
The FISCAL REPORT 32 informational update

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Top Legislative Issues for 2017—September 8, 2017

The last dash to the end of the legislative year kicked off with the second house Appropriations Committee deadline. On Friday, September 1, 2017, when the Senate and Assembly Appropriations Committees each took up their “Suspense Files,” nearly 150 bills became done for the year—but the bills that made it off “suspense” surge forward on a sprint to Governor Jerry Brown’s Desk.

Over the past few months, we have highlighted the bills that would have a significant effect on education, many of which also come with significant price tags, making them particularly susceptible to the Appropriations Committee process. Some of the “Top Legislative Issues” were held in Committee and will go no further, including:

- **Assembly Bill (AB) 410 (Cervantes, D-Corona)** would have prohibited local educational agencies (LEAs) from charging teachers a fee to participate in a beginning teacher induction program.
- **AB 1321 (Weber, D-San Diego)** would have required the State Superintendent of Public Instruction (SSPI), the State Controller, and the Director of Finance to ensure that the state report card, required by the federal Every Student Succeeds Act, includes per-pupil expenditures of federal, state, and local funds for each LEA and school in the state. This bill would have also required the SSPI to ensure that each LEA collect appropriate data and include it in the annual report of per-pupil expenditures.

For those bills that did pass the Appropriations Committee, hundreds have been amended over the past few days, to address cost concerns or any issues that would make them potentially less successful in seeking Governor Brown’s signature. Bills will get a full floor vote in the second house and, if they have been amended during their time there, will go back to their house of origin for a vote of concurrence on the amendments and it’s off to Governor Brown’s Desk.

This all must be done before Friday, September 15, the deadline for bills to be sent to Governor Brown in the regular session. Due to the passage of Proposition 54 this past November, all bills must be published in print and online at least 72 hours before each house of the Legislature can vote on it. This means that, unlike previous years when the Legislature could waive rules to amend bills up to the very last minute of the deadline, all amended bills must be in print by Tuesday, September 12 in order to comply with the 72-hour rule in the California Constitution. The summaries of some of the key bills that made it out of the Appropriations Committees can be found below.

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Employees

AB 568 (Gonzalez Fletcher, D-San Diego)—School and Community College Employees: Paid Maternity Leave. As amended on September 1, 2017, this bill would require the governing board of a school district, the governing body of a charter school, and the governing board of a community college district (CCD) to provide at least six weeks of a leave of absence with full pay for a certificated, academic, or classified employee who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. The bill would authorize the paid leave to begin before and continue after childbirth, provided that the employee is actually disabled by pregnancy, childbirth, or a related condition. This leave would not diminish the employee's right to other leaves of absence such as disability leave, sick leave, bonding leave, vacation leave, and pregnancy leave under the California Fair Employment and Housing Act.

Facilities

AB 10 (Garcia, D-Bell Gardens)—Feminine Hygiene Products: Public School Restrooms. AB 10 would require public schools maintaining grades 6 through 12, inclusive, that meets the 40% poverty threshold to operate a federal Title I schoolwide program to stock at least 50% of their restrooms with feminine hygiene products at all times and at no charge to students. Citing such products as necessary for the health and well-being of students, the bill's proponents argue that such products are medical necessities. AB 10 is in the Assembly for concurrence on amendments that occurred in the Senate and is well on its way to Governor Brown.

AB 203 (O'Donnell, D-Long Beach)—School Facilities: Design and Construction. AB 203 would require the California Department of Education (CDE) to adopt regulations allowing for the funding of flexible instructional facilities and to collaborate with the Office of Public School Construction (OPSC) to align those regulations to the State School Facility Program regulations administering state bond funds. The bill also would require the CDE to develop strategies to provide technical assistance support to small school districts in accessing state funds. Finally, the bill would require OPSC and the Division of the State Architect (DSA) to submit a report to the Senate and Assembly Education and Appropriations Committees that includes the feasibility of using a single application for state school facility approval with CDE, OPSC, and DSA, or if the report determines that a single application is not feasible, include recommendations to reduce duplicative information. The report is due to the Legislature no later than July 1, 2018. AB 203 is awaiting a full vote of the Senate and is required to go back to the Assembly for concurrence on Senate amendments before being presented to the Governor for his consideration.

Governance and District Operations

Senate Bill (SB) 328 (Portantino, D-La Cañada Flintridge)—Pupil Attendance: School Start Time. Commencing on July 1, 2020, this bill would prohibit LEAs from beginning the school day for middle schools and high schools earlier than 8:30 a.m. However, rural school districts would be authorized to seek a waiver from the State Board of Education (SBE) to delay implementation of this limitation.

SB 751 (Hill, D-San Mateo)—School Finance: School Districts: Annual Budgets: Reserve Balance. This bill would amend the school district reserve cap by:

- Modifying the reserve cap from a combined assigned and unassigned ending fund balance based on the size of the district to a combined assigned or unassigned ending balance, in the General Fund (01) and the Special Reserve Fund for Other Than Capital Outlay (17), of 10% of those funds for all districts
- Changing the implementation of the cap on district reserves from the year following any contribution to the Public School System Stabilization Account (PSSSA) to the year following the year in which

contributions to the PSSSA equal or exceed 3% of the Proposition 98 funding level provided for K-12 education

- Exempting from the reserve cap basic aid districts and districts with fewer than 2,501 average daily attendance (ADA)
- Requiring the SSPI to notify districts and LEAs when these conditions are met and when they are no longer met

SSC Comment: Recent amendments to this bill have been agreed to by the bill's sponsor—the California School Boards Association and the California Teachers Association. With this agreement, it appears that this measure will ultimately be headed to the Governor for his signature.

Instruction

AB 1217 (Bocanegra, D-San Fernando)—Pupil Instruction: State School: STEM Instruction. This bill would establish a state school located in Los Angeles County to be governed by a nonprofit public benefit corporation for the purpose of providing instruction in science, technology, engineering, and mathematics (STEM) to historically underrepresented pupils in grades 6 to 12, inclusive. The bill would require the state school to complete a plan that governs the education of its pupils and the operation of the school in accordance with a specified timeline and prescribed criteria.

SSC Comment: There are several questions as to whether this state-run STEM school would be considered a public charter school as there are many similarities in the creation of this school and the creation of traditional charter schools. Opponents of the bill argue that if this is to be a state-run STEM school, then it should be open to all eligible students throughout the state and be under the administrative control of the SSPI as the other state schools are.

School Safety and Student Discipline

SB 54 (de León, D-Los Angeles)—Law Enforcement: Sharing Data. Existing law provides that when there is reason to believe that a person arrested for a violation of controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. As amended on July 10, 2017, this bill would repeal those provisions.

This bill would also prohibit state and local law enforcement agencies, including school police, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. The bill would also require the Attorney General, by April 1, 2018, to publish model policies limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools to ensure that they remain safe and accessible to all California residents regardless of immigration status. All public schools would be required to implement the model policy or an equivalent policy.

SB 250 (Herzberg, D-Los Angeles)—Pupil Meals: Child Hunger Prevention and Fair Treatment Act of 2017. This bill would require an LEA to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed, treated differently, or served a meal that differs from what a pupil whose parent or guardian does not have unpaid school meal fees would receive under the LEA's policy; requires an LEA to attempt to directly certify a family for the free and reduced lunch program when a student has unpaid school meal fees and before the LEA notifies the parent or guardian within ten days of reaching a negative balance; and, prohibits school personnel from allowing any disciplinary action that is taken against the student to result in the denial or delay of a nutritionally adequate meal, to that pupil.

SB 257 (Lara, D-Bell Gardens)—School Admissions: Pupil Residency: Pupils of Deported Parents: Residents of Adjoining Foreign Country: School District Reimbursement. This bill would require a

school district to admit a pupil seeking admission, regardless of their residency, if the pupil provides evidence that their parent or guardian has been removed or was permitted to depart voluntarily and that they previously lived in California. Specifically, this bill would:

- Specify that a pupil meets the residency requirements for school attendance in a school district if he or she is a pupil whose parents or guardians were residents of California and who have been removed or were permitted to leave voluntarily pursuant to the federal Immigration and Nationality Act
- Require a school district to admit a pupil who is seeking admission to a school, regardless of his or her current residency, if the pupil meets both of the following requirements:
 - The pupil provides official documentation showing they have a parent or guardian who has been removed or was permitted to depart voluntarily
 - The pupil moved abroad as a result of the removal or voluntary departure of the parent or guardian and provides information and evidence demonstrating that the pupil was enrolled in a public school in California immediately before moving abroad
- Authorize the parent or guardian of the pupil to designate an adult to attend school meetings and serve as an emergency contact
- Exempt pupils attending schools under these provisions from paying school district tuition as a foreign resident
- Specify that a pupil attending a school pursuant to these provisions is included in calculations of average daily attendance for the purposes of obtaining apportionment of state funds

2017 Legislative Calendar—Upcoming Holidays and Deadlines

September 8—Last day to amend on the Floor.

September 15—Last day for any bill to be passed. Interim Recess begins upon adjournment.

—The SSC Governmental Relations Team

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