



# Legislative Update

October 4, 2018

## INTRODUCTION

August 31, 2018, marked the end of the 2017-18 two-year legislative session. The governor had until September 30, 2018 to take action. The CFT legislative department tracked 723 bills during 2018. Of those, CFT sponsored or co-sponsored 11 bills, took a support position on 209 and took an oppose position on 46. Of the 46 bills on which CFT took an oppose position, 45 failed passage in the legislature and 1 was vetoed by the governor. What follows is a summary of several major pieces of legislation on which the CFT lobbyists worked and their final status.

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## CFT-SPONSORED AND CO-SPONSORED BILLS

### Prohibition on for-profit charter schools, Educational Management Organizations (EMO) and Charter Management Organizations (CMO)

[Assembly Bill 406](#) (*McCarty, D-Sacramento*) prohibits, commencing on or after July 1, 2019, a petitioner that submits a charter school petition for the establishment of a charter school, or a charter school that submits a charter renewal or material revision application, from operating as, or being operated by, as defined, a for-profit corporation, a for-profit Educational Management Organization or a for-profit Charter Management Organization.

> *AB 406 passed off of the Senate Floor on a 28-7-4 vote on July 2, 2018. Subsequently, the bill was signed into law by the governor on September 7, 2018.*

### Parental leave for school and community college employees

[Assembly Bill 2012](#) (*Medina, D-Riverside*) requires a person employed in a position requiring certification qualifications, and a person employed in an academic position, regardless of the type of differential pay system used by the school district or community college district, to receive no less than a certain percentage of his or her regular salary for the remaining portion of the workweek period of parental leave.

> *AB 2012 passed off of the Senate Floor on a 29-9-2 vote on August 27, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.*

### Local Control Funding Formula (LCFF) base grant increase

[Assembly Bill 2808](#) (*Muratsuchi, D-Torrance*), in its original form, would have raised the base grant to school districts by approximately \$35 billion – increasing the LCFF targets by 60%. Unfortunately, the Senate Appropriations Committee significantly amended the Assembly version of the bill to, instead, express the intent of the legislature to enact legislation providing that, beginning in the 2019–20 fiscal year, the state shall begin to provide increases to the LCFF to address the existing inequities in per-pupil funding and fund California K-12 public schools at

a level that is equal to, or above, the average of the top 10 states nationally by 2025 and, at a minimum, to maintain this level of funding indefinitely.

Although aspirational, the coalition formed in support of the bill did not feel that, if enacted, the amended version of the bill would do anything to address the funding issue. In addition, the governor and the Department of Finance did not like the bill, and it was almost certain to be vetoed. Consequently, the coalition in support of the bill, including CFT, ACSA, CSBA, CTA, CASBO, PTA and others, in collaboration with the author, decided that the best course of action was to get a vote on the Senate Floor to demonstrate the strong support of the legislature to address this issue during the next legislative session, then, when it moved to the Assembly Floor for concurrence, move the bill to inactive rather than send it to the governor for what was likely a veto.

*> AB 2808, in its original form, achieved a vote of 70-3-5 on the Assembly Floor on May 31, 2018. Subsequently, the amended version of AB 2808 was voted off of the Senate Floor on a 39-0-1 vote on August 28, 2018. Finally, the bill was moved to the inactive file by the author for the concurrence vote on the Assembly Floor on August 31, 2018.*

## **School safety: Door locks**

[Assembly Bill 3205](#) (*O'Donnell, D-Long Beach*) requires the governing board of a school district, if the governing board of the school district applies for state funding pursuant to the Greene Act for a school modernization project for a school facility constructed before January 1, 2012, to include, as part of the modernization project, locks that allow doors to classrooms and any room with an occupancy of 5 or more persons to be locked from the inside of the room.

The bill provides that these provisions apply only to those projects seeking funding on or after January 1, 2019 and that were submitted to the Division of the State Architect for approval on or after January 1, 2019. AB 3205 provides that these provisions apply only to those projects that propose to renovate, repair or modernize the interior of a school building and do not apply to projects that only propose to renovate, repair or modernize the exterior of a school building, the school grounds or the playing fields of a school.

*> AB 3205 passed off of the Senate Floor on a 39-0-1 vote on August 27, 2018. Subsequently, the bill was signed into law by the governor on September 14, 2018.*

## **Lactation accommodations**

[Senate Bill 937](#) (*Wiener, D-San Francisco*) would have required an employer to provide a lactation room or location that includes prescribed features and requires an employer to provide access to a sink and refrigerator in close proximity to the employee's workspace. Additionally, the bill would have required an employer to develop and implement a policy regarding lactation accommodations and make it available to employees. The bill would have also required an employer to maintain records of requests for lactation accommodations and to give the Labor Commission access to those records.

*> SB 937 passed off of the Assembly Floor on a 57-18-5 vote on August 28, 2018. Subsequently, the bill was vetoed by the governor on September 20, 2018.*

## **Teacher induction tax deduction**

[Senate Bill 1214](#) (*Portantino, D-La Cañada Flintridge*) would have, for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, allow teachers with preliminary credentials to claim a \$2,500 “above-the line” tax deduction, for up to three years, on their personal state income taxes for fees incurred toward the completion of a New Teacher Induction Program approved by the Commission on Teacher Credentialing (CTC). In addition,

SB 1214 would have required the legislature to review the deduction before January 1, 2025. The bill would have only taken effect upon an appropriation of the legislature as a tax deduction.

> *SB 1214 was held on the Assembly Appropriations Committee Suspense File on August 16, 2018.*

## EDUCATION BILLS

### Part-time faculty office hours

[Assembly Bill 310](#) (*Medina, D-Riverside*) would have required each community college district to report the total part-time faculty office hours paid divided by the total part-time faculty office hours taught during the prior fiscal year and to post this information on its website.

> *AB 310 passed off of the Senate Floor on a 39-0-1 vote on August 28, 2018. Subsequently, the bill was vetoed by the governor on September 20, 2018.*

### Charter schools: Free and reduced-price meals

[Assembly Bill 1871](#) (*Bonta, D-Oakland*) requires, commencing with 2019–20 school year, a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers non-classroom-based instruction.

> *AB 1871 passed off of the Senate Floor on a 31-6-3 vote on August 23, 2018. Subsequently, the bill was signed into law by the governor on September 18, 2018.*

### 11th grade alternative assessment

[Assembly Bill 1951](#) (*O'Donnell, D-Long Beach*) would have required, pursuant to specified provisions of the federal Elementary and Secondary Education Act, the Superintendent of Public Instruction to approve a nationally recognized high school assessment that a local educational agency (LEA) may, at its own discretion, administer, if the alternative assessment is approved by the local educational agency's board or body in a public meeting, commencing with the 2020-21 school year, and each year thereafter, in-lieu-of the Smarter Balance Assessment (SBAC) in English language arts and mathematics for grade 11.

AB 1951 would have required the Superintendent of Public Instruction to apportion to the LEA the lesser of the actual cost of administering the alternative assessment and the amount that would have been apportioned to the LEA if it had administered the Smarter Balance Assessment. The bill stated that an LEA may administer only one nationally recognized high school assessment in-lieu-of the Smarter Balance Assessment in English language arts and mathematics.

> *AB 1951 passed off of the Senate Floor on a 38-0-2 vote on August 27, 2018. Subsequently, the bill was vetoed by the governor on September 28, 2018.*

### LGBTQ professional development

[Assembly Bill 2153](#) (*Thurmond, D-Richmond*) would have required each school operated by a school district or county office of education and each charter school to annually provide in-service training to teachers of grades 7 to 12, and all other certificated employees at that school, on school site and community resources for the support of lesbian, gay, bisexual, transgender, queer and questioning (LGBTQ) pupils as well as strategies to increase support for LGBTQ pupils and thereby improve overall school climate.

> *AB 2153 passed off of the Senate Floor on a 34-3-3 vote on August 27, 2018. Subsequently, the bill was vetoed by the governor on September 30, 2018.*

## Special education teachers: Grant program

[Assembly Bill 2168](#) (Thurmond, D-Richmond) would have required the establishment of a statewide framework and training and support network for the purpose of training and supporting qualified mentor teachers who would have been supporting the new statewide influx of special education teachers to be contingent upon an appropriation in the annual Budget Act. The bill would have required the Department of Education to allocate a one-time grant of \$500,000 to an eligible entity with demonstrated expertise in the area of teacher retention at elementary and secondary schools. In addition, the bill would have required the Department of Education to offer \$1.5 million as grants to local educational agencies to create or expand local and regional infrastructure to support special education mentoring for the purpose of supporting the retention of new special education teachers.

*> AB 2168 passed off of the Senate Floor on a 39-0-1 vote on August 29, 2018. Subsequently, the bill was vetoed by the governor on September 20, 2018.*

## School safety: Bullying

[Assembly Bill 2291](#) (Chiu, D-San Francisco) requires local educational agencies to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. In addition, AB 2291 requires the Department of Education to post on its website the online training module developed by the Department and an annually updated list of other available online training modules relating to bullying or bullying prevention. The bill also requires a school operated by a school district or a county office of education and a charter school to annually make available the online training module developed by the Department to certificated schoolsite employees and all other schoolsite employees who have regular interaction with pupils.

*> AB 2291 passed off of the Senate Floor on a 39-0-1 vote on August 23, 2018. Subsequently, the bill was signed into law by the governor on September 18, 2018.*

## Pathways to Success Grant: Dual-language immersion and bilingual programs

[Assembly Bill 2514](#) (Thurmond, D-Richmond) establishes the Pathways to Success Grant with the goal of providing pupils in preschool, transitional kindergarten, kindergarten and grades 1 to 12 with dual-language immersion programs, developmental bilingual programs for English learners, or early learning dual-language learners programs. AB 2514 also requires the State Department of Education to administer the program and, commencing September 1, 2019, requires the Department to award a minimum of 10 one-time grants up to \$300,000 per grant to school districts and consortia of school districts in partnership with other specified entities. Finally, the bill requires the Department of Education to submit a report to the legislature detailing the successes, best practices and other information gathered by the program on or before June 30, 2025.

*> AB 2514 passed off of the Senate Floor on a 31-4-5 vote on August 24, 2018. Subsequently, the bill was signed into law by the governor on September 26, 2018.*

## Sexual health education in charter schools

[Assembly Bill 2601](#) (Weber, D-San Diego) requires, commencing with the 2019–20 school year, charter schools to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education.

*> AB 2601 passed off of the Senate Floor on a 27-10-3 vote on August 21, 2018. Subsequently, the bill was signed into law by the governor on September 18, 2018.*

## **Ethnic studies grant program**

[Assembly Bill 2772](#) (*Medina, D-Riverside*) would have authorized the governing board of a school district to apply to the Department of Education for a grant to fund a semester or year-long course in ethnic studies that the governing board would require each pupil to complete while in any of grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. The bill would have also required the board to base any course required as part of the grant program on the model curriculum in ethnic studies adopted by the State Board of Education.

*> AB 2772 passed off of the Senate Floor on a 31-6-3 vote on August 29, 2018. Subsequently, the bill was vetoed by the governor on September 30, 2018.*

## **Student services: Lactation accommodations**

[Assembly Bill 2785](#) (*Rubio, D-Baldwin Park*) requires community colleges and the California State University, and encourages satellite campuses, to provide reasonable accommodations to a lactating student to express breast milk, breast feed an infant child, or address other needs related to breast feeding. The bill also requires educational institutions to provide a sink in the new construction, replacement, expansion or renovation, in addition to access to a private and secure room for breastfeeding students.

*> AB 2785 passed off of the Senate Floor on a 39-0-1 vote on August 22, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.*

## **Late start time**

[Senate Bill 328](#) (*Portantino, D-La Cañada Flintridge*) would have required the school day for middle schools and high schools, including those operated as charter schools, to begin no earlier than 8:30 am by July 1, 2021 or the date on which a school district's collective bargaining agreement that is operative on January 1, 2019 expires, whichever is later, except for rural school districts. In addition, the bill would have encourage the State Department of Education to post specified information on its website, including research on the impact of sleep deprivation on adolescents and the benefits of a later start time, and to advise school districts of this posting.

*> SB 328 failed passage on the Assembly Floor on a 26-30-23 vote on September 14, 2017. However, the author was granted "reconsideration." Therefore, the bill was brought back to the Assembly Floor and passed on a 41-34-5 vote on August 31, 2018. Subsequently, the bill was vetoed by the governor on September 20, 2018.*

## **Special education: IEP translation services**

[Senate Bill 354](#) (*Portantino, D-La Cañada Flintridge*) would have required a local educational agency to take any action necessary to ensure that the parent understands the proceedings during the planning process for the individualized education program (IEP), including during the IEP team meeting. The bill would have required this action to include communicating in the native language of the parent, arranging for an interpreter, providing translation services and providing alternative communication services. In addition, the bill would have required, upon the request of the pupil's parent, to translate in their native language the pupil's completed IEP. Finally, SB 354 would have required, for a parent whose native language is one of the 8 most commonly spoken languages, that the completed IEP and any revisions be translated within 30 calendar days of that meeting.

*> SB 354 passed off of the Assembly Floor on a 65-10-5 vote on August 29, 2018. Subsequently, the bill was vetoed by the governor on September 26, 2018.*

## **Suspensions and expulsions for willful defiance**

[Senate Bill 607](#) (*Skinner, D-Berkeley*) would have, commencing on July 2019, expanded the prohibition for suspending a pupil in a public school for willful defiance from the current grades of K-3 to included grades 4-5. In addition, the bill would have, commencing on July 2019 until July 1, 2023, prohibited a public school from suspending a student in grades 6-8 for willful defiance. Finally, commencing on July 1, 2019, the bill would have added charter schools to these same prohibitions.

*> SB 607 passed off of the Assembly Floor on a 51-23-2 vote on August 31, 2018. Subsequently, the bill was vetoed by the governor on September 30, 2018.*

## **Arts for Every Student Incentive Grant Program**

[Senate Bill 933](#) (*Allen, D-Santa Monica*) would have established the Arts for Every Student Incentive Grant Program to be administered by the Department of Education to encourage and maintain the delivery of high-quality visual and performing arts education programs and provide a jump start for underserved local educational agencies that lack the capacity to provide access to a visual and performing arts education to every pupil and provide opportunities for pupils who are individuals with exceptional needs to participate in arts education programs and curricula. SB 933 would have required the Department of Education to provide grants to eligible applicants for the program based on a scoring system that would have been weighted toward LEAs that have a demonstrated commitment to high-quality visual and performing arts education and equity.

*> SB 933 passed off of the Assembly Floor on a 75-3-2 vote on August 27, 2018. Subsequently, the bill was vetoed by the governor on September 23, 2018.*

## **Postsecondary education: Mental health counselors**

[Senate Bill 968](#) (*Pan, D-Sacramento*) would have required the Trustees of CSU, and request the Regents of the UC, to hire one full-time equivalent mental health counselor per a specified number of students at each of their respective campuses to the fullest extent consistent with state and federal law. The bill also would have required a campus survey to understand student needs regarding their mental health.

*> SB 968 passed off of the Assembly Floor on an 80-0-0 vote on August 29, 2018. Subsequently, the bill was vetoed by the governor on September 23, 2018.*

## **Postsecondary education: Health professional program**

[Senate Bill 1348](#) (*Pan, D-Sacramento*) amends existing law relating to the Strong Workforce Program. The bill requires the Chancellor, for each community college program that offers a certificate or degree related to allied health professionals, to report specified information, including the number of students participating in a clinical training and the license number or employer ID number of each clinical training site, delineated by program and occupation, with multi-year implementation for the reporting.

*> SB 1348 passed off of the Assembly Floor on a 55-24-1 vote on August 30, 2018. Subsequently, the bill was signed into law by the governor on September 28, 2018.*

## LABOR BILLS

### **Classified employees: Part-time playground positions in merit districts**

[Assembly Bill 2160](#) (Thurmond, D-Richmond) deletes the provisions exempting part-time playground positions in a merit district from the classified service, thereby making those positions part of the classified service in a merit district. The bill requires the part-time playground position to be deemed a permanent employee of the school district or community college district, without placement on an eligibility list or examination for purposes of placement on an eligibility list for a school district or community college district that has adopted the merit system.

> AB 2160 passed off of the Senate Floor on a 26-11-3 vote on August 28, 2018. Subsequently, the bill was signed into law by the governor on September 18, 2018.

### **Classified service merit system: Community representatives**

[Assembly Bill 2261](#) (Friedman, D-Glendale) requires positions established for the employment of community representatives in advisory or consulting capacities to be considered part of the classified service.

> AB 2261 passed off of the Senate Floor on a 26-13-1 vote on August 21, 2018. Subsequently, the bill was signed into law by the governor on September 7, 2018.

### **Peace officer training: Commercial sexual exploitation of children**

[Assembly Bill 2992](#) (Daly, D-Anaheim) requires the Commission on Peace Officer Standards to develop a course on commercial sexual exploitation of children and victims of human trafficking. The bill requires the course to include specified topics and components including, among others, recognizing indicators of commercial sexual exploitation, appropriate interviewing techniques, local and state resources available to first responders and issues of stigma. The bill requires the Commission to develop the course in consultation with survivors, agencies and advocates, as specified.

> AB 2992 passed off of the Senate Floor on a 39-0-1 vote on August 21, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.

### **Employment discrimination: Enforcement**

[Assembly Bill 3080](#) (Gonzalez Fletcher, D-San Diego) would have protected an employee when disclosing to any person an instance of sexual harassment that the employee suffers, witnesses, or discovers in the workplace, and to exercise any right, obligation, or participation in any investigation with respect to unlawful harassment or discrimination.

The bill also would have prohibited an employer from requiring any applicant for employment or any employee to waive any right for a violation of any provision of the California Fair Employment and Housing Act as a condition of employment. The bill also would have prohibited an employer from threatening, retaliating or discriminating against, or terminating any applicant for employment or any employee because of the refusal to consent to the waiver of any right for a violation of specific statutes governing employment.

> AB 3080 passed off of the Senate Floor on a 26-12-2 vote on August 22, 2018. Subsequently, the bill was vetoed by the governor on September 30, 2018.

## **Employment: Sexual harassment**

[Assembly Bill 3081](#) (*Gonzalez Fletcher, D-San Diego*) would have required an employer that contracts out for labor, all civil legal responsibility and civil liability for harassment for all workers supplied by that labor contractor. This bill also would have prohibited an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment. The bill would have established a rebuttable presumption of unlawful retaliation based on the employee's status as a victim of domestic violence, sexual assault, sexual harassment or stalking if an employer took specific actions within 30 days following the date that the victim provided notice to the employer or the employer had actual knowledge of the status.

> *AB 3081 passed off of the Senate Floor on a 25-13-2 vote on August 29, 2018. Subsequently, the bill was vetoed by the governor on September 30, 2018.*

## **Employment and agency fees**

[Senate Bill 846](#) (*Committee on Budget and Fiscal Review*) prohibits the state Controller, a public employer, an employee organization or any of their employees from being liable under state law for, and will grant to them a complete defense to, any claims or actions under California law for requiring, deducting, receiving or retaining agency or fair share fees from public employees and denies judicial standing to current or former public employees to pursue these claims or actions, if the fees were permitted at the time and paid prior to June 27, 2018. The bill specifies that its provisions apply to pending claims.

> *SB 846 passed off of the Assembly Floor on a 56-24-0 vote on August 29, 2018. Subsequently, the bill was signed into law by the governor on September 19, 2018.*

## **Unlawful employment practices: Discrimination and harassment**

[Senate Bill 1300](#) (*Jackson, D-Santa Barbara*) specifies that an employer may be responsible for the acts of non-employees with respect to other harassment activity. It also prohibits an employer, in exchange for a raise or bonus, or as a condition of employment or continued employment, from requiring the employee to release a claim or right under the Fair Employment and Housing Act (FEHA) or to require an employee to sign a non-disparagement agreement or other document that purports to deny the employee the right to disclose information about unlawful acts in the workplace, including, but not limited to, sexual harassment.

> *SB 1300 passed off of the Assembly Floor on a 41-33-6 vote on August 31, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.*

## **Employers: Sexual harassment training**

[Senate Bill 1343](#) (*Mitchell, D-Los Angeles*) requires an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all supervisory employees and at least 1 hour of sexual harassment training to all non-supervisory employees by January 1, 2020, and once every 2 years thereafter. The bill requires the Department of Fair Employment and Housing to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the department's website.

> *SB 1343 passed off of the Assembly Floor on a 78-0-2 vote on August 31, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.*



## Peace officer release of records

[Senate Bill 1421](#) (*Skinner, D-Berkeley*) makes certain records pertaining to when an officer either uses force that results in death or great bodily injury, discharges a firearm, or if any record relating to a sustained finding that an officer engaged in sexual harassment involving a member of the public, or a sustained finding that an officer was dishonest relating to the reporting, investigation, or prosecution of a crime, committed perjury, made false statements or reports, or engaged in the destruction or falsification or concealing of evidence, be made available by a public records request. Records may be redacted in part for specific reasons that would endanger an officer or any other person.

*> SB 1421 passed off of the Assembly Floor on a 44-30-6 vote on August 31, 2018. Subsequently, the bill was signed into law by the governor on September 30, 2018.*

## ENVIRONMENTAL BILLS

### State lands: Oil and gas leasing

[Assembly Bill 1775](#) (*Muratsuchi, D-Torrance*) prohibits the State Lands Commission from entering into any new lease authorizing new construction of oil and gas-related infrastructure upon tidelands and submerged lands within state waters issued after January 1, 2018. The bill requires the Commission, or a local trustee, when approving or denying any lease renewal to follow a specified process.

*> AB 1775 passed off of the Senate Floor on a 26-9-5 vote on August 29, 2018. Subsequently, the bill was signed into law by the governor on September 8, 2018.*

### Pesticide reporting

[Assembly Bill 2816](#) (*Muratsuchi, D-Torrance*) requires the Department of Pesticide Regulation, on or before January 1, 2021, to submit a report to the legislature that evaluates the implementation, and the effect of the implementation, of the Healthy Schools Act of 2000 and that provides recommendations on improving the implementation and efficacy of the Healthy Schools Act of 2000.

*> AB 2816 passed off of the Senate Floor on a 34-3-3 vote on August 23, 2018. Subsequently, the bill was signed into law by the governor on September 23, 2018.*

### State lands: Oil and gas leasing

[Senate Bill 834](#) (*Jackson, D-Santa Barbara*) prohibits the State Lands Commission from entering into any new lease authorizing new construction of oil and gas-related infrastructure upon tidelands and submerged lands within state waters issued after January 1, 2018. The bill requires the Commission, or a local trustee, when approving or denying any lease renewal, to follow a specified process.

*> SB 834 passed off of the Assembly Floor on a 45-25-10 vote on August 29, 2018. Subsequently, the bill was signed into law by the governor on September 8, 2018.*

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