

**Schools Legal Service Business Legislation Tracking
Summary of Chaptered Bills 2004 Legislative Session**

Assembly Bills

| Bill No. | Author | Subject | Status | Chapter | Code Sections Affected | Summary Analysis |
|----------|---------|---|-----------|---------|--|---|
| 1087 | Soto | Safe routes to school | CHAPTERED | 392 | Amend Streets & Highways Code sections 2331, 2333, 2333.5 | Among other things, this bill extends to January 1, 2008 the repeal date for the Safe Routes to School construction program authorizing the use of federal transportation funds to construct bicycle and pedestrian safety and traffic calming projects, and requires continuing study of the effectiveness of the program. |
| 1465 | Chan | Small high schools | CHAPTERED | 894 | Amend 17070.15; amend, repeal and add 17072.10, 17072.30 and 17072.32, add 17070.99, add and repeal 17074.32 | <p>On a pilot program basis through January 1, 2008, this bill requires the State Allocation Board to provide increased funding (120% of the usual per-unhoused pupil apportionment for new school construction) for construction of a "small high school" as defined (up to 500 pupils where built as part of academic reform strategy focusing on positive outcomes that small high schools encourage), allocating \$20,000,000 from state bond proceeds for this purpose. Substitutes a lower (40%) local match requirement and permits increased fund release (60% of project costs) upon certification the district has entered into a binding construction contract. (Can't be used if small high school would have been built anyway because of sparse population.)</p> <p>Modernization (with limited associated new construction) funding beyond a district's funding eligibility is also authorized until January 1, 2008 to fund high schools with an enrollment of 1,000 pupils or more seeking to reconfigure into 2 or more small high schools. No requirement stated for reconfiguration to be part of academic reform strategy. \$5,000,000 is allocated from state bond proceeds, with no more than \$500,000 available for any single project. Requires State Allocation Board to develop implementing regulations in consultation with Superintendent of Public Instruction.</p> |
| 1550 | Daucher | Year Round School (Concept Six Schools) | CHAPTERED | 901 | Amends 37670, adds Article 22 (commencing with section 337680) to Chapter 5.5 of Part 22 | Prohibits operation of Concept 6 multi-track year-round schedule except under certain circumstances, and even then requires phase out by July 1, 2012. Takes effect immediately as urgency statute. |

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| 1825 | Reyes | Sexual harassment training | CHAPTERED | 933 | Adds Govt Code §12950.1 | This bill requires certain employees, including school and community college districts to provide two hours of interactive sexual harassment training to supervisory employees by 1/1/06, and every two years after that. Supervising employees who received this training after January 1, 2003, are not subject to the 1/1/06 deadline. New supervisory employees must receive the training within 6 months of assuming a supervisory position. Supervisory employees include those with the authority to hire, discipline, transfer, lay off, promote or reward other employees. |
| 2147 | Kehoe | Wrap Up Insurance | CHAPTERED | 777 | Add Section 1175.81 to Insurance Code | Existing law requires that worker's compensation insurers report certain data to a rating organization, and that rates be set under an experience rating plan. This bill requires an insurer under a "wrap-up" insurance policy to report workers' compensation losses and payroll information for each contractor and subcontractor to its rating organization on a timely basis in accordance with a uniform statistical plan. A wrap-up insurance policy is defined as an insurance policy or series of policies insuring risks associated with a work of improvement and covering two or more of the contractors or subcontractors working on the project. The report must be provided to each contractor and subcontractor if requested. |
| 2485 | Chan | Environmental and Endangerment Assessments | CHAPTERED | 578 | Adds 17212.1 and 17212.2 | In connection with assessment of a proposed K-12 school site, this bill authorizes a district to make a written request to any person, corporation, public utility or governmental agency for information necessary or useful to the assessment, and requires a response within 30 calendar days of receipt (unless the information is proprietary or confidential). A school district may bring a complaint before the appropriate regulatory agency or legislative body, who may appoint a representative to work toward informally resolving the complaint. |

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| 2690 | Hancock | Prevailing wage-volunteers | CHAPTERED (Urgency) | 330 | Repeals and adds Labor Code 1720.4 | <p>This statute took effect as urgency Legislation on August 30, 2004. Under prior law, the Labor Code contained a narrow exemption from prevailing wage requirements for work performed by volunteers. To qualify, the work had to be performed entirely by volunteers, for facilities used by private nonprofit organizations where this would have no adverse effect on employment and the work was approved by the Director of Industrial Relations. Precedential decisions of the Director held that qualifying volunteer work for which the Director's permission was not obtained was not exempt from payment of prevailing wage.</p> <p>Under this bill approval of the Director of Industrial Relations is no longer required and the scope of the volunteer exemption is broadened to any work performed by a volunteer for a public agency or tax exempt 501(c)(3) organization, so long as the services were not coerced and the volunteer is not employed by a contractor (other than a tax exempt entity) paid to perform work on the same project. A person can still be considered a volunteer if provided reasonable meals, lodging, transportation and incidental expenses or nominal monetary awards so long as these are not a substitute for compensation for work performed. Volunteer coordinators employed by a tax-exempt 501(c)(3) organization also qualify for the exemption. This Legislation will sunset January 1, 2009 unless extended.</p> |
| 2756 | Daucher | School district administration and budgeting, county superintendent oversight duties | CHAPTERED | 52 | Amends Education Code sections 33127, 33128, 41020.5, 41320.1, 41326, 41326.1, 41327, 41328, 41474, 42127, 42127.1, 42127.6, and 42127.8, adds sections 41327.1, and 41327.2, amends Gov't. Code sections 3540.2, 3547.5, and 53260. | <p>This bill requires county superintendents to notify a certified public accountant or public account and the California Board of Accountancy whenever the county superintendent determines that a school district audit performed by the accountant was not in substantial conformance with the audit guide for local educational agencies, which can result in ineligibility on the part of the accountant to conduct future audits for school districts. The bill also permits county superintendents to "conditionally approve" a school district budget. If a school district does not submit a budget, the county superintendent may prepare the budget for the school district, at the school district's expense. The bill also amends the Educational Employment Relations Act to increase the number of days a county superintendent has to review and comment on a proposed collective bargaining agreement for districts with qualified or negative budget certifications, from 6 to 10 working days. The bill also requires the superintendent and chief business official to certify in writing that the costs incurred by the district under the agreement can be met by the district during the term of the agreement. (The bill does not state whether the governing board may ratify an agreement if the certification is not obtained.) The bill reduces the cap on buyout provisions in a superintendent's contract to an amount which cannot exceed six months salary, to be determined by a hearing officer, where the district believes and confirms by independent audit that the superintendent engaged in fraud or other illegal fiscal practices.</p> |

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| 2782 | Benoit | Joint Powers Agencies | CHAPTERED | 784 | Amends Govt. Code 54954.5, adds 54856.96 | Provides that a joint powers agreement can authorize members of a joint powers agency governing board who are also members of the governing board of a member agency to disclose closed session information to the member agency's legal counsel or other members of the member agency's governing board in closed session, where that information has direct financial or liability implications for the member agency. The bill further authorizes a member agency, upon advice of counsel, to hold a closed session to receive, discuss and act on information obtained in a closed session of the joint powers agency. |
| 2950 | Goldberg | Critically Overcrowded Schools | CHAPTERED | 898 | Amends 17078.27 | Provides alternative methods for applicants in the State Allocation Board's critically overcrowded schools program (K-12 districts) to calculate enrollment for purposes of determining eligibility for a final apportionment for a project funded under the 2002 State Bond. |
| Senate Bills | | | | | | |
| 6 | Alpert | School Facilities: Emergency Repairs | CHAPTERED | 899 | Adds Education Code section 41207.5 and adds Article 1.5 (commencing with Section 17592.70) to Chapter 5 of Part 10.5 | This bill is one of four enacted in settlement of the <i>Williams</i> litigation. It creates a School Facilities Needs Assessment Grant Program to award grants to districts operating schools ranked in deciles 1-3 on the 2003 API to develop a comprehensive needs assessment. It also establishes a School Facilities Emergency Repairs Account, earmarking \$800 million as annual reversion funds become available to address specified unforeseeable emergency facilities needs (gas leaks, nonfunctioning HVAC, etc.). |
| 18 | Burton | Native American Sacred Sites | CHAPTERED | 905 | Amend Civil Code 815.3, amend Govt. Code 65040.2, 65092, 65351, 65352, 65560, add sections 65352.3, 65352.4, 65562.5. | Among other things, this bill increases requirements in local planning processes to consult California Native American tribes regarding preservation of or mitigation of impacts to Native American places, features and objects, and to protect the confidentiality of information concerning those elements and includes open space for the protection of California Native American historical, cultural and sacred sites within the definition of "local open-space plan" for purposes of city and county general plans. |

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| 409 | Hollingsworth | K-12 School maintenance financing | CHAPTERED | 195 | Amends E.C. §17070.75 | This bill took effect as urgency Legislation on July 27, 2004. It reduced the required contribution to the restricted maintenance account (required for districts receiving funding under the Leroy F. Greene School Facilities Act of 1998) from 3% to 2 ½% for the 2004-05 fiscal year only. The bill also provided that for the 2004-05 fiscal year, the annual deposit in excess of 1 ½% of the district's general fund budget counts toward the district's deferred maintenance match (normally the threshold is 2 ½%). |
| 550 | Vasconcellos | School Maintenance | CHAPTERED | 900 | Amends Education Code sections 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 33126, 33126.1, 41020, 52055.625, 52055.640, 60119, 60240, and 60252, adds sections 35186, 41344.4, and 52055.662, repeals Section 62000.4, amends Section 36 of Ch. 216 of Stats 2004. | <p>This bill is part of the implementation of the settlement in the <i>Williams</i> lawsuit. In addition to provisions concerning sufficiency of instructional materials and accountability, it requires County Superintendents to annually inspect schools under their jurisdiction and to report to the county board of supervisors and the governing board of districts concerning the state of schools in deciles 1-3 of the 2003 API. The visits must assess compliance with facilities maintenance to determine the condition of a facility that poses an emergency threat to the health or safety of pupils or staff. It requires establishment of a facilities inspection system in order to insure each school is in good repair as a condition of participation in the deferred maintenance program. OPSC is required to develop an evaluation instrument by January 25, 2005. This bill takes effect immediately as urgency legislation.</p> <p>This bill also requires districts to adopt by January 1, 2005 additional uniform complaint procedures addressing complaints concerning instructional materials, teacher vacancies and mis-assignments and facilities not maintained in a clean or safe manner or in good repair. Districts must also post a notice in every classroom at every school notifying parents and guardians that there should be sufficient textbooks and instructional materials and that school facilities must be clean, safe and in good repair, and specifying the place to obtain complaint forms.</p> |

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| 1161 | Alpert | Library Construction | CHAPTERED | 698 | Adds Chapter 12.5 (commencing with section 20020) to Part 11 of the Education Code | Authorizes submission to the voters at the 2006 statewide primary election of a \$600,000,000 bond for the purpose of financing library construction and renovation. Funds will be available for grants to any city, county or library district authorized to own and maintain a public library. The bill provides for award of joint-use projects with school districts, county offices of education, community college districts and others providing at least 50% of the 35% local match requirement, with special consideration given where the joint use project is located in a low-income area, or in an area where public schools have low API scores. |
| 1464 | Karnette | Public contracts | CHAPTERED | 739 | Amends Public Contract Code section 20112 | Existing law requires school districts desiring to let contracts involving a specified minimum expenditure to publish a notice calling for bids in a newspaper of general circulation. This bill authorizes a K-12 district to also publish on the district's website or electronic portal, and authorizes but does not require a district to accept a bid which was submitted electronically. The electronic advertisement must state "the Website where bids will be opened." (Posted?) |
| 1618 | Battin | Employee social security numbers | CHAPTERED | 1618 | Amends Labor Code §226 | Under existing law, most employers (but not school or community college districts or county offices of education) are required to list an employee's social security number on an itemized wage statement. Those employers will now be permitted to use no more than the last four digits of the employees SSN. This bill will now require those public educational entities which furnish employees with a check, draft or voucher for wages to use no more than the last four numbers of the employee's SSN or an existing employee ID number other than the SSN on the check, draft or voucher. Public educational agencies are required to comply by January 1, 2008. It is not clear whether the penalties for violation of this statute would apply to public entity employers. |
| 1771 | Scott | School district governing board meetings. | CHAPTERED | 257 | Amends Govt Code section 54954 | Under existing law, a governing board must normally meet within district boundaries except under specified circumstances, including to meet for the purpose of interviewing members of the public residing in another district concerning potential employment of the superintendent of that district. This bill permits a meeting to be held in another district to interview members of the public concerning the potential employment of <u>any applicant</u> for the position of superintendent. |