
The FISCAL REPORT 32 informational update

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New Laws Take Effect for 2013

January 1, 2013, marks the date that many new laws passed during 2012 take effect. Below we highlight some of the significant changes affecting K-12 education in the areas of employment, student suspensions and expulsions, facilities, and other topics:

Employment

- Assembly Bill (AB) 340 (Chapter 296/2012) enacts the California Public Employees' Pension Act of 2013, which, among other things, eliminates the purchase of nonqualified time ("air time") and prohibits public employers from granting to both current and future employees retroactive pension benefit enhancements that apply to service performed prior to the enhancement; for the latest implementation details, see "CalPERS Provides Forms for New Members" in the current edition of the *Fiscal Report*, and "Ask SSC . . . Employee Contribution Rates Under Pension Reform" in the December 21, 2012, *Fiscal Report*.
- AB 1203 (Chapter 804/2012) expands the paid leaves for officers of classified employee organizations to any classified employee for any reason when requested by the employee organization; the employee organization must provide reasonable notification to the school or community college district, as well as reimbursement for all compensation paid to the employee, but the employer must grant the leave if requested.
- AB 1908 (Chapter 860/2012) increases the written notice requirement of 45 days for a classified employee of a school or community college district subject to layoff to not less than 60 days before the effective layoff date if the termination date of a specially funded program is other than June 30, or if a classified employee is subject to layoff as a result of a bona fide reduction or elimination of a service performed by a department.

Student Suspensions and Expulsions

- AB 1729 (Chapter 425/2012) expands the definition of electronic bullying and authorizes alternative methods of correction to be used before a student is suspended or expelled. These other means include, but are not limited to:
 - A positive behavior support approach with tiered interventions that occur during the school day
 - A conference between school personnel, the pupil's parent or guardian, and the pupil
 - The use of intervention-related teams to develop and implement individualized behavioral plans
 - Participation in a restorative justice program
 - After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors
- AB 2537 (Chapter 431/2012) modifies suspension and expulsion regulations, including:
 - Specifies that the "possession of any controlled substance" does not include the possession of over-the-counter or prescription medications prescribed for the student
 - Specifies that possessing, selling, or furnishing a firearm does not include an imitation firearm, making it an offense that may, but does not require, a student's suspension or expulsion
 - Encourages a principal or superintendent to make an expulsion determination as quickly as possible to ensure that a pupil does not lose instructional time

The bill also removes the statutory requirement that imposes a \$500 fine when a principal does not notify the appropriate law enforcement agencies of certain unlawful acts committed by a pupil that may result in suspension, expulsion, or criminal liability of the pupil.

- Senate Bill (SB) 1088 (Chapter 381/2012) clarifies that a pupil may not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:
 - Arrest
 - Adjudication by a juvenile court
 - Formal or informal supervision by a probation officer
 - Detention for any length of time in a juvenile facility or enrollment in a juvenile court school

Facilities

- SB 1404 (Chapter 764/2012) expands the definition of direct costs that can be charged to an organization that uses school facilities, including:
 - The share of the operating and maintenance costs proportional to the use of the facilities
 - A share of the costs of repair or replacement of the school facilities

Additionally, the measure allows a district to charge a group, under specific circumstances, an amount equal to "fair rental value" to capture direct costs as well as amortized costs of the school facilities used.

- SB 1509 (Chapter 736/2012) extends existing provisions of law that authorize school districts or community college districts to enter into design-build contracts for the construction of educational facilities. Set to expire in 2014, this extension makes these provisions operative until January 1, 2020.

Miscellaneous

- AB 1246 (Chapter 668/2012) establishes a new process for the submission and review of instructional materials by requiring the Superintendent of Public Instruction and authorizing school districts to review and recommend materials for adoption by the State Board of Education. The bill establishes an eight-year adoption cycle, but authorizes a continuous submission process for consideration of materials at any time during that cycle.

The bill authorizes school districts to use instructional materials in kindergarten and grades 1 through 8 that are not on the state-adopted list, as long as the materials are aligned to state content standards. It requires that an instructional materials review process involve a majority of participants that are classroom teachers assigned to the subject area or grade level of the materials.

- AB 1435 (Chapter 520/2012) adds athletic coaches, athletic administrators, or athletic directors employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 through 12 to the list of "mandated reporters" for incidents of suspected child abuse or neglect. School districts are not required to provide training for mandated reporters regarding this responsibility, but are strongly encouraged to do so and, if training is not provided, must report to the Department of Education as to why it is not. Employers must provide a statement, to be signed by the employee, informing the employee that he or she is a mandated reporter and informing the employee of his or her reporting obligations.
- AB 1575 (Chapter 776/2012) prohibits a pupil enrolled in a public school from being required to pay a pupil fee for participation in any educational activity, requires school districts to use a uniform complaint process to identify and refund illegally charged fees, and requires public schools to establish local policies and procedures to implement the bill's provisions on or before March 1, 2013.

The Legislature returns on January 7, 2013, to begin working anew on recasting, refining, and reshaping the laws of California.

—*Michelle McKay Underwood and Michael Ricketts*

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