California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

# **MEMORANDUM**

**DATE:** October 16, 2018

**TO:** MEMBERS, State Board of Education

**FROM:** TOM TORLAKSON, State Superintendent of Public Instruction

**SUBJECT:** State Legislative Update, Including, but not Limited to, Information on the 2017–18 Legislative Session

## Summary of Key Issues

The California Department of Education (CDE) Government Affairs Division has identified bills that may affect policy related to the State Board of Education (SBE). Inclusion in this list does not constitute an SBE or State Superintendent of Public Instruction (SSPI) position for the legislation.

## Attachment(s)

Attachment 1: Legislative Update (10 pages)

# **Attachment 1: Legislative Update**

**These bills address relevant policy areas and/or impact the role of the State Board of Education (SBE). Inclusion in this list does not constitute an SBE or State Superintendent of Public Instruction (SSPI) position for the legislation.**

**The status of each bill is provided as of October 1, 2018.**

## Accountability and School Improvement

### AB 1661 (Limón) – School Accountability: Federal Compliance with Accountability Requirements

On December 10, 2015, the Every Student Succeeds Act (ESSA) reauthorized the federal Elementary and Secondary Education Act (ESEA) and replaced the No Child Left Behind Act. This bill aligns certain programs in state law to the ESSA and makes nonsubstantive changes to correct statutory cross-references. Specifically, AB 1661 requires school districts and local child welfare agencies to enter into an agreement that school districts will assume part or all transportation costs consistent with federal law when there is a change of placement of a foster youth and the foster youth continues his or her education in the school of origin. The bill removes reference to highly qualified teachers under independent study program and updates parental involvement programs by replacing "parental involvement" with "parental and family engagement.”

Status: Signed by the Governor on September 22, Chapter 669, Statutes of 2018.

### AB 2878 (Chávez) – Local Control and Accountability Plans: Annual Goals: State Priorities: Family Engagement

Existing law requires local control and accountability plans (LCAPs) to include a description of the annual goals to be achieved for each of the state priorities such as parental involvement under priority three. This bill adds family engagement to priority three and state that family engagement may include efforts that the school district and each individual school site make to apply research-based practices such as welcoming all families into the school community and treating families as partners to inform, influence, and create practices and programs that support pupil success.

Status: Signed by the Governor on September 27, Chapter 826, Statutes of 2018.

### AB 3188 (Thurmond) – LCAPs: State Priorities: Pupil Achievement

Existing law requires LCAPs to include a description of the annual goals to be achieved for each state priority, including pupil achievement under priority four. Pupil achievement is measured by, among other criteria, the percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California (UC) and the California State University (CSU), or career technical education (CTE) sequences or programs of study.

This bill would have required pupil achievement to be measured by the percentage of pupils who successfully completed (1) courses that satisfy the requirements for entrance to the UC and the CSU, or (2) CTE sequences or programs of study, or (3) to the extent possible, both (1) and (2).

Status: Vetoed by the Governor on September 27. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/AB-3188-Veto-Message.pdf>

## Assessments

### AB 1951 (O’Donnell) – Pupil Assessments: Pathways to College Act

This bill would have required, pursuant to the ESSA, the SSPI to approve a nationally recognized high school assessment that a local educational agency (LEA) may administer commencing with the 2020–21 school year in lieu of the California Assessment of Student Performance and Progress (CAASPP) assessments for grade 11.

AB 1951 would have required a nationally recognized high school assessment to meet specified requirements, including alignment with the academic content standards adopted by the SBE, be at least as rigorous as CAASPP assessments, produce individual pupil scores that can be linked to scores from the CAASPP assessments, and satisfy federal peer review requirements.

This bill, to the extent permitted by the United States Department of Education, would have deemed a nationally recognized high school assessment that had been approved for use by any state that had adopted the Common Core State Standards and that meets federal requirements to have met the specified requirements discussed above, and would have required the SSPI to approve these assessments for use by a LEA. Before a LEA were to have administered a nationally recognized high school assessment, the SBE would have needed to amend the ESSA State Plan to authorize LEAs to use the assessment.

AB 1951 would have permitted a LEA to administer a nationally recognized high school assessment only if the LEA’s governing board approves the use at a public meeting. A LEA that administered a nationally recognized high school assessment would have been required to comply with the following:

* Notify the SSPI and the parents and legal guardians of its students entering grade 11 that it will be administering an assessment that is different from the CAASPP at the beginning of each school year during which the assessment will be administered to those pupils.
* Administer the assessment free of charge to all pupils in grade 11.
* Administer the assessment to individuals with exceptional needs with appropriate accommodations, where necessary, and provide an alternate assessment to individuals with exceptional needs who are unable to participate in testing, even with accommodations.
* Administer the assessment to English Learners (ELs) with appropriate accommodations, where necessary.
* Report scores and pupil participation data to the CDE.

Lastly, this bill would have required the CDE to monitor LEAs that administer a nationally recognized high school assessment, including ensuring that LEAs report valid individual student results to the parent or guardian of the student.

Status: Vetoed by the Governor on September 28. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/AB-1951-Veto-Message.pdf>

## Charter Schools

### AB 406 (McCarty) – Charter Schools: Operation

This bill prohibits a petitioner that submits a charter 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, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. AB 406 allows a charter school to elect to operate as, or be operated by, a nonprofit public benefit corporation, pursuant to the Nonprofit Public Benefit Corporation Law.

Status: Signed by the Governor on September 7, Chapter 291, Statutes of 2018.

### AB 1871(Bonta) – Charter schools: Free and Reduced-price Meals

This bill requires charter schools, starting the 2019–20 school year, to provide needy pupils, who meet federal eligibility criteria for free and reduced price meals, with one nutritionally adequate free or reduced-price meal during each schoolday. Charter schools that open on or after July 1, 2019, will be required to implement these requirements no later than July 1st of the school year after becoming operational, and will need to provide written notice of the time the charter school does not provide those meals.

The bill requires the charter authorizer to provide technical assistance within existing resources to the charter school.

Status: Signed by the Governor on September 18, Chapter 480, Statutes of 2018.

## English Learners

### AB 2514 (Thurmond) – Pupil Instruction: Dual Language Programs: Grant Program

Contingent upon an appropriation, this bill establishes the Pathways to Success Grant Program with the goal of providing students in preschool, transitional kindergarten, and K–12 with dual language immersion programs, developmental bilingual programs for ELs, or early learning dual language learner programs. AB 2514 would require the CDE to develop and administer the program. Commencing September 1, 2019,, the CDE will be required to award a minimum of 10 one-time grants of up to $300,000 per grant, to school districts or consortia composed of school districts in partnership with one or more other school districts or COEs or bilingual teacher programs in institutions of higher education, or charter schools for the purposes of the program.

AB 2514 requires a school district that receives an incentive grant to use it for purposes relating to dual language immersion programs, developmental programs for English learners, and early learning dual language learner programs.

Status: Signed by the Governor on September 26, Chapter 763, Statutes of 2018.

### AB 2121 (Caballero) – Coursework and Graduation Requirements: Migrant Children

This bill requires a LEA to exempt a student from all coursework and other requirements for high school graduation that are in addition to the statewide coursework requirements, if the student transfers between schools any time after the completion of grade 10 and is a migrant student or a student participating in a newcomer program unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school.

The bill allows a migrant student or a student participating in a newcomer program to remain in high school for a fifth year if a LEA determines that the student is reasonably able to complete the LEA’s graduation requirements within the student’s fifth year of high school.

Status: Signed by the Governor on September 20, Chapter 581, Statutes of 2018.

### AB 2735 (O’Donnell) – English Learners: Participation in Standard Instructional Program

Commencing in the 2019-20 school year, this bill specifies that a middle or high school pupil who is classified as an EL shall not be denied participation in a school’s standard instructional program, defined as core curriculum courses, courses required for graduation, and middle school grade promotion, as well as courses required for college admission and advance courses based on the sole basis of the student’s classification as an EL.

Status: Signed by the Governor on September 7, Chapter 304, Statutes of 2018.

## Fiscal and Funding

### AB 2235 (Quirk-Silva) – County Community Schools: Funding

This bill requires, beginning in the 2019-20 school year, the SSPI to credit full LCFF per-student amounts directly to a county office of education funding for any student attending a county community school, including students who are under the jurisdiction of a school district. AB 2235 authorizes the SSPI to transfer an alternative amount for each student to the school district if the school district and the COE agree to the alternative amount and report it to the SSPI under procedures and timeframes established by the SSPI.

Status: Signed by the Governor on July 16, Chapter 99, Statutes of 2018.

## Professional Learning and Evaluation

### AB 2168 (Thurmond) – Special Education Teachers: Grant Program

Contingent upon an appropriation, this bill would have established the Special Education Teacher Grant program and appropriated $500,000 in a one-time grants to retain and mentor special education teachers at local educational agencies. The bill would have required the department to offer $1,500,000, upon the appropriation of funds to create or expand local and regional infrastructure to support special education teacher mentoring and retain new special education teachers.

Status: Vetoed by the Governor on September 20. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/AB-2168-Veto-Message.pdf>

## School Climate and School Safety

### AB 2291 (Chiu) – School Safety: Bullying

Existing law requires the CDE to develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. This bill requires the CDE to post on its Internet Web site and annually update a list of available online training modules relating to bullying or bullying prevention, including the online training module it developed.

AB 2291 requires LEAs to adopt procedures for bullying prevention, including cyberbullying, by December 31, 2019, and requires schools to annually make available the online training module developed by the CDE to certificated schoolsite employees and all other schoolsite employees who have regular interactions with pupils.

Status: Signed by the Governor on September 18 Chapter 491, Statutes of 2018.

### AB 2639 (Berman) – Pupil Suicide Prevention Policies: Evidence-Based Online Training

This bill requires the governing board or body of a local educational agency that serves pupils in grades 7 to 12 to review, at minimum every 5th year, its policy on pupil suicide prevention and update its policy if needed. The policy include any training on suicide awareness and prevention for teachers of pupils in grades 7 to 12. The CDE has developed a model for pupil suicide prevention to serve as a guide for local educational agencies.

Status: Signed by the Governor on September 17, Chapter 437, Statutes of 2018.

### AB 2657 (Weber) – Pupil Discipline: Restraint and Seclusion

This bill prohibits schools from using behavioral restraint or seclusion with students in certain circumstances and prohibits the use of certain types of seclusion and restraint techniques. AB 2657 only allows schools to use behavioral restraint in cases of emergency. In addition, this bill requires schools to schedule a debriefing meeting after a behavioral restraint is used and requires the school to document the meeting in the student’s record. AB 2657 requires schools to report annually to the CDE on its use of restraints and seclusion and also requires the CDE to post the information on its website.

Status: Signed by the Governor on September 30, Chapter 998, Statutes of 2018.

### AB 2691 (Jones-Sawyer) – Pupil Health: Pupil and School Staff Trauma: Trauma–Informed Schools Initiative

This bill would have required the CDE to establish, by December 31, 2020, a Trauma–Informed Schools Initiative. AB 2691 would have required the CDE to provide information regarding the trauma–informed care approach to LEAs, develop a guide for LEAs on how to become trauma–informed schools, offer training on the trauma–informed care approach to LEAs, and develop and post information about the initiative online. This bill would have also required LEAs to provide the initiative’s web address to parents and guardians.

Status: Vetoed by the Governor on September 20. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/AB-2691-Veto-Message.pdf>

### AB 1747 (Rodriguez) – School Safety Plans

This bill places several requirements on schools regarding the development of their comprehensive school safety plans. Specifically, this bill will (a) add procedures for conducting tactical responses to criminal incidents, including procedures related to active shooter situations, to the safety plan (b) require school districts to expand their consultation for development of the plan and share their procedures with first responders, and (c) expand existing school safety plan requirements and these new requirements to charter schools.

AB 1747 requires the CDE to provide additional guidance to LEAs on safety plans, including developing best practices for reviewing and approving school safety plans.

Status: Si by the Governor on September 27, Chapter 806 Statutes of 2018.

## Standards, Curriculum Frameworks, and Instructional Materials

### AB 1861 (Rodriguez) – Pupil Instruction: Human Trafficking: Use of Social Media and Mobile Device Applications

Existing law requires school districts to ensure that all students in grades 7 to 12 receive comprehensive sexual health education and human immunodeficiency virus prevention (HIV) education, including information about human trafficking. This bill requires the information about human trafficking to also include information on how social media and mobile device applications are used for human trafficking.

Status: Signed by the Governor on September 27, Chapter 807, Statutes of 2018.

### AB 1868 (Cunningham) – Pupil Instruction: Sexual Health Education: Sexually Suggestive or Sexually Explicit Materials

This bill authorizes a school district to provide optional instruction on the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cell phones, social networking, computer networks, or other digital media as part of the comprehensive sexual health education and HIV prevention education.

Status: Signed by the Governor on September 17, Chapter 428, Statutes of 2018.

### AB 2239 (Eduardo Garcia) – Foreign Language Course: A–G Course Certification

This bill requires the CDE to encourage the governing board of a school district or the governing body of a charter school to support their respective schools in submitting any world language courses that is specifically designed for native speakers to the UC for certification and addition to the school’s “A-G” course list.

Status: Signed by the Governor on August 24, Chapter 188, Statutes of 2018.

### AB 2319 (Nazarian) – Foreign Language Education: World Language

This bill deletes references in the California *Education Code* to the term “foreign language” and replaces it with “world language.” AB 2319 also provides that the bill shall not be constructed to require local educational agencies to make modifications to their language programs.

Status: Signed by the Governor on September 28, Chapter 865, Statutes of 2018.

### AB 2601 (Weber) – Pupil Instruction: Sexual Health Education: Charter Schools

Existing law requires school districts to ensure that all students in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education. This bill requires charter schools to ensure that all pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education.

Status: Signed by the Governor on September 18, Chapter 495, Statutes of 2018

### AB 2644 (Reyes) – Dolores Huerta Day

This bill designates April 10 of each year as Dolores Huerta Day and encourages all public schools and educational institutions to conduct exercises remembering the life of Dolores Huerta, recognizing her accomplishments, and familiarizing pupils with the contributions she made to California.

Status: Signed by the Governor on July 18, Chapter 130, Statutes of 2018.

### AB 2772 (Medina) – Ethnic Studies: Grant Program

This bill would have created a pilot program that would have required selected school districts to provide a one-semester course in ethnic studies as a graduation requirement. The grant program would have required the selected school districts, key stakeholders, and the California Department of Education to put together a report of recommendations and best practices to the Legislature on implementing this program across the state.

Status: Vetoed on September 30, 2018. For the Governor’s veto message, visit: <https://www.gov.ca.gov/wp-content/uploads/2018/09/AB-2772-veto.pdf>

### SB 720 (Allen) – Evaluation Rubrics: California School Dashboard

Existing law required the SBE to adopt evaluation rubrics by October 1, 2016. Pursuant to this requirement, the SBE adopted evaluation rubrics in September 2016 and created the California School Dashboard. This bill replaces references to “evaluation rubrics” in the code with references to “evaluation rubrics, as displayed on the California School Dashboard and would make conforming changes.

Status: Signed by the Governor on September 13, Chapter 374, Statutes of 2018.

### SB 830 (Dodd) – Pupil Instruction: Media Literacy: Model Curriculum

This bill requires the CDE to make available to school districts on its Internet Web site a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers on or before July 1, 2019. The model curriculum will be designed for the purpose of providing instruction in the safe and responsible use of media and supporting pupils’ use of critical thinking skills when consuming media.

Status: Signed by the Governor on September 17, Chapter 448, Statutes of 2018.

### SB 895 (Nguyen) – Pupil Instruction: Vietnamese American Refugee Experience and Cambodian Genocide: Model Curriculum

This bill establishes a model curriculum on the Vietnamese American refugee experience and the Cambodian Genocide that began with the fall of Saigon in 1975. SB 895 requires the Instructional Quality Commission (IQC) to develop and submit the model curriculum to the SBE by December 31, 2022, and requires the SBE to adopt, modify, or revise the model curriculum by March 31, 2023. This bill encourages LEAs to offer pupils a course of study relative to the Vietnamese American refugee experience based on the model curriculum following its adoption by the SBE. Implementation of the bill is subject to the receipt of grants, donations, or other financial support from private or public sources for its purposes, including, but not limited to, an appropriation in the annual Budget Act or another statute.

Status: Signed by the Governor on September 22, Chapter 686, Statutes of 2018.

### SB 933 (Allen) – Visual and Performing Arts Education: Grant Program

Contingent upon an appropriation, this bill would have established the Arts for Every Student Incentive Grant Program to encourage and maintain the delivery of high-quality visual and performing arts education programs and provide a jump start for school districts lacking the capacity to provide access to a visual and performing arts education to every pupil. SB 933 would have required the CDE to administer the program, consult with stakeholders that have expertise in visual and performing arts education, and award grants to eligible applicants that demonstrate commitment to high-quality visual and performing arts education and equity.

Status: Vetoed by the Governor on September 23. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/SB-933-Veto-Message.pdf>

### SB 947 (Jackson) – Pupil Instruction: Digital Citizenship and Media Literacy

This bill would have required the SSPI, in consultation with the executive director of the SBE, to identify best practices and recommendations for instruction in digital citizenship, Internet safety, and media literacy and report to the Legislature on strategies to implement the best practices and recommendations statewide on or before January 1, 2021.

This bill would have required the SSPI to convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, Internet safety, and media literacy.

Status: Vetoed by the Governor on September 18. For the Governor’s veto message, visit**:** <https://www.gov.ca.gov/wp-content/uploads/2018/09/SB-947-Veto-Message.pdf>

## Other Notable Bills

### AB 2022 (Chu) – Pupil Mental Health Services: School Notification

This bill requires a school district or county office of education, or a charter school to notify pupils and parents or guardians of pupils how to access pupil mental health services on campus or in the community a minimum of twice during the school year. A county may use funds from the Mental Health Services Act, enacted by the voters as Proposition 63 at the November 2, 2004, to provide a grant to LEAs, for funding those notification requirements, and will authorize LEAs to apply to for a grant for those purposes.

Status: Signed by the Governor on September 18, Chapter 484, Statutes of 2018.

### AB 2949 (Gloria) – Pupil residency: Pupils of Military Families

This bill requires LEAs to allow a pupil who is a child of a military family to continue attending his or her school of origin, regardless of any change in residence of the military family or the end of military service of the pupil’s parent.

Status: Signed by the Governor on September 10, Chapter 327, Statutes of 2018.

### SB 328 (Portantino) – Pupil attendance: school start time

This bill would have required middle schools and high schools to begin no earlier than 8:30 a.m. by July 1, 2021, or the date on which a school district’s collective bargaining agreement that is operative on January 1, 2019. The bill would have encouraged the CDE to post research on the impact of sleep deprivation on adolescents and the benefits of a later school start time on its Internet Web site.

Status: Vetoed by the Governor on September 18. For the Governor’s veto message, visit: <https://www.gov.ca.gov/wp-content/uploads/2018/09/SB-328-Veto-Message.pdf>