



Legislative Update

California Federation
of Teachers
AFT, AFL-CIO 

November 15, 2017

Introduction

The governor had until October 15, 2017 to sign or veto bills sent to him by the legislature for the first year of the 2017-2018 legislative session. Non-fiscal and non-emergency bills signed into law by the governor will take effect on January 1, 2018. Below is a summary of the bills either signed or vetoed by the governor in 2017 that impact the members of the California Federation of Teachers.

BILLS SIGNED INTO LAW IN 2017

California College Promise: Assembly Bill 19 (Santiago) establishes the California College Promise, to be administered by the Chancellor of the California Community Colleges, which shall distribute funding, *upon an appropriation by the legislature*, to each community college meeting prescribed requirements to be used to accomplish specified policy goals and waive fees for one academic year for first-time students enrolled in 12 or more semester units or the equivalent and complete and submit either a Free Application for Federal Student Aid or a California Dream Act application.

Retirement Systems Dakota Access Pipeline: Assembly Bill 20 (Kalra) requires the California State Teachers' Retirement System (CalSTRS) and California Public Employees' Retirement System (CalPERS) to report to the legislature and the governor, on or before April 1, 2018, information regarding investments in, and engagement with, companies constructing or funding the construction of the Dakota Access Pipeline.

Public Postsecondary Access to Education: Assembly Bill 21 (Kalra) requires the California State University, California Community Colleges and each Cal Grant eligible independent institution of higher education, and requests the University of California, to establish various policies and actions to be implemented by postsecondary education institutions in California that safeguard against immigration enforcement activities on campuses.

English Learners Identification and Notice: Assembly Bill 81 (Gonzalez Fletcher) requires the notice of assessment of a child's English proficiency to include specified additional information, including whether a child is a long-term English learner or is an English learner at risk of becoming a long-term English learner, and would authorize a local educational agency or charter school to send an alternative notice to comply with this requirement.

New Public Employee Orientation Mandate: Assembly Bill 119 (Budget Committee) provides public sector unions access to all new employee orientations with at least a 10 day notice, detailed contact information for all new employees within 30 days and updated employee contact information every 120 days. In addition, AB 119 shields employee contact information from Public Records Act requests.

Worksite Immigration Enforcement: Assembly Bill 450 (Chiu) prohibits an employer, or other person acting on the employer's behalf, from providing voluntary consent to an immigration enforcement agent to enter non-public areas of a place of labor unless the agent provides a judicial warrant. In addition, AB 450 prohibits an employer, or other person acting on the employer's behalf, from providing voluntary consent to an immigration enforcement agent to access, review or obtain and employer's employee records without a subpoena or court order. Finally, AB 450 requires an employer to provide a current employee notice of an inspection of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency within 72 hours of receiving the federal notice of inspection.

Part-Time Playground Positions: Assembly Bill 670 (Thurmond) deletes the provision in current law that exempts a person employed in a part-time playground position from the classified service, when the person is not otherwise employed in a classified position, thereby making that person part of the classified service.

Educational Immigration Standards: Assembly Bill 699 (O'Donnell) prohibits school officials and employees of a school district, county office of education charter school, except as required by state or federal law or as required to administer a state or federally supported educational program, from collecting information or documents regarding citizenship or immigration status of pupils or their family members. In addition, AB 699 requires the superintendent of a school district, county office of education and the principal of a charter school to report to the respective governing board in a timely manner any requests for information or access to a schoolsite by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.

High School Exit Exam: Assembly Bill 830 (Kalra) eliminates the high school exit exam and removes it as a condition of graduation from high school.

Community Colleges Student Equity Plans: Assembly Bill 1018 (Reyes) adds homeless, lesbian, gay, bisexual and transgender students to the categories of students required to be addressed in the student equity plans. AB 1018 also adds any additional categories of students determined by the governing board of the community college to be addressed in these plans.

Purposes for Interim Assessments: Assembly Bill 1035 (O'Donnell) requires that interim assessments in grades K-12 be designed to provide timely feedback to teachers that they may use to continually adjust instruction to improve pupil learning. In addition, the bill will prohibit the results of the interim assessments from being used for any high-stakes purposes.

Charter School Pupil Admissions, Suspensions and Expulsions: Assembly Bill 1360 (Bonta) requires that charter school petitions contain a comprehensive description of procedures by which a pupil can be suspended, expelled or otherwise involuntarily removed, dismissed, transferred or terminated from the charter school that includes an explanation of how the charter school will comply with specified federal and state constitutional due process requirements. In addition, AB 1360 authorizes a charter school to encourage parental involvement, but requires the charter school to notify the parents and guardians of applicant students, and currently enrolled students, that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

Community Colleges Academic Employees: Assembly Bill 1651 (Reyes) requires academic employees of the California Community Colleges to be provided with information on all relevant complaints or allegations against them before being placed on administrative leave, with specified exceptions.

Non-resident Enrollment in the University of California: Assembly Bill 1674 (Grayson) requests the University of California, in collaboration with the Academic Senate of the University of California, to ensure that implementation of any admissions policy regarding admission of non-resident undergraduate students include guidance that ensures the academic qualifications for admitted non-resident undergraduate students generally exceeds the academic qualifications of resident undergraduate students and requests the University of California to report specified information to the legislature annually regarding implementation of the policy.

Building Homes and Jobs Act: Senate Bill 2 (Atkins) establishes the Building Homes and Jobs Act and imposes a \$75 fee on real estate transaction documents, excluding commercial and residential real estate sales, to provide funding for affordable housing.

Veterans and Affordable Housing Bond Act of 2018: Senate Bill 3 (Beall) enacts the Veterans and Affordable Housing Bond Act of 2018 and authorizes the issuance of \$4 billion in general obligation bonds for affordable housing programs and a veterans' home ownership program, subject to approval by the voters in the November 6, 2018 election.

Foster Youth Postsecondary Education Financial Aid: Senate Bill 12 (Beall) requires the Student Aid Commission to work cooperatively with the State Department of Social Services to develop an automated system to verify a student's status as a foster youth to aid in the processing of applications for federal financial aid.

California Values Act: Senate Bill 54 (de León) prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes. In addition, SB 54 requires, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state and courthouses, among others.

Unlawful Employment Practice Parental Leave: Senate Bill 63 (Jackson) makes it an unlawful employment practice for an employer of 20 or more employees to refuse to allow an eligible employee to take up to 12 weeks of job-protected parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement. SB 63 also prohibits an employer from refusing to maintain and pay for the employee's continued group health coverage during the duration of the leave.

Exemption from Non-resident Tuition: Senate Bill 68 (Lara) exempts a student from non-resident tuition at the California State University and the California Community Colleges if the student has a total of 3 or more years of attendance, or attainment of equivalent credits earned while in California, California high schools, California adult schools, campuses of the California Community Colleges, or a combination of those schools, or the student completes 3 or more years of full-time high school coursework and a total of 3 or more years of attendance in California elementary schools, California secondary schools or a combination of California elementary and secondary schools. SB 68 also

requires that the student graduate from a California high school, or attain the equivalent, attain an Associate degree from a campus of the California Community Colleges, or fulfill minimum transfer requirements established for the University of California or the California State University for students transferring from campuses of the California Community Colleges.

Cleaning Product Right to Know Act of 2017: Senate Bill 258 (Lara) requires a manufacturer of a designated product that is sold in the state to disclose on the product label, and on the product's website, information related to chemicals contained in the product. In addition, SB 258 prohibits the sale of a designated product that does not satisfy these requirements. Finally, the bill requires an employer to make a safety data sheet readily accessible to an employee for designated products in the workplace information relating to the chemicals contained in those products.

Public Employers Union Organizing: Senate Bill 285 (Atkins) prohibits public employers from deterring or discouraging public employees from becoming or remaining members of an employee organization. SB 285 defines a public employer for this purpose to include counties, cities, districts, the state, schools, transit districts, the University of California and the California State University among others. SB 285 grants the Public Employment Relations Board (PERB) jurisdiction over violations of its provisions.

Public Education Union Legal Fees: Senate Bill 550 (Pan) authorizes an employee organization to make an offer to settle a dispute alleging an employer's failure to provide wages, benefits or working conditions required by state law and would require the employer, if the employer does not accept the offer and fails to obtain a more favorable judgement or award, to pay the employee organization's attorney's fees and expenses incurred after the offer was made.

School District Reserve Cap: Senate Bill 751 (Hill) provides that a school district's budget shall not contain a combined assigned or unassigned ending general fund balance in excess of 10% of those funds in a fiscal year immediately after a fiscal year in which the amount of moneys in the Public School System Stabilization Account is equal to or exceeds 3% of the combined total of General Fund revenues appropriated for school districts. The bill excludes basic aid school districts and small school districts (defined as school districts with fewer than 2,501 students).

BILLS VETOED BY THE GOVERNOR IN 2017

School Employee Housing Assistance Program: Assembly Bill 45 (Thurmond) would have required the California Housing Finance Agency (CalHFA) to administer the California School Employee Housing Assistance Program, a pre-development grant and loan program, to fund the creation of affordable housing for school district certificated and classified employees.

Paid Pregnancy Disability Leave for School Employees: Assembly Bill 568 (Gonzalez Fletcher) would have required certificated and classified school employees to be provided a paid leave when an employee is required to be absent a length of time to be determined by the employee and their doctor or a minimum of six weeks for pregnancy, miscarriage, childbirth and recovery.

Summer Furlough Fund for Classified Employees: Assembly Bill 621 (Bocanegra) would have authorized, commencing with the 2018-2019 school year, certain classified employees of school districts that do not pay the annual or monthly salaries of their classified employees in 12 equal monthly payments to participate in the Classified School Employees Summer Furlough Fund. In addition, AB 621 would have required school districts to deposit the amounts withheld from the paychecks of a

participating classified employee, in accordance with the employee's choices, in an account within its general fund, to be known as the Classified School Employees Summer Furlough Fund. Finally, AB 621 would have required the State Department of Education to apportion moneys to each school district with a classified employee who has opted to participate in the fund.

School Safety: Assembly Bill 1029 (Weber) would have added one or more individuals with expertise in the social-emotional health of children and youth, including, but not limited to, restorative justice practitioners, community school coordinators or mental health professionals to school safety planning committees. In addition, AB 1029 would have required the comprehensive school safety plan to be aligned with the school climate state priority and the Local Control Accountability Plan (LCAP). The bill would have also required the Department of Education to post on its website models of best practices. Finally, AB 1029 would have required the Department of Education to provide technical assistance and professional development to educators and administrators in these practices.

Bilingual Teacher Professional Development Program: Assembly Bill 952 (Reyes) would have required the Commission on Teacher Credentialing (CTC), on or before July 1, 2020, in consultation with the Committee on Accreditation, to identify a process for the purpose of identifying short-term, high-quality pathways to address the shortage of bilingual education teachers. In addition, AB 952 would have required the CTC, on or before July 1, 2021, to provide recommendations to the appropriate policy and fiscal committees of the legislature regarding the development of pathways for the preparation of bilingual education teachers.

Golden State Reading Guarantee Grant Program: Senate Bill 494 (Hueso) would have established a grant program administered by the State Department of Education and required local educational agencies (LEAs) that chose to apply for the grant to submit an application to the State Department of Education. In addition, SB 494 would have required the Department to establish a process to provide professional development training to LEAs on, among other things, the existing diagnostic, formative and interim assessment tools that are available from the state, including those that are appropriate for pupils who are English learners. Finally, SB 494 would have required that implementation of the grant program be contingent upon the appropriation of funds in the annual Budget Act or other statute.

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