



# Legislative Update

November 20, 2019

## Know the new laws in 2020

The governor signed eight CFT-sponsored bills from the 2019 legislative session into law, as well as numerous others of import to educators and support staff in California schools and colleges. Below is a summary of significant bills that will become law in 2020. You will also find significant bills vetoed by the governor along with his veto message. The CFT positions are indicated. The next legislative session begins when the Legislature reconvenes on January 6, 2020.

### ALL-UNION

#### The Public Preschool, K-12 and College Health and Safety Bond Act of 2020

[Assembly Bill 48](#) (O'Donnell, D-Long Beach) places a \$15 billion statewide bond on the March 2020 ballot for consideration by California voters to fund new and renovate existing preschool through university facilities. The bond, if passed by voters, will provide \$9 billion for K-12 school districts and \$2 billion each for community colleges, the California State University and University of California systems. **Position:** Support

*AB 48 was signed into law by the governor on October 7, 2019.*

### LABOR

#### Deems independent contractors to be employees

[Assembly Bill 5](#) (Gonzalez, D-San Diego) codifies a unanimous 2018 California Supreme Court Decision, *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, which applies the "ABC Test" to determine if a worker is an employee or an independent contractor. Workers shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation or business. **Position:** Support

*AB 5 was signed into law by the governor on September 18, 2019*

### PREK-12 SCHOOLS

#### Charter school authorization

[Assembly Bill 1505](#) (O'Donnell, D-Long Beach) addresses a number of charter school policy issues, including the following: 1) allowing charter school authorizers to consider how the charter school

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would financially impact the community and neighborhood schools; 2) creating a limited appeal process to the State Board of Education which would only hear appeals for a charter school that can show the local educational agency abused its discretion; 3) requiring charter school authorizers to use the state accountability system as a basis for charter school renewal and allowing authorizers to close a charter school for fiscal and governance concerns or if the charter school is not serving all student populations; 4) ensuring that every teacher at a charter school has the appropriate credential for their assignment and a state level background check; and 5) establishing a two-year moratorium on non-classroom based charter schools, with a commitment to reform the sector in the next two years. **Position:** Co-Sponsor

*AB 1505 was signed into law by the governor on October 3, 2019.*

## **Charter school location**

[Assembly Bill 1507](#) (Smith, D-Santa Clarita) closes a loophole in current law which allows a charter school to operate outside of its authorizing district. The bill ends the practice of local school districts being forced to accept a charter school in their district if it was authorized by a different school district. **Position:** Co-Sponsor

*AB 1507 was signed into law by the governor on October 3, 2019.*

## **Charter school transparency**

[Senate Bill 126](#) (Leyva, D-Chino) requires charter schools to adhere to the Ralph M. Brown or Bagley Keene Open Meetings Act, the California Public Records Act, and the Political Reform Act. **Position:** Co-Sponsor

*SB 126 was signed into law by the governor on March 5, 2019.*

## **Requires standard certification for student immunization exemptions**

[Senate Bill 276](#) (Pan, D-Sacramento) requires the California Department of Public Health (CDPH) to develop a standardized medical exemption certification form to be used by licensed physicians, which beginning January 1, 2021, will be the only documentation of a medical exemption that is acceptable. The bill also requires the CDPH to review all medical exemptions from schools or institutions with an immunization rate of less than 95 percent, physicians who have submitted five or more medical exemptions in a calendar year, and schools or institutions that do not provide reports of vaccination rates to the CDPH. **Position:** Support

*SB 276 was signed into law by the governor on September 9, 2019.*

## **Student immunization exemption requirements continued**

[Senate Bill 714](#) (Pan, D-Sacramento) is a companion bill to SB 276 that aims to prevent fraudulent medical exemptions for mandatory vaccinations and makes further amendments to medical exemption requirements. SB 714 allows a child with a medical exemption, as of January 1, 2020, to continue to enroll in any public or private school, child care center, family day care home, or developmental center in the state until the child enrolls in the next grade span, which are 1) Birth to preschool; 2) Grades TK-6; and 3) Grades 7-12.

SB 714 also prohibits medical exemptions issued prior to January 1, 2020, from being revoked unless they are issued by a physician who has been subject to disciplinary action by a licensed board. The bill also removes the penalty of perjury provision of SB 276 for physicians signing medical forms. **Position:** No Position/Late Gut-and-Amend

*SB 714 was signed into law by the governor on September 9, 2019.*

## Requires later school start time for many middle and high schools

[Senate Bill 328](#) (Portantino, D-La Cañada Flintridge) requires the school day for middle schools and high schools, including those operated as charter schools, to begin no earlier than 8 am and 8:30 am respectively, by January 1, 2022, or the date in which a district's collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later. The start time restriction would not apply to rural school districts. **Position:** Watch

*SB 328 was signed into law by the governor on October 13, 2019.*

## Prohibits student suspensions for willful defiance

[Senate Bill 419](#) (Skinner, D-Berkeley) prohibits, beginning July 1, 2020, the suspension of a student enrolled in a school district or charter school in grades 4 and 5 for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties. In addition, the bill prohibits, from July 1, 2020, until July 1, 2025, the suspension of a student enrolled in a school district or charter school in any of grades 6 to 8 for willful defiance.

**Position:** Watch

*SB 419 was signed into law by the governor on September 9, 2019.*

## Collects data on school lockdowns and multi-option response drills

[Senate Bill 541](#) (Bates, R-Laguna Niguel) requires the California Department of Education (CDE) and local educational agencies (LEAs) to collect data pertaining to lockdown or multi-option response drills conducted at school sites within school districts, county offices of education, and charter schools. The bill also requires the CDE to conduct, or contract to conduct, a study that identifies, among other things, best practices for age-appropriate drills. Finally, SB 541 requires the data and the study to be submitted to the governor and relevant policy committees of the Legislature on or before November 1, 2021. **Position:** Watch

*SB 541 was signed into law by the governor on October 12, 2019.*

## CLASSIFIED EMPLOYEES

### Shortens probation for classified in non-merit K-12 districts

[Assembly Bill 1353](#) (Wicks, D-Oakland) shortens the maximum length of a prescribed period of probation from not exceeding one year to not exceeding six months or 130 days of paid service, whichever is longer. In addition, AB 1353 provides that, to the extent these provisions conflict with a collective bargaining agreement entered into before January 1, 2020, these provisions would not apply until the expiration or renewal of that agreement. **Position:** Sponsor

*AB 1353 was signed into law by the governor on October 7, 2019.*

### Requires training for school security officers and security guards

[Senate Bill 390](#) (Umberg, D-Santa Ana) requires school security officers employed by a school district, charter school, county office of education, or community college district, commencing July 1, 2021, and security guards working on the property of a school district, charter school, county office of education, or community college district to complete a training course regardless of the number of hours worked per week. **Position:** Support

*SB 390 was signed into law by the governor on October 2, 2019.*

## COMMUNITY COLLEGE

### Improves Public Service Loan Forgiveness calculation for part-time faculty

[Assembly Bill 463](#) (Cervantes, D-Riverside) factors in part-time faculty preparation time and office hours in the calculation for qualifying for the federal Public Service Loan Forgiveness (PSLF) Program by creating a 3.35 multiplier to class time. In addition, AB 463 requires the chancellor's office to develop and provide to community college districts materials designed to increase awareness of the federal PSLF program among faculty members. AB 463 also requires the governing board to annually provide this information to faculty members. Finally, AB 463 requires a community college district to annually provide a faculty member who is enrolled in the federal PSLF program with notice of renewal and a copy of the employment certification form with the employer portion of the form already completed. **Position:** Sponsor

*AB 463 was signed into law by the governor on October 4, 2019.*

### Eases student apprenticeship program entry

[Assembly Bill 595](#) (Medina, D-Riverside) authorizes a student enrolled in a community college class or classes pursuant to an apprenticeship training program or an internship training program who does not have a Social Security number to use an individual tax identification number for purposes of any background check required by the class or program. **Position:** Co-Sponsor

*AB 595 was signed into law by the governor on August 30, 2019.*

### Redirects funds to assist students in emergencies

[Assembly Bill 943](#) (Chiu, D-San Francisco) authorizes the use of Student Equity and Achievement Program funding for emergency student financial assistance to help students overcome unforeseen financial challenges that directly impact the student's ability to persist in their course of study, such as the need for food or shelter. **Position:** Co-Sponsor

*AB 943 was signed into law by the governor on October 4, 2019.*

### Changes governing board elections in certain districts

[Assembly Bill 1150](#) (Gloria, D-San Diego) requires a candidate for election as a member of the governing board of the San Diego Community College District and the Grossmont-Cuyamaca Community College District to submit at least 40 valid signatures to qualify for the ballot.

**Position:** Sponsor

*AB 1150 was signed into law by the governor on October 8, 2019.*

## ALL PUBLIC HIGHER EDUCATION

### Requires designation of Dreamer Resource Liaisons

[Assembly Bill 1645](#) (Rubio, D-Baldwin Park) requires the California Community Colleges and the California State University, and requests the University of California, commencing with the 2020-21 academic year, to designate a Dreamer Resource Liaison who is knowledgeable in financial aid and other support services to assist students who qualify for the exemption from paying non-residential tuition established by AB 540 in 2001. The bill also encourages the establishment of Dream Resource Centers on each campus. **Position:** Watch

*AB 1645 was signed into law by the governor on October 12, 2019.*

## UNIVERSITY

### Recognizes UC-AFT librarians

[Senate Concurrent Resolution \(SCR\) 29](#) (Leyva, D-Chino) recognizes June 27, 2019, as the anniversary of University Council-AFT representing Unit 17 librarians at the University of California. **Position:** Sponsor

*SCR 29 passed off of the Assembly Floor with a 77-0-2 vote on August 12, 2019. Subsequently, the resolution passed off of the Senate Floor with a 39-0-1 concurrence vote on August 22, 2019 and was enacted.*

## VETOED BILLLS

Gov. Gavin Newsom also vetoed some significant bills. You can read his veto messages in the accompanying links.

### Required full-day kindergarten program

[Assembly Bill 197](#) (Weber, D-San Diego) would have required schools in districts offering kindergarten, and charter schools serving students in early primary grades, to implement at least one full-day kindergarten program. AB 197 would have required that the minimum school day for full-day kindergarten would have to equal the number of minutes offered to students in the first grade.

**Position:** Watch

*AB 197 was vetoed by the governor on October 13, 2019. [A veto message can be found here.](#)*

### Paid maternity leave for K-14 certificated and classified employees

[Assembly Bill 500](#) (Gonzalez, D-San Diego) would have required K-14 districts to provide certificated and classified employees a paid leave when an employee is required to be absent for a length of time to be determined by the employee and their doctor for a minimum of six weeks for pregnancy, miscarriage, childbirth and recovery. **Position:** Sponsor

*AB 500 was vetoed by the governor on October 13, 2019. [A veto message can be found here.](#)*

### Grade 11 assessment alternatives

[Assembly Bill 751](#) (O'Donnell, D-Long Beach) would have established the Pathways to College Act which would have required the Superintendent of Public Instruction to approve one or more nationally recognized high school assessments (i.e., SAT or ACT) that a local educational agency could, at its own discretion, administer in lieu of the Grade 11 Smarter Balanced Summative Assessment. **Position:** Support

*AB 751 was vetoed by the governor on October 12, 2019. [A veto message can be found here.](#)*

### Training for mandated child abuse reporting at community colleges

[Assembly Bill 1153](#) (Wicks, D-Oakland) would have established the Child Abuse Reporting Training Act of 2020 and required each governing board of a community college to 1) annually train, using an online training module, employees and administrators of the district who are mandated reporters on the reporting requirements; 2) develop a process for those persons to provide proof of completing this training within six weeks of each academic year or within six weeks of that person's employment; and 3) develop a process to identify students who are minors enrolled in classes at a community college district and provide that information only to faculty members and other employees who are mandated reporters. **Position:** Sponsor

*AB 1153 was vetoed by the governor on October 13, 2019. [A veto message can be found here.](#)*

## Created the California Tax Expenditure Review Board

[Senate Bill 468](#) (Jackson, D-Santa Barbara) would have established the California Tax Expenditure Review Board as an independent advisory body to comprehensively assess major tax expenditures and make recommendations to the Legislature. **Position:** Support

*SB 468 was vetoed by the governor on October 11, 2019. [A veto message can be found here.](#)*

## Required special education IEPs be translated into multiple languages

[Senate Bill 695](#) (Portantino, D-La Cañada Flintridge) would have required a local educational agency (LEA), upon a parent's request, to translate the following for a parent whose native language is one of the eight commonly spoken languages, excluding English:

- the student's completed Individual Education Plan (IEP) plus any revisions,
- any evaluation, assessment, or progress data used to determine eligibility or to develop the IEP that is discussed at an IEP team meeting.

The LEA would have 30 calendar days from the IEP meeting, or within 30 calendar days of a later request by the parent, to provide the translation. **Position:** Support

*SB 695 was vetoed by the governor on October 12, 2019. [A veto message can be found here.](#)*

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