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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** AB 1595 **Hearing Date:** June 26, 2019  
**Author:** Committee on Education  
**Version:** May 6, 2019  
**Urgency:** No **Fiscal:** No  
**Consultant:** Chanel Matney

**Subject:** Elementary and secondary education: omnibus bill.

### SUMMARY

This bill is the annual K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code.

### BACKGROUND

Existing law:

- 1) Requires a school district or charter school that elects to offer any interscholastic athletic program to acquire at least one automated external defibrillator for each school within that school district or charter school by July 1, 2019. (Education Code § 35179.6)
- 2) Provides that each school district and county office of education is responsible for the overall development of a school safety plan for schools within their jurisdiction operating any of grades K-12. (EC § 32280)
- 3) Provides that charter school procedures for the suspension or expulsion of a student shall contain a statement that no pupil shall be suspended or expelled unless a written notice of intent to remove the pupil has been provided to the pupil's parent, guardian, or educational right's holder, as applicable, that informs *him or her* of the right to initiate the following:
  - a) Timely written notice of the charges against the pupil and an explanation of the pupil's basic rights.
  - b) A fair disciplinary hearing adjudicated by a neutral officer within a reasonable number of days. (EC § 47605 and § 47605.6)
- 4) Requires the school safety plans of school districts and county offices of education to include, among other things:
  - a) An assessment of the current status of school crime committed on school campuses and at school-related functions.

- b) An identification of appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety. (EC § 32282)
- 5) Allows school districts or county offices of education to deny petitions for charter schools if the petition does not contain descriptions of, among other things, the development of a school safety plan. Existing law requires, pursuant to subparagraph (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282, that a charter school petition's description of a safety plan must include information on the following topics:
- a) Child abuse reporting procedures.
  - b) Routine and emergency disaster procedures, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990.
  - c) Policies pursuant to grounds for suspension and expulsion for pupils who have committed any of the following acts on school grounds, for which the principal or superintendent shall immediately suspend and recommend for expulsion:
    - i. Possessing, selling, or otherwise furnishing a firearm.
    - ii. Brandishing a knife at another person.
    - iii. Unlawfully selling a controlled substance.
    - iv. Committing or attempting to commit sexual assault or sexual battery.
    - v. Possessing an explosive.
  - d) Procedures to notify teachers of dangerous pupils, in compliance with state law governing the privacy of pupil records.
  - e) A discrimination and harassment policy consistent with the prohibition against discrimination contained in the EC Chapter on Educational Equity.
  - f) The provisions of any school-wide dress code that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code.
  - g) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.
  - h) A safe and orderly environment conducive to learning at the school. (EC § 32282, § 47605, and § 47605.6)

**ANALYSIS**

This bill is the annual K-12 education policy omnibus bill, which makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code. Specifically, this bill:

- 1) Clarifies that a school district or charter school which offers an interscholastic athletic program is required have at least one automated external defibrillator for *only* those schools within their jurisdiction that are participating in an interscholastic athletic program, as opposed to *all* the schools within their jurisdiction. (EC § 35179.6)
- 2) Updates a cross-reference for the provision relating to a requirement that charter petitions must include a description for school safety plans in order to be approved. Specifically, this bill:
  - a) Updates the cross-reference to refer to subparagraph (A) to (J), inclusive, *instead of only (A) to (H) inclusive*, of paragraph (2) of subdivision (a) of Section 32282, as described in # 5 of Existing Law.

These additional subparagraphs (I) and (J) pertain to requirements that the school safety procedures of school districts and county offices of education must include:

- a) Rules and procedures for school discipline in accordance with existing state law (subparagraph (I)).
  - b) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions (subparagraph (J)). (EC § 47605 and § 47605.6)
- 3) Makes the following replacements:
    - a) Replaces the term “him or her” with “the pupil’s parent, guardian, or educational right’s holder”, in a provision pertaining to the written statement that a charter school must send to those parties prior to a pupil’s suspension or expulsion. (EC § 47605 and 47605.6)
    - b) Replaces the terms “homemaking” with “family and consumer sciences” in sections relating to pupil instruction. (EC § 1900, § 48600, § 51220, § 51810, § 52501, and § 52570)
    - c) Replaces the terms “California Department of Education” and “State Department of Education” with “department”. (EC § 51810, § 52501, and § 52570)
    - d) Replaces the terms “chartering agency” and “chartering entity” with “chartering authority” in EC sections relating to charter school authorizations. (EC § 47605 and § 47605.6)

- e) Replaces gendered pronouns (he, she) and possessive pronouns (his, hers) with gender-neutral nouns and possessive pronouns throughout the EC. (EC § 47605, § 47605.6, and § 48600)

## STAFF COMMENTS

- 1) ***Purpose of the elementary and secondary education omnibus bill.*** Each year, there is typically a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff in the CDE, the Assembly and Senate Education committees, the Department of Finance, the Legislative Analyst's office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections. For example, these corrections may include deleting an obsolete reporting requirement, removing a reference to a defunct program, updating a cross-reference to another statute in existing law, and modernizing outdated terminology.

Custom and practice provide that if the Department of Education, the Department of Finance, the Legislative Analyst's Office, or any of the legislative offices in either the majority or minority party object to a proposed provision in the omnibus bill, that particular provision is prohibited from inclusion.

- 2) ***Updated terminology.*** Justifications for the updated references are as follows:
  - a) Existing provisions of the Education Code refer to pupil instruction in homemaking. This bill modernizes those references to the more contemporary term of "family and consumer sciences."
  - b) The "California Department of Education" and "State Department of Education" may be shortened to simply read "department."
  - c) For consistency, "chartering agency" and "chartering entity" have been replaced with "chartering authority" in certain sections relating to charter school authorizations.
  - d) In the Gender Recognition Act of 2017 (Atkins, Chapter 853, 2017) the legislature finds and declares that, "the binary gender designations of female and male fail to adequately represent the diversity of the human experience." Consistent with this view, the Education Code has consistently been amended in recent years to replace gendered pronouns (e.g., she, he, hers, and his) with appropriate gender-neutral nouns (e.g., pupil, parent or guardian, and pupil's education rights holder), and third-person possessive pronouns (e.g., theirs).

- 3) ***Clarifying changes and updated cross-references.***

*Automatic external defibrillators (AED) in interscholastic athletic programs.*

Existing law states if a school district or charter school offers interscholastic athletic programs, then the school district or charter school must acquire at least

one AED for *each* school within their jurisdiction. This bill makes a clarifying change such that school districts and charter schools are required to acquire at least one AED for *only* those schools within their jurisdiction that offer interscholastic athletic programs, as opposed to *all* the schools within their jurisdiction.

*School safety plans.*

Existing law requires charter schools to develop school safety plans in accordance with certain requirements that are also imposed on school districts and county offices of education. These requirements include subparagraph (A) to (J), *but not subparagraph (I) and (J)*, of paragraph (2) of subdivision (a) of Section 32282. For a description of subparagraphs (A) to (J), see #5 of Existing Law.

In order to bring charter school safety development plans into alignment with what is prescribed for district schools and county offices of education, this bill updates the cross-reference to also include subparagraphs (I) and (J) of paragraph 2 of subdivision (a) of Section 3228. These additional subparagraphs (I) and (J) pertain to requirements that the school safety procedures of school districts and county offices of education must include:

- a) Rules and procedures for school discipline in accordance with existing state law (subparagraph (I)).
- b) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions (subparagraph (J)).

*Notification of suspension and expulsion for charter school pupils.*

This bill clarifies that when a charter school sends a written statement of intent to remove a pupil via either suspension or expulsion to the pupil's parent, guardian, or educational right's holder, that the written statement will inform *the pupil's parent, guardian, or educational right's holder* of the pupil's right's as it relates to initiating a disciplinary hearing. This bill provides clarification in language by directly referring to the persons who may receive the written statement (the parent, guardian, or educational right's holder), as opposed to referencing "him or her"

- 4) **Committee Amendments. Committee recommends an amendment to** define "school day", in regards to *when* school districts or county superintendents of schools must provide needy pupils with at least one nutritionally adequate free or reduced-price meal. A "school day" shall be any day in which pupils in grades K-12, inclusive, are in attendance at a schoolsite for the purpose of classroom instruction. A "school day" includes, but is not limited to, pupil instruction that occurs at the following times and locations:
  - i. A minimum school day, as defined by existing state law.

- ii. State-funded preschool.
- iii. Transitional kindergarten.
- iv. Summer school, including summer school for incoming kindergarten students.
- v. Extended school year days.
- vi. Saturday school sessions.

This proposal to define “*school day*” came from the CDE with the following rationale:

“Education Code 49550 mandates that ‘each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, shall provide for each needy pupil one nutritionally adequate free or reduced-price meal during each school day. Education Code 49552 defines needy children as those ‘who meet federal eligibility criteria for free and reduced price meals.’ Furthermore, EC 49553 defines a nutritionally adequate meal as a breakfast or lunch ‘that qualifies for reimbursement under the federal child nutrition program regulation.’ However, the Education Code does not define ‘school day’ for the purposes of the state meal mandate. Because ‘school day’ is not defined, local educational agencies (LEA) have difficulty determining whether or not the state meal mandate applies to them during certain non-traditional days of instruction or activities. For example, some students are required to attend classes during an extended school year. Many LEAs do not think that the state meal mandate applies to these non-traditional school days, and therefore they do not provide meal service to their students on these days. Conversely, some LEAs think that the state meal mandate applies during extracurricular activities occurring on weekends, and they try to claim reimbursement for meals that are not allowed under the California Department of Education’s interpretation of ‘school day’. By defining ‘school day,’ LEAs will be able to determine whether or not the state meal mandate applies on non-traditional days. This will ensure that LEAs adhere to state law.

- 5) ***Fiscal impact.*** This bill has been keyed as non-fiscal by the Office of Legislative Counsel.
- 6) ***Related legislation.*** SB 383 (Committee on Education, 2019) is the annual higher education policy omnibus bill, which makes technical, conforming, and non-controversial changes related to postsecondary education. This bill replaces outdated references to “homemaking” classes offered at California Community Colleges with the more contemporary term of “family and consumer sciences.” This bill also corrects a drafting error in the definition of “Armed Forces of the United States”. This definition is used to determine resident classification for the purpose of determining tuition rates for members of the Armed Forces. This bill changes the definition to reference the “California National Guard”, rather than

the "California Army National Guard", thereby including all branches of the California National Guard. This bill has been referred to the Assembly Committee on Appropriations.

**SUPPORT**

None received

**OPPOSITION**

None received

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