



# CALIFORNIA COUNTY SUPERINTENDENTS

PROMOTE | INFLUENCE | ADVOCATE

## County Operated Student Programs Committee Agenda

November 10, 2022

9:00 am - 12:00 pm

ZOOM Link: <https://bit.ly/3Wzz7Vh>

### County Operated Student Programs 2022-23 Executive Committee

- 9:00-9:10            **Welcome** from Co-Chairs (Monica Vaughan and Andrea Lemos)
- 9:10-9:20            **Icebreaker** (Deanna McCarty)
- 9:20 - 9:30            **Legislative and Budget Updates** (Susan Connolly,  
Sean Morill, Lindsay Tornatore, California County Superintendents)
- 9:30-10:00           **2022 Dashboard Updates, Teacher Misassignment Data and Reports**  
(Cindy Kazanis and Kristen Cruz Allen, CDE)
- [2022 Dashboard Communications Resources](#)
  - [2022 Dashboard Webinar Series-Tuesdays in November](#)
  - [Teaching Assignment Monitoring Outcome \(AMO\) by Full-Time Equivalency \(FTE\)](#)
- 10:00 - 10:15        **Court and Community School Funding Update** (Lindsay Tornatore and  
Brianna Bruns, California County Superintendents)
- Priority 2 Funding Formula Resources- [Link to Google Folder](#)
  - [Funding Formula Models by COE](#)
  - [Agenda and Notes from Formula WorkGroups](#)
  - [2023 Policy Priorities and Fact Sheets](#)
- 10:15-10:45        **Plans, Templates, and Statutory Deadlines: Three Tools** (Deanna  
McCarty) (Break Out Sessions)
- Tools to support COEs and other LEAs in planning
- a) [RCOE, Plans, Templates, and Statutory Deadlines](#)
  - b) [SBCEO District and Charter Accountability Dates \(Year-at-a-Glance\)](#)
  - c) [2022-23 FCSS State & Federal Calendar](#)
  - d) [Plans and Template Ideas](#)
- 10:45 - 10:50        **Break**



# CALIFORNIA COUNTY SUPERINTENDENTS

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10:50 - 11:00

## Committee Business

- **Co-Secretary's Report and Approval of September 2022 Minutes** (Action) (Myrlene Pierre and Michael Gillespie)
- **Co-Treasurer's Report and Budget Approval** (Action) (Fred Cogan and Joy Santos)
- **Sub-Committee Report Outs**
  - County Offices of Education Program Administrators of Child Development (COEPACD)
  - Juvenile Court, Community and Alternative School Administrators of California (JCCASAC) [DRAFT Report.](#)
  - Special Education Administrators of County Offices (SEACO)

11:00-11:20

## Community School RFA Process (Nora Zamora)

11:20-11:40

## [Easel Topics](#)

11:40 - 11:45

## All Call for Rapid Response Team: Preparing for DA and CSI in 2022 and Beyond (Lindsay Tornatore, California County Superintendents)

- [Rapid Response Team Objectives and Sign-Up](#)

11:45 -11:55

## County Operated Charter Conversation (Sean Morrill)

- Sign ups
- Future Topics

11:55 - 12:00

## Closing (Monica Vaughan and Andrea Lemos)

**Next Meeting:**

**January 12-13, 2023 In-Person @ SCOE**



# California County Superintendents

## Profit and Loss by Class - COSP

July - September, 2022

	COSP	TOTAL
<b>Income</b>		
41000 MEMBERSHIP DUES REVENUE		\$0.00
41001 Dues	525.00	\$525.00
<b>Total 41000 MEMBERSHIP DUES REVENUE</b>	<b>525.00</b>	<b>\$525.00</b>
<b>Total Income</b>	<b>\$525.00</b>	<b>\$525.00</b>
<b>GROSS PROFIT</b>	<b>\$525.00</b>	<b>\$525.00</b>
<b>Expenses</b>		
53000 TRAVEL		\$0.00
53001 Staff Travel - Travel	339.21	\$339.21
53002 Staff Travel - Lodging	15.21	\$15.21
53010 Non-staff Travel - Travel	485.89	\$485.89
53011 Non-staff Travel - Lodging	2,443.80	\$2,443.80
53012 Non-staff Travel - Meals	603.86	\$603.86
<b>Total 53000 TRAVEL</b>	<b>3,887.97</b>	<b>\$3,887.97</b>
54000 MEETING, COMMITTEE, CONFERENCE		\$0.00
54001 Meeting & Conf - Catering	450.00	\$450.00
<b>Total 54000 MEETING, COMMITTEE, CONFERENCE</b>	<b>450.00</b>	<b>\$450.00</b>
<b>Total Expenses</b>	<b>\$4,337.97</b>	<b>\$4,337.97</b>
<b>NET OPERATING INCOME</b>	<b>\$ -3,812.97</b>	<b>\$ -3,812.97</b>
<b>NET INCOME</b>	<b>\$ -3,812.97</b>	<b>\$ -3,812.97</b>

# California County Superintendents

## Profit and Loss Detail - COSP

July - September, 2022



DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLASS	AMOUNT	
<b>Ordinary Income/Expenses</b>							
Income							
41000 MEMBERSHIP DUES REVENUE							
41001 Dues							
07/01/2022	Invoice	10587	Stanislaus County Office of Education	SPSSC Membership Dues 2022-23; Telka Walser	COSP	175.00	
07/01/2022	Invoice	10587	Stanislaus County Office of Education	SPSSC Membership Dues 2022-23; Sandra Day	COSP	175.00	
07/01/2022	Invoice	10586	Shasta County Office of Education	SPSSC Membership Dues 2022-23 Carie Webb	COSP	175.00	
<b>Total for 41001 Dues</b>						<b>\$525.00</b>	
<b>Total for 41000 MEMBERSHIP DUES REVENUE</b>						<b>\$525.00</b>	
<b>Total for Income</b>							<b>\$525.00</b>
Expenses							
53000 TRAVEL							
53001 Staff Travel - Travel							
07/06/2022	Bill	5B3C948C38AB43CDAF06	American Express	Arden Village - Gas - SPSSC Retreat	COSP	46.84	
07/06/2022	Bill	5B3C948C38AB43CDAF06	American Express	Uber - SPSSC Retreat	COSP	7.91	
07/06/2022	Bill	5B3C948C38AB43CDAF06	American Express	Budget Car Rental - SPSSC Retreat	COSP	276.18	
07/06/2022	Bill	5B3C948C38AB43CDAF06	American Express	Uber - SPSSC Retreat	COSP	8.28	
<b>Total for 53001 Staff Travel - Travel</b>						<b>\$339.21</b>	
53002 Staff Travel - Lodging							
07/06/2022	Bill	5B3C948C38AB43CDAF06	American Express	Courtyard Santa Rosa - SPSSC Retreat	COSP	15.21	
<b>Total for 53002 Staff Travel - Lodging</b>						<b>\$15.21</b>	
53010 Non-staff Travel - Travel							
07/13/2022	Bill	SPSSC Reimbursement	Monica Vaughan	Travel - SPSSC Executive Committee Retreat - 6/30/2022	COSP	80.48	
07/13/2022	Bill	SPSSC Reimbursement	Frederick Cogan	Travel - SPSSC Leadership Retreat - 6/30/2022	COSP	261.50	
07/15/2022	Bill	SPSSC Reimb.-6,7/2022	SUSAN CONNOLLY	SPSSC retreat reimbursement - 6,7/2022 - Travel	COSP	143.91	
<b>Total for 53010 Non-staff Travel - Travel</b>						<b>\$485.89</b>	
53011 Non-staff Travel - Lodging							
07/15/2022	Bill	SPSSC Reimb.-6,7/2022	SUSAN CONNOLLY	SPSSC retreat reimbursement - 6,7/2022 - Lodging	COSP	2,443.80	
<b>Total for 53011 Non-staff Travel - Lodging</b>						<b>\$2,443.80</b>	
53012 Non-staff Travel - Meals							
07/15/2022	Bill	SPSSC Reimb.-6,7/2022	SUSAN CONNOLLY	SPSSC retreat reimbursement - 6,7/2022 - Meals	COSP	603.86	
<b>Total for 53012 Non-staff Travel - Meals</b>						<b>\$603.86</b>	
<b>Total for 53000 TRAVEL</b>						<b>\$3,887.97</b>	
54000 MEETING, COMMITTEE, CONFERENCE							
54001 Meeting & Conf - Catering							
09/13/2022	Bill	COSP Reimb.-9/22	Frederick Cogan	COSP - Catering reimbursement -	COSP	450.00	



# California County Superintendents

Profit and Loss Detail - COSP

July - September, 2022

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLASS	AMOUNT
				9/2022		
				<b>Total for 54001 Meeting &amp; Conf - Catering</b>		<b>\$450.00</b>
				<b>Total for 54000 MEETING, COMMITTEE, CONFERENCE</b>		<b>\$450.00</b>
				<b>Total for Expenses</b>		<b>\$4,337.97</b>
				<b>Net Income</b>		<b>\$ -</b>
						<b>3,812.97</b>

**County Operated Student Programs Committee DRAFT Meeting Minutes  
September 8-9, 2022**

**Sacramento County Office of Education  
David P. Meany Education Center  
10474 Mather Boulevard, Mather, CA 95655  
Mather Conference Room (1st floor)  
<https://bit.ly/3TGzLyu>**

**[County Operated Student Programs 2022-23 Executive Committee](#)  
[County Operated Student Programs Executive Committee Roles and Responsibilities](#)**

- 9:00-9:20            **Breakfast and Welcome** from Co-Chairs (Monica Vaughan, Alameda and Andrea Lemos, Solano)
- 9:20-9:30            **Icebreaker** (Deanna McCarty, Co-Chair Elect, Riverside)
- 9:30-9:45            **Strategic Plan Update** from Karen Stapf Walters, CCSESA Executive Director; Kindra Britt, Director of Communication and Strategy; Malia Gonsalves, Analyst, Member Services and Events
- [CCSESA Strategic Plan 2021-2026](#)
    - Rebranding is ongoing
    - Improve ties amongst organization and county offices.
- 9:45-10:30            **County Operated Student Programs Committee Orientation** (Monica Vaughan, Co-Chair, Alameda; Andrea Lemos, Co-Chair, Solano; Lindsay Tornatore, Director of Learning and Accountability, CCSESA)
- [Committee Orientation Slides](#)
  - [County Operated Student Programs Protocols \(updated, approved 8/8/22\)](#)
    - No acronym
    - Distinguish what we do, how we are different
    - Emerging work of County Operated Charters – now a new subcommittee – people are invited to participate and be a part of this. Question was presented about level of commitment.
    - Executive Committee Expansion – done to strengthen capacity. Committee members were presented. Handout detailing each role’s responsibilities.
    - Technical Updates to Protocols – handout in packet – changes highlighted in yellow.

- Website Log-In and Staff Support – Lindsay Tornatore with CCSESA. Director, Learning and Accountability
  - Reviewed creation of usernames and passwords
    - **Note:** CCSESA is exploring other options to transition away from website file browser such as a Google Drive under a CCSESA business account.
- Professional Learning Brainstorm – Andrea Lemos, Solano
  - What are needs, requests and possible suggestions for spotlight programs or stories of successful partnerships.
  - Table discussions
    - CTE-Credentialing issues
    - CTE-College/Career Indicators (DASS)
    - Positive Partnerships with probation
    - Community School Grants
    - Paraeducator recruitment and retention
      - POSA – Para On Special Assignment
    - State requirements / reporting plans
    - Safety
    - Senior Extension
    - Probation engagement at community schools
    - CCSPP – training-family engagement
      - Using funds
    - Mental health funding
    - Transition Specialist – highlight
    - CTE- short-term programs

10:30-11:00

**Legislative Update and 2023 CCSESA Policy Priorities** (Janine Kaselin, Co-Legislative Representative, San Joaquin; Sean Morrill, San Joaquin; Susan Connolly, Co-Past Chair/Co-Legislative Representative, Placer; Lindsay Tornatore, CCSESA)

- [County Operated Student Programs- Tracked Bills Report](#)
  - SB 532 – expands eligibility to reduce # of credits needed
  - SB 830 - what is the sticking point?– reported that it won't be moving forward.
  - AB 452 - Has been 'chaptered'
  - SB 906 – Notification of threats – has been 'chaptered'
  - What has happened to transportation services?
- [2023 CCSESA Policy Priorities](#)
  - Striving for educational equity through proactive interventions and whole child student supports.
    - Proactive interventions
    - There are 5 priorities

- [Priority 2 Discussion Template](#)
  - Priority 2 = ‘Supporting sustainable fiscal resources for the at-promise students served by juvenile court and community schools.’
  - Table discussions took place on the Google Doc

11:00-11:30

### **Creating A-G Courses for Court and Community Schools**

Nick Berger, Senior Director of Student Programs-Contra Costa County Office of Education

- [Creating A-G Courses for Court and Community Schools](#) Slides
- Moving from a school that offers credits to a school that is known to have met “A-G requirements”.
- UC A-G Management Portal – Accredited high schools that serve California students can register for an A-G course list.
  - Registering Courses in the Portal
  - Drafting a Course in the Portal
  - Review of necessary components for A-G courses.
- Work with Spec Ed staff to discuss course modifications for A-G courses.
- Are there any concerns with multi-age classrooms and A-G courses?

11:30-1:00

### **Lunch and Networking**

1:00-2:15

**County Office Spotlight: Kings County, *Stories with Style 3.0*** (Joy Santos, Assistant Superintendent, Educational Services Kings COE; Elizabeth Norris, Principal, JC Montgomery School)

- [Stories with Style](#), Slides
  - Joy Santos presented examples of art projects created by students – including art, songs (rap/hip hop), dance, and written stories – students work with professional artists in different genres.
  - Stories with Style started 3 years ago during COVID - focus was on SEL
  - Collaboration among incarcerated youth was a priority
  - Involved assistance from other staff and departments to create these projects with the students (Technology, etc.)
  - Videos created by students in collaboration with teachers and professional artists were shared with the group.
  - Stories with Style lesson access is free and shareable – open to everyone.

- Developing CTE Pathways programs for incarcerated youth.
- Many community partnerships have developed and continue to develop with this program
- Elizabeth Norris joined the Zoom along with students from the Stories with Style program from JC Montgomery School. Students were asked questions about the program.
- Students shared their experiences, gave positive feedback about how the program helps them express themselves and how it would benefit students in other counties and incarcerated youth programs.

**CCSESA Statewide Arts Initiative Update** (Letty Kraus, Director, CCSESA Statewide Arts Initiative)

- [California's Arts Standards and Framework: Supporting Arts Learning for All Students](#)
  - Arts, Music, and Instructional Materials Discretionary Block Grant
  - 2019-20 New Arts Standards and Framework
  - Robust CTE AME Industry Involvement
  - Potential passage of Prop 28
  - These standards are the standards for the CTE Pathways Program.
  - Overview of four artistic processes: Creating, Connecting, Performing/producing/presenting, and Responding
  - Letty Kraus gave an overview of learning progressions within a Standard
  - Arts Education as Supporting SEL
  - Framework gives guidance for implementation
    - Use the framework as a resource in case money/funding becomes available for use in professional development, etc.
    - Resources were shared to use for implementation of CA Art Standards
  - Arts, Music and Instructional Materials Discretionary Block Grant (AB 185) – information was shared with the group including areas for grant use
  - 2022-23 Arts Initiative Activities – support from regional leads, rural arts network activities, continued framework rollout and implementation support including development of resources for arts providers, court and community school educators, administrators.

2:15-2:30

**Break**

2:30-3:15

**Committee Business**

**Honor Star Awardees** (Monica Vaughan, Co-Chair, Alameda)

- Monica Vaughan presented the Honor Star Award to Michelle Zevely.

**Co-Secretary's Report and Approval of May 2022 Minutes** (Action)

(Myrlene Pierre, San Bernardino and Michael Gillespie, El Dorado)

- May, 2022 meeting minutes reviewed. Motion to approve by Joy Santos; Seconded by Hannah All approved by saying aye. Motion approved.
- Membership list – Myrlene asked the committee to please review the master membership list and make any updates/changes needed.
- Listserve – If there are any updates to the listserve (new committee members, retirees, etc.) please let Myrlene know.
- Listserve is being limited this year to committee members and CCSESA staff only.

**Co-Treasurer's Report and Budget Approval** (Action) (Fred Cogan, Madera and Joy Santos, Kings)

- Estimated actuals will be available in November
- Delays due to a lack of auditors available
- We have quite a carryover in our budget due to COVID and no major costs.
- Dues – invoices will be coming out shortly. Existing members will not receive an invoice.
- Part of our dues will pay for the catering for this meeting, and annual dinner to kick off the year which is tonight.
- Motion to approve the budget by Susan Connolly, seconded by Michael Kast. All members approved by saying aye. No one opposed. Motion approved.

**Sub-Committee Report Outs** (Andrea Lemos, Co-Chair, Solano)

- COEPACD (Eric Sonnenfeld, subcommittee chair, Tulare)
  - Eric not able to attend. Report will go out to the listserve with important updates
- [JCCASAC \(Johnny Rice, subcommittee chair, Santa Cruz\)](#)
  - Meeting in San Diego September 22-23<sup>rd</sup>.

- JCCASAC Journal – encouraging committee members for the “Call to Papers” – scholarly papers and articles highlighting Teachers of the Year, scholarship winners, promising programs and practices, etc.
- Send submissions to Johnny
- Deadline is February, but the date is flexible.
- [SEACO \(Michael Kast, subcommittee chair, Sacramento\)](#)
  - Michael reviewed highlights from the July meeting.
  - (Handout)
  - Identified 3 standing speakers for all meetings
    - Heather Calomese – CDE
    - Derick Lennox and Kristin Wright – CCSESA
    - Laila Fahimuddin – SBE
  - Hot topics:
    - Staffing
    - COEs roles in supporting districts with inclusive practices and LRE

**3:15-3:50**

**Easel Topics**

- DASS Waiver Status and Next Steps
- Ethnic Studies
- CTE Expansion
- Student Board Members
- LCAP PAC (Composition)- updates from 2022 Budget Act
- Emergency Preparedness and Threat Assessment
- [Padlet Easel Board](#)

**3:50-4:00**

**Closing** (Monica Vaughan, Co-Chair, Alameda; Andrea Lemos, Co-Chair, Solano)

- Monica and Andrea thanked everyone for attending. Group will reconvene tomorrow morning at 8:30 a.m.

## Friday, September 9, 2022

8:30-9:00 am

### Breakfast

9:00-10:15am

**Accountability Update from CDE** (DASS waiver status and next steps)-  
Cindy Kazanis, Director, Analysis Measurement and Reporting Division,  
CDE; Sara Pietrowski, Policy Consultant, SBE  
[September 2022 SBE Item #03, DASS Waiver Denial Topic](#) (DOCX)

- The CA School Dashboard website has been updated.
  - Added “Next Steps” to the College and Career Indicators
- There is a new general overview and technical overview as well as data components. The new changes will be presented to the Board and then distributed out to the committee and COE’s upon approval.
- New: Update on the Dashboard – Alternative School Status Request: Waiver Pursuant to Section 8401 Elementary and Secondary Schools
  - This will be taken to the Board for approval
- Modified Methods of DASS:
  - Developed in consultation with education partners for select state indicators
- Denial of Waiver
  - July 27, 2022, ED declined CA’s waiver request that would allow for the continued use of modified methods for calculating the Academic and Graduation rate indicators
  - The state has not demonstrated how schools will continue to provide assistance to the same population served by Title I, Part A program
  - Impact to DASS Schools:
    - Lower graduation rates
    - Lower academic indicator
    - Over-representation in ESSA School Eligibility Determinations
- ED’s Suggestions for Use of Flexibilities Under ESSA – Options:
  - Graduation Rate Indicator definition – use of multi-year (or extended-year) graduation rates
  - Low Graduation Rate school eligibility determinations
  - Continue to report modified methods AND non-modified methods on the Dashboard
  - ID the lowest-performing 5% of Title I schools by school type
  - Exclude students who have not attended the same school within an LEA for at least half of a school year (except the Graduation Rate indicator)

- DASS schools that meet ESSA low graduation rate or low performance may be labeled as something different
- ESEA allows a State to permit differentiated funding allocations for schools determined eligible for support.
- SBE Short-Term Considerations: Looking at Option 3, 4 and 7
- Questions/Comments
  - Agree that State and Federal money needs to go to our schools. Communication to our communities is needed. Finding a way to communicate our objective as schools – who we serve and why – and what progress is clearly is a big factor.
  - Not sure how funding will work with Option 3? It is confusing to parents and the public. Recommendation is to encourage LEA's to use their "narrative box" to identify alternative schools and provide information regarding those schools.
  - Use of SARC and Dashboard simultaneously sometimes causes confusion to the community
  - LCAP was built around the Dashboard – if the Dashboard is revised completely, that raises the question of how it connects to the LCAP as well.
  - An extensive amount of work and time has been put in to these proposed changes for ESSA and the hope/commitment is to make sure that every student gets the help and support needed.

10:15-10:30

**Morning Break**

10:30-10:45

**Ethnic Studies: Policy and Funding Briefing** (Lindsay Tornatore, Director, Learning and Accountability, CCSESA)

- Group participated in a table discussion regarding different quotes from famous people in history
- Lindsay gave an overview of the Timeline of Significant Events leading to the adoption of Ethnic Studies for 7-12 grade.
- Funding Support
  - Educator Effectiveness Block Grant
  - Arts, Music, and Instructional Materials Discretionary Block Grant
  - AB 130:
    - \$2 M for Subject Matter Projects to support ethnic Studies with training resources
    - \$50 M - less contingent on passage of AB 101
  - Overview given of Project CRESC goals and design

[Ethnic Studies Slides from August 15th All Superintendents Call](#)  
[SBE Adopted Ethnic Studies Model Curriculum](#)  
[CRESC Project Abstract](#)  
[AB 101 Guardrails](#)  
[Ethnic Studies Summary](#)

**Articles**

[Ed Source: California schools should opt for inclusive ethnic studies \(Bill Honig\)](#)  
[EdSource: Debate turns hot over UC proposal to set criteria for high school ethnic studies](#)  
[SBE Joint Statement on Draft Ethnic Studies Model Curriculum \(August 2019\)](#)

10:45-11:15

**Ethnic Studies Toolkit** (Michelle Herczog, Coordinator III, History Social-Science, Los Angeles County Office of Education)

- Toolkit was adapted from previous versions from CCSESA
- Michelle acknowledged all who were involved in creating the toolkit
- Designed to help LEA's and COE's design or adopt high quality Ethnic Studies programs.
  - Step 1 - Assemble a committee – many steps outlined in the toolkit to consider when creating this committee.
  - Step 2 – Establish a profile of the “district lens”, examine the current data (LCAP, demographics, etc.)
  - Step 3 – Investigate course options for implementation of an ethnic studies program
  - Step 4 – Consider specific curriculum options
  - Step 5 – Make decisions on the context and delivery of your ethnic studies program
  - Step 6 – Prepare for Implementation – training is imperative for teachers
- An overview was given of the LACOE toolkit/website and its features/functions
- Comments/Questions
- More resources were shared with the group for current Native American studies offered in Humboldt County including native language courses and Native American Literature which is offered at the high school level.
- For the new requirements for graduation – if the student has taken an integrated model, we would trace it back to what was approved at the local Board level to make sure that requirement is met? Do we just monitor internally? It's locally monitored, no checking from

the state level on this, but this is something to follow and watch in the future.

- Lindsay thanked Michelle for her group's hard work on this toolkit and making it available with a short turnaround time.
- Comments regarding the resistance/difficulties experienced when trying to implement this program – to be prepared for this during implementation. There are resources available to help – Lindsay will share with the committee.
  - Recommendation of Implicit Bias training for teachers

[Ethnic Studies Toolkit- Free Resource from LACOE](#)  
[Flyer to LACOE sponsored Ethnic Studies 3 Day Fall Institute](#)  
[Flyer to LACOE sponsored Ethnic Studies Symposium Series](#)

11:15-11:45

**Easel Topics**

- DASS Waiver-preparing for discussion with CDE on Friday
- Ethnic Studies
- CTE Expansion
- Student Board Members
- LCAP PAC (Composition)- updates from 2022 Budget Act
- Emergency Preparedness and Threat Assessment
- [Padlet Link for Virtual Participants](#)

11:45-12:00

**Closing** (Monica Vaughan, Co-Chair, Alameda; Andrea Lemos, Co-Chair, Solano)

- The group shared updates from their juvenile court school programs.
- Monica called for the meeting to be adjourned. Fred Cogan moved to adjourn the meeting; Joy Santos seconded. All approved by saying “aye”.

**California County Superintendents Educational Services Association (CCSESA)  
Student Programs and Services Steering Committee (SPSSC)  
Juvenile Court, Community, and Alternative School Administrators of California  
(JCCASAC) Report  
November 11, 2022**

**2022-2023 JCCASAC Goals:**

Create a collegial network of county office Court and Community School administrators who research and share best practices regarding new and innovative program options for students.

- Increase JCCASAC membership and participation through outreach, General Membership Meetings, our Fall Summit, and the Annual Conference.
- Develop regional networks.
- Digitally publish a professional journal annually highlighting best practices.
- Award 8 annual \$500 student scholarships.
- Recognize excellence in teaching via JCCASAC Teacher of the Year Award.
- Provide training and assistance to new administrators.
- Plan and host annual regional meetings and state conferences.
- Plan and host General Membership Meetings.
- Encourage legislation that advocates for the learning needs of all students.
- Share legislative updates and advocacy at proposed meetings and conferences
- Give input and guidance to the Superintendents relative to the diverse needs of our students.

**Next Meetings:**

Meeting	Location	Date(s)
Board Planning Meeting	San Diego	22-23 September 2022
Fall/ Regional Meeting(s)	Zoom	28 October
Board Mtg & General Membership	Stanislaus COE	2-3 February 2023
Board Meeting	Orange County COE	16-17 March
Board Meeting and Annual Conference	San Diego	9 May- 12 May

**Updates:**

JCCASAC held its annual planning meeting September 22 and 23 in San Diego. We used this time to review our goals for the year and to plan our future meetings.

**JCCASAC Journal [Call for Papers:](#)** The JCCASAC Journal contains dynamic articles related to CCS and Alternative Education Programs. It also includes presentations of some of the most innovative programs in the State. We invite you to submit original articles, research papers, and student/program success stories. Contact Debra Plank at [deplank@kern.org](mailto:deplank@kern.org). For reference, please see the [2022 JCCASAC Journal](#), linked here. ([https://ccsesa.org/?wpfb\\_dl=8084](https://ccsesa.org/?wpfb_dl=8084))

**[JCCASAC Scholarships:](#)** JCCASAC Scholarships are awarded two times per year, in January and April. We offer four scholarships, in total to Northern counties and four to Southern counties, each for \$500.00. Please contact Jennifer Izant Gonzalez and Ken Ko at [jizant@santacruzcoe.org](mailto:jizant@santacruzcoe.org) or [kko@ocde.us](mailto:kko@ocde.us).

**53rd Annual Conference:** Our Annual Conference will be held in San Diego at the [Bahia Hotel](#) this May 10-12. This conference is intended for all interested in the success of JCCS students and programs. The theme is #YouMatter.

# Changes in Law 2022

## Curriculum and Instruction



2022 was a relatively quiet year in terms of the Legislature making significant changes to curriculum & instruction in California's schools. This was largely driven by the focus on COVID-19 impact mitigation and the continued implementation of new programs in the early learning and expanded learning spaces contained in the State Budget (see previously released School Finance section).

**Bill authorizes interdistrict agreements to help maintain student access to STEM and dual immersion courses.** In an effort to address the increasing impacts of natural disasters and the educator shortage on course offerings, Senator Anthony Portantino (D-Pasadena) authored, and Governor Newsom signed, [SB 941](#). The bill authorizes local educational agencies (LEAs) to enter into agreements to offer the same or similar corresponding individual courses or coursework to a student from another LEA who has been impacted disruptions, cancellations, or teacher shortages in science, technology, engineering, and mathematics (STEM) or dual immersion programs. Students must be selected through a publicly announced and unbiased process and does not allow the LEA to inquire about student characteristics or assess them in order to determine entry. This bill sunsets July 1, 2029.

**Bills extend, establish new flexibilities to help students meet state and local graduation requirements.** Since the 2012-13 school year, students have been authorized to use the completion of a career technical education (CTE) course in lieu of completion a course in visual or performing arts or a foreign language, for purposes of meeting state graduation requirements. However, the authorization for CTE to count toward that graduation requirement was set to expire on July 1, 2022.

In an effort to extend that sunset date, Assembly Member Patrick O'Donnell (D-Long Beach) ran [AB 2044](#), which would have extended the availability of this option an additional five years. However, when AB 2044 eventually stalled in the Senate Education Committee at the end of June, education advocates moved swiftly to get the extension in budget clean-up language. Under [AB 185](#), the K-12 Education Omnibus Clean-Up Trailer Bill, the authorization for students to meet this graduation requirement through completion of a CTE course has been extended to July 1, 2027.

If a student completed a CTE course that met that graduation requirement between July 1, 2022 and the operative date of the trailer bill (i.e. September 27, 2022), the bill requires the course to be deemed to have fulfilled that requirement. While legislation signed this year would usually take effect January 1, 2023, as a budget bill, AB 185 took effect immediately upon the Governor's signature.

Additionally, Senator Anna Caballero (D-Salinas) authored [SB 532](#), which expands the rights of foster youth, homeless youth, former juvenile court students, children of military families, and migratory children to be exempted from local graduation requirements if certain criteria are met. It also requires LEAs to allow these high school students to remain for a fifth year to complete statewide coursework

requirements (they're not required to meet local graduation requirements). LEAs must also report this data to the California Department of Education (CDE).

### **Assessment and accountability legislation narrowed down before reaching Governor's desk.**

Policy changes in the areas of school assessment and accountability are largely the purview of the State Board of Education (SBE). As a result, few bills in these areas make it through the legislative process. This year, among the bills in these areas approved by the Governor are two that are particularly relevant as they were significantly narrowed in order to obtain a signature. [AB 22](#), authored by Assembly Member Kevin McCarty (D-Sacramento), when originally introduced in 2021, would have created a process for gradually including all four-year-olds in transitional kindergarten. However, when that proposal was included in the 2021-22 state budget, the bill was amended to focus on the collection of data for state preschool.

[AB 1868](#), authored by Assembly Member Luz Rivas (D-Arleta), initially would have required the governing board of a school district or a county office of education (COE), and the governing body of a charter school, to set goals and delineate investments focused on the needs of English learners (ELs) at risk of becoming long-term ELs (LTELs), and LTELs in its local control and accountability plan (LCAP); and required CDE to post on its website academic and other outcome data disaggregated by English language acquisition status. However, in its final version, the bill was narrowed to require CDE to annually report specified enrollment and assessment outcome information related to English language learners.

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The Governor signed the following curriculum and instruction bills:

### Accountability

#### [\*\*AB 1868 \(Rivas, Luz\) - School accountability: English language acquisition status: data.\*\*](#)

This bill requires the California Department of Education (CDE) to annually report specified data on English Learners (ELs), including enrollment data by English language acquisition status and disability and specified student performance and outcome data by English language acquisition status. The report must be posted on CDE's website and the data limited to the California Assessment of Student Performance and Progress (CAASPP) in English language arts, mathematics and science and the English Language Proficiency Assessments for California (ELPAC)

*Chapter 907, Statutes of 2022*

#### [\*\*SB 997 \(Pan\) - Local control and accountability plans: parent advisory committee: student advisory committee.\*\*](#)

SB 997 requires school districts serving middle or high school students and county offices of education (COEs), by July 1, 2024, to either include at least two students as full members on an existing parent advisory committee or establish a student advisory committee for purposes of developing and adopting the Local Control and Accountability Plan. The bill requires a school district and a county superintendent of schools to take into consideration that the pupil members of a parent advisory committee or student advisory committee represent the specified diversity of the school

district or county's pupils, and that particular effort should be made to reach out to at-risk or disadvantaged pupils to serve.

*Chapter 922, Statutes of 2022*

## Adult Education

### [ACR 163 \(Medina\) - Adult Education Week.](#)

ACR 163 proclaimed the week of March 27, 2022, to April 2, 2022, inclusive, as Adult Education Week, and honors the teachers, administrators, classified staff, and students of adult education programs statewide for their efforts, persistence, and accomplishments.

*Chapter 51, Statutes of 2022*

## Assessments

### [HR 101 \(Jones-Sawyer\) - Relative to pupil instruction.](#)

HR 101 resolves that the Assembly encourages each school district to commit to achieving equity in college and career readiness for all pupils, especially those who are Black, Latinx, and Filipinx, emergent bilingual speakers, pupils with disabilities, foster youth, and experiencing homelessness, and to appreciate that a supportive approach to mastery-based learning and grading may be one important step towards doing so.

*Adopted*

## Career Technical Education

### [AB 1923 \(Mathis\) - Partnership academies: science, technology, engineering, and mathematics \(STEM\).](#)

Current law requires the Superintendent of Public Instruction (SPI) to issue grants to school districts, to plan, establish, and maintain these California Partnership Academies, which 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. This bill requires the SPI to prioritize proposals for new partnership academies based upon a school district's enrollment of unduplicated pupils, pupils from groups historically underrepresented in career technical education or science, technology, engineering, and mathematics (STEM) programs or professions, and at-risk pupils. The bill also authorizes the SPI to prioritize partnership academies for school districts located in a rural area or an economically disadvantaged area.

*Chapter 114, Statutes of 2022*

### [SB 941 \(Portantino\) - Local educational agency instruction collaboration agreements: science, technology, engineering, and mathematics: dual language immersion programs.](#)

SB 941 authorizes 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 (LEAs) to offer the same or similar corresponding individual courses and coursework to pupils from other LEAs who have been impacted by disruptions, cancellations, or teacher shortages in

STEM classes, or dual language immersion programs. The bill requires an LEA subject to the agreement to accept pupils through an unbiased process that prohibits an inquiry into, or evaluation or consideration of, specified pupil characteristics and to hold random drawings to determine approval for study when the number of pupils seeking a classroom opportunity exceeds the available number of seats in a classroom, as provided, and to publicly post certain information related to these opportunities.

*Chapter 711, Statutes of 2022*

## Curriculum and Instruction

### **[AB 1703 \(Ramos\) - California Indian Education Act: California Indian Education Task Forces.](#)**

This bill establishes the California Indian Education Act and encourages school districts, county offices of education (COEs), and charter schools to form California Indian Education Task Forces with California tribes local to their regions or tribes historically located in the region. The bill encourage task force participants to discuss issues of mutual concern and to do the following work:

- Develop a thorough, shared understand of accurate, high-quality curricular materials about the history, culture, and government of local tribes, and develop curricular materials for use within LEAs.
- Develop a shared understanding of proper or improper instructional material when these materials use depictions of Native Americans
- Encourage LEAs to adopt curriculum developed by the Task Forces
- Identify the extend and nature of the achievement gap between Indian pupils and other pupils, and identify the strategies necessary to close it.

The bill requires the Task Forces to submit, within one year of formation and annually thereafter, a report of findings to the California Department of Education (CDE). The bill then requires CDE to submit, within one year of receiving task force reports and annually thereafter, a report to the Senate Assembly Education Committees, regarding the narrowing of the achievement gap and the adoption of curriculum.

*Chapter 477, Statutes of 2022*

### **[AB 2028 \(Davies\) - Pupil instruction: bicycle and scooter safety instruction.](#)**

Current law provides that the governing board of any school district having jurisdiction over any elementary, intermediate, or junior high school may provide time and facilities to any local law enforcement agency having jurisdiction over the schools of the district, for bicycle safety instruction. This bill expands the types of eligible training to include training on scooter, electric bicycle, motorized bicycle, or motorized scooter safety instruction and expands this authorization to also include providing time and facilities to any nonprofit organization, club or association organized to promote youth and school activities, or public agency that provides the relevant training.

*Chapter 116, Statutes of 2022*

### [ACR 133 \(Rivas, Luz\) - Introduce a Girl to Engineering Day.](#)

This Assembly Concurrent Resolution proclaimed February 24, 2022, as Introduce a Girl to Engineering Day.

*Chapter 26, Statutes of 2022*

### [HR 113 \(Bonta, Mia\) - Relative to civics education.](#)

HR 113 resolves that the Assembly urges the State Board of Education to consider the value of civics education and ensure the inclusion of civics education instruction and modules as a requirement to graduate from California high schools.

*Adopted*

### [SB 1299 \(Min\) - Pupil instruction: California State Summer School for Mathematics and Science: eligibility: funding: tuition and application fee.](#)

Current law establishes the California State Summer School for Mathematics and Science to provide 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. SB 1299 limits school eligibility to pupils from a California school and deletes provisions related to the admission of pupils who are not California residents to the summer school. The bill also raises the applicant fee to \$40 (up from "not to exceed thirty dollars (\$30)) and the tuition fee to \$4,770 (up from \$2,810) in 2023 and authorizes the applicant fee to be increased by up to 5% each year thereafter.

*Chapter 334, Statutes of 2022*

### [SCR 80 \(Cortese\) - Visual and Performing Arts Education Month.](#)

SCR 80 proclaimed March 2022 as Visual and Performing Arts Education Month and urges all residents to become interested in and give full support to quality visual and performing arts education programs for children and youth.

*Chapter 31, Statutes of 2022*

### [SCR 90 \(Gonzalez\) - Women and Girls in STEM Week.](#)

This Senate Concurrent Resolution designated April 3, 2022, to April 9, 2022, inclusive, as Women and Girls in STEM Week and encouraged all citizens and community organizations to support the observance of California's Women and Girls in STEM Week by encouraging and celebrating women in the STEM fields.

*Chapter 59, Statutes of 2022*

## Data

### [AB 22 \(McCarty\) - Preschool data: data collection.](#)

Current law establishes the California Longitudinal Pupil Achievement Data System, maintained by CDE, which consists of pupil data from elementary and secondary schools relating to demographics, program participation, enrollment, and statewide assessments. Current law requires the system to be used to accomplish specified goals, including to provide an efficient, flexible, and secure means of maintaining statewide pupil level data. AB 22 requires CDE, by July 1, 2024, to collect pupil data for

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

*Chapter 901, Statutes of 2022*

## Graduation Requirements

### **[SB 532 \(Caballero\) - Pupil instruction: high school coursework and graduation requirements: exemptions and alternatives.](#)**

This bill expands the rights for foster youth, homeless youth, former juvenile court school students, children of military families, migratory children, and students participating in a newcomer program (highly mobile students) to be exempted from local graduation requirements. The bill also requires LEAs to provide these students the option to remain in school for a fifth year to complete the statewide coursework requirements; specifies the contents of transcripts when transferred to a new LEA; and requires LEAs to annually report to CDE on the number of students, who in the prior school year, graduated with an exemption from the LEA's local graduation requirements.

*Chapter 918, Statutes of 2022*

## Special Education

### **[SB 291 \(Stern\) - Advisory Commission on Special Education.](#)**

Current law establishes the Advisory Commission on Special Education as an entity in state government consisting of 17 members to, among other things, study and provide assistance and advice to the State Board of Education, the Superintendent of Public Instruction, the Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in special education. SB 291 increases the number of members on the commission to 19 and requires the commission to appoint 2 pupils with exceptional needs, 16 to 22 years of age, inclusive, to the commission for a term of one year.

*Chapter 917, Statutes of 2022*

### **[SB 692 \(Cortese\) - Special education: pupils with disabilities: least restrictive environment.](#)**

SB 692 requires CDE to, on or before November 30, 2023, publish data related to federal measures of least restrictive environment for pupils with disabilities on its website and to also include it as a resource on the California School Dashboard.

*Chapter 919, Statutes of 2022*

### **[SB 1016 \(Portantino\) - Special education: eligibility: fetal alcohol spectrum disorder.](#)**

Current regulations provide 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. This bill requires the SBE to include “fetal alcohol spectrum disorder” in that definition of “other health impairment.”

*Chapter 611, Statutes of 2022*

**[SCR 91 \(Hurtado\) - Individuals with Developmental Disabilities Inclusion Month.](#)**

This Senate concurrent resolution proclaims the month of May 2022 as Individuals with Developmental Disabilities Inclusion Month.

*Chapter 74, Statutes of 2022*

**[SJR 4 \(Wilk\) - Special education funding.](#)**

This Senate joint resolution memorializes the 117th United States Congress and the President of the United States to enact legislation, S. 3213, known as the IDEA Full Funding Act, which would fully fund the federal Individuals with Disabilities Education Act.

*Chapter 114, Statutes of 2022*

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*Capitol Advisors Group has produced a set of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2022. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2023, unless the bill specifically states otherwise.*

**Additional Resources for Transitional Kindergarten (TK) Rollout in State Budget.** As part of the 2021 Budget Act, Governor Newsom and the Legislature initiated a rollout to make TK available universally to all four-year-old children in California by the 2025-26 school year. Along with the rollout came new requirements for TK programs, including:

- Maintaining an average TK class enrollment of not more than 24 pupils for each schoolsite
- Commencing with the 2022-23 school year, maintaining an average of at least 1 adult for every 12 pupils in TK classrooms (shifts to a 1:10 ratio beginning 2023-24, contingent upon funding)
- Requiring TK teachers first assigned to a TK classroom after July 1, 2015, to demonstrate their qualifications to teach in an early childhood environment by August 1, 2023 – this can be accomplished by meeting one of a suite of qualifications options (24 semester units in early childhood education, for example)

In order to assist LEAs with TK expansion, in addition to increasing (i.e. rebenching) the Prop. 98 guarantee by \$614 million to account for increased TK ADA, the 2022 Budget Act contained a few pots of money for things like planning and implementation, facilities, and the newly required staffing ratios. Specifically, the Budget Act included:

- \$383 million ongoing LCFF add-on to add one certificated or classified staff to TK classrooms
  - Note: because this is ongoing funding, it likely satisfies the funding contingency requirement to shift to a 1:10 staffing ratio beginning in 2023-24
- \$300 million one-time for PreK Planning and Implementation Grant Program
  - This program was implemented via the 2021 Budget Act so this is a second round of funding
- \$100 million one-time General Fund for Preschool, TK, and Full-Day K Facilities Grant Program
  - The Budget Act also included intent language to include an additional \$550 million in the 2023-24 fiscal year

We know there are challenges - particularly with staffing and facilities - that schools are facing as they rollout Universal TK. However, the Governor is heavily invested in getting Universal TK off the ground. As these myriad challenges become increasingly apparent to policymakers in Sacramento, there will almost certainly be more conversations around how to help local educational agencies (LEAs) successfully implement and make available what amounts to an entirely new grade for four-year-olds in California.

**Mandatory Kindergarten, Full-Day Kindergarten Bills Vetoed.** The state's rollout of Universal TK has continued, but efforts to make kindergarten mandatory in California are seemingly introduced every legislative session, only to fall short of becoming law. In 2021-22, Senator Susan Rubio (D-Baldwin Park) introduced [SB 70](#). The bill would have required, beginning in the 2024-25 school year, all children to have completed at least one year of kindergarten prior to being admitted to the first grade of a public elementary school.

Some interest holders speculated that the state’s recent push to make TK universally available may have opened the door to making kindergarten mandatory, particularly with the Governor’s stated desires to expand access to quality early learning programs in California. To that end, Governor Newsom agreed with the intent of the bill, even acknowledging in his veto message “... The learning that happens during the early years of a child's life is critical to their long-term success and happiness ...”. However, his veto message also included concerns over the cost pressures the bill would impose on the state, saying:

*“While the author's intent is laudable, SB 70 is estimated to have Prop. 98 General Fund cost impacts of up to \$268 million ongoing, which is not currently accounted for in the state's fiscal plan. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing.”*

Although this session’s effort fell short, it is almost certain that, if recent trends hold, we will see another effort to make kindergarten part of compulsory education in California next year. We may also see a reintroduction of [AB 1973](#), which was authored by Assemblymember Kevin McCarty (D-Sacramento), dealing with full-day kindergarten. As presented to the Governor, AB 1973 would have required, from the 2027–28 school year to the 2029–30 school year, a school district or charter school that has an enrolled unduplicated pupil percentage (UPP) of 50 percent or more, and that provides a kindergarten program, to offer, at each schoolsite that provides the program, at least one class that offers a full-day kindergarten program. It would have then also applied these provisions to all school districts and charter schools regardless of their UPP, beginning with the 2030-31 school year.

Similar to his rationale with SB 70, the Governor cited cost concerns when vetoing AB 1973, saying: “I appreciate the author's intent and his advocacy for early education, however, this bill will create ongoing and one-time costs in the hundreds of millions of dollars to support school facilities and operational costs.”

Despite the vetoes and continued cost concerns, as mentioned above, look for both of these issues to potentially resurface in legislative and budgetary conversations next year.

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The Governor signed the following early childhood bills:

## Child Care

### [AB 321 \(Valladares\) - Childcare services: enrollment priority.](#)

As part of the continued reforms to, and expansions of, the state’s childcare systems, this bill adds children with a primary home language other than English to priority enrollment in state preschool and federal or state subsidized general child care programs.

*Chapter 903, Statutes of 2022*

### [AB 2131 \(Mullin\) - Child daycare facilities.](#)

The California Child Day Care Facilities Act provides for the licensure and regulation of daycare centers by the State Department of Social Services (CDSS). Current regulations require a separate license to be issued for each component of a daycare center. Through prior legislation, the state began the process of implementing a single license for these centers. This bill authorizes the CDSS to, in consultation with the State Department of Education (CDE), implement the creation of the single child care center license through all-county letters or similar written instructions (rather than emergency regulations) until formal regulations for the single license are adopted.

*Chapter 910, Statutes of 2022*

## Early Childhood

### [AB 210 \(Committee on Budget\) - Early childhood: childcare and education.](#)

This bill, the early childhood education omnibus trailer bill, sets the rates and policies for all Budget Act appropriations for early childhood education programs in CDE and CDSS. Specifically, this bill:

- Extends 2021-22 Budget Act actions taken during the COVID-19 pandemic to waive family fees for childcare and create hold harmless policies for the 2022-23 fiscal year, including preschool, and allocates \$107 million federal funds and \$6 million state general fund for these purposes.
- Allocates \$172.34 million ongoing general fund, and \$314 million ongoing Prop. 98, for increases in rates for the California State Preschool program (CSPP) to provide a 1.8 adjustment factor for three year olds, a 2.4 factor for students with exceptional needs, and 1.1 factor for mental health services.
- Appropriates an additional \$250 million one-time to the Inclusive Early Education Expansion Program at CDE, and reduces match requirements for hardship LEAs.
- Adopts changes to include a 10% CSPP set-aside for inclusive education, beginning in 2024. The inclusive preschool set-aside will begin at 5% in the 2022-23.
- Expands eligibility for CSPP to families at the state median income.

The bill took effect immediately upon signature as a bill related to the state budget.

*Chapter 62, Statutes of 2022*

### [AB 2806 \(Rubio, Blanca\) - Childcare and developmental services: preschool: expulsion and suspension: mental health services: reimbursement rates.](#)

This bill expands the existing prohibition on expelling children from state preschool programs to also prohibit the suspension of children enrolled in state preschool programs, and extends the prohibition on suspension and expulsion of children to include those enrolled in child care programs. The bill includes a specific exemption to these provisions, so that if a child enrolled in one of these programs exhibits “persistent and serious behaviors”, and the program “expeditiously pursues and documents”

reasonable steps to maintain the child's safe participation in the program, the program may then unenroll the child.

*Chapter 915, Statutes of 2022*

### **[AB 2827 \(Quirk-Silva\) - Child daycare facilities.](#)**

Current regulations impose various requirements on outdoor activity space for child daycare facilities, including, among others, that there be at least 75 square feet per child of outdoor activity space based on the total licensed capacity. This bill requires the CDSS, on or before January 1, 2024, to revise its regulations to permit children with exceptional needs who are enrolled in separate programs or classrooms from nondisabled children to use outdoor play spaces simultaneously with nondisabled children without first seeking a waiver.

*Chapter 916, Statutes of 2022*

### **[AB 2832 \(Rivas, Robert\) - Whole Child Community Equity.](#)**

This bill establishes the End Racial and Economic Inequities in Childcare in California Initiative and further requires CDSS, in consultation with CDE, to develop the Whole Child Equity Framework and Whole Child Community Equity Screening Tool. It further requires the agencies to finalize and present the Framework, Equity Tool and their recommended uses to the Legislature by January 1, 2025. This bill also requires CDSS to convene a stakeholder workgroup to provide recommendations for the development of the Framework and the Equity Tool.

*Chapter 699, Statutes of 2022*

### **[SB 1047 \(Limón\) - Early learning and care.](#)**

This bill expands, from 12 months to 24 months, the period of a family's eligibility after establishing initial eligibility for state preschool and subsidized child care and development programs, and expands priority for eligibility, enrollment, and services to include families who receive benefits from any of the following:

- Medi-Cal
- CalFresh
- California Food Assistance Program
- California Special Supplemental Nutrition Program for Women, Infants, and Children
- Federal Food Distribution Program on Indian Reservations
- Head Start
- Early Head Start
- Any other designated means-tested government program, as determined by the department

*Chapter 923, Statutes of 2022*

### **[SB 1183 \(Grove\) - The California State Library: Statewide Imagination Library Program.](#)**

This bill establishes the Statewide Imagination Library Program, administered by the State Librarian, to provide age-appropriate books to children age birth through age five who are registered for the program, sent to the child's home on a monthly basis at no cost to families, through Dolly Parton's Imagination Library.

*Chapter 992, Statutes of 2022*

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**Temporary Changes to Brown Act teleconference requirements signed into law.** During the pandemic, it became impossible for legislative bodies governed by the Brown Act to adhere to the so-called “traditional rules” of teleconferencing, which require that each teleconferenced meeting location be publicly posted, agendas be posted at each location, and the public be granted access to each teleconference location. Understandably, members weren’t too keen on having their private addresses publicized. [AB 361](#) (Rivas) from 2021 waived certain requirements pertaining to those traditional rules, though it only applied during a declared state of emergency and has a sunset date of January 1, 2024. AB 361 provisions can still be utilized during a proclaimed state of emergency, including the one we’re under now for COVID-19, which the Administration has said it plans to end on February 28, 2023. However, if at least a quorum of members of the legislative body are attending the meeting in person from a single physical location, [AB 2449](#), by Assembly Member Blanca Rubio (D-Baldwin Park), permits those traditional rules to be waived if other members participate via teleconference due to “just cause” or “emergency circumstances.”

The bill provides the following definitions:

- “Emergency circumstances” means a physical or family medical emergency that prevents a member from attending in person.
- “Just cause” means any of the following:
  - A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
  - A contagious illness that prevents a member from attending in person.
  - A need related to a physical or mental disability.
  - Travel while on official business of the legislative body or another state or local agency.

If participating remotely due to just cause, the member must notify the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely, and provide a general description of the circumstances relating to their need to appear remotely. The just clause provision can't be used by any member more than twice in a calendar year.

A member must request the legislative body to allow them to participate in the meeting remotely due to emergency circumstances, and the legislative body must take action to approve the request. The legislative body shall request a general description of the circumstances relating to the member's need to appear remotely at the meeting, which need not exceed 20 words and can't require the member to disclose any medical diagnosis or disability, or any personal medical information.

For the purposes of the emergency circumstance clause, the following requirements apply:

- A member shall make a request to participate remotely at a meeting as soon as possible, and for each meeting in which they seek to participate remotely.

- The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on the posted agenda, the legislative body may take action at the beginning of the meeting.

All members participating remotely through the just cause or emergency circumstance provisions described above must publicly disclose at the meeting, before any action is taken, whether any other individuals 18 or older are in the room at the remote location, and the general nature of the member's relationship with any such individuals. The members joining remotely must also participate in the meeting through both audio and visual technologies.

AB 2449 does not permit any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

It's important to note that if a legislative body wants to take advantage of the provisions provided in AB 2449, other requirements must be met. Specifically:

- At least a majority of members must participate in-person at a publicly accessible location within the boundaries of the territory over which the body has jurisdiction.
- The public must have a way to hear, see, and comment in real time during the meeting. The legislative body may not require public comment to be submitted prior to the meeting.
- The legislative body must provide notice on how the public may access the meeting and offer public comment, and the agenda shall identify and include an opportunity for all members of the public to attend and address the legislative body directly via a call-in option, an internet-based service option, and at the in-person location of the meeting.
- In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged.
- The legislative body shall have and implement a procedure for receiving and quickly resolving requests for reasonable accommodation for individuals with disabilities, and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

AB 2449 will go into effect on January 1, 2023 and will remain in effect until January 1, 2026.

**Biennial ethics training now required for certain school officials.** [AB 2158](#) by Assembly Member Mike Fong (D-Alhambra) requires officials at school districts, county offices of education (COEs), and

charter schools to complete ethics training every two years. This type of training is already in place for several other local officials, and, according to the author, is a reasonable requirement for school officials as well. The requirement applies to any school official who meets any of the following conditions:

- A member of a local agency legislative body or an elected local agency official who receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.
- An employee designated by a local agency governing body to receive the training.
- A member of the governing board of a school district, a county board of education, or the governing body of a charter school, whether or not that member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

AB 2158 adds school districts, COEs, and charter schools to the definition of “local agency” for the bill’s purposes.

The bill requires that each local agency official who, as of January 1, 2025, is a member of the governing board of a school district, a county board of education, or the governing body of a charter school, except for officials whose term of office ends before January 1, 2026, receive the training before January 1, 2026. Thereafter, each local agency official who is a member of the governing board of a school district, a county board of education, or the governing body of a charter school shall receive the training at least once every two years. Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to the official’s public service, and local agencies must provide information on the trainings that meet this requirement at least once annually.

**Older students granted one excused day for political engagement.** Learning by participating is a surefire way to get young people more excited about civic engagement, at least that’s what Senator Connie Leyva (D-Chino) believed in authoring [SB 955](#). This bill allows students in grades 6-12 to have one excused absence per year to participate in a civic or political event provided that the pupil notifies the school ahead of the absence. These activities may include, but are not limited to, voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls. Additional excused absences may be granted to students in grades 6-12 at the discretion of the school administrator.

**Juneteenth added to the list of state holidays.** [AB 1655](#) by Assembly Member Jones-Sawyer (D-Los Angeles) adds June 19, known as Juneteenth, to the list of state holidays on which K-12 schools and community colleges must be closed. Juneteenth commemorates emancipation of enslaved African Americans in Texas, which occurred on June 19, 1865. This law goes into effect on January 1, 2023, and will be in effect for the current school year. We recommend that you review your calendars now to make any changes that might be required. [AB 1801](#) by Assembly Member Adrin Nazarian (D-North Hollywood) also adds April 24 as Genocide Remembrance Day, and permits school districts to be

closed to commemorate if the governing board reaches a memorandum of understanding for that purpose.

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The Governor signed the following governance and operations bills:

## Brown Act

### [\*\*AB 2449 \(Rubio, Blanca\) - Open meetings: local agencies: teleconferences.\*\*](#)

This bill, until January 1, 2026, authorizes a local agency to use teleconferencing without complying with certain Brown Act teleconferencing requirements if, among other things, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.

*Chapter 285, Statutes of 2022*

## Elections

### [\*\*AB 2584 \(Berman\) - Recall elections.\*\*](#)

Current law authorizes a registered voter of an electoral jurisdiction to seek the recall of an officer of that jurisdiction by publishing or posting a notice of intention to circulate a recall petition, which must include a statement of the reasons for the proposed recall and the signatures of a certain number of recall proponents. Within seven days of the filing of the notice of intention, the officer sought to be recalled may file an answer to the proponents' statement of reasons. This bill increases the number of signatures required to be included in the notice of intention, with the total number of necessary signatures determined by the type of office held by the officer sought to be recalled. The bill requires that the recall petition of a school board member include an estimate of the cost of conducting the special election.

*Chapter 791, Statutes of 2022*

### [\*\*SB 1061 \(Laird\) - School district and community college district elections: special elections: petition requirements: election timing.\*\*](#)

Under current law, whenever a school district or community college district vacancy occurs, or if a resignation has been filed with the county superintendent of schools creating a deferred effective date, the school district or community college district governing board is required, within 60 days of the vacancy or the filing of the deferred resignation, either to order an election or to make a provisional appointment. Current law provides that if a provisional appointment is made, the registered voters of the district may, within 30 days, petition for a special election to fill the vacancy. Current law requires that a special election be called if specified signature thresholds are met and requires special election petitions to contain the elections official's estimate of the cost of conducting the special election. This bill requires the special election petition to also contain that cost estimate expressed on a per-pupil or per-student basis.

*Chapter 831, Statutes of 2022*

## Governance and Operations

### [AB 1655 \(Jones-Sawyer\) - State holidays: Juneteenth.](#)

This bill adds June 19, known as “Juneteenth,” to the list of state holidays, and specifies that holidays created by federal legislation signed by the President, as President Biden has previously done with Juneteenth, are considered days appointed as holidays requiring community colleges and public schools to close.

*Chapter 753, Statutes of 2022*

### [AB 1801 \(Nazarian\) - State holidays: Genocide Remembrance Day.](#)

This bill adds April 24, known as “Genocide Remembrance Day,” to the list of state holidays, and authorizes community colleges and public schools to close on April 24.

*Chapter 761, Statutes of 2022*

### [AB 1925 \(Santiago\) - County and district offices: qualifications.](#)

Current law generally provides that a person is not eligible to hold a county or district office unless the person is a registered voter of the county or district of that office. Current law authorizes the board of supervisors or any other legally constituted appointing authority in a county or district to waive the registered voter requirement in certain circumstances. This bill removes that waiver authority and, instead, applies the registered voter requirement only to elective county or district offices.

*Chapter 864, Statutes of 2022*

### [AB 2158 \(Fong, Mike\) - Local educational agencies: ethics training.](#)

This bill requires officials at school districts, county offices of education, and charter schools to take ethics trainings every two years. This bill applies to school board members, county board members, and charter school governing board members, whether or not the member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties. The bill requires all members in service as of January 1, 2025, except for members whose term of office ends before January 1, 2026, to receive that ethics training before January 1, 2026, and at least once every 2 years thereafter.

*Chapter 279, Statutes of 2022*

### [AB 2337 \(Dahle, Megan\) - School districts: frontier school district.](#)

This bill, for purposes of the Education Code, defines “frontier school district” as a school district that meets certain attendance or population criteria.

*Chapter 83, Statutes of 2022*

### [AB 2693 \(Reyes\) - COVID-19: exposure.](#)

This bill extends the sunset date of certain COVID-19 workplace health and safety requirements by one year, from January 1, 2023 to January 1, 2024.

*Chapter 799, Statutes of 2022*

### **[HR 82 \(Kiley\) - Relative to School Choice Week.](#)**

HR 82 resolved that the Assembly proclaimed the week of January 23, 2022 through January 29, 2022 School Choice Week.

*Adopted*

### **[HR 98 \(Gabriel\) - Relative to Education and Sharing Day, California.](#)**

HR 98 resolved that the Assembly proclaimed Tuesday, April 12, 2022 "Education and Sharing Day."

*Adopted*

### **[SB 913 \(Hertzberg\) - School districts: operations.](#)**

This bill lowers the ADA threshold from 400,000 to 250,000 for school districts to be granted certain flexibilities across Education Code requirements.

*Chapter 920, Statutes of 2022*

### **[SB 955 \(Leyva\) - Pupil attendance: excused absences: civic or political events.](#)**

This bill requires a middle school or high school pupil who misses school to engage in a civic or political event to be excused for one absence per school year. The bill also authorizes a middle school or high school pupil who is absent from school to engage in a civic or political event to be permitted additional excused absences in the discretion of a school administrator.

*Chapter 921, Statutes of 2022*

### **[SB 963 \(Laird\) - Historical preservation: California Cultural and Historical Endowment: grant programs.](#)**

This bill revises provisions of the California Cultural and Historical Endowment to require the establishment of a competitive grant program to assist and enhance the services of museums that undertake programs that are deeply rooted in underserved communities. The bill requires the grant program to give priority to those programs and projects (A) serving pupils and teachers at schools eligible to be served under Title I, Part A, (B) serving children in low-income communities, (C) supporting a museum in engaging or collaborating with underserved communities, (D) advancing preservation of at-risk cultural and natural collections and historic buildings, (E) improving access to historic buildings, cultural sites, or museums, (F) supporting the ethical stewardship of culturally sensitive art and artifacts, or (G) educating the public about critical issues affecting Californians.

*Chapter 300, Statutes of 2022*

### **[SB 1100 \(Cortese\) - Open meetings: orderly conduct.](#)**

This bill authorizes the presiding member of the legislative body, or their designee, to remove an individual for disrupting the meeting. The bill generally requires removal to be preceded by a warning that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The bill authorizes the presiding member or their designee to then remove the individual if they do not promptly cease their disruptive behavior.

*Chapter 171, Statutes of 2022*

### **[SCR 72 \(Portantino\) - PTA Day.](#)**

This measure declared February 17, 2022 PTA Day.

*Chapter 42, Statutes of 2022*

**[SR 77 \(Cortese\) - Relative to Education and Sharing Day, California.](#)**

SR 77 resolved that the Senate proclaimed Tuesday, April 12, 2022 "Education and Sharing Day."

*Adopted*

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*Capitol Advisors Group has produced a set of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2022. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2023, unless the bill specifically states otherwise.*

# Changes in Law 2022

## Human Resources



In what seems to have become the norm over the past few years, some of the biggest bills for schools this year came in the human resources space. This includes efforts to address the COVID-19 pandemic's impact on staffing, from expanding the availability of supplemental sick leave for employees impacted by COVID to removing credentialing barriers to get more substitutes into the field, as well as "clean-up" legislation to address unintended consequences of previously enacted laws, like restoring the ability of school employers to see an applicant's prior convictions. Below is a look at some of the major HR-related bills that were signed into law this year:

### **Additional transparency and new processes regarding disallowed compensation under CalSTRS.**

Following up on last year's [SB 278](#), by Senator Connie Leyva (D-Chino), which shifted liability to employers when compensation on which an employee's pension was based is later disallowed by the California Public Employees Retirement System (CalPERS), this year's [AB 1667](#) by Assembly Member Jim Cooper (D-Elk Grove), puts in similar procedures, beginning July 1, 2024 with regards to disallowed compensation for retirees in the California State Teachers' Retirement System (CalSTRS). However, AB 1667, which was sponsored by the California County Superintendents, the California Retired Teachers Association, and the California Teachers Association (CTA), goes a step further than SB 278 and also establishes procedures to hold CalSTRS accountable for guidance which school employers rely on and CalSTRS later determines was erroneous. Under SB 278, the employer is liable for disallowed compensation regardless of whether or not it was due to employer error or a change in CalPERS policy applied retroactively.

Specifically, AB 1667 prescribes various requirements in connection with the audit of public agencies and members by CalSTRS, CalSTRS' interpretation and clarification of rules relating to creditable compensation, CalSTRS' review of compensation items included in a memorandum of understanding or collective bargaining agreement, errors relating to employer reporting of compensation to the system, and the recovery of payments. With regard to guidance issued by or requested from CalSTRS, the bill provides the following:

- Prohibits new or different interpretations, as specified, from taking effect until after CalSTRS issues notice to employers and exclusive representatives and prohibits the interpretations from applying retroactively to compensation reported prior to that notice, unless state or federal law or an executive order of the Governor expressly requires a retroactive interpretation.
- Deems any compensation the public agency reported in accordance with the resources provided by CalSTRS, as specified, to be CalSTRS' error and requires CalSTRS to recover the costs, with interest as specified, of the resulting pension overpayment as follows: 85% from the state through a continuous General Fund appropriation and 15% directly from all school employers.

- Beginning July 1, 2023, authorizes an employer or an exclusive representative to submit to CalSTRS a request for an advisory letter. Requires CalSTRS to provide an advisory letter regarding the submission to the employer or exclusive representative within 30 days of the receipt of all information requested, unless an extended period of time is necessary for good cause.
- Deems any resulting overpayment from compensation reported in error by the employer or on behalf of a member to whom an advisory letter applies that was in accordance with CalSTRS's advisory letter, as CalSTRS' error and requires CalSTRS to recover the costs, with interest as specified, of the resulting pension overpayment as follows: 85% from the state through a continuous General Fund appropriation and 15% directly from all school employers.

With AB 1667, the bill's sponsors, as well as CalSTRS, hope that these new procedures will result in greater retirement security for retirees as well as less of the confusion and mistakes for employers that the System's previous lack of transparency seemed to engender.

**Fix allows schools to continue to see most expunged criminal convictions.** A bill from 2019, [AB 1076](#), authored by Assembly Member Phil Ting (D-San Francisco), required the Department of Justice (DOJ) to grant automatic record relief to individuals who had completed probation without revocation and who were not currently serving a sentence of any office and significantly limited when a court could disclose information concerning a conviction granted automatic relief pursuant to the bill. The full impact of the bill on schools was not known until AB 1076 went into effect on January 1, 2021, when both the California Commission on Teacher Credentialing (CTC) and local educational agencies (LEAs) raised concerns that the bill's provisions would prevent them from learning of pertinent criminal convictions of potential employees and volunteers. Without the ability to access this conviction information, LEAs were worried they would be unable to fulfill their legal duty to evaluate the fitness of the applicant to serve in a public school around students.

In response to these concerns, a coalition made up of both education management and labor groups worked this year to address the seemingly unintended consequences of AB 1076 and seek a fix in subsequent legislation. Ultimately, after a lengthy back and forth with the Assembly Public Safety Committee staff, who were reluctant to move a bill through their committee that would pull back what they saw as protecting applicants from discrimination based on relieved convictions, a fix was included in [SB 731](#), authored by Senator Maria Durazo (D-Los Angeles). Under SB 731, the CTC, school districts, COEs, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with one of those listed entities, will be able to see every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted, unless it is a simple drug possession offense where conviction is more than five years old and record conviction relief was granted.

**Prohibition on employment discrimination based on off-job cannabis use coming in 2024.** One of the more high-profile bills signed this year, [AB 2188](#), by Assembly Member Bill Quirk (D-Hayward) prohibits, beginning January 1, 2024, an employer from discriminating against a person in hiring for any term or condition of employment, if the discrimination is based upon the person's use of cannabis

off the job and away from the workplace or an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids. The bill also contains language stating that nothing in the bill allows an employee “to possess, to be impaired by, or to use, cannabis on the job” and that employers retain the right to maintain a drug-and alcohol-free workplace.

When explaining the need for the bill, the author noted that a lot of the drug tests used by employers “typically screen for the presence of non-psychoactive cannabis metabolites, which can remain present in an individual’s bodily fluids for weeks after cannabis use and do not indicate impairment,” and that “testing positive for this metabolite has no correlation to workplace safety or productivity.” In the facts and findings section at the start of the bill, the author also notes that, “As science has improved, employers now have access to multiple types of tests that do not rely on the presence of non psychoactive cannabis metabolites.” These tests include impairment tests, which measure an individual employee against their own baseline performance, and tests that identify the presence of tetrahydrocannabinol (THC), the chemical compound in cannabis that can indicate impairment, in an individuals bodily fluid. However, the current limited availability of these alternative tests is one of the reasons the bill’s implementation was delayed until 2024.

AB 2188 was signed as a part of a package of bills that the Governor said, when announcing their signing, “build on the Administration’s efforts to strengthen California’s cannabis legalization framework.” While he admits the state has made strides in this area since recreational cannabis use was legalized in the state in 2016, the Governor also admitted that more work needs to be done and that he “looks forward to partnering with the Legislature and policymakers to fully realize cannabis legalization in communities across California.” Assembly Member Quirk also noted that the bill “will allow California to continue being a progressive leader on cannabis issues.”

In response to concerns about the bill’s interaction with federal law, which currently still considers cannabis a Schedule 1 drug, the bill was amended in the Senate to provide exemptions from the prohibition for the following incidences:

- An employee in the building and construction trades
- Applicants or employees hired for positions that require a federal government background investigation or security clearance
- When state or federal laws requiring applicants or employees to be tested for controlled substances, including laws and regulations requiring applicants or employees to be tested, or the manner in which they are tested, as a condition of employment, receiving federal funding or federal licensing-related benefits, or entering into a federal contract.

In interesting timing, a little over two weeks after Governor Newsom signed AB 2188, President Joe Biden announced that he was directing Health and Human Services Secretary Xavier Becerra and Attorney General Merrick Garland to initiate the process to review how cannabis is scheduled under federal law.

**Short and long term solutions to help schools respond to teacher shortage.** Only exacerbated by the COVID-19 Pandemic, the state's ongoing teacher shortage continues to be one of the biggest challenges facing schools today. A few bills this year provide schools with additional flexibilities around the use of teachers with emergency substitute permits. [AB 181](#), the K-12 Education Omnibus Budget Trailer Bill, extended through July 1, 2023 the authority for a holder of a substitute permit to teach in a general, special, or career technical education assignment aligned with their authorization for up to 60 cumulative days. Traditionally only allowed to serve for up to 30 cumulative days under a substitute permit, this authorization was also extended in last year's budget but would have expired on July 1, 2022 if it had not been extended by AB 181. Additionally, in an effort to remove barriers to getting more substitute teachers into the field, [SB 1397](#) by Senator Andreas Borgeas (R-Fresno) requires the CTC, until July 1, 2024, to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute teaching permit. Interestingly, SB 1397 originally also looked to extend the time a substitute could serve in a single assignment but the author shifted his focus after AB 181 was signed.

While AB 181 and SB 1397 could help schools fill immediate teacher needs, the state still needs to address the root cause of its teacher shortage if it wants its solutions to have any lasting effect. However, while the CTC can roughly measure the state's teacher supply based on the number of active permits in the system, it does not have data on why teachers may be leaving their positions or the profession entirely. To this end, [SB 1487](#), by Senator Susan Rubio (D-Baldwin Park), requires the CTC to develop a survey, no later than July 1 2023, to collect data from teachers of LEAs who are resigning their position or electing not to accept a teaching assignment for the upcoming school year. The bill then encourages, but does not require, LEAs to administer the survey, beginning with the 2023-24 school year, to any exiting teacher within 15 days of them resigning or electing not to return, as well as to annually report the results of the survey to the CTC. While participation in the survey is not mandatory, the hope is that enough exiting teachers will participate in order to get the CTC sufficient data to start identifying why teachers are leaving and using that data to develop long-term solutions to the teacher shortage.

**Supplemental COVID-19 sick leave extended through end of 2022.** Earlier this year, when the state was in the midst of the Omicron outbreak, the Governor signed [SB 114](#), which required employers with 26 or more employees to provide full-time employees with 40-hours of supplemental COVID-19 sick leave if the employee is unable to work due to COVID-19-related reasons, like quarantine, attending a vaccine appointment, or caring for a family member with COVID symptoms. The bill also entitled a full-time employee to an additional 40 hours, for a total of 80 hours in supplemental leave, if the employee or the family member for whom the employee is caring for tests positive for COVID-19. Under SB 114, this supplemental leave was set to expire on September 30, 2022.

However, under [AB 152](#), the availability of this supplemental leave has been extended to December 31, 2022. This means that employees that have yet to use this leave or that have not yet exhausted this leave are still eligible to claim it, for the same reasons as outlined under SB 114, until the end of the calendar year. It is important to note that AB 152 did not establish any new supplemental leave but only extended the date by which an employee has to request the leave originally made available under SB 114. Another change is that while, under the original bill, an employer could deny the additional 40

hours of leave if the employee refused to provide proof of a positive test, AB 152 also allows an employer to deny this additional leave if the employee refuses to submit to additional diagnostic testing. As a budget bill, AB 152 took effect immediately upon the Governor's signature on September 29th.

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The Governor signed the following human resources bills:

## Commission on Teacher Credentialing

### [AB 1876 \(Seyarto\) - Substitute teachers: emergency career substitute teaching permit: employment verification.](#)

When issuing a career substitute teaching permit, current law requires the Commission on Teacher Credentialing (CTC) to verify at least ninety days per year of day-to-day substitute teaching over the previous three consecutive years, at either one school district or within an entire county, if the county administers the substitute assignments for the entire county. The law does not allow the CTC to verify employment from a consortium of school districts that are not part of a county-wide substitute program and that share a pool of substitutes. This bill requires the CTC to accept, as an alternative to that verification requirement, verification by an employer or employers of, 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 accumulated from one or more California school districts participating in a consortium with the school district requesting the permit.

*Chapter 113, Statutes of 2022*

### [SB 1397 \(Borgeas\) - Teacher credentialing: emergency teaching permits.](#)

SB 1397 requires the CTC to waive the basic skills proficiency requirement for the issuance of an emergency 30-day substitute permit until July 1, 2024. The bill also deleted obsolete references and update cross-references.

*Chapter 335, Statutes of 2022*

### [SB 1487 \(Rubio\) - Commission on Teacher Credentialing: survey: teacher resignations.](#)

This bill requires the CTC and the California Department of Education (CDE) to develop a survey no later than July 1, 2023, for purposes of collecting data from teachers of local educational agencies (LEAs) resigning their positions or electing not to accept a teaching assignment for the upcoming school year, including data on whether or not they are exiting the profession. Under the bill, LEAs would then be encouraged, beginning with the 2023-24 school year, to administer the survey within 15 days of a teacher of the LEA resigning their position or electing not to accept a teaching assignment for the upcoming year and to annually report the results of these surveys to the CTC.

*Chapter 924, Statutes of 2022*

## Human Resources

### [AB 152 \(Committee on Budget\) - COVID-19 relief: supplemental paid sick leave.](#)

SB 114 (Chapter 4, Statutes of 2022) from earlier this year required employers with 26 or more employees to, until September 30, 2022, provide full-time employees with 40 hours of supplemental COVID-19 sick leave, with an option for an additional 40 hours with proof of a positive COVID-19 test. AB 152 extends the availability of this supplemental COVID-19 leave through December 31, 2022. The bill also provides that an employer is not required to provide the additional 40 hours of leave an employee is entitled to upon testing positive for COVID-19 if the employee refuses to submit to the diagnostic testing required under the bill.

*Chapter 736, Statutes of 2022*

### [AB 1041 \(Wicks\) - Employment: leave.](#)

This bill expands the class of people for whom an employee may take leave to care for to include a designated person. “Designated person” is defined to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. Under the bill, an employer is authorized to limit an employee to one designated person per 12-month period.

*Chapter 748, Statutes of 2022*

### [AB 1949 \(Low\) - Employees: bereavement leave.](#)

AB 1949 makes it an unlawful employment practice for an employer to refuse to grant a request by an eligible employee to take up to 5 days of bereavement leave upon the death of a family member. If there is no existing bereavement leave policy, the bereavement leave may be unpaid and an employer may request the employee provide documentation of the death of a family member.

*Chapter 767, Statutes of 2022*

### [AB 2188 \(Quirk\) - Discrimination in employment: use of cannabis.](#)

This bill, beginning January 1, 2024, makes it unlawful for an employer to discriminate against a person in hiring or any term or condition of employment, if the discrimination is based upon the person’s use of cannabis off the job and away from the workplace or an employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their urine, hair, or bodily fluids. The bill also provides that this prohibition would not apply to applicants or employees hired for positions that require a federal government background investigation or security clearance and that the bill’s provisions do not preempt state or federal laws requiring applicants or employees to be tested for controlled substances as a condition of employment, receiving federal funding or federal licensing-related benefits, or entering into a federal contract.

*Chapter 392, Statutes of 2022*

### [AB 2413 \(Carrillo\) - Classified school and community college employees: disciplinary hearings: compensation.](#)

AB 2413 prohibits a permanent employee of a K-12 district, who has requested a hearing on charges against them, from being suspended without pay, suspended with a reduction in pay, demoted with a reduction in pay, or dismissed before a decision is rendered at the hearing. The bill also establishes an

exemption if the governing board or an impartial third-party hearing officer finds that at the time discipline was imposed at the conclusion of the initial review 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 also includes language clarifying that if the provisions of the bill conflict with provisions of a collective bargaining agreement entered into by the public school employer and an exclusive bargaining representative before January 1, 2023, the bill's provisions will not apply to the school district until the expiration or renewal of the collective bargaining agreement.

*Chapter 913, Statutes of 2022*

#### **[SB 731 \(Durazo\) - Criminal records: relief.](#)**

AB 1076 (Chapter 578, Statutes of 2019) automated the expungement process for all convictions, excluding violent crimes and sex offenses, and restricted school districts and the CTC from viewing all expunged convictions occurring after 2021. SB 731 would, among other things, instead allow the CTC, school districts, COEs, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with one of those listed entities, to see every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted, unless it is a simple drug possession offense where conviction is more than five years old and record conviction relief was granted.

*Chapter 814, Statutes of 2022*

#### **[SB 874 \(Cortese\) - Classified school district and community college employees: probation: promotion.](#)**

This bill specifies that merit school districts must employ a permanent classified employee who accepts a promotion and fails to complete the probationary period for that promotional position, in the classification from which the district promoted the employee. The bill also includes language clarifying that if the provisions of the bill conflict with a collective bargaining agreement approved before January 1, 2023, the bill's provisions would not apply until the agreement's expiration or renewal date.

*Chapter 150, Statutes of 2022*

#### **[SB 931 \(Leyva\) - Deterring union membership: violations.](#)**

Current law prohibits a public employer from deterring or discouraging public employees or applicants to be public employees from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. Current law generally vests jurisdiction over violations of these provisions in the Public Employment Relations Board. This bill authorizes an employee organization to bring a claim before the Public Employment Relations Board (PERB) alleging that a public employer violated the above-described provisions. Upon a finding by the board that the public employer violated those provisions, the public employer would be subject to a civil penalty, to be deposited in the General Fund, of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, and subject to attorney's fees and costs, as described and except as specified.

*Chapter 823, Statutes of 2022*

## Retirement, CalPERS, and CalSTRS

### [AB 551 \(Rodriguez\) - Disability retirement: COVID-19: presumption.](#)

Current law, until January 1, 2023, establishes a disability retirement presumption that is applicable to the retirement systems that the California Public Employees' Pension Reform Act of 2013 (PEPRA) regulates and to specified members in those systems, who test positive for COVID-19, as specified. Under the presumption, if a member retires for disability on the basis, in whole or in part, of a COVID-19-related illness, it is presumed that the disability arose out of, or in the course of, the member's employment, unless rebutted. AB 551 extends the operation of this presumption until January 1, 2024.

*Chapter 741, Statutes of 2022*

### [AB 1667 \(Cooper\) - State Teachers' Retirement System: administration.](#)

This bill prescribes various requirements in connection with the audit of public agencies and members by the California State Teachers' Retirement System (CalSTRS), CalSTRS' interpretation and clarification of rules relating to creditable compensation, CalSTRS' review of compensation items included in a memorandum of understanding or collective bargaining agreement, errors relating to employer reporting of compensation to the system, and the recovery of payments. Specifically, the bill, among other things:

- Requires CalSTRS to make all final employer audit reports available on its internet website and require CalSTRS to exclude personal information regarding members to the extent necessary to protect their privacy.
- Require CalSTRS, prior to issuing its final audit report, to provide to the audited public agency and to the exclusive representative its preliminary audit findings, the statutes being addressed by the audit, and a list of every member then known and affected by the audit. Allow the recipients to provide, within no less than 60 days as specified by CalSTRS, their written responses to the preliminary audit findings and requires CalSTRS to consider their responses in preparing its final audit report.
- Require CalSTRS to make all final employer audit reports available on its internet website and require CalSTRS to exclude personal information regarding members to the extent necessary to protect their privacy.
- Requires CalSTRS, at least annually, to provide resources that interpret and clarify the applicability of creditable compensation and creditable service laws and regulations.
- Prohibits new or different interpretations, as specified, from taking effect until after CalSTRS issues notice to employers and exclusive representatives and prohibits the interpretations from applying retroactively to compensation reported prior to that notice, unless state or federal law or an executive order of the Governor expressly requires a retroactive interpretation.
- Deems any compensation the public agency reported in accordance with the resources provided by CalSTRS, as specified, to be CalSTRS' error and requires CalSTRS to recover the costs, with interest as specified, of the resulting pension overpayment as follows: 85%

from the state through a continuous General Fund appropriation and 15% directly from all school employers.

- Beginning July 1, 2023, authorizes an employer or an exclusive representative to submit to CalSTRS a request for an advisory letter. Requires CalSTRS to provide an advisory letter regarding the submission to the employer or exclusive representative within 30 days of the receipt of all information requested, unless an extended period of time is necessary for good cause.
- Deems any resulting overpayment from compensation reported in error by the employer or on behalf of a member to whom an advisory letter applies that was in accordance with CalSTRS's advisory letter, as CalSTRS' error and requires CalSTRS to recover the costs, with interest as specified, of the resulting pension overpayment as follows: 85% from the state through a continuous General Fund appropriation and 15% directly from all school employers.

*Chapter 754, Statutes of 2022*

**[AB 1824 \(Committee on Public Employment and Retirement\) - Public employees' retirement.](#)**

AB 1824 is the annual technical clean-up bill that makes technical, confirming, and noncontroversial changes to various sections for the Education and Government codes administered by CalSTRS, '37 Act county retirement systems, and CalPERS, respectively, for purposes of continued appropriate and effective administration of these employee retirement laws. Changes include eliminating a provision under existing law that allocated to CalPERS a portion of the 20% penalty that an employer pays as a lump sum to compensate a retired member whose CalPERS retirement is adjusted due to disallowed compensation reported by the employer and, instead, requiring the full compensatory amount to go to the retired member.

*Chapter 231, Statutes of 2022*

**[SB 868 \(Cortese\) - State teachers' retirement: supplemental benefits.](#)**

SB 868 establishes, effective July 1, 2023, a schedule for increases to quarterly supplemental payments made to retired or disabled members, or beneficiaries from the Supplemental Benefit Maintenance Account (SBMA) administered by the California State Teachers' Retirement System (CalSTRS), among other provisions.

*Chapter 818, Statutes of 2022*

**[SB 1168 \(Cortese\) - Public employees' retirement: beneficiary payment.](#)**

Current law, applicable to agencies that contract with CalPERS to provide benefits to their employees, requires a payment of \$500 to be made to a beneficiary upon the death of a member after retirement and while receiving a retirement allowance from CalPERS, unless otherwise provided. This bill, for a death occurring on or after July 1, 2023, increases the amount of the above-described benefit to \$2,000.

*Chapter 193, Statutes of 2022*

### **SB 1402 (Umberg) - Public employees' retirement: armed forces: service credit.**

Current law authorizes a member who is a state employee, or a retired member who retired immediately following service as a state employee, as specified, to receive credit for specified military or Merchant Marine service occurring prior to membership and prescribes requirements and limits in this connection. 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 deletes the limitation that the service have occurred prior to January 1, 1950, from these provisions, unless certain exceptions apply, and deletes the requirement that the electing member be a state employee or a retired member who retired immediately following service as a state employee.

*Chapter 196, Statute of 2022*

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**Historic State Investment in School Facilities Focused on State Budget While Statewide Bonds Stalled.** We began the second year of the 2021-22 Legislative Session with two almost identical bills that would have placed a statewide school facilities bond on the November 2022 ballot. With rising inflation and other changes in the economy, it became increasingly clear that it was extremely unlikely California voters would support a statewide bond, so both bills stalled in the Legislature.

Instead, the Governor and the Legislature appropriated an unprecedented \$1.3 billion General Fund (GF) from the 2021-22 fiscal year to the State Allocation Board for school new construction and modernization projects, for allocation in the 2022-23 fiscal year. The budget also included intent language to provide an additional \$2.65 billion in the 2023-24 fiscal year and \$875 million in the 2024-25 fiscal year for the school facilities program but keep in mind that this is only intent language. While this is a historic investment of GF dollars for the school facilities program, intent language is not binding and the Legislature may have different priorities and less GF resources moving forward.

The budget also allocated \$100 million in GF for the California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program for appropriation in the 2022-23 fiscal year. While this amount is certainly insufficient to meet the \$1.28 billion demand from the last application filing round, there is also intent language to appropriate \$550 million in GF in the 2023-24 fiscal year which, as noted above is not binding, however, it is a recognition of continued need.

AB 185, the Education Trailer Bill established an alternative design-build contract process for school facilities projects over \$5 million until January of 2029. The language defines alternative design-build as a project delivery process in which both the design and the construction of the project are procured from a single design-build entity based on its proposed design cost, general conditions, overhead and profit as a component of the project. Initially, this language was included in AB 902 (O'Donnell), which was held in the Senate Appropriations Committee in early August.

While much of the school facilities focus was on the state budget, the Legislature also debated a handful of bills related to school facilities.

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The Governor signed the following facilities bills:

**[AB 1867 \(Lee\) - Bathroom Plumbing Fixtures.](#)**

Requires a school district, county office of education or charter school participating in the State Facility Program to include faucet aerators and water-conserving plumbing fixtures in all bathrooms as part of a modernization project if the facility being modernized was constructed before January 1, 2012, and the modernization project proposes to repair the interior of a school building. This new requirement is only triggered after the passage of a statewide school facilities bond.

*Chapter 434, Statutes of 2022*

### **[AB 2232 \(McCarty\) - Heating, Ventilation and Air Conditioning \(HVAC\) Systems.](#)**

Requires a school district, a county office of education, a charter school, a private school, the California Community Colleges, or the California State University, and would request the University of California, to ensure that facilities have HVAC systems that meet minimum specified ventilation rate requirements. If the existing HVAC system is not capable of safely and efficiently providing the minimum ventilation rate the HVAC system must meet the minimum ventilation rates in effect at the time the building permit for installation of that HVAC system was issued. The bill would also require a covered school, and request the University of California, to install filtration that achieves specified minimum efficiency reporting values (MERV) levels, determined by the school to be feasible with the existing HVAC system, as provided.

*Chapter 777, Statutes of 2022*

### **[AB 2295 \(Bloom\) - Local Educational Agency \(LEAs\): Housing Development Projects.](#)**

Deems a housing development project an allowable use on any real property owned by LEAs if the housing development satisfies certain conditions, including other local objective zoning standards, objective subdivision standards, and objective design review standards, as described. AB 2295 also deems a housing development that meets these requirements consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan. AB 2295 authorizes the land used for the development of the housing development to be jointly used or jointly occupied by the local educational agency and any other party, subject to specified requirements and exempts a housing development project subject to these provisions from various requirements regarding the disposal of surplus land.

*Chapter 652, Statutes of 2022*

### **[AB 2638 \(Bloom\) - Water Bottle Filling Stations.](#)**

Requires new construction or modernization project submitted to the Division of the State Architect by a school district or the governing body of a charter school to include water bottle filling stations. Requires, for modernization projects, 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. This new requirement is only triggered after the passage of a statewide school facilities bond.

*Chapter 793, Statutes of 2022*

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**Unprecedented revenue growth drives historic Proposition 98 funding.** California tax revenue continued to grow at an extraordinary rate after the initial shock of the COVID-19 shutdowns. The “big three” taxes (personal income, corporations and sales) grew about 30% in 2020-21 and an additional 20% in 2021-22. General Fund revenues that count toward the calculation of the Prop. 98 Guarantee reached just over \$220 billion in the 2022 Budget Act. That translated to historic growth in the Prop. 98 Guarantee, with expenditures for K-14 schools surpassing \$110 billion. This level of funding is roughly \$16.5 billion above the previous high mark for Prop. 98 in the 2021 Budget Act.

**LCFF increase, COVID attendance relief and one-time funding among highlights of the Budget.**

Once the final calculations were made in the K-12 budget clean-up bill, the total increase to the LCFF base grant amount over the level funded in the prior year was 13.26%, which includes a cost-of-living-adjustment (COLA) of 6.56% and an additional augmentation of 6.7%. The budget included both a three-year rolling average ADA option to help school districts with declining enrollment, and a current year ADA fix that protects LEAs from attendance disruptions caused by COVID and related issues. In addition, the budget included two large block grants of one-time funding, a nearly \$8 billion Learning Recovery Block Grant and a roughly \$3.5 billion Arts, Music, and Instructional Materials Discretionary Block Grant.

**Revenue situation uncertain for next several years.** Economic conditions, including high inflation, rising interest rates, supply chain disruptions and asset volatility, combined with the impacts of the Russian war in Ukraine, are creating a great deal of uncertainty related to revenue collections for the next few years. While it is too early to make predictions about the next California budget, revenue collections are down over the last month of the prior fiscal year and the first couple months of the current fiscal year. It appears likely that General Fund revenues and the Prop. 98 Guarantee hit a high mark in the 2022 Budget Act that will be difficult to improve upon (or even match) in the near future. Local education agencies (LEAs) may want to focus on stabilizing and maintaining existing programs rather than growth and expansion.

**Major TK-12 components of the 2022 Budget Act.** Some TK-12 highlights of the budget include:

- **LCFF base grant increase** - 13.26% above prior year
- **COE funding** - More than \$100 million additional for COE operation grants and to provide a minimum state aid add-on
- **COVID ADA disruption protections** - For 2021-22, eligible classroom-based LEAs will be funded at the greater of their current year ADA or their current year enrollment adjusted for pre-COVID absence rates

- **Declining enrollment relief** - Moving forward, school districts can utilize the greater of current year, prior year, or the average of three prior years' ADA
- **Learning Recovery Emergency Block Grant** - \$7.9 billion to LEAs based on ADA multiplied by unduplicated pupil percentage, available to increase learning time, close learning gaps, etc.
- **Arts, Music, and Instructional Materials Discretionary Block Grant** - \$3.6 billion to all LEAs based on ADA, available for any operational costs but encourages use for instructional materials and professional developments related to arts, music and other subject areas
- **Expanded Learning Opportunities Program (ELO-P)** - Total ongoing funding expanded to \$4.4 billion
- **Community Schools** - \$1.1 billion expansion of community schools grant to cover every eligible LEA willing to apply
- **Transitional Kindergarten** - Continues rollout of program, funding provided to mitigate staffing needs
- **Special Education** - Additional \$500 million to raise the special education base rate to \$820
- **School Nutrition** - \$650 to implement universal meals in 2022-23 school year and additional funds to augment meal reimbursement rate and improve kitchen infrastructure
- **Transportation funding increase** - \$637 million in additional funding to reimburse LEAs for up to 60% of prior year transportation costs reported to the state

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The Governor signed the following school finance bills:

### Attendance

#### [AB 1777 \(Aguiar-Curry\) - Migrant education: extended school year program: average daily attendance.](#)

AB 1777, commencing on January 1, 2024, authorizes up to two local educational agencies (LEAs) to provide an extended school year program to migratory pupils who, due to family agricultural migratory movement, enroll in kindergarten, including transitional kindergarten, or any of 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, and authorizes average daily attendance (ADA) funding for those pupils if certain requirements are met.  
*Chapter 483, Statutes of 2022*

## School Finance

### [AB 178 \(Ting\) - Budget Act of 2022.](#)

Termed the Budget Bill Junior, AB 178 makes technical and substantive changes to SB 154, the Budget Act of 2022.

*Chapter 45, Statutes of 2022*

### [AB 179 \(Ting\) - Budget Act of 2022.](#)

Another Budget Bill Junior, AB 179 makes technical and substantive changes to the Budget Act of 2022 to incorporate changes made as part of the August budget package.

*Chapter 249, Statutes of 2022*

### [AB 181 \(Committee on Budget\) - Education finance: education omnibus budget trailer bill.](#)

AB 181 is the K-12 education omnibus trailer bill that includes many K-12 appropriations and policy changes that go along with the Budget Act of 2022.

*Chapter 52, Statutes of 2022*

### [AB 182 \(Committee on Budget\) - COVID-19 emergency response: Learning Recovery Emergency Fund: appropriation.](#)

This bill established the Learning Recovery Emergency Block Grant and appropriates \$7,936,000,000 for that purpose. The bill requires the State Superintendent of Public Instruction (SPI) to allocate these appropriated funds to school districts, county offices of education (COEs), and charter schools based on their 2021-22 unduplicated pupil percentage. The bill authorizes allocated funds to be used 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 LEAs receiving these allocations to report interim expenditures to the California Department of Education (CDE) by December 1, 2024, and December 1, 2027, as well as a final report no later than December 1, 2029.

*Chapter 53, Statutes of 2022*

### [AB 185 \(Committee on Budget\) - Education finance: education omnibus trailer bill.](#)

AB 185 is the “clean-up” education trailer bill, which includes, among other things, additional clarity regarding the 2021-22 ADA-protection language included in AB 181, an extension of the ability of students to complete a career technical education (CTE) course to meet graduation requirements, in lieu of a course in visual or performing arts or foreign language, until July 1, 2027, an extension of the Districts of Choice program until July 1, 2028, new procedures regarding recouping wage overpayments, and language establishing an alternative design-build contract process.

*Chapter 571, Statutes of 2022*

### [AB 1491 \(McCarty\) - Adult education: consortia: carryover of allocated funds.](#)

Current law establishes the Adult Education Program and authorizes a community college district, school district, or COE, or a combination of these entities in a joint powers authority, to be members of an adult education consortium. Current law requires that the amount distributed to a member of a consortium not be reduced, except as provided, unless the consortium makes specified findings related to the member for which the distribution would be reduced, including that the member has been consistently ineffective in providing services that address the needs identified in the adult

education plan. AB 1491 authorizes 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, based on the member having excessive carryover for at least 2 consecutive fiscal years beginning with the 2022–23 fiscal year, that the member has been consistently ineffective in providing services that address the needs identified in the adult education plan.

*Chapter 519, Statutes of 2022*

#### **AB 1912 (Bonta, Mia) - Emergency apportionments: closure and consolidation requirements.**

AB 1912 requires a school district under financial distress, before approving the closure or consolidation of a school, to conduct an equity impact analysis in its consideration of school closures or consolidations. The bill also requires the governing board of the school district to develop a set of metrics for the development of the equity impact analysis, and to make those metrics public at a regularly scheduled meeting of the governing board of the school district so that the public can provide input regarding the metrics being used to conduct the analysis. Additionally, AB 1912 requires a school district to provide its recommendations regarding school closures and consolidations to the public at a regularly scheduled meeting and to show how the list of closures was prepared. The bill's provisions do not apply to a school district's closure of a school due solely to the unsafe condition of the school's facilities and will become inoperative as of July 1, 2028.

*Chapter 253, Statutes of 2022*

#### **AB 2038 (Gipson) - School finance: administrative employees to teacher ratio.**

Current law, for purposes of determining the allowable ratio of administrative employees to teachers for the San Diego City School District, excludes from the numbers identified pursuant to the above the number of employees and the full-time equivalent of all of the fractional time of employees serving the school district in positions mandated as the result of the school district's court-ordered integration plan. This bill extends this exclusion to the Los Angeles Unified School District (LAUSD). The bill also, for purposes of calculating the administrative employee-to-teacher ratio in the 2022–23 to 2024–25 fiscal years, inclusive, authorizes LAUSD to include in the definition of "teacher," when calculating the ratio of administrative employees to teachers in the 2022–23 to 2024–25 fiscal years, inclusive, 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.

*Chapter 908, Statutes of 2022*

#### **SB 154 (Skinner) - Budget Act of 2022.**

This is the main 2022 Budget Act bill that contains most of the appropriations to fund government activity for 2022-23.

*Chapter 43, Statutes of 2022*

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# Changes in Law 2022

## School Safety

**Pair of bills aims to keep kids safe from gun violence while at school.** The Governor signed two bills that raise awareness of gun safety protocols and compel reporting of certain threats. [AB 452](#) by Assembly Member Laura Friedman (D-Glendale) requires districts, county offices of education (COEs), and charter schools to provide to the parents or guardians of every enrolled pupil a notice on California's child access prevention laws and laws relating to the safe storage of firearms. The notice must be provided at the beginning of each school year, and be based on model language that will be developed and updated by the California Department of Education (CDE) in consultation with the Department of Justice (DOJ) by July 1, 2023. The language will be updated as necessary each year thereafter, and be distributed to LEAs so that the notice can be provided by the start of the school year. The bill provides that one notice per household is sufficient, regardless of the number of enrolled students living at that address.

[SB 906](#) by Senator Anthony Portantino (D-La Cañada Flintridge), beginning in the 2023-24 school year, requires school officials at any school district, COE or charter school who regularly interact with any student in grade 6 through 12 to immediately report any observed, reported, or perceived threat to law enforcement. The bill defines school official to mean any certificated or classified employee of a local educational agency or member of the school district governing board, county board of education, or governing body of a charter school whose official duties bring the individual in contact with pupils in any of grades 6 to 12 on a regular basis. Threat or perceived threat means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual. The bill requires law enforcement, with support from the LEA, to conduct an immediate investigation and assessment of the threat or perceived threat, which, in some cases, may include a search of the schoolsite.

The initial version of SB 906 would have required a district or charter school to collect information about firearms stored at enrolled pupils' homes, but that section was dropped due to strong criticism.

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The Governor signed the following school safety bills:

### Child Abuse

#### [AB 2274 \(Rubio, Blanca\) - Mandated reporters: statute of limitations.](#)

Under existing law, a case involving the 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. This bill allows a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be child abuse or severe neglect, as defined, to be filed within one year of the discovery of the offense, but in no case later than 4 years after the commission of the offense.

*Chapter 587, Statutes of 2022*

## Guns

### **[AB 452 \(Friedman\) - Pupil safety: parental notification: firearm safety laws.](#)**

AB 452 requires school districts, COEs, and charter schools to annually inform parents and guardians of pupils at the beginning of the first semester or quarter of the regular school term of California's child access prevention laws and laws relating to the safe storage of firearms. By imposing additional duties on school districts, COEs, and charter schools, the bill would impose a state-mandated local program. The bill requires the CDE, on or before July 1, 2023, to develop and subsequently update, in consultation with the DOJ, and provide to school districts, COEs, and charter schools, and, upon request, to provide to private schools, model language for the notice regarding those child access prevention and safe storage of firearms laws. The bill makes school districts, COEs, charter schools, private schools, and the department immune from civil liability for any damages relating to the notice.

*Chapter 199, Statutes of 2022*

### **[AB 2870 \(Santiago\) - Firearms: gun violence restraining orders.](#)**

The bill expands the family members who can file a petition for a Gun Violence Restraining Order (GVRO) to include any person related by consanguinity or affinity within the 4th degree who has had substantial and regular interactions with the subject for at least one year.

*Chapter 974, Statutes of 2022*

### **[SB 906 \(Portantino\) - School safety: homicide threats.](#)**

This bill requires, commencing with the 2023–24 school year, local educational agencies (LEAs) maintaining kindergarten or any of grades 1 to 12 to, informed by the model content, include information related to the safe storage of firearms in an annual notification provided to the parents or guardians of pupils. The bill requires a school official whose duties involve regular contact with pupils in any of grades 6 to 12, as part of a middle school or high school, and who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement. The bill requires, with the support of the LEA, the local law enforcement agency or schoolsite police, to immediately conduct an investigation and threat assessment. The bill requires the investigation and threat assessment to include a review of the firearm registry of the DOJ and, if justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat, a schoolsite search. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

*Chapter 144, Statutes of 2022*

## School Safety

### [AB 1406 \(Lackey\) - Law enforcement agency policies: carrying of equipment.](#)

This bill requires a law enforcement agency that authorizes peace officers to carry an electroshock device, such as a taser or stun gun that is held and operated in a manner similar to a pistol, to require that device to be holstered or otherwise carried on the lateral side of the body opposite to the side that that officer's primary firearm is holstered.

*Chapter 945, Statutes of 2022*

### [AB 2571 \(Bauer-Kahan\) - Firearms: advertising to minors.](#)

AB 2571 prohibits a firearm industry member from advertising or marketing any firearm-related product in a manner that is designed, intended, or reasonably appears to be attractive to minors. The bill also prohibits a firearm industry member from using, disclosing, or compiling a minor's personal information if it is intended to market or advertise a firearm to that minor. The bill imposes a civil penalty of up to \$25,000 for each violation of these provisions, and authorizes a person harmed by a violation to bring suit to recover any damages suffered.

*Chapter 77, Statutes of 2022*

### [AB 2644 \(Holden\) - Custodial interrogation.](#)

Commencing January 1, 2024, AB 2644 prohibits law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, during a custodial interrogation of a person 17 years of age or younger.

*Chapter 289, Statutes of 2022*

### [AB 2879 \(Low\) - Online content: cyberbullying.](#)

This bill requires a social media platform, subject to specified exceptions, to disclose all cyberbullying reporting procedures in the social media platform's terms of service, and requires a social media platform to establish a mechanism within its internet-based service that allows an individual, whether or not that individual has a profile on the internet-based service, to report cyberbullying or any content that violates the existing terms of service.

*Chapter 700, Statutes of 2022*

### [AB 2959 \(Committee on Judiciary\) - Childhood sexual assault: claims.](#)

Current law, 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. AB 2959 further expands this exclusion to provide that a claim for damages is not required to be presented to any government entity prior to the commencement of an action.

*Chapter 444, Statutes of 2022*

### [ACR 166 \(Calderon\) - Child Abuse Prevention Month.](#)

ACR 166 acknowledged April 2022 as Child Abuse Prevention Month and encouraged Californians to work together to support youth-serving child abuse prevention activities in their communities and schools.

*Chapter 66, Statutes of 2022*

### [SB 855 \(Newman\) - Childhood Drowning Data Collection Pilot Program.](#)

This bill requires the State Department of Public Health (CDPH) to establish, on or before January 1, 2024, and administer the Childhood Drowning Data Collection Pilot Program, which will collect detailed data on childhood fatal and nonfatal drownings in California. The bill requires CDPH to submit various reports to the appropriate legislative policy committees and, based on those reports, to develop a California Water Safety Action Plan for Children and a standardized form for counties to use in reporting drownings statistics. The bill repeals these provisions on January 1, 2029.

*Chapter 817, Statutes of 2022*

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# Changes in Law 2022

## Student Services



Over the last few years, student services issues have been addressed largely through the state budget rather than legislation. Through the past two state budgets, universal school meals have been established and implemented, and the “California’s Master Plan for Kids’ Mental Health, which includes the Children and Youth Behavioral Health Initiative and the expansion of community schools, has come together. This year was no different. Legislation related to student services, with the exception of [Senate Bill 490](#), by Senator Anna Caballero (D-Merced) either complemented or modified policy changes made through the budget process or could be termed clean-up. Below is some additional detail on some of the most significant bills.

**Providing School Meals will soon be harder and more expensive.** SB 490 (Caballero) will make the universal meal process more expensive and more difficult for local education agencies (LEAs). The bill requires LEAs that receive federal meal reimbursement funding to largely purchase only products that are domestically grown, packed, or process and to specify so in their solicitation for bids and contracts. There are three exceptions to the requirements:

1. The bid or price of the nondomestic agricultural food product is more than 25 percent lower than the bid or price of the domestic agricultural food product.
2. The quality of the domestic agricultural food product is inferior to the quality of the agricultural food product grown, packed, or produced nondomestically.
3. 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.

LEAs are concerned, with good reason, that SB 490 will further drive up the cost of domestic products (already higher due to supply chain issues) even though the bill does not take effect until January 2024 and if there is an existing contract in place with a food supplier on January 1, 2024, the statute will only apply upon the next successive contract.

Fortunately, the Governor attached a [signing message](#) to the bill which contains these key lines: “This bill may result in additional costs beyond the funding for universal access to subsidized school meals provided in the budget. Any requests for additional resources to implement SB 490 will need to be reviewed and included in the annual budget process.” This language recognizes the potential need for additional funds to cover the costs of the bill when implemented and opens the door for the inclusion of additional funds for our programs in the state budget.

**COVID and natural disasters keep mental health concerns at the forefront.** In addition to the large investment in mental health resources, there were two key bills to increase awareness and response to life-threatening situations. Current law requires the governing board of an LEA that serve pupils in grades 7 to 12 to adopt, before the 2017-18 school year, procedures relating to suicide prevention,

intervention, and postvention in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and also that the governing board of an LEA that serves pupils in Kindergarten and grades 1 to 6 to adopt, before the 2020-21 school year, a policy on pupil suicide prevention in kindergarten in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. [Assembly Bill 58](#) by Assembly Member Rudy Salas (D-Bakersfield) requires an LEA, on or before June 1, 2024, to review and update its policy on pupil suicide prevention, and encourages LEAs commencing with the 2024–25 school year, to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the local educational agency. Specifically, the bill:

- Requires an LEA, on or before January 1, 2025, to revise its training materials to incorporate best practices identified by CDE.
- Encourages an LEA, commencing the 2024–25 school year to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the LEA.
- Requires CDE, on or before June 1, 2024, to complete the development of, and issue to local educational agencies, resources and guidance on how to conduct suicide awareness and prevention training remotely.
- Requires, on or before January 1, 2025, the governing board or body of a local educational agency that serves pupils in kindergarten and grades 1 to 12 to adopt best practices identified by CDE on pupil suicide prevention.

According to Assembly Member Salas, “Youth suicide and self-harm have continued to rise alarmingly in California and across the country. In California, the rate of suicide among those aged 10 to 24 increased 38 percent between 2007 and 2018, according to the a report released by the CDC in 2020. Instances of youth committing acts of self-harm increased by 50 percent during the same period from 2009 to 2018. Suicide is the second leading causes of death among youth ages 10 to 24 and one out of every 15 high school students reports attempting suicide each year.

While the importance of improving youth suicide prevention and student mental health treatment has been brought to the forefront by COVID-19, it is an issue that also goes beyond the pandemic as youth suicides have increased alarmingly over the past few decades.”

On the other hand, [Assembly Bill 2072](#) by Assembly Member Jesse Gabriel (D-Encino) focuses on response to a local disaster - whether a natural disaster or a school shooting. AB 2072 requires, by November 1, 2024, COEs, in consultation with CDE and other relevant state and local agencies, to coordinate agreements between school districts and charter schools within the county to develop a system for rapidly deploying qualified mental health professionals and other key school personnel employed by individual school districts and charter schools throughout the county to areas of the county that experienced a natural disaster or other traumatic event. This bill was introduced not only in response to the situations that schools, students, families and communities have experienced over the last few years - wildfires, COVID-19, and school shootings for example - but also based on a recommendation from the Legislative Analyst’s Office (a nonpartisan office that offers fiscal and policy analysis and guidance to the Legislature) that the Legislature support emergency planning activities at

the LEA level, specifically those that face the greatest risk or might have less capacity to prepare and respond to climate threats without state assistance.

The goal of AB 2072 is to facilitate conversations and planning on the local level so that when disaster strikes, school districts have a mutual aid plan in place that will help ensure that the appropriate mental health professionals are available to provide crisis support and mental health services to students and faculty.

**COVID exposed the need for information sharing.** Federal law establishes the Health Insurance Portability and Accountability Act, more commonly known as HIPAA, which provides privacy protections for patients' protected health information and generally prohibits a covered entity from using or disclosing protected health information except as specified or as authorized by the patient. Current law also establishes the Family Educational Rights and Privacy Act (FERPA) which protects the privacy of student education records. [Senate Bill 1184](#) by Senator Dave Cortese (D-San Jose) authorizes a provider of health care 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 patient or client that complies with HIPAA. This includes an individual that holds a services credential with certain specializations or certain licensed professionals who are 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. The bill comes out of a program in Santa Clara County, the School Linked Services Initiative, and seeks to "close the loop" on community-clinical referrals in school settings and provide improved care coordination for students accessing behavioral health services.

To strengthen student and parent control and privacy, the bill only authorizes this sharing after the client or patient signs a written authorization with their health provider.

COVID remains, COVID testing plans remain. [Senate Bill 1479](#) by Senator Richard Pan (D-Sacramento):

- Requires the California Department of Public Health (CDPH) to coordinate COVID-19 testing programs in LEAs funded by federal resources or organized under the California COVID-19 Testing Task Force;
- Permits CDPH to provide supportive services related to LEA testing plans and testing programs for teachers, staff, pupils, and surrounding communities that help LEAs reopen and operate safely for in-person learning; and
- Requires schools to create a COVID-19 testing plan consistent with CDPH guidance, or adopt the Department's framework.

The bill started out much more stringent but as it moved through the process, as we learned more about COVID, and as more individuals experienced it, SB 1479 became more doable and its focus was narrowed to requiring LEAs to mainly having a testing plan in place. A pediatrician who will be leaving the Legislature November 30, Senator Pan has been one of the strongest advocates for testing and for vaccination.

The Governor signed the following student services bills:

## Child Nutrition

### **[AB 558 \(Nazarian\) - School meals: Child Nutrition Act of 2022.](#)**

This bill requires CDE to develop, and to post on its website by July 1, 2023, guidance for local educational agencies (LEAs) participating in the federal School Breakfast Program that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at an LEA schoolsite. The bill defines “eligible nonschoolaged child” to mean “ a child who is not enrolled in school and who is a sibling, half sibling, or step-sibling of, or a foster child residing with, a pupil who meets the federal eligibility criteria for a free or reduced-price breakfast at an LEA participating in the federal School Breakfast Program that maintains kindergarten or any of grades 1 to 6, inclusive.”

*Chapter 905, Statutes of 2022*

### **[AB 778 \(Garcia, Eduardo\) - Institutional purchasers: purchase of California-grown agricultural food products.](#)**

This bill requires all LEAs that solicit bids for the purchase of an agricultural food product to accept a bid or price for an agricultural food product when it is grown in California before accepting a bid or price for a domestic agricultural food product that is grown outside the state, when (1) the bid or price of the California-grown agricultural 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.

*Chapter 576, Statutes of 2022*

### **[AB 2640 \(Valladares\) - Pupil health: food allergies: California Food Allergy Resource internet web page.](#)**

AB 2640 requires CDE to create the California Food Allergy Resource webpage to provide voluntary guidance to school districts, county offices of education (COEs), and charter schools to help protect pupils with food allergies. The bill requires the webpage to include specified content, including state and federal resources available to pupils with food allergies, methods for pupils, or their parents and guardians, to initiate individualized food allergy management and prevention plans and to obtain food ingredient lists from school food providers, and strategies to minimize the risk of food anaphylaxis in school. The bill encourages LEAs to consult the webpage and use it as an equitable resource to ensure the inclusiveness of pupils with food allergies at school and to make it available to pupils, parents, and guardians annually.

*Chapter 794, Statutes of 2022*

### **[SB 45 \(Portantino\) - Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.](#)**

Current law requires that the methane emissions reduction goals include a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction in the level of statewide disposal of organic waste from the 2014 level by 2025. Current law requires the Department

of Resources Recycling and Recovery (DRRR), in consultation with the State Air Resources Board (SARB), to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025. SB 45 requires DRRR, in consultation with SARB, to assist local jurisdictions in complying with these provisions, including any regulations adopted by DRRR.

*Chapter 445, Statutes of 2022*

**[SB 490 \(Caballero\) - The Buy American Food Act: public institutions: purchase of nondomestic agricultural food products.](#)**

Beginning January 1, 2024, this bill requires all California state-owned or state-run education institutions that receive federal meal reimbursement, including public universities and colleges and LEAs, that purchase agricultural products to only purchase an agricultural product grown, packed, or processed in the United States unless the nondomestic product is more than 25% cheaper than the domestic product, the quality of the domestic agricultural food product is inferior to the quality of the nondomestic product, 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 institution. The bill exempts from its provisions an LEA with annual federal meal reimbursement funding of less than \$1,000,000.

*Chapter 602, Statutes of 2022*

**[SCR 81 \(Rubio\) - School Breakfast Week.](#)**

SCR 81 proclaims March 7, 2022, to March 11, 2022, inclusive, as School Breakfast Week and recognizes the importance of school nutrition programs and school nutrition staff in addressing the needs of the state's pupils.

*Chapter 32, Statutes for 2022*

**[SR 73 \(Borgeas\) - Relative to California Agriculture Day.](#)**

Would resolve that the Senate recognizes and honors all those who work in California agriculture for their dedication and productivity by observing March 22, 2022, as National Agriculture Day, and designating Wednesday, March 23, 2022, as California Agriculture Day.

*Adopted*

## Homeless and Foster Youth

**[AB 408 \(Quirk-Silva\) - Homeless children and youths: reporting.](#)**

Current law requires CDE to develop best practices that an LEA may use to identify and obtain accurate data on all homeless children and youths and unaccompanied youths enrolled in schools of the LEA and a model housing questionnaire, and to post this information on its website. AB 408 requires an LEA, defined to include a school district, COE, charter school, or special education local plan area (SELPA), to establish homeless education program policies that are consistent with state laws and use the above-described resources developed and posted on CDE's website, as well as resources developed by homeless education technical assistance centers. The bill also requires an LEA's liaison for homeless children and youths and unaccompanied youths to offer training on these homeless education policies and the recognition of signed that pupils are experiencing, or are at risk

of experiencing, homelessness, to certificated and classified staff providing services to pupils experiencing homelessness.

*Chapter 904, Statutes of 2022*

#### **[AB 740 \(McCarty\) - Foster youth: suspension and expulsion.](#)**

AB 740 extends the parental notification requirements currently in place for a student's involuntary transfer to a continuation school, suspension, or expulsion, in the case of a foster child, to the foster child's attorney and social worker, and, in the case of an Indian child, the child's tribal social worker and county social worker. This bill also provides a foster child's and Indian child's attorney and social worker with the same rights as parents during the involuntary transfer, suspension, or expulsion process, such as requests for meetings and the ability to inspect all documents.

*Chapter 400, Statutes of 2022*

#### **[AB 1735 \(Bryan\) - Foster care: rights.](#)**

Current law provides that it is the policy of the state that all minors and nonminors in foster care have specified rights. AB 1735 provides that a child who speaks a primary language other than English has the right to receive a copy of their rights in their primary language. The bill also requires, when a child is entitled to receive a copy of the court report, case plan, and transition to independent living plan, those items be provided in the child's primary language.

*Chapter 405, Statutes of 2022*

#### **[AB 2375 \(Rivas, Luz\) - Homeless children and youths and unaccompanied youths: housing questionnaire.](#)**

Current law requires an LEA that receives certain funds from the federal American Rescue Plan Act of 2021 to administer a housing questionnaire and to ensure that, commencing no later than the beginning of the 2021–22 school year, the housing questionnaire is based on best practices developed by CDE. AB 2375 instead requires an LEA, regardless of the receipt of those federal funds, to ensure, by the end of the 2021–22 school year, that the housing questionnaire is based on best practices developed by CDE.

*Chapter 912, Statutes of 2022*

## Mental Health

#### **[AB 58 \(Salas\) - Pupil health: suicide prevention policies and training.](#)**

AB 58 requires an LEA, on or before January 1, 2025, to review and update its policy on pupil suicide prevention, and revise its training materials, to incorporate best practices identified by CDE in the department's model policy. The bill also requires CDE, on or before June 1, 2024, to complete the development of, and issue to LEAs, resources and guidance on how to conduct suicide awareness and prevention training remotely. The bill then encourages an LEA, commencing with the 2024–25 school year, to provide suicide awareness and prevention training to teachers of pupils in all of the grades served by the LEA.

*Chapter 428, Statutes of 2022*

### **[AB 748 \(Carrillo\) - Pupil mental health: mental health assistance posters.](#)**

This bill requires, on or before the start of the 2023–24 school year, each schoolsite in a school district, COE, or charter school, serving pupils in any of grades 6 to 12, inclusive, to create a poster that identifies approaches and shares resources regarding pupil mental health. The bill requires the poster to be prominently and conspicuously displayed in appropriate public areas that are accessible to, and commonly frequented by, pupils at each schoolsite. AB 748 also provides that no basis for civil liability is created by the above provisions for those LEAs.

*Chapter 431, Statutes of 2022*

### **[AB 2072 \(Gabriel\) - Mental health professionals: natural disasters: county offices of education: personnel sharing agreements.](#)**

AB 2072 requires, on or before November 1, 2024, COEs, in consultation with CDE and other relevant state and local agencies, to coordinate agreements between school districts and charter schools within the county to develop a system for rapidly deploying qualified mental health professionals and other key school personnel employed by individual school districts and charter schools throughout the county to areas of the county that experienced a natural disaster or other traumatic event. The bill also requires single school district COEs to enter into agreements with at least one other COE that they share a border with and requires COEs that share a county border with a single school district COE to consult with and enter into agreements with at least one single school district COE.

*Chapter 909, Statutes of 2022*

### **[AB 2317 \(Ramos\) - Children's psychiatric residential treatment facilities.](#)**

This bill requires the California Department of Health Care Services (DHCS) to license and establish regulations for psychiatric residential treatment facilities, which the bill defines as a licensed residential facility operated by a public agency or private nonprofit organization that provides psychiatric services, as prescribed under the Medicaid regulations, to individuals under 21 years of age, in an inpatient setting. The bill requires DHCS to establish regulations for the facilities that include, among other things, the implementation of a plan that is designed to achieve the patient's discharge from inpatient status, step-down service, at the earliest possible time, and which ensures continuity of care with the patient's family, school, and community upon discharge.

*Chapter 589, Statutes of 2022*

### **[ACR 179 \(O'Donnell\) - Student Mental Health Week.](#)**

ACR 179 declares the week of May 9, 2022, to May 13, 2022, inclusive, as Student Mental Health Week.

*Chapter 137, Statutes of 2022*

### **[SB 528 \(Jones\) - Juveniles: medication documentation.](#)**

Upon approval or denial by the juvenile court judicial officer of a request for authorization for the administration of psychotropic medication, existing law requires the person or entity that submitted the request to provide a copy of the court order approving or denying the request to the caregiver. This bill would specify that the court order approving a request shall include the last 2 pages of form JV-220(A) or JV-220(B), and all medication information sheets attached thereto, and require these documents also be provided to the caregiver.

*Chapter 812, Statutes of 2022*

## Pupil Health

### **[AB 32 \(Aguiar-Curry\) - Telehealth.](#)**

AB 32 permits a health care provider, a federally qualified health center (FQHC) or a rural health clinic (RHC) to establish a new patient relationship using an audio-only synchronous interaction (for example, a telephone call) when the visit is related to sensitive services (defined by reference to include health care services related to mental or behavioral health, sexual and reproductive health, sexually transmitted infections, substance use disorder, gender affirming care, and intimate partner violence), and when established in accordance with DHCS-specific requirements and consistent with federal state law, regulations and guidance. The bill also permits a health care provider, an FQHC or RHC to also establish a new patient relationship using an audio-only synchronous interaction when the patient requests an audio-only modality or attests they do not have access to video, and when established in accordance with DHCS specific requirements and consistent with federal and state laws, regulations and guidance. Implements these changes only to the extent that any necessary federal approvals are obtained, federal financial participation is available and not otherwise jeopardized.

*Chapter 515, Statutes of 2022*

### **[AB 1797 \(Weber, Akilah\) - Immunization registry.](#)**

Current law authorizes, but does not require, health care providers and other agencies, including, among others, schools and childcare facilities, to disclose specified immunization information with local health departments and the California Department of Public Health (CDPH), and authorizes local health departments and the department to disclose that same information to each other and to health care providers, schools, and childcare facilities, among others. AB 1797 instead now requires health care providers and other agencies, including schools and childcare facilities, to disclose specified immunization information, and adds the patient's or client's race and ethnicity to the list of information to be disclosed.

*Chapter 582, Statutes of 2022*

### **[AB 1810 \(Levine\) - Pupil health: seizure disorders.](#)**

If a pupil diagnosed with seizures, a seizure disorder, or epilepsy has been prescribed an emergency anti-seizure medication by the pupil's health care provider, AB 1810 authorizes the pupil's LEA, upon receipt of a request from the pupil's parent or guardian, to designate one or more volunteers at the pupil's school to receive initial and annual refresher training regarding the emergency use of anti-seizure medication. The bill also authorizes a school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer who has been designated and received training regarding the emergency use of anti-seizure medication, to administer emergency anti-seizure medication to a pupil diagnosed with seizures, a seizure disorder, or epilepsy if the pupil is suffering from a seizure. The bill requires the Superintendent of Public Instruction to establish minimum standards of training for the administration of emergency anti-seizure medication.

*Chapter 906, Statutes of 2022*

**[AB 2329 \(Carrillo\) - Pupil health: eye examinations: schoolsites.](#)**

This bill authorizes an LEA, defined as a school district, COE, or charter school maintaining kindergarten or any grades 1 to 12, to enter into a memorandum of understanding with a nonprofit eye examination provider to provide noninvasive eye examinations at any schoolsite within the LEA. Eye examinations provided pursuant to the bill's provisions must be supplemental to, and shall not replace, the vision appraisals or screenings provided pursuant to existing law. The bill requires a school to provide parents and guardians with an opportunity to opt out their child from receiving these eye care services and requires CDE, no later than March 1, 2023, to develop and post on its website a model opt-out form for these purposes.

*Chapter 911, Statutes of 2022*

**[AB 2906 \(Patterson\) - Telecommunications: automatic dialing-announcing devices: pupil health and safety exemption.](#)**

Current law authorizes the Public Utilities Commission to control and regulate the use of automatic dialing-announcing devices to a telephone line and specifies the hours during which the devices may not be operated. This bill exempts from that control and regulation the use of an automatic dialing-announcing device for purposes of a school contacting parents or guardians of pupils regarding the health or safety of pupils.

*Chapter 36, Statutes of 2022*

**[SB 1184 \(Cortese\) - Confidentiality of Medical Information Act: school-linked services coordinators.](#)**

The Confidentiality of Medical Information Act prohibits a provider of health care, a health care service plan, or contractor from disclosing medical information, as defined, regarding a patient of the provider of health care or an enrollee or subscriber of the health care service plan without first obtaining an authorization, except as prescribed. SB 1184 authorizes a provider of health care or a health care service plan to disclose medical information to a school-linked services coordinator, pursuant to written authorization.

*Chapter 993, Statutes of 2022*

**[SB 1479 \(Pan\) - COVID-19 testing in schools: COVID-19 testing plans.](#)**

This bill requires every LEA, after consulting with its local health department regarding any local guidance or best practices from the Safe Schools for All Hub, to create a COVID-19 testing plan that is consistent with guidance from CDPH. The bill provides that an LEA can also meet this requirement by adopting the "Preliminary Testing Framework for K-12 Schools for the 2022-23 School Year" that was issued by the California Department of Public Health (CDPH) on May 27, 2022. The bill requires every LEA to publish its testing plan/framework on its website.

*Chapter 850, Statutes of 2022*

**[SCR 65 \(Rubio\) - Teen Dating Violence Awareness and Prevention Month.](#)**

SCR 65 proclaims the month of February 2022 as Teen Dating Violence Awareness and Prevention Month, and calls upon the people of California to observe the month with programs and activities that raise awareness about the dynamics of teen dating violence and that support youth in learning the skills to have safe and healthy relationships.

*Chapter 20, Statutes of 2022*

## Student Services

### **[AB 102 \(Holden\) - Pupil attendance at community colleges: College and Career Access Pathways partnerships: county offices of education.](#)**

AB 102 makes various changes to the College and Career Access Pathways (CCAP) partnership program, including authorizing COEs to enter into CCAP partnership with the community board of California Community College districts, defining high schools for purposes of CCAP partnerships to include a community school continuation high school, juvenile court schools or adult education program offering courses for high school diplomas or high school equivalency certificates, and removing caps on when college courses can be offered in CCAP partnerships. The bill also removes the January 1, 2027 sunset date on CCAPs, effectively enabling CCAP partnerships to continue indefinitely.

*Chapter 902, Statutes of 2022*

### **[AB 2417 \(Ting\) - Juveniles: Youth Bill of Rights.](#)**

Current law requires the Division of Juvenile Justice to close on June 30, 2023, and provides for the transition of youth who are currently housed within a Division of Juvenile Justice facility to the care and custody of counties. In response to this pending closure, AB 2417 clarifies that the Youth Bill of Rights applies to youth confined in any juvenile justice facility, rather than a “facility of the Division of Juvenile Justice Facilities.” The bill also adds rights to the Youth Bill of Rights, including the right of youth confined at juvenile justice facilities to have access to postsecondary academic and career technical education and programs as well as access to information regarding parental rights.

*Chapter 786, Statutes of 2022*

### **[AB 2508 \(Quirk-Silva\) - Pupil services: educational counseling.](#)**

AB 2508 amends currently law to reflect the changes in the school counselor profession over the past 50 years, emphasizing mental health services within a Multi-Tiered System of Support (MTSS) structure. The bill also 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.

*Chapter 153, Statutes of 2022*

### **[AB 2598 \(Weber, Akilah\) - Pupil rights: restorative justice practices.](#)**

This bill requires CDE to develop evidence-based best practices for restorative justice practice implementation on a school campus and to make these best practices available on the department’s website on or before June 1, 2024. In the development of these best practices, the bill requires CDE to consult with school-based restorative justice practitioners, educators and pupils from K-12 public schools, community partners, and nonprofits, and encourages CDE to, to the extent feasible, take into account resources and best practices that have been identified or developed as part of aligned efforts.

*Chapter 914, Statutes of 2022*

### **[ACR 128 \(Medina\) - National School Counseling Week.](#)**

ACR 128 recognizes February 7, 2022, to February 11, 2022, as National School Counseling Week.

*Chapter 17, Statutes of 2022*

**[ACR 184 \(Cooper\) - Girls on the Run of Greater Sacramento Day.](#)**

This Assembly concurrent resolution recognizes May 7, 2022, as Girls on the Run of Greater Sacramento Day and resolves that schools across the Sacramento region should encourage girls in grades 3 to 8, inclusive, to get involved and participate in a nearby Girls on the Run program. Girls on the Run of Greater Sacramento is a nonprofit organization that provides after school running programs in Sacramento, Yolo, and the western slopes of Placer and El Dorado Counties for girls in grades 3-8.

*Chapter 80, Statutes of 2022*

**[ACR 199 \(Bauer-Kahan\) - “Parks Make Life Better!” Month.](#)**

ACR 199 recognizes the importance of access to local parks, trails, open space, and facilities for the health, wellness, development, inspiration, and safety of all Californians and declares the month of July 2022 as “Parks Make Life Better!®” Month.

*Chapter 140, Statutes of 2022*

**[HR 90 \(O'Donnell\) - Relative to Read Across America Day.](#)**

This Assembly Resolution resolves that the Assembly joins the California Teachers Association in recognizing March 2, 2022, as Read Across America Day.

*Adopted*

**[SB 1057 \(Committee on Education\) - Elementary and secondary education: omnibus bill.](#)**

SB 1057 is the annual K-12 education omnibus bill that makes technical, clarifying, conforming, and the non-controversial revisions to a number of provisions in the Education Code. Included changes deal with school district organization, component districts, Saturday and Sunday classes, STEM and CTE programs, and Community Advisory Committees, among other things.

*Chapter 301, Statutes of 2022*

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Capitol Advisors Group has produced a set of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2022. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2023, unless the bill specifically states otherwise.

**Local Educational Agencies (LEAs) must report cybersecurity attacks.** Incidents of cyber attacks on LEAs had already been increasing in recent years, but the COVID-19 Pandemic (and, more specifically, the rapid deployment of remote/online learning) only served to make schools more vulnerable to cyber events. Even as children have returned to in-classroom learning, news of increasingly concerning cyber incidents have continued to surface. Just last month (September, 2022) the Los Angeles Unified School District (LAUSD) suffered a major ransomware attack - a version of cyberattack where data is stolen and then ransomed for some form of payment - and student and staff information was likely compromised.

Due in no small part to events like the one experienced at LAUSD, now more than ever, policymakers in Sacramento have taken an interest in school cybersecurity. To that end, this year, Assemblymember Rudy Salas (D-Bakersfield) authored [AB 2355](#). The bill, which sunsets on January 1, 2027, requires LEAs to report cyberattacks that affect more than 500 pupils or personnel to the California Cybersecurity Integration Center (Cal-CSIC). It further defines a “cyberattack” to mean either:

1. Any alteration, deletion, damage, or destruction of a computer system, computer network, computer program, or data caused by unauthorized access.
2. The unauthorized denial of access to legitimate users of a computer system, computer network, computer program, or data.

The provisions of the bill also include a requirement for Cal-CSIC to establish a database that tracks reports of cyberattacks submitted by LEAs, and further requires Cal-CSIC to annually, by January 1, provide a report to the Governor and the relevant policy committees of the Legislature summarizing the types and number of cyberattacks on LEAs and the types and number of data breaches affecting LEAs that have been reported to the Attorney General.

Understanding that this bill imposes yet another reporting requirement on LEAs, the hope is that having a centralized database detailing these incidents will shine a light on the types of cyberattacks that we know LEAs are dealing with, further opening the eyes of representatives in Sacramento. This database and reporting, combined with more and more headline-grabbing attacks like the one on LAUSD, could eventually lead to some dedicated state-level resources for schools to bolster their cybersecurity programs and defenses.

**State takes aim at online platforms and services accessed by kids.** Over the past several years, California has taken steps to greatly increase the security of all consumers, but in particular, minors, online. For instance, in 2018, the Legislature passed, and voters approved, the California Consumer Privacy Act (CCPA). The CCPA was further refined by a subsequent ballot measure and a handful of pieces of legislation in the years that followed. However, much of those efforts focused on the collection, sale, and use of consumer data, rather than focusing on the products and platforms themselves.

[AB 2273](#), jointly authored by Assemblymembers Buffy Wicks (D-Richmond), Jordan Cunningham (R-San Luis Obispo), and Cottie Petrie-Norris (D-Costa Mesa), establishes the California Age-Appropriate Design Code Act. Modeled after recently enacted law in the United Kingdom, the bill institutes a series of obligations and restrictions on businesses that provide an online service, product, or feature likely to be accessed by a child. The bill additionally establishes a working group to evaluate best practices for the implementation of the bill's provisions.

Set to take effect on January 1, 2024, you can find detailed provisions of the new restrictions and obligations listed in the bill, below. This bill also likely signals an intent of policymakers in Sacramento to continue looking at ways to address how children interact with online materials and platforms - particularly in the context of child mental health. Look for more bills on this issue to surface in the coming years.

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The Governor signed the following technology bills:

[AB 2273 \(Wicks\) - The California Age-Appropriate Design Code Act.](#)

This bill establishes the California Age-Appropriate Design Code Act, placing a series of obligations and restrictions on businesses that provide online services, products, or features likely to be accessed by children. Specifically, the bill:

- Requires a business that provides an online service, product, or feature likely to be accessed by children (“covered business”) to take specified actions, including to:
  - undertake a Data Protection Impact Assessment for any online service, product, or feature likely to be accessed by children, as specified;
  - estimate the age of child users with a reasonable level of certainty appropriate to the risks that arise from the data management practices of the business, or apply the privacy and data protections afforded to children to all consumers;
  - provide any privacy information, terms of service, policies, and community standards concisely, prominently, and using clear language suited to the age of children likely to access that online service, product, or feature;
  - if the online service, product, or feature allows the child’s parent, guardian, or any other consumer to monitor the child’s online activity or track the child’s location, provide an obvious signal to the child when the child is being monitored or tracked;
  - enforce published terms, policies, and community standards established by the business, including, but not limited to, privacy policies and those concerning children; and
  - provide prominent, accessible, and responsive tools to help children, or if applicable their parent or guardian, exercise their privacy rights and report concerns.
- Provides that a covered business shall not engage in specified activity, including:
  - using the personal information of any child in a way that the business knows or has reason to know is materially detrimental to the physical health, mental health, or well-being of a child;

- profiling a child by default, except as specified;
- collecting, selling, sharing, or retaining any personal information that is not necessary to provide an online service, product, or feature with which a child is actively and knowingly engaged, except as specified;
- using the personal information of a child for any reason other than a reason for which that personal information was collected, except as specified;
- collecting, selling, or sharing any precise geolocation information of children by default unless the collection of that precise geolocation information is strictly necessary to provide the service, product, or feature requested and then only for the limited time that the collection of precise geolocation information is necessary to provide the service, product, or feature; and
- collecting, selling, or sharing any precise geolocation information without providing an obvious sign to the child for the duration of that collection that precise geolocation information is being collected.

*Chapter 320, Statutes of 2022*

**[AB 2355 \(Salas\) - School cybersecurity.](#)**

This bill requires an LEA to report a cyberattack impacting 500 or more pupils or personnel to report to the Cal-CSIC, and requires the Cal-CSIC to provide an annual report to the Governor and the Legislature with specified information related to the cyberattacks. Per the provisions of the bill, a "cyberattack" is defined as either of the following:

- any alteration, deletion, damage, or destruction of a computer system, computer network, computer program, or data caused by unauthorized access, or;
- unauthorized denial of access to legitimate users of a computer system, computer network, computer program, or data.

*Chapter 498, Statutes of 2022*

**[AB 2750 \(Bonta, Mia\) - Department of Technology: state digital equity plan.](#)**

This bill requires, by January 1, 2024, the California Department of Technology (CDT) in consultation with the California Public Utilities Commission (CPUC) and the California Broadband Council to develop a state digital equity plan and seek all available federal funding to develop and implement a digital equity plan. The bill also requires that the plan include an identification of the barriers to digital equity faced by specified populations.

*Chapter 597, Statutes of 2022*

**[AB 2752 \(Wood\) - Broadband infrastructure and video service: mapping: subscriber information.](#)**

This bill clarifies that the CPUC can collect address-level data from broadband service providers for broadband mapping requirements.

*Chapter 801, Statutes of 2022*

## **[SB 1172 \(Pan\) - Student Test Taker Privacy Protection Act.](#)**

The CCPA requires a business to inform consumers of the categories of personal information to be collected and the purposes for which the categories of personal information are collected or used and whether that information is sold or shared. This bill restricts the personal information that a business providing educational proctoring services can collect, use, retain, and disclose. It further provides consumers an enforcement mechanism for any violations thereof.

*Chapter 720, Statutes of 2022*

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