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Search SSC

Home

About SSC

Services &
Products

Workshops

Tools &
Resources

Contact Us

My SSC

Client Login

Welcome back

[Logout](#)

[Change Password](#)

Fiscal Reports [Current Reports](#) | [Video Reports](#) | [Search Reports](#) | [View Archive](#) | [Printable Version](#) | [Email](#)

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Top Legislative Issues for 2015—Wrap Up

Meeting his October 11, 2015, deadline, Governor Jerry Brown completed action on almost 1,000 bills for the 2015 legislative year, signing 808 and vetoing 133, or 14% of those that made it to his desk.

We have sorted the bills we have been following this year into those that were signed by Governor Brown and those that were vetoed. All bills vetoed by Governor Brown include a veto message, providing his rationale behind returning the bill to the Legislature without his signature. They are often an interesting read—and provide direction on how a bill can be more successful in a future legislative attempt.

This issue of Top Legislative Issues will be the last for the year and will return to production after the Legislature reconvenes on January 4, 2016.

To jump to certain sections, click the appropriate link here:

- [Bills Signed by the Governor](#)
- [Bills Vetoed by the Governor](#)

Bills Signed by the Governor

Assembly Bill (AB) 93 (Chapter 10/2015)—Budget Act of 2015. AB 93 is the Legislature's version of the 2015-16 State Budget and contains spending line items for all aspects of the State Budget. It is adjusted by Senate Bill (SB) 97 (see below) and line-item vetoes (none of which affected the Proposition 98 budget).

AB 104 (Chapter 13/2015)—Education Finance: Education Omnibus Trailer Bill. AB 104 is the K-12 education trailer bill, which includes details on the Adult Education Block Grant Program, the one-time discretionary dollars and educator effectiveness funds, the Career Technical Education Incentive Grant Program, and many other policy changes.

AB 215 (Chapter 240/2015)—Local Agency Employment Contracts: Maximum Cash Settlement. AB 215 provides that, in the case of a district superintendent of schools only, for contracts of employment negotiated on or after January 1, 2016, the maximum cash settlement shall be an amount equal to the monthly salary of the employee multiplied by 12 (instead of 18 months under existing law).

AB 220 (Chapter 165/2015)—Pupil Instruction: Mathematics: Algebra. This bill replaces the 1997 mathematics standard with new standards reflective of the Common Core State Standards (CCSS) as the basis for satisfying high school graduation requirements. The bill specifically provides that a student complete a course of rigor equal to or better than Algebra I or Mathematics I aligned to the CCSS in order to be eligible to graduate. Recognizing that California is still transitioning to the new CCSS, AB 220 deems completion of an Algebra I course that meets the 1997 state standards to have met the mathematics graduation requirement.

AB 288 (Chapter 618/2015)—Public Schools: College and Career Access Pathways Partnerships. This bill authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district. The bill requires the partnership agreement to outline the terms of the partnership and to establish protocols for information sharing, joint facilities use, and parental consent for high school pupils to enroll in community college courses. The bill authorizes high school pupils to enroll in up to 15 units if those units are required for these pupils' partnership programs.

The bill prohibits a district from receiving a state allowance or apportionment for which the partnering district has been, or will be, paid an allowance or apportionment under a concurrent enrollment partnership agreement.

AB 304 (Chapter 67/2015)—Sick Leave: Accrual and Limitations. This bill amends provisions of the Healthy Workplaces, Healthy Families Act of 2014 (Act) related to eligibility. AB 304 contains clean-up language to the Act and, most notably, excludes retirees of public retirement systems that have returned to work without reinstatement from the accrual of sick leave.

AB 304 took effect immediately upon signature of Governor Brown as an urgency statute, as the main provisions of the Act are effective July 1, 2015.

AB 331 (Chapter 116/2015)—School District Governing Boards: Reduction of Membership. AB 331 authorizes a county committee on school district organization to decrease the membership of a school district's governing board from five to three if the district's average daily attendance (ADA) during the preceding year was less than 300.

AB 375 (Chapter 400/2015)—School Employees: Sick Leave: Paternity and Maternity Leave. This bill adds Education Code Section 44977.5 and provides certificated employees with 12 weeks of leave at a differential rate of pay for maternity or paternity leave.

Employees in California already have a right to take employment protected leave to bond with a newborn or newly placed foster or adopted child. The California Family Rights Act (CFRA) provides for 12 weeks of unpaid leave for this purpose, and employees can use any available paid leaves in exchange for this unpaid leave. If properly noticed by the employer, it would appear that the CFRA leave could run concurrent with maternity/paternity leave provided for under the act. While the bill does not provide for any additional leave beyond that currently provided for under the CFRA, an employee who'd exhausted all of their accumulated sick leave could be compensated at a differential rate of pay rather than having the leave be unpaid. Additionally, it would ensure the continuation of the employer's contribution to health benefits. Under the CFRA provisions related to bonding, the employer is not required to pay for the employee's portion of health benefits.

AB 379 (Statutes of 2015)—Foster Youth: Homeless Children or Youth: Complaint of Noncompliance: Exemption from Local Graduation Requirements. This bill makes complaints alleging violations of certain educational rights afforded to students in foster care and students who are homeless subject to the Uniform Complaint Procedures (UCP). If a local educational agency (LEA) finds merit in a complaint or the State Superintendent of Public Instruction (SSPI) finds merit in an appeal, the bill requires the LEA to provide a remedy to the affected pupil. The bill also requires information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification, and provides for the application of graduation requirement exemptions, if applicable, to continue to apply if adequate notification is not provided.

AB 496 (Chapter 664/2015)—Pupil Nutrition: Fresh Drinking Water: Funding. This bill requires the California Department of Education (CDE) to consult with the State Water Resources Control Board to identify available sources of funding to fund school water quality and infrastructure, including funding from Proposition 1 (2014) and to post that information on its website.

If funds are received by the CDE, districts would be able to use those funds for water quality projects including water treatment, water facilities restructuring, water filling stations, and maintenance of water facilities.

AB 915 (Chapter 58/2015)—Public Education Employees: Industrial Accident or Illness Leaves of Absence: Travel Restriction. Existing law requires an employee receiving Workers' Compensation benefits to remain within California during periods of injury or illness, unless the governing board authorizes travel outside the state. This bill removes the travel restriction on an employee receiving these benefits.

AB 963 (Statutes of 2015)—Teachers' Retirement Law. The bill includes as California State Teachers' Retirement System (CalSTRS) creditable service, for the purposes of the Defined Benefit Program (DBP), any activities that do not meet the definition of creditable service but were performed for an employer on or before December 31, 2015, and were reported as creditable service to CalSTRS. The bill allows members and specified retired members who have performed those activities to irrevocably elect to have that service subject to coverage under a different public retirement system and excluded from coverage by the DBP.

AB 1012 (Chapter 703/2015)—Pupil Instruction: Course Periods Without Educational Content. Beginning with the 2016-17 school year, AB 1012 prohibits school districts maintaining grades 9 through 12 from enrolling students in courses without educational content. The bill defines "courses without educational content" as follows:

- A student being sent home or released from campus before the official school day ends
- Service or instructional work experience, or other course, in which a student is assigned to assist a certificated employee but is not expected to complete curricular work, or in a course in which the certificated employee is teaching and where the teacher to student ratio is less than one-to-one
- A student is not assigned to any course for the relevant course period
- A student is assigned to take a course that he/she has previously taken and for which he/she received a grade that satisfies graduation requirements or requirements for admission into California's postsecondary institutions

The prohibition in AB 1012 does not apply to alternative, community day, continuation high, and opportunity schools. Finally, the bill provides complaints to be filed through the UCP.

AB 1101 (Chapter 170/2015)—Pupil School Enrollment: Residency Requirements: Policy on Investigations. This bill requires, before investigating any pupil, the governing board of the school district to adopt a policy regarding an investigation to determine whether the pupil meets the residency requirements for school attendance in the school district. The bill requires the policy to identify the circumstances under which the school district may initiate an investigation, describe the investigatory methods that may be used, including whether the school district will be employing the services of a private investigator, and would prohibit the surreptitious photographing or video recording of pupils who are being investigated.

AB 1452 (Chapter 59/2015)—Certificated Employees: Personnel Files: Expungement: Egregious Misconduct. This bill prohibits school districts, county offices of education (COEs), and charter schools from directly expunging from an employee's personnel file credible complaints of, substantiated investigations into, or discipline for egregious misconduct, unless documents containing allegations that have been the subject of a hearing before an arbitrator, school board, personnel commission, Commission on Professional Competence, or administrative law judge, in which the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not warranted.

SB 78 (Chapter 19/2015)—Education Finance: Local Control Funding Formula. SB 78 is the Local Control Funding Formula (LCFF) clean-up bill, which repeals many outdated categorical program sections of the Education Code and extends the district budget review process timeline by one month.

SB 97 (Chapter 11/2015)—Budget Act of 2015. SB 97 amends Assembly Bill 93, the Legislature's version of the 2015-16 State Budget, and reflects the final agreement between the Legislature and Governor Brown. SB 97 removes the Home-to-School Transportation increase and After School Education and Safety Program (ASES) increase proposed by the Legislature, among other changes.

SB 103 (Chapter 324/2015)—Education Finance. SB 103 significantly changes the calculation of Educator Effectiveness funds from a per certificated staff head count to one based on full-time equivalent certificated staff reported by LEAs in the California Longitudinal Pupil Achievement Data Systems.

SB 148 (Chapter 448/2015)—School Districts: Reorganization: Local Control Funding Formula. SB 148 enacts numerous provisions specifying computations to determine the funding, pursuant to the LCFF, of school districts that are, or proposed to be, affected by the various types of actions that may be undertaken to reorganize districts.

SB 172 (Chapter 572/2015)—Pupil Testing: High School Exit Examination: Suspension. SB 172 suspends the California High School Exit Examination (CAHSEE) through the 2017-18 school year as a high school graduation requirement. Furthermore, the bill requires school districts, COEs, charter schools, and state special schools to grant diplomas to students, who did not successfully pass the CAHSEE, but completed all coursework necessary for graduation in 2003-04 school year and subsequent school years. Finally, the bill requires the SSPI to convene a work group to develop recommendations for an alternative to the CAHSEE.

SB 200 (Chapter 174/2015)—Pupils: School District Residency Requirements. This bill clarifies that a pupil complies with a school district's residency requirements in instances where the pupil's parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

SB 222 (Chapter 78/2015)—Local Agencies: School Bonds: General Obligation Bonds: Statutory Lien. SB 222 requires all local general obligation (GO) bonds issued and sold on behalf of a local agency, including school districts, to be secured by a statutory lien on all revenues received through the levy and collection of taxes. SB 222 may prove to benefit school districts' credit ratings as ratings agencies view GO bond debt as secure against default. Improved credit ratings can, of course, reduce the cost of borrowing.

SB 277 (Chapter 35/2015)—Public Health: Vaccinations. This bill eliminates the ability of parents or guardians to exempt their children from receiving immunizations based on "personal belief." SB 277 provides an exemption for students of home-based private schools or a pupil who is enrolled in an independent study program and does not receive classroom-based instruction. Under current law, students may be admitted to school without immunizations due to medical reasons; this exemption remains in law. The bill allows pupils who, prior to January 1, 2016, have a personal belief exemption, to be enrolled until the pupil enrolls in the next grade span that requires immunizations (at kindergarten and at grade 7).

SB 359 (Chapter 508/2015)—California Mathematics Placement Act of 2015. SB 359 requires, before the commencement of the 2016-17 school year, the governing boards of school districts, COEs, charter schools, and state special schools with students entering into grade 9 to adopt math placement policies that:

- Systematically consider multiple objective academic measures—including, but not limited to, interim and summative assessments, placement tests, and classroom assignments
- Include at least one placement checkpoint within the first month of the school year to ensure that students are appropriately placed
- Require annual examination of aggregate placement data to ensure that student progressions do not indicate disproportionate treatment based on race, ethnicity, gender, or socioeconomic status, and require LEAs to provide the aggregate results to their governing boards and post them on their websites
- Offer clear and timely recourse for students and his/her parents who question placement
- For nonunified school districts, offer consistency in math placement policies between elementary and high school districts

The math placement policy must be adopted at a public and regularly scheduled board meeting and shall be posted on the LEA's website.

SB 445 (Chapter 289/2015)—Pupil Instruction and Services: Homeless Children: Foster Children. SB 445 provides students who are homeless the right to remain in their schools of origin and the right to immediate enrollment. Among other provisions, it requires an LEA, at the point of change or subsequent change in residence once a student becomes homeless, to allow the student to continue his or her education in the school of origin through the duration of homelessness.

SB 597 (Chapter 421/2015)—Pupil Attendance: Interdistrict Transfers. Current law, which authorizes the governing board of a school district to accept interdistrict transfers of pupils according to board adopted policies that conform to specific statutory requirements relating to priority for enrollment, rules governing transfer applications, and average daily attendance credit will become inoperative on July 1, 2016. This bill extends those provisions for one additional year, making the program inoperative on July 1, 2017, and repealing the provisions effective January 1, 2018. The bill requires that a comprehensive evaluation of the program be completed by January 31, 2016.

SB 725 (Chapter 225/2015)—Pupil Testing: High School Exit Examination: Exemption.

SB 725 eliminates the CAHSEE as a condition of graduation for any senior in the Class of 2015 who met all other graduation requirements. As an urgency measure, the bill is effective upon Governor Brown's signature on August 26, 2015.

Vetoed by the Governor

AB 47 (McCarty, D-Sacramento)—State Preschool Program. This bill would have required, on or before June 30, 2018, all eligible children, who would not otherwise be served by transitional kindergarten, to have access to the state preschool program the year before they enter kindergarten, if their parents wish to enroll them, contingent upon the appropriation of sufficient funding in the annual Budget Act for this purpose.

In part, the Governor's veto message states:

Last year's education omnibus trailer bill already codified the intent to make preschool and other full-day, full year early education and care opportunities available to all low-income children. The discussion on expanding state preschool which takes into account rates paid to providers as well as access and availability for families should be considered in the budget process, as it is every year. A bill that sets an arbitrary deadline, contingent on a sufficient appropriation, is unnecessary.

AB 141 (Bonilla, D-Concord)—Teacher Credentialing: Beginning Teacher Induction Programs. This bill would have prohibited an LEA from charging a beginning teacher to participate in an alternative program of beginning teacher induction program that it provides and would prohibit a school district from charging a fee to a beginning teacher to participate in an alternative program of beginning teacher induction that is sponsored by a regionally accredited college or university, in cooperation with one or more local school districts.

In part, the Governor's veto message states:

The vast majority of local educational agencies provide induction and support to beginning teachers free of charge. I commend these entities for recognizing the importance of supporting and retaining new teachers. In addition to funding allocated through the Local Control Funding Formula, the state has provided \$490 million in this year's budget to promote educator quality over the next three years. Part of this funding should be used to support new teachers. Creating a new mandate, however, is not the answer.

AB 676 (Calderon, D-Whittier)—Employment: Discrimination: Status as Unemployed. This bill would have prohibited an employer from publishing an advertisement or announcement for a job that includes a provision stating or indicating that an unemployed person is not eligible or asking an applicant to disclose the applicant's employment status until the employer has determined that he/she meets the minimum employment qualifications for the position.

In part, the Governor's veto message states:

This bill is substantially similar to the bill I vetoed last year. Nothing has changed. I still believe that the author's approach does not provide a proper or even effective path to get unemployed people back to work.

SB 320 (Lara, D-Bell Gardens)—Pupil Fees: Complaint of Noncompliance: Appeal Procedures. This bill would have prohibited a public school from establishing a local policy or procedure that authorizes the public school to resolve a complaint regarding assessment of pupil fees, whether formally or informally, by providing a remedy to the complainant without also providing a remedy to all affected pupils, parents, and guardians. The bill would have authorized locally resolved complaints to be appealed to the SSPI and establishes procedures governing the resolution of appeals.

In part, the Governor's veto message states:

Creating unique timelines for certain types of complaints makes the 'Uniform Complaint Procedures' decidedly less uniform. I do not think we should pursue such a piecemeal approach.

—The SSC Advocacy Team

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