)

SB 1100 – Clarifies The Authority Of Legislative Bodies To Remove Disruptive Individuals From Public Meetings.

Under current law, the Brown Act requires that all meetings of the legislative body of a local agency be open and public. In the event that an individual or a group willfully interrupt a meeting in a way that makes it unfeasible to maintain order, if the legislative body are unable to restore order by removing the disruptive individuals, the members of the legislative body can order the meeting room cleared and continue in session. In such cases, the legislative body can only consider matters appearing on the agenda, and members of the press or media must be allowed to continue to attend, except for individuals participating in the disturbance. Current law allows, but does not require, the legislative body to readmit individuals not responsible for the disturbance. Current law allows each body to adopt reasonable regulations governing public address to the legislative body, but does not provide clear rules for when a legislative body can or cannot remove a disruptive individual short of clearing the room.

SB 1100 is intended to clarify the authority of local legislative bodies to remove disruptive individuals. The bill expressly states its intent to codify the authority and standards for governing public meetings set forth in the Ninth Circuit Court of Appeals' 2013 decision in Acosta v. City of Costa Mesa.

Specifically, the bill defines "disrupting" a meeting as engaging in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. This includes, but is not limited to, the use of force, true threats of force, or a failure to comply with reasonable and lawful regulations adopted by the legislative body. In those cases, the bill authorizes the presiding member of a legislative body, or their designee, to remove the disruptive individual or cause them to be removed. However, before removing the individual, the presiding member or their designee must warn the individual that their behavior is disrupting the meeting and that their failure to cease the behavior may result in removal.

(SB 1100 adds Section 54957.95 to the Government Code.)

ETHICS FOR PUBLIC OFFICIALS

SB 34 – Declares Void Any Contract Entered Into Because Of An Act Of Bribery.

Existing law makes it a crime for a public official to ask for, receive, or agree to receive a bribe. Current law also prohibits state or local officials from being financially interested in a contract; a violation of this law makes the contract voidable, but not automatically void. SB 34 declares that any contract entered into because of a violation of state or federal anti-bribery laws is void.

(SB 34 adds Section 6102 to the Public Contract Code.)

PUBLIC SAFETY

AB 485 – Requires Law Enforcement Agencies To Publish Monthly Hate Crime Statistics.

Under existing law, the Office of the Attorney General requires all law enforcement agencies in California to submit hate crime event reports to the Department of Justice, and requires the Department of Justice to make an annual public report with the information obtained from local law enforcement.

AB 485 adds an additional provision to this law, requiring each local law enforcement agency to post the information it is required to report to the DOJ to the agency's own website on a monthly basis.

(AB 485 amends Section 13023 of the Penal Code.)

AB 655 – Requires Law Enforcement Agencies To Investigate Peace Officer Involvement In Hate Groups Or Hate Speech; Makes Hate-Related Activity Automatic Grounds For Disqualification.

AB 655 makes several changes to the law aimed at screening out peace officers or peace officer candidates who are or have engaged in hate-related activities, including membership of a hate group, participation in a hate group activity, or advocacy of public expressions of hate. The bill defines a "hate group" as an organization that supports, advocates for, threatens, or practices genocide or the commission of hate crimes. "Hate crimes" has the same meaning as in Penal Code Section 422.55, i.e. any criminal act committed at least in part because the victim's actual or perceived disability, gender, race, religion, or other protected characteristics.

First, the bill requires that any background investigation of a candidate for peace officer positions must assess whether the candidate is or has been engaged in hate-related activities. If the background check reveals the candidate engaged in such conduct within the past seven years and after the age of 18, the hiring agency must deny employment to the candidate. A candidate for a peace officer position is not ineligible for employment if the hate-related activity was at least seven years in the past and the candidate has is no longer engaged in such activity.

Second, AB 655 requires any law enforcement agency to investigate any complaint (whether internal or from the public) that alleges that a peace officer employed by that agency engaged in hate-related activities within the last seven years membership in a hate group, participation in any hate group activity, or advocacy of public expressions of hate. If the complaint is sustained, AB 655 would require the agency to terminate the peace officer.

The bill tasks the Department of Justice with issuing guidance for local agencies on how to investigate and adjudicate these complaints. The bill also makes an exception for activities that were part of an undercover assignment in the course of employment as a peace officer or bona fide academic or journalistic research.

Third, AB 655 provides that where a sustained finding is made by a public agency that a peace officer engaged in hate-related activity, any records related to that investigation or complaint are categorically not confidential and must be made available for public inspection under the Public Records Act, subject to limited redactions.

The requirements under AB 655 to automatically reject candidates or terminate current officers found to have engaged in hate-related activity are separate from the peace officer decertification process established by 2021's Senate Bill 2. However, the circumstances covered by AB 655 will in many cases overlap with the provision of Senate Bill 2 that makes "demonstrating bias" on the basis of a protected status grounds for decertification.

(AB 655 adds Sections 13680 through 13683 to the Penal Code.)

AB 1242 – Prohibits California Law Enforcement From Cooperating With Out-Of-State Criminal Proceedings Related To An Abortion That Is Lawful Under California Law.

AB 1242 is a legislative response to the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, where the Supreme Court overturned *Roe v. Wade* and held that the federal Constitution does not confer a right to abortion. The decision opened the door to state regulation of abortion. In many states – not including California – new or old laws now impose strict restrictions on abortions.

In California, abortion remains legal, and the bill was intended to protect those who may want or need to travel to California in order to obtain an abortion. AB 1242 declares that any law of another state that prohibits abortions that would be lawful under California law is against the public policy of California. Among other provisions, the bill prohibits law enforcement agencies and law enforcement officers in California from arresting any person for performing or obtaining an abortion in California that is lawful under California law, and prohibits California law enforcement from cooperating with or giving information to a person, agency, or department from another state regarding a lawful abortion performed in California. However, the law specifies that these provisions do not prohibit the investigation of any other criminal activity in this state merely because the activity involves the performance of an abortion.

(AB 1242 amends Sections 629.51, 629.52, 638.50, 638.52, 1269b, 1524, 1524.2, and 1551 of, and adds Sections 1546.5 and 13778.2 to the Penal Code.)

AB 1406 – Requires A Law Enforcement Agency To Carry A Taser Or Stun Gun On The Side Of The Body Opposite To The Side That The Officer's Primary Firearm Is Holstered.

Existing law places certain restrictions on the use of force by law enforcement agencies, and requires law enforcement agencies to maintain a policy on the use of force. AB 1406 continues the Legislature's recent trend of mandating specific provisions for such policies.

The bill requires that a law enforcement agency that authorizes peace officers to carry an electroshock device, such as a taser or stun gun, must prohibit officers from carrying that device on the same side of the officer's body where the officer's primary firearm is holstered.

(AB 1406 adds Section 13660 to the Penal Code.)

AB 1672 – Authorizes Certified Local Public Agencies To Use Open Water Lifeguards To Meet Minimum Lifeguard Staffing At Public Swimming Pools.

Current law requires public swimming pools that charge a direct fee for their use to provide a minimum staffing level of lifeguards, who must have current certification from an American Red Cross or YMCA

lifeguard training program. However, due to the pandemic several public agencies have been faced with a shortage of qualified lifeguards, and some agencies have had to implement seasonal pool closures, reduced public pool opening hours, and similar solutions. AB 1672 is aimed at addressing this shortage by allowing public agencies to use trained open water lifeguards to staff public swimming pools.

Specifically, AB 1672 would authorize a local public agency pool operator to use open water lifeguards to provide lifeguard services at a public swimming pool if (a) the agency is unable to maintain minimum staffing levels with only certified pool lifeguards, (b) if the agency is certified by the United States Lifesaving Association as capable of administering an open water life guard training program, (c) if the open water lifeguards have received swimming pool-specific crossover training, and (d) if the agency's legislative body enacts a resolution finding that the use of open water lifeguards is needed to maintain regular operating hours at public swimming pools. The resolution may not cover a time period longer than 12 months.

(AB 1672 amend Sections 116028 and 116033 of the Health and Safety Code.)

AB 1909 And 2147 – Prohibits Peace Officers From Stopping A Pedestrian For A Traffic Infraction Unless There Is An Immediate Danger Of Collisions.

Existing law imposes various rules relating to when and where pedestrians can enter a roadway, a violation of which is a criminal infraction. AB 1909 and AB 2147 prohibit a peace officer from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power. Law enforcement agencies should ensure that these legal changes are incorporated into administrative policies and communicated to the agency's peace officers.

(AB 1909 and AB 2147 amend various sections of Division 11 of the Vehicle Code.)

AB 2229 – Reinstates Requirement That Peace Officers To Be Screened From Bias; Expands Peace Officer Education Requirements.

Under prior law, Government Code Section 1031 requires an individual seeking or holding employment as a peace officer to be evaluated by a physician, surgeon, and psychiatrist or psychologist, and to be found free from any physical, emotional, or mental condition that might adversely affect their exercise of the powers of a peace officer.

In 2020, the Legislature added a provision that this evaluation must also screen for bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. In 2021, a bill amending an unrelated part of Section 1031 inadvertently removed the bias provision. AB 2229 puts it back in.

In addition, AB 2229 makes a small revision to the minimum education requirement for peace officers. Currently, the law requires peace officers to have graduated high school, to have passed an approved high school equivalency exam, or to hold a two-year, four-year, or advanced degree from an accredited college or university. Current law provides various criteria for recognition of an accrediting organization or association. AB 2229 adds to this list any accrediting organization holding full membership in Cognia.

AB 2229 was designated as urgency legislation, and took effect immediately upon the Governor's signature on September 30, 2022.

(AB 2229 amends Section 1031 of the Government Code.)

AB 2644 – Imposes Restrictions On Custodial Interrogation Of Minors.

Under existing law, a peace officer can take a minor into temporary custody when the officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. AB 2644 enacts two changes to the procedural protections afforded to minors taken into custody.

First, whenever a minor is taken into custody, the bill requires that the county's public defender or other indigent defense provider be notified. This notice must take place immediately after a minor in custody is taken before a probation officer or other placer of confinement, and in no event later than 2 hours after the minor was taken into custody.

In addition, effective January 1, 2024, the bill prohibits law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, during a custodial interrogation of a minor. The bill defines "psychologically manipulative interrogation tactics" as including interrogation practices that rely on a presumption of guilt or deceit, making promises of leniency, or employed a "forced choice" strategy. The bill contains a limited exception for questioning that an officer believes necessary to obtain information about an imminent threat to life or property.

(AB 2644 amends Section 627 of, and adds Section 625.7 to, the Welfare and Institutions Code.)

AB 2773 – Imposes Procedural Requirements For Police Stops.

AB 2773 imposes a new restriction on peace officers making a traffic stop or pedestrian stop, effective January 1, 2024. Before engaging in questioning related to a criminal investigation or traffic violation, the officer must state the reason for the stop. The officer must also document the reason for the stop on any citation or police report resulting from the stop.

These requirements do not apply where the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, such as in cases of terrorism or kidnaping.

AB 2773 also revises the annual report that law enforcement agencies must make to the Attorney General regarding stops conducted by that agency's peace officers. Effective January 1, 2024, the annual report must include, for each stop, the reason given to the person stopped at the time of the stop. Finally, the bill requires the Department of Motor Vehicles to include information about these new requirements in the California Driver's Handbook.

As with other bills imposing restrictions and requirements on police officer procedure, law enforcement agencies should ensure these changes are communicated to peace officers and incorporated in administrative policies.

(AB 2774 amends Section 12525.5 of the Government Code, amends Section 1656.3 of the Vehicle Code, and adds Section 2806.5 to the Vehicle Code.)

SB 960 – Removes Citizenship Requirement For Peace Officers.

Under current law, in order for a person to serve as a peace officer in the State of California, they must be either a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship. SB 960 repeals this requirement as well as a related provision extending it to the California Highway Patrol.

Instead, the bill simply requires that an individual be legally authorized to work in the United States under federal law. The bill expressly states that it shall be interpreted and applied consistent with federal law and regulations, and that the change in law does not permit an employer to override or bypass work authorization requirements under federal law.

(SB 960 amends Section 1031 of the Government Code, and repeals Section 1031.5 of the Government Code and Section 2267 of the Vehicle Code.)