

**EDUCATION RELATED LEGISLATION (CHAPTERED)
2005 LEGISLATIVE SESSION**

SB 8 (SOTO) (CHAPTER 680)—PUBLIC OFFICERS: CONFLICT OF INTEREST

Principal Code Sections Affected: Government Code Section 87460.3

Applies the so-called "revolving door prohibition" to every city, county, and special district in the state.

1. Prohibits an elected official of a county, city, or district, a chief administrative officer of a county, a city manager, or a general manager or chief administrator of a special district from acting as an agent or attorney for, or otherwise representing, for compensation, any other person by appearing before or communicating with the local government agency with which he or she was employed, for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property, for a period of one year after leaving that position.
2. Provides that this prohibition shall not apply to any individual who is appearing or communicating on behalf of another local government or public agency of which the individual is a board member, officer, or employee.
3. Specifies that this shall not prohibit a local government entity from adopting an ordinance or policy that restricts the appearance of a former local official before that local government agency if that ordinance or policy is more restrictive than this bill.
4. Defines "administrative action," as the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial.
5. Defines "legislative action," as the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in his or her official capacity.

SB 12 (ESCUZIA) (CHAPTER 235)—SCHOOL FOOD NUTRITION

Principal Code Sections Affected: Education Code Sections 49430 and following

Implements nutrition standards in elementary schools, and extends the standards to secondary schools.

1. Deletes the requirement that SB 19 be funded prior to implementation, thereby imposing nutrition standards in elementary schools, beginning July 1, 2007.
2. Modifies nutrition standards for elementary schools.
 - A. No longer subjects fruits, vegetables that have not been deep fried and legumes to the 35/10/35 restrictions. (35/10/35 means no more than 35 percent of the calories can be

from fat, no more than 10 percent of the calories can be from saturated fat, and no more than 35 percent of the total weight can be composed of sugar).

- B. Requires individually sold dairy or whole grain food items, except as specified, to meet the 35/10/35 restrictions and prohibits these items from being more than 175 calories per individual item.
 - C. Includes naturally occurring and added sugars in the restrictions on total weight from sugar.
3. Specifies that items sold by pupils in elementary school that do not comply with the nutrition requirements in the bill must be sold off of and away from school premises.
4. Imposes, beginning July 1, 2007, a calorie restriction of 250 calories per individual food item and the 35/10/35 requirements on snacks sold to a pupil in middle, junior and high school, except food served as part of a USDA meal, with the following exceptions:
- A. Nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, and legumes are exempt from the 35 percent fat restrictions.
 - B. Eggs or cheese packaged for individual sale are exempt from the 10 percent saturated fat restriction.
 - C. Fruits and vegetables that have not been deep fried are exempt from the 35 percent sugar restriction.
5. Imposes, beginning July 1, 2007, the following restrictions on entree items sold to a pupil in middle, junior, or high school (except for food served as part of a USDA meal program).
- A. No more than 400 calories per entree.
 - B. No more than four grams of fat per 100 calories contained in each entree.
- C. Requires the items to be categorized as entree items in the School Breakfast Program or National School Lunch Program.
6. Allows a secondary school to permit the sale of food items that do not comply with the nutrition standards in any of the following circumstances.
- A. The sale of those items takes place off of and away from school premises.
 - B. The sale of those items takes place on school premises at least one-half hour after the end of the school day.
 - C. The sale of those items occurs during a school-sponsored pupil activity after the end of the school day.
7. Defines the following terms:
- A. "Added sweetener" as any additive other than 100 percent fruit juice that enhances the sweetness of a beverage;

- B. "Sold" as the exchange of food for money, coupons, or vouchers;
- C. "Entree" as a food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta, and pizza;
- D. "Snack" as a food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, onion rings, nachos, French fries, donuts, cookies, pastries, cinnamon rolls, and candy.

SB 35 (Chapter 243) (FLOREZ)—CALIFORNIA CHILDREN AND FAMILIES PROGRAM

Principal Code Sections Affected: Health and Safety Code Sections 130150 and 130151

Expands auditing requirements under the California Children and Families Act of 1998 (Proposition 10).

SB 37 (SPEIER) (CHAPTER 673)—STUDENT ATHLETES: PROHIBITED SUBSTANCES

Principal Code Sections Affected: Education Code Sections 35179.1 and 49030 and following

Requires the Department of Health Services to provide the United States Anti-Doping Agency's (USADA) *Guide to Prohibited Substances and Prohibited Methods of Doping* (guide), to the California Department of Education (CDE) on or before March 30, 2006, and makes changes relating to the 1998 California High School Coaching Education Program.

1. Delays the effective date of the banned supplements list until 60 days after the USADA Guide is posted on CDE's web site.
2. Prohibits the use of dietary supplements containing banned substances by a pupil participating in interscholastic high school sports.
3. Prohibits the marketing of dietary supplements on school campuses or at school-related events.
4. Defines "market" to mean:
 - A. Direct product advertising;
 - B. Provision of education materials;
 - C. Product promotion by a school district employee or school district volunteer;
 - D. Product placement;
 - E. Clothing or equipment giveaways;
 - F. Scholarships.
5. Requires that student athletes pledge not to take anabolic steroids and/or banned dietary supplements.

6. Requires, effective December 31, 2008, each high school sports coach to complete a coaching education program developed by his or her school district or the California Interscholastic Federation (CIF) that includes education on the use of steroids and PEDS.
7. Allows the coaching program described above to be taught by an athletic director or high school sports coach meeting CIF qualifications.
8. Establishes a fund in the State Treasury that could receive private contributions for the purpose of offsetting the cost to coaches of the required coaching education class.
9. Includes, in the existing sport physiology component of the coaching program, instruction on the harmful effects associated with the use of steroids and performance enhancing dietary supplements (PEDS) by adolescents.
10. Requires a high school coach to pay for the costs of the program. Requires the training requirements satisfied pursuant to this bill to count toward the continuing education required for the renewal of the teaching credential of a coach who is also a certified employee.
11. Allows a high school coach who does not meet the coaching program requirements to coach no longer than one season of interscholastic competition.
12. Prohibits a school from accepting a sponsorship from a manufacturer of a banned dietary supplement.

**SB 63 (COMMITTEE ON BUDGET AND FISCAL REVIEW) (CHAPTER 73)—EDUCATION FINANCE
URGENCY — effective July 19, 2005**

Principal Code Sections Affected: Numerous provisions of the Education, Health and Safety, Public Utilities and Welfare and Institutions Codes

This is the education omnibus Budget trailer bill that contains provisions necessary to implement the education portion of the 2005-06 Budget.

1. Establishes a new revenue limit deficit factor for county offices and school districts.
2. Suspends, for fiscal year (FY) 2005-06, the statutory requirement that community colleges receive a specified percentage of the total amount appropriated to K-12 and community colleges (total Proposition 98 funding).
3. Authorizes SDE to enter into an interagency agreement with another state agency to conduct mediation conferences and due process hearings for families of children of disabilities, in accordance with federal requirements.
4. Revises the growth and COLA calculation for special education, so the COLA is applied only to the General Fund portion of funding, and not the federal portion, in accordance with the way the state calculates COLA on other education program.

**SB 101 (BATTIN) (CHAPTER 103)—EMPLOYEE COMPENSATION
URGENCY — effective July 21, 2005**

Provides clean-up language to SB 1618 (Battin), Chapter 860 of 2004, which requires employers by January 1, 2008 to use only the last four digits or less of an employee's social security number or an existing employee identification number on employee check drafts or vouchers.

Specifies that only the last four digits of an employee's social security number may be shown on the itemized statement provided to an employee that accompanies the check, draft, or voucher (rather than the check itself). Additionally, strikes the word "existing" as it relates to employee identification numbers, which allows employers to establish new employee identification numbers to implement the provisions of the law.

SB 319 (MIGDEN) (CHAPTER 355)—CHARTER SCHOOLS: FUNDING

Principal Code Sections Affected: Education Code Sections 42241.3 and 47600

Revises, for the 2005-06 fiscal year only, the revenue limit funding of a unified school district with respect to the funding associated with the average daily attendance of pupils attending a charter school established prior to July 1, 2005.

SB 430 (RUNNER) (CHAPTER 430)—CHARTER SCHOOLS: FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM

Principal Code Sections Affected: Education Code Sections 1241.5, 42127.8 and 47604.4

Expresses the authority of a county superintendent to request the Fiscal Crisis and Management Assistance Team (FCMAT) to review the fiscal or administrative condition of any charter school operating within the county and permits a charter school to initiate a request for FCMAT assistance to be paid for by the charter school.

SB 439 (SIMITIAN) (CHAPTER 278)—PUBLIC RECORDS: NONDISCLOSURE OF ALTERNATIVE INVESTMENTS

Principal Code Sections Affected: Government Code Section 6254.26

Makes findings pursuant to Section 1 of Article 3 of the Constitution that certain records relating to alternative investments of public investment funds are not accessible as public records.

SB 500 (KUEHL) (CHAPTER 530)—AFDC-FC: PREGNANT AND PARENTING FOSTER YOUTH

Principal Code Sections Affected: Numerous Welfare and Institutions Code provisions

Creates an option for teen foster parents to live with their children in foster homes.

SB 512 (COMMITTEE ON EDUCATION) (CHAPTER 677)—EDUCATION OMNIBUS

Principal Code Sections Affected: Numerous provisions of various codes

This is the annual Senate Education Committee "clean-up" that makes various non-controversial revisions to statute.

1. Authorizes county superintendents to conduct their instructional materials and facilities visits separately or during multiple visits, taking into consideration cost-effectiveness, disruption to the schoolsite, deadlines and availability of qualified reviewers, when making the determination to make one or multiple visits.
2. Directs the Commission on State Mandates to reconsider claims related to the Student Accountability Report Card pursuant to AB 2855 (Laird), Chapter 895, Statutes of 2004.
3. Clarifies existing law related to the *Williams v. State of California* settlement by stating that schools included in the school facilities needs assessment and county office of education reviews are only schools ranked in deciles one, two, and three of the 2003 Academic Performance Index (API) (including schools that have a valid API ranking of one, two, or three in 2002, but did not have one in 2003).

SB 525 (TORLAKSON) (CHAPTER 661)—STATE TEACHERS' RETIREMENT BENEFITS

Principal Code Sections Affected: Numerous Education Code provisions

Reduces the time period a member of the California State Teachers' Retirement System (CalSTRS) Defined Benefit Supplement (DBS) Program or a participant of the Cash Balance (CB) Benefit Program must wait before receiving a termination benefit under either program.

SB 570 (MIGDEN) (CHAPTER 265)—MENTALLY INCOMPETENT MINORS

Principal Code Sections Affected: Government Code Section 8553.5; Welfare and Institutions Code Sections 710 and following

Creates a procedure for minors who are within the jurisdiction of the juvenile court for delinquent conduct to be evaluated for mental disorders, emotional disturbances or developmental disabilities. Establishes procedures for evaluating the mental competency of juvenile offenders.

SB 594 (TORLAKSON) (CHAPTER 483)—CUSTODY AND VISITATION: SEX OFFENDERS

Principal Code Sections Affected: Family Code Sections 3030 and 3030.5

Expands the prohibition against allowing custody or visitation to a registered sex offender to include individuals who reside with registered sex offenders.

SB 648 (MARGETT) (CHAPTER 267)—CEQA: LEAD AGENCIES: DETERMINATIONS

Principal Code Sections Affected: Public Resources Code Sections 21091 and 21165

Establishes time frames for public and state agency review of draft environmental impact reports (EIRs) and other documents prepared under the California Environmental Quality Act (CEQA).

1. Allows the public review period and the state agency review period to begin and end at the same time if a CEQA document is submitted to the State Clearinghouse administered by the Office of Planning and Research (OPR), and specifies the date the clearinghouse distributes the document to state agencies as the first day of that period.
2. Requires the clearinghouse to distribute the CEQA document to state agencies within three days after receiving it if the document is determined to be complete.
3. Clarifies that a "dispute" between two or more public agencies means a contested, active difference of opinion over which agency must prepare the EIR or other needed CEQA documents and where each agency claims it either has or does not have the obligation to prepare these documents.

SB 687 (SIMITIAN) (CHAPTER 358)—SCHOOL ACCOUNTABILITY REPORT CARD: REPORTING REQUIREMENTS: STANDARDIZED TEMPLATE: REVIEW AND REVISIONS

Principal Code Sections Affected: Education Code Sections 33126 and 33126.5

Requires that estimated expenditures per pupil, as reported on School Accountability Report Card (SARC), reflect the actual salaries of personnel assigned to the school and that the average teacher salary of teachers assigned to the school be reported on the SARC.

SB 707 (KEHOE) (CHAPTER 553)—BEFORE AND AFTER SCHOOL PROGRAMS

Principal Code Sections Affected: Education Code Sections 8482.8 and following

Eases many requirements of After School Education and Safety Programs relative to the hours of operation and funding of programs.

1. Authorizes a program grantee that is temporarily prevented from operating an ASESP at the program site due to natural disaster, civil unrest, or imminent danger to pupils or staff, to shift program funds to sites of other ASESPs to meet attendance targets during that time period.
2. Authorizes the California Department of Education (CDE), and the State Board of Education (SBE) to approve a request by the grantee for payment equal to the amount of funding the grantee would have received if it had been able to operate its entire program if the program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff.

3. Eases requirements for hours of operation of after school programs by requiring the after school component of a program to commence immediately upon the conclusion of the regular schoolday and operate for at least 15 hours a week (rather than three hours a day) and at least until 6 p.m. on regular school days.
4. Requires a pupil to attend at least half of the daily program hours in order to generate funding.
5. Deletes the requirement that a student participate in the before school component for at least 90 minutes per day to generate funding.
6. Authorizes CDE to reimburse a program grantee for up to 125 percent of the maximum total grant amount for an individual school, as long as the maximum total grant amount for all programs administered by the grantee is not exceeded.
7. Specifies that a program grantee that transfers funds to administer an ASESP must have an established waiting list for enrollment and may transfer only from another school program that has met a minimum of 70 percent of its attendance goal.
8. Delinks funding for administrative costs from student attendance, whereby programs would continue to be allowed to use up to 15 percent of funding on administrative costs but that funding will no longer be required to be "earned" by attendance.

SB 724 (SCOTT) (CHAPTER 269)—POSTSECONDARY EDUCATION: CALIFORNIA STATE UNIVERSITY DOCTOR OF EDUCATION DEGREES

Principal Code Sections Affected: Education Code Sections 66040 and following

Authorizes CSU to independently offer Doctor of Education (Ed.D) degrees focused solely on preparing effective administrative leaders for community colleges and public K-12 schools.

SB 726 (FLOREZ) (CHAPTER 632)—DEPENDENT CHILDREN

Principal Code Sections Affected: Welfare and Institutions Code Sections 361.2 and 366.23

Creates "Adam's Law" to emphasize to foster parents the importance of providing courts with information to determine whether a noncustodial parent is an appropriate placement for a foster child.

1. Allows the court to order a noncustodial parent who is assuming custody of a child following removal from the other parent (a) to be subject to the jurisdiction of the juvenile court, and (b) to have a home visit, made by a social worker, within three months of placement. In determining whether to take such action, the court must consider any concerns that have been raised by the child's current caregiver regarding the noncustodial parent.
2. Requires a county social worker to inform a foster child's caretaker that he or she has a right to provide the court with input regarding the placement of the child. Requires the county social worker to provide the caregiver information form to caregivers and request that they provide any particular information the caregiver might have regarding the noncustodial parent.

3. Requires the caregiver information form to be attached to the social worker's report or returned to the court for review and consideration before placement with the noncustodial parent.

**SB 755 (POOCHIGIAN) (CHAPTER 676)— CALIFORNIA STATE SUMMER SCHOOL FOR MATH AND SCIENCE: PUPIL ASSESSMENT
URGENCY — effective October 7, 2005**

Principal Code Sections Affected: Education Code Sections 8669, 60611 and 60640

Changes some requirements of the Standardized Testing and Reporting (STAR) program

1. Requires, until July 1, 2007, a student who is identified as limited English proficient (LEP) who receives instruction in his or her primary language or who has been enrolled in a school in the United States for less than 12 months to take an additional test in his or her primary language, if a test is available.
3. Requires the Superintendent of Public Instruction to annually release at least 25 percent of test items from the standards-based achievement test from the test administered in the previous year.

SB 798 (SIMITIAN) (CHAPTER 444)—PRESCRIPTION DRUGS: COLLECTION AND DISTRIBUTION PROGRAM

Principal Code Sections Affected: Health and Safety Code Sections 150200 and following

Establishes a voluntary, county-option drug repository and distribution program to distribute surplus medications to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies.

SB 833 (BOWEN) (CHAPTER 667)—UNSOLICITED FAX ADVERTISEMENTS

Principal Code Sections Affected: Business and Professions Code Section 17538.43

Makes it unlawful to send an unsolicited fax advertisement, with certain exceptions.

**SB 854 (ASHBURN) (CHAPTER 555)—COMMUNITY LEARNING CENTERS
URGENCY — effective October 5, 2005**

Principal Code Sections Affected: Education Code Sections 8484.75 and following

Makes several changes to the 21st Century Community Learning Centers (CCLC) program including increasing the per student daily reimbursement rate for after school programs from \$5 to \$7.50 and for before school programs from \$3.33 to \$5 as well as increasing the maximum total grant amounts.

SB 875 (RUNNER AND FLOREZ) (CHAPTER 353)— AFTER SCHOOL EDUCATION AND SAFETY PROGRAM: CAREER TECHNICAL EDUCATION

Principal Code Sections Affected: Education Code Sections 8482.3 and 8483.3

Expands the educational enrichment component of the After School Education and Safety Program (ASESP) to include career technical education.

SB 965 (ESCUTIA) (CHAPTER 237) SCHOOL FOOD: BEVERAGES

Principal Code Sections Affected: Education Code Section 49431.5

Extends to high schools, current restrictions imposed on K-8 pupils and schools relating to the sale of certain beverages.

1. Revises the definition of "milk" as an allowable beverage for middle or junior high schools from, "milk, including chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk," to, "two percent-fat milk, one percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk," and modifies the list of beverages to make the definitions conform.
2. Requires, beginning July 1, 2007, at least 50 percent of all beverages sold to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day to be one of the following:
 - A. Fruit-based drinks with at least 50 percent fruit juice and no added sweetener.
 - B. Vegetable-based drinks with at least 50 percent vegetable juice and no added sweetener.
 - C. Drinking water with no added sweetener.
 - D. Two percent-fat milk, one percent-fat milk, non-fat milk, soy milk, rice milk, and other similar non-dairy milk.
 - E. An electrolyte replacement beverage with no more than 42 grams of added sweetener per 20-ounce serving.
3. Restricts, beginning July 1, 2009, the sale of all beverages to a pupil from one-half hour before the start of the school day until one-half hour after the end of the school day.

SB 973 (KUEHL) (CHAPTER 418)— PUBLIC EMPLOYEES' RETIREMENT: DOMESTIC PARTNERS

Principal Code Sections Affected: Numerous provisions of the Education, Government and Probate Codes

Amends the Public Employees Retirement System (PERS), the State Teachers Retirement System (STRS), and the County Employees Retirement Act of 1937 to entitle retired members to elect to change optional retirement allowances to provide for their domestic partners.

1. Revises and recasts the provisions of the State Teachers Retirement Law regarding pre-retirement elections to require the form include the signature of the member's spouse or domestic partner, as specified, and be received at the system's headquarters.
2. Provides that a spouse or registered domestic partner is prohibited from receiving a distribution of contributions until the member separates from employment.
3. Provides, for purpose of the provision of certain postretirement death benefits under PERS, that a surviving domestic partner shall be treated in the same manner as a surviving spouse if the domestic partner is in a registered domestic partnership or if the retired member and his or her domestic partner, who are currently in a registered domestic partnership, sign an affidavit.
4. Expands provisions regarding conservatorship to provide that a conservatee retains the capacity to enter into a domestic partnership.

SB 1053 (SCOTT) (CHAPTER 276)—SCHOOLSITE FUNDING: LOCAL IMPROVEMENT PROGRAM

Principal Code Sections Affected: Education Code Sections 58950 and following

Establishes the Local Improvement pilot project to provide participating schools with flexibility in the development and implementation of instructional programs to support and improve pupil learning.

SB 1054 (SOTO) (CHAPTER 87)—CHARTER SCHOOLS: CALIFORNIA BUILDING STANDARDS CODE

Principal Code Sections Affected: Education Code Sections 47610 and 47610.5

Requires charter schools, by January 1, 2007, to meet building standards under the California Building Code (Part 2 (commencing with Section 101) of Title 24 of the California Code of Regulations) as adopted and enforced by the local building enforcement agency with jurisdiction over the areas in which the charter schools are located.

**AB 23 (LIU) (CHAPTER 502)—ADULT EDUCATION FINANCE
URGENCY — effective October 4, 2005**

Principal Code Sections Affected: Education Code Sections 52616.19 and following

Settles several adult education audit issues that have been unresolved for more than 10 years, and provides for the reallocation of unclaimed adult education funding capacity.

AB 109 (CHAN) (CHAPTER 284)—CALIFORNIA CHILDREN AND FAMILIES PROGRAM

Principal Code Sections Affected: Health and Safety Code Section 130140

Adds additional requirements before a county children and families commission is eligible to receive its share of tobacco tax revenues.

Requires that a county commission must adopt:

1. Policies regarding conflicts of interest, and contracting and procurement procedures.
2. A limit on the amount of its revenues that can be spent on administrative functions, based on the state commission's guidelines that define administrative functions.
3. Policies and processes establishing employees' salaries and benefits.

Also requires the county commissions' strategic plans to measure program outcomes. The commissions must review that information as part of the public review of their strategic plans.

AB 128 (ASSEMBLY BUDGET COMMITTEE) (CHAPTER 234)—BUDGET TRAILER BILL: EDUCATION URGENCY — effective September 13, 2005

Principal Code Sections Affected: Education Code Sections 37252 and 37254

Makes changes to the budget act and education-related statutes in order to effectuate agreements made as a part of the 2005-06 Budget Act.

AB 145 (COMMITTEE ON BUDGET) (CHAPTER 75)—BUDGET ACT OF 2005: COURT FEES URGENCY — effective July 19, 2005

Principal Code Sections Affected: Numerous provisions of various codes

Imposes a uniform civil filing fee schedule in California beginning January 2006. This is intended to supercede a security fee imposed on civil filings in fiscal year (FY) 2004-05 which was extended in FY 2005-06 until the effective date of this act. The new structure simplifies the civil filing fees by combining the current varied surcharges and add-on fees into one filing fee so that the same fees will be charged for the same services across all 58 counties.

AB 208 (GORDON) (CHAPTER 142)— SCHOOL DISTRICTS: CHILDREN OF MILITARY PERSONNEL

Principal Code Sections Affected: Education Code Sections 48306 and 48308

Authorizes a school district of choice to give priority for attendance to children of military personnel if the school district elects to accept transfer pupils by a resolution.

1. Authorizes a school district of choice to give priority for attendance to children of military personnel.
2. Exempts from the application deadline to the school district of choice an application if the parent or guardian is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.

3. Requires that no later than 90 days after receipt of an application the governing board of the school district shall accept or reject the application.
4. Requires the governing board of a school district to accept or reject the application prior to the beginning of the school year, if the request for transfer is submitted less than 90 days prior to the beginning of the school year.
5. Authorizes the school district of choice to notify the school district of residence, if the application is accepted. If the application is denied the school district shall notify the parent or guardian.
6. Authorizes the automatic renewal of the transfer annually, unless the school withdraws from participation in the program.

AB 224 (NEGRETE McLEOD) (CHAPTER 351)—TEACHERS' RETIREMENT

Principal Code Sections Affected: Numerous Education Code sections

Makes various technical and conforming changes to the Teachers' Retirement Law (TRL) to facilitate efficient administration of the State Teachers' Retirement Plan (Plan), which includes the Defined Benefit (DB) Program, the Defined Benefit Supplement (DBS) Program and the Cash Balance (CB) Benefit Program.

1. Clarifies a member participating in the Reduced Workload Program (RWP) is in violation of the program if he or she retires or otherwise separates from employment before completing the school year.
2. Provides the authority for former participants of the CB Benefit Program who were previously excluded from the CB Program due to the former "multiple employer restriction," to reelect participation in the CB Benefit Program.
3. Clarifies that the period of 12 consecutive months, which a member must wait after retiring to return to work to qualify for a post-retirement earnings limit exemption, begins from the date of the member's most recent retirement.
4. Clarifies that the preretirement option election form must include the signature of the member's spouse or registered domestic partner and that the spouse or registered domestic partner's signature must be within 30 days of the member's signature on the same form.

AB 302 (COMMITTEE ON BUSINESS AND PROFESSIONS) (CHAPTER 506)—ARCHITECTS: REPORT OF SETTLEMENTS AND ARBITRATION AWARDS

Principal Code Sections Affected: Numerous Business and Professions Code provisions

Requires architects and their insurers to report to the licensing board any civil judgment, settlement, arbitration award or administrative action resulting in payment exceeding \$5,000 where fraud, deceit, negligence, incompetence or recklessness was alleged.

AB 322 (OROPEZA) (CHAPTER 386)—STUDENT ATHLETES: BILL OF RIGHTS AND GENDER EQUITY

Principal Code Sections Affected: Education Code Sections 270 and 271

Requires the California Department of Education to post on its website by July 1, 2006, a statement of student rights as specified in Title IX and implementing regulations regarding gender equity in athletics.

AB 405 (MONTANEZ) (CHAPTER 566)—SCHOOLSITES: PESTICIDE USE

Principal Code Sections Affected: Education Code Section 17610.1

Prohibits the use at a school of pesticides that do not have full registration or testing from state agencies.

1. Prohibits the use at a schoolsite of a pesticide that is granted conditional registration, interim registration, or an experimental use permit by DPR, if the pesticide also: a) contains a new active ingredient; or, b) is intended for a new use. It also barred the use on a schoolsite of a pesticide that is identified by DPR for suspension, cancellation or for phase out of use. A vendor or manufacturer was not allowed to make such pesticides available to a school district either by sale or by gift.
2. Specifies that a conditionally registered pesticide can still be used if it is approved for other uses and has fulfilled all registration health requirements that relate to human health, including the mandatory health effect studies pursuant to the Birth Defect Prevention Act of 1984.
3. Exempts public health pesticides or antimicrobial pesticides registered by the Department of Pesticide Regulation (DPR) pursuant to its expedited registration process.
4. Exempts a pesticide from the requirements of this bill that is granted a conditional registration and is intended for a new use if that pesticide was unconditionally or fully registered within 15 years from the conditional registration, unless that registration has been cancelled or suspended, or that pesticide has been phased out of use
5. Specifies that this statute is not intended to impose any new labeling requirements.
6. Explicitly states that this measure does not apply to pesticide products having full registration.

AB 414 (KLEHS) (CHAPTER 606)—LABOR COMPLIANCE PROGRAMS: THIRD-PARTY PROVIDERS

Principal Code Sections Affected: Labor Code Section 1771.7

Specifies that a third party that contracts with an awarding body to initiate and enforce a labor compliance program may not review the payroll records of its own employees or the employees of its subcontractors and specifies that if an awarding body chooses to contract with a third party to initiate and enforce a labor compliance program for a project that third party shall not review the payroll records of its own employees or the employees of its subcontractors, and the awarding body or an independent third party shall review the payroll records for the purpose of the labor compliance program.

AB 430 (NAVA) (CHAPTER 364)— PRINCIPAL TRAINING PROGRAM

Principal Code Sections Affected: Education Code Sections 44510 and following

Reauthorizes the Administrator Training Program.

1. Changes the name of the Principal Training Program to the Administrator Training Program.
2. Includes a curriculum or instructional leader who supports the work of a principal or vice principal in the definition of "school administrator."
3. Requires, where practicable, that the first 80 hours for the first three modules of training take place outside the regular school day.
4. Includes in the list of instruction and training areas in the program training on analyzing the achievement of specific subgroups including English learners and individuals with disabilities on state and local student assessment instruments.
5. Includes in the leadership portion of the training, capacity-building of the staff to enhance the academic performance of all students through a variety of pedagogies of learning, including differentiated instruction that addresses varied learning needs with special emphasis on providing additional support for students identified as English learners and students with disabilities.
6. Includes in the leadership portion, training to reduce racial tensions, respect for diversity, staff relations, and creating an effective, safe, and inclusive learning environment.
7. Includes in the required plans for a local education agency (LEA) to receive the incentive funding for this program training plans which may include professional development leadership activities, including coaching, mentorship, assistance, and intensive support customized to meet the individual needs of site administrators and activities to assist administrators in analyzing achievement data and focus support on subgroups that are not meeting state and local achievement goals.
8. Expresses legislative intent that LEAs give highest priority to training administrators assigned to and working in high-priority or hard to staff schools.
9. Allows this 160-hour training to extend over two years with the initial 80 hours to be received in the first year.

AB 437 (PARRA) (CHAPTER 721)—SEX OFFENDERS: MEGAN'S LAW

Principal Code Sections Affected: Penal Code Section 290.46

Revises provisions to require the Department of Justice (DOJ) to additionally include on the Megan's Law web site the dates of conviction for the crimes requiring registration, and the dates of release from incarceration for those crimes if sufficient funding is available for this purpose and DOJ has access to complete and accurate information on these dates.

AB 439 (PARRA) (CHAPTER 704)— REGISTERED SEX OFFENDERS: DISMISSALS OF CONVICTIONS: RESIDENCE CHANGES

Principal Code Sections Affected: Penal Code Sections 290, 290.1 and 1203.4

Changes notification procedures for a registered sex offender who is moving and reorganizes and recasts the provisions relative to the continued duty to register.

1. Creates separate notification procedures relative to notification of change of address of registered sex offenders who were last registered at a residence address and those who were registered as transients.
2. Requires a transient who moves out of state to inform, in person, within five working days of the move, the chief of police in the city in which he or she is physically present, or the sheriff, as applicable.
3. States that if the transient does not know the new residence address or location at the time of the move, he or she shall inform, in person, the last agency in whose jurisdiction he or she was present before the move, that he or she is moving out of state.
4. States that the person shall later notify the last registering agency, in writing, sent by certified or registered mail, of the new address or location within five working days of moving to the new address, whether temporary or permanent. Provides that the law enforcement agency shall forward a copy of the change of address information to DOJ within three working days after receipt of the information.

AB 519 (LENO) (CHAPTER 634)—PARENTAL RIGHTS

Principal Code Sections Affected: Welfare and Institutions Code Sections 213.5 and 366.26

Allows the court to act in the best interest of a child regarding the area of relinquishment of parental rights.

1. Allows a child who has been legally freed for at least three years or who all parties stipulate is no longer adoptable, to petition the juvenile court to reinstate parental rights. If the court finds that changed circumstances exist such that the child is no longer likely to be adopted and that reinstatement of parental rights would be in the child's best interest, the court shall reinstate parental rights.
2. Allows the juvenile court to issue an ex parte order to protect a parent, legal guardian, or caretaker of a child who is the subject of a dependency petition.
3. Clarifies that a child may petition to have parental rights reinstated if three years have passed since parental rights were terminated, and the court has determined adoption is no longer the permanent plan for the child, or if the child and the Department of Social Services (DSS) or the adoption agency responsible for the custody for the child stipulate that the child is no longer likely to be adopted.

AB 532 (LEVINE) (CHAPTER 509)—PUBLIC CONTRACTS: PROCUREMENT OF ELECTRONIC EQUIPMENT

Principal Code Sections Affected: Public Contract Code Section 20118.2

Establishes an alternate process for school districts to procure bids for the acquisition of computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus.

1. Authorizes a school district to procure computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus through "competitive negotiation".
2. Specifically prohibits the application of the bill's provisions to contracts for construction or for the procurement of any product that is available in substantial quantities to the general public
3. Describes "competitive negotiation" to include, but not be limited to the following requirements:
 - A. A request for proposal (RFP) must be prepared and submitted to an adequate number of qualified resources, as determined by the school district, to permit reasonable competition.
 - B. Notice of the RFP must be published at least twice in a newspaper of general circulation for 10 days before the date of receipt for proposals.
 - C. The school district must make every effort to generate the maximum feasible number of proposals from qualified sources, and make a finding to that effect prior to negotiating if only a single response to the RFP is received.
 - D. The RFP must identify all significant evaluation factors and their relative importance, including price.
 - E. The school district must provide reasonable procedures for evaluation of RFPs, identification of qualified sources and selection for the award of the contract.
 - F. The contract must be awarded to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the school district when considering all factors.
4. Authorizes the school district to reject all proposals received under the bill's provisions and to request new proposals.
5. Exempts from negotiation with the successful bidder any contract provisions concerning the utilization of small business enterprises that are in accordance with the RFP.

AB 740 (HUFF) (CHAPTER 359)—CHARTER SCHOOLS: FUNDING URGENCY — effective September 28, 2005

Principal Code Sections Affected: Numerous Education Code Sections

Repeals provisions of existing law that require the Superintendent of Public Instruction to compute a categorical block grant amount for each charter school. Instead, establishes a charter school categorical block grant to provide these schools with funding for general education and disadvantaged student programs that will be in lieu of the funding received by charter schools pursuant to various categorical programs.

1. Establishes a categorical block grant to provide charter schools with funding in lieu of the funding that could be received by charter schools pursuant to various categorical programs.
2. Establishes, for the 2005-06 fiscal year, and for the 2006-07 fiscal year, and thereafter, a different method of calculating the charter school categorical block grant. Establishes a block grant level by including 28 programs in the block grant:
3. Provides that charter schools are permitted to apply for programs that are not clearly included or excluded from the block grant.

AB 796 (WOLK) (CHAPTER 27)—LIBRARY DISTRICTS

Principal Code Sections Affected: Education Code Section 18339

Allows the governing board of a library district to name the library district in a manner that distinguishes the library district from an existing school district.

AB 831 (COMMITTEE ON EDUCATION) (CHAPTER 118)—WILLIAMS LAWSUIT URGENCY — effective July 25, 2005

Principal Code Sections Affected: Numerous Education Code provisions

Makes various changes to the codes to correct cross references, errors and make existing provisions of law workable related to the implementation of the 2004 *Williams v. California* settlement.

1. Clarifies that the textbook/instructional materials reviews conducted by County Superintendents under the Williams settlement are to be completed within the first four weeks of the school year, and specifies that they be done in a way that minimizes disruption to the operation of the school.
2. Authorizes any county with more than 200 eligible schools to conduct a combination of visits and surveys for the required Williams instructional material reviews. To the extent that qualifying counties elect to use surveys, any costs associated with the surveys would not result in reimbursable mandates.
3. Clarifies that the schools intended to be included in the needs assessment and county office reviews under the Williams settlement are those districts ranked in deciles 1, 2 and 3 using the 2003 Academic Performance Index scores, and that those schools may qualify to be reviewed on a four-year cycle if no teacher vacancies or misassignments are found.
4. Clarifies that teacher vacancy or misassignment is an issue subject to parent complaint.

5. Clarifies that districts under the Williams Settlement must specify the percent of students that have insufficient textbooks or instructional materials.
6. Eliminates the phrase "to complete required homework assignments" under the instructional materials sufficiency requirements in the Williams settlement. This is intended to eliminate the ability of school districts, that have a "no homework policy," to circumvent the requirement, contained in the Williams settlement, that every student be allowed to take home a textbook.

AB 835 (HUFF) (CHAPTER 31)— SCHOOL DISTRICT ORGANIZATION: GOVERNING BOARD

Principal Code Sections Affected: Education Code Section 5019

Allows a county committee on school district organization to abolish, as well as establish, a common governing board for two school districts, if the voters approve the action. Also requires that signatures on petitions proposing school district reorganization must be obtained within 180 days of submission of the proposal to the county committee on school district organization.

AB 882 (NATION) (CHAPTER 28)— SCHOOL FACILITIES: CONTRACTS WITH CERTIFIED ARCHITECTS OR STRUCTURAL ENGINEERS

Principal Code Sections Affected: Education Code Section 17316

Requires a school district that reuses architectural and engineering plans and retains another certified architect or structural engineer to prepare those plans for reuse, to indemnify and hold harmless the original certified architect or structural engineer and their consultants, agents, and employees, from and against any claims, damages, losses, expenses, including attorney's fees, arising out of or resulting from, in whole or in part, the reuse.

AB 897 (COTO) (CHAPTER 530)—BRAILLE STANDARDS

Principal Code Sections Affected: Education Code Sections 56351.8 and 56351.9

Requires the development of Braille math standards and requires local education agencies to provide opportunities for students who are visually impaired to master the Braille reading and math standards.

AB 953 (COTO) (CHAPTER 513)—LOCAL EDUCATIONAL AGENCY INTERVENTION

Principal Code Sections Affected: Education Code Sections 52055.1 and following

Amends the State program to support local educational agencies (LEAs) and schools in Program Improvement (PI) under the federal No Child Left Behind Act of 2001 (NCLB).

1. Changes the date from July 31, 2005 to January 31, 2006 for the Superintendent of Public Instruction (SPI) to develop, with approval of SBE, standards and criteria to be applied by a district assistance and intervention team (DAIT).

2. Provides that funds made available for the Statewide System of School Support, to establish a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement, shall be distributed on the basis of the number of schools and the student enrollment in each region, as well as the number of districts in these regions that are identified as PI.
3. Provides that if a management team, trustee, or SAIT has been determined by the SPI to be ineffective in assisting a school to make significant growth in more than one schoolsite, that team or trustee shall be removed from all schoolsites.
4. Requires the SPI to provide a list of approved school assistance and intervention teams (SAITs) based on criteria recommended by the SPI and adopted by the State Board of Education (SBE), and that the SAIT be removed from the list if it fails to fulfill all of its contractual obligations within 36 months.
5. Establishes an Early Warning Program for LEAs that are identified by the SDE as being in danger of being identified within two years as PI LEAs.
6. Requires the State Department of Education (SDE) to notify identified LEAs of their status in writing, and to provide them with research based criteria to conduct a voluntary self-assessment.
7. Requires these LEAs to conduct self assessments to identify operational deficiencies and program and service deficiencies.

AB 967 (CANCIAMILLA) (CHAPTER 399)—STUDENTS: CONCURRENT ENROLLMENT

Principal Code Sections Affected: Education Code Sections 48800 and 76001

Exempts from an enrollment cap on concurrent enrollment at the California Community Colleges (CCC) a student recommended by his/her principal for enrollment in a college level advanced scholastic summer session course, or in a vocational CCC summer session course. Also requires the governing board of a CCC district to assign a low enrollment priority to the above student in order to ensure these students do not displace regularly admitted students.

AB 1052 (LESLIE) (CHAPTER 324) SCHOOL TRANSPORTATION: DRIVER DRUG AND ALCOHOL TESTING

Principal Code Sections Affected: Vehicle Code Section 34520.3

Requires drivers of school transportation vehicles to comply with required drug and alcohol testing.

1. Defines a "school transportation vehicle" as a vehicle that is not a school bus, school pupil activity bus, or youth bus, and is used by a school district or county office of education for the primary purpose of transporting children.
2. Requires a school district or county office of education that employs a driver to operate a school transportation vehicle, and that driver of the vehicle, to participate in a program that is

consistent with the federal controlled substance and alcohol use testing requirements that apply to school bus drivers.

AB 1093 (MATTHEWS) (CHAPTER 149)—EMPLOYMENT: WAGES

Principal Code Sections Affected: Labor Code Sections 213 and 515.5

Makes various clarifying changes to provisions of existing law governing payment of wages and overtime compensation.

1. Amends existing law related to the payment of wages by direct deposit by clarifying that the bank, savings and loan association, or credit union of the employee's choice has a "business location" in this state (and need not be headquartered in California). This bill also authorizes an employee's final payment of wages to be made by such authorized direct deposit, as long as the existing time periods for payment of such wages are satisfied.
2. Specifies that, in order to qualify for the exemption, the employee's hourly rate of pay must be \$41 or the annualized full-time salary equivalent of that rate, provided that all other requirements for satisfying the exemption are met and as long as in each work week the employee receives not less than \$41 per hour worked.

AB 1166 (CANCIAMILLA) (CHAPTER 328)— PUBLIC EMPLOYEES' RETIREMENT BENEFITS

Principal Code Sections Affected: Numerous Government Code provisions

Makes several minor and technical amendments to various sections of the Government Code administered by the California Public Employees Retirement System (CalPERS).

1. Reenacts provisions allowing schools to participate in Medicare-only coverage for teachers (Government Code sections that provided authority for a school district, a county superintendent of schools, and a regional occupational center to participate in Medicare-only coverage for STRS members who were hired prior to April 1, 1986, became inoperative and/or repealed as of January 1, 2005).
2. Clarifies that the 24 months an employee is subject to the Alternative Retirement Program is a consecutive period from the date of employment and is not impacted by a break in service.
3. Clarifies that the 24 months an employee is subject to the Alternative Retirement Program does qualify towards health benefit vesting requirement.

AB 1261 (LENO) (CHAPTER 639)—FOSTER CHILDREN: EDUCATION

Principal Code Sections Affected: Numerous Education Code and Welfare and Institutions Code provisions

Clarifies provisions related to the education of foster youth in the areas of educational placement, course work credit, records transfer, and educational programs offered to foster youth.

1. Provides that in the event of a school placement dispute, the dispute shall be resolved in accordance with the existing dispute resolution process available to any pupil served by the local educational agency.
2. Provides that if a nonpublic, nonsectarian school or agency, that is applying for certification and has submitted a form requesting verification from the local educational agency, does not receive a response from the local education agency 60 calendar days from the date of the return receipt for initial applications, or 30 calendar days from the date of the return receipt for renewal applications, the applicant may file the application with the Superintendent of Public Instruction (SPI).
3. Requires a county welfare department to verify that a health and education summary has been provided to a foster child.
4. Revises the time line for the SPI to conduct an additional onsite review of a facility and program seeking certification from four to within three years of the effective date of certification.
5. Codifies the court's authority to make educational decisions for the child when no responsible adult could be identified and the appointment of a surrogate parent was not legally warranted. Requires the court to issue appropriate orders to ensure that every effort is made to identify a responsible adult to make future educational decisions for the child.
6. Requires that records be transferred and foster children be granted immediate enrollment even if the foster child had outstanding fees, fines, textbooks or other items or monies due to the school last attended.
7. Authorizes the court, in limited circumstances, to temporarily limit the right of the parent to make educational decisions for their children when the parent was unable or unwilling to exercise educational rights and the child's educational needs could not otherwise be met.

**AB 1303 (DAUCHER) (CHAPTER 97)—SCHOOL FINANCE: EMERGENCY APPORTIONMENTS AND LEASE FINANCING
URGENCY — effective July 21, 2005**

Principal Code Sections Affected: Education Code Sections 41329.52 and following; Government Code Section 63049.68

Revises statutes and terms pertaining to the lease financing that the state is using to replace General Fund financing of school district emergency loans.

1. Allows a lease on school district property that is used to secure an emergency loan to be extended for up to 10 years if any rent payable is not fully paid, or if the rent payable has been abated, by the end of the original (20-year) term.
2. Authorizes the Controller to pay or reimburse the provider of any credit enhancement of bonds and other ancillary costs of the bond financing, when paying the bond trustee rent on school facilities that have been leased to secure the emergency loan.

3. Authorizes the Controller to make lease payments from any state funds designated to be paid to the school district, not just revenue limit funding, and declares that any such lease payment is a "lien senior to any other apportionment or payment" to or for the district.
4. Requires the Controller to transfer funds necessary to pay school districts for the incremental difference in interest rates between their original emergency loans and the replacement bond financing on a schedule provided to the controller by the I-Bank.

AB 1358 (MULLIN) (CHAPTER 229)—SCHOOLSITES: NOTICE OF PROPOSED ACQUISITION

Principal Code Sections Affected: Education Code Section 17215

Requires, before acquiring title to or leasing property for a new schoolsite, the governing board of a school district or charter school to follow existing requirements for the acquisition of a schoolsite by a school district.

1. Requires the governing board of a school district or charter school, before acquiring title to or leasing property for a new schoolsite, to give the State Department of Education (SDE) written notice of the proposed school operations and submit any information required by SDE if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
2. Requires Caltrans to investigate the site and, within 30 working days after receipt of the notice, to submit to SDE a written report of its findings including recommendations concerning acquisition or lease of the site.
3. Requires, as part of the investigation, Caltrans to give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed site.
4. Prohibits the governing board or charter school from acquiring title or leasing the property until the report has been received from SDE.
5. Prohibits the governing board or charter school from acquisition or lease of the property for a schoolsite if the report does not favor the acquisition or lease of the property for a schoolsite or an addition to the present school site, and
6. Requires, if the report favors the acquisition, lease or addition, the governing board or charter school to hold a public hearing on the matter prior to acquiring or leasing the site.

AB 1366 (LIEBER) (CHAPTER 360)—COMMUNITY COLLEGES: FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM

Principal Code Sections Affected: Education Code Sections 42127.8 and 84041

Authorizes the Board of Governors of the California Community Colleges (CCCs) to assign the County Office Fiscal Crisis and Management Assistance Team (FCMAT) to assist a community college district.

1. Adds the Chancellor of the CCCs and a member of a community college district (CCD) governing board to the FCMAT governing board, and authorizes the Chancellor and the governing board to request the FCMAT to assist a CCD.
2. Requires that any activities undertaken by the FCMAT pursuant to this bill will be paid by the CCD.
3. Requires the CCC Board of Governors to adopt any regulations necessary for the implementation of the bill.

AB 1385 (LAIRD) (CHAPTER 361)—SCHOOL MEALS

Principal Code Sections Affected: Education Code Section 49561

Requires the State Department of Education (SDE) to develop and implement a data matching system to directly certify recipients of public assistance programs for enrollment in the National School Lunch and School Breakfast programs. Specifies that Medi-Cal benefits are not included within the criteria for direct certification.

AB 1492 (EVANS) (CHAPTER 363)—COMMUNITY COLLEGE DISTRICTS: SALE OR LEASE OF PROPERTY

Principal Code Sections Affected: Education Code Sections 81383 and 81384

Authorizes the sale-sale back or lease-leaseback of energy efficient community college facilities, and authorizes an apportionment intercept for the payment of debt service obligations for bonds or short-term loans. The overall purpose is to allow the California Community Colleges (CCC) to utilize a facilities financing mechanism that is currently utilized by K-12 school districts.

1. Provides that current requirements relative to the sale or lease of surplus property do not apply to the sale or lease of CCC real property, together with any personal property located thereon, if all of the following conditions are met:
 - A. The property is sold or leased for the purpose of assisting a local governmental agency in obtaining financing for a qualified CCC facility;
 - B. In the case of a sale, the CCC district simultaneously repurchases the same property (sale-sale back);
 - C. In the case of a lease, the CCC district simultaneously leases back the same property (lease-leaseback); and,
 - D. The financing proceeds are used solely for capital outlay relating to a qualified CCC facility.
2. Defines "qualified community college facility" as real and personal property, improvements and related facilities that are determined by the governing board of the CCC district to satisfy each of the following:

- A. The facilities will assist the CCC district in reducing energy and resource consumption and to operate as energy and resource efficient buildings, and,
 - B. The facilities are affordable.
3. Requires the district, when a CCC district enters into a sale or lease as described above, to authorize the Chancellor of the CCC and the Controller to withhold from its annual apportionment the amount of funds necessary to satisfy its annual payment obligation under the sale contract or lease.

AB 1496 (GOLDBERG) (CHAPTER 517)—HIGH SCHOOL ATTRITION RATES

Principal Code Sections Affected: Education Code Section 33318.5

Requires the California Department of Education (SDE) to compile high school attrition rates, in addition to the dropout rates it compiles to report to the federal government.

Provides for the calculation to be made according to the following formula:

1. Requires the number of students in California who receive a diploma of graduation from high school be subtracted from the number of students who enrolled in ninth grade four years earlier.
2. Requires the resulting difference to be divided by the number of ninth graders enrolled four years earlier in order to obtain a dropout rate.

AB 1533 (BASS) (CHAPTER 542)—HEALTHY FAMILIES: HEALTH CARE COVERAGE

Principal Code Sections Affected: Health and Safety Code Sections 1357 and 1357.50; Insurance Code Sections 10198.6 and 10700

Permits an individual who has lost or will lose Healthy Families (HF) coverage as a result of exceeding the program's income or age limits to enroll in health insurance coverage without being considered a late enrollee.

AB 1609 (LIU) (CHAPTER 354)—VOCATIONAL EDUCATION: REQUIREMENTS

Principal Code Sections Affected: Education Code Section 33126

Requires schools to include career-technical education information on the school accountability report card (SARC).

1. Requires that if the Commission on State Mandates determines that this act contains mandates, reimbursement to the local agencies and school districts shall be made.
2. Requires the SARC to include information relating to a declared insufficiency of textbooks or instructional materials.
3. Requires that the SARC include:

- A. A list by school site of career-technical programs that are aligned to the model curriculum standards, and program sequences offered by the school district.
- B. A listing of the primary representatives of the career technical advisory committee at the school district and the industries represented.
- C. The number of students participating in career technical education.
- D. The percentage of pupils that complete a career technical education program who earn a high school diploma.
- E. The percentage of career technical education courses that are sequenced and that are articulated between a school and postsecondary institutions.

AB 1610 (WOLK) (CHAPTER 543)—CHARTER SCHOOLS: PETITION REQUIREMENTS

Principal Code Sections Affected: Numerous Education Code provisions

Adds required components to charter school petitions that are presented to a county office of education (COE) in order to establish a countywide charter school, extends the sunset of charter school waiver authority, requires that a pupil's school district of residence be notified when that pupil drops out of a charter school, and allows the State Board of Education (SBE) to waive fiscal penalties for charter school failure to offer instructional time.

1. Requires a charter school to notify the superintendent of the resident school district within 30 days, if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, and requires the charter school to provide, upon request from the pupil's resident district, a copy of the cumulative record of the pupil, including transcript of grades, report card, and health information.
2. Requires a charter school to offer, at a minimum, the same minutes of instruction as non-charter school as follows:
 - A. 36,000 minutes to pupils in kindergarten;
 - B. 50,400 minutes to pupils in grades 1-3;
 - C. 54,000 minutes to pupils in grades 4-8; and,
 - D. 64,800 minutes to pupils in grades 9-12.
3. Prohibits SBE and the Superintendent of Public Instruction (SPI) from waiving the minute requirements, as consistent with non-charter schools.
4. Authorizes SBE to waive fiscal penalties for a charter school that fails to offer the minimum number of instructional minutes.
5. Authorizes SBE to grant a waiver for fiscal penalties incurred as a result of providing insufficient instructional minutes in fiscal year (FY) 2002-03 or any FY thereafter, if the charter school agrees to maintain instructional minutes equal to those minutes it failed to offer and the minimum number of instructional minutes for twice the number of years it failed to maintain the required minimum number of instructional minutes for the FY.

6. Requires minute requirements associated with the waiver of fiscal penalties to be verified in the charter school's annual audit report for each FY. If the audit report fails to do this, the waiver is revoked and the charter school is required to repay the fiscal penalty.
7. Extends the inoperative date from July 1, 2005 to January 1, 2007, on the statute that allows charter schools to obtain a waiver of Education Code provisions from SBE.
8. Requires if a non-adult pupil is expelled or leaves the charter school without graduating or completing the school year, the charter school to notify the school district of the pupil's last known address, rather than the district in which the pupil resides, within 30 days.
9. Requires a petition authorized by a county board of education to include the following:
 - A. If enrolling high school pupils, a description of how the charter school will inform parents regarding the transferability of courses to other public high schools, provided that courses accredited by the Western Association of Schools and Colleges may be considered to be transferable;
 - B. If enrolling high school pupils, information as to how the charter school will inform parents regarding whether courses offered by the charter school meets college entrance requirements, provided that courses approved by the University of California or the California State University for admission meet college entrance requirements;
 - C. Charter school admission requirements;
 - D. The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school;
 - E. A description of the rights of an employee of the COE, upon leaving the employment of the COE to be employed by the charter school, and a description of any rights of return to the COE that an employee may have upon leaving the employ of the charter school; and,
 - F. A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.
10. Requires that applications to renew charters include a description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.
11. Specifies that the pupil-to-teacher ratio that a charter school must maintain to be funded for independent study may be calculated by using a fixed pupil-to-teacher ratio of 25:1, or by being a ration of less than 25:1 and that all pupils, regardless of age, are required to be included in the pupil-to-teacher ratio calculations.

AB 1642 (SALINAS) (CHAPTER 344)— SCHOOL DISTRICTS: REORGANIZATION

Principal Code Sections Affected: Numerous Education Code provisions

Revises and recasts various provisions concerning the processing and approval of school district reorganizations.

1. Authorizes a county committee on school district organization to abolish a common governing board for a high school district and an elementary school district. Current law allows the committee to establish such boards.
2. Defines "uninhabited territory" as an area with less than 12 registered voters.
3. Prohibits an election from being called for a petition to transfer territory if the election area for that petition is uninhabited territory and requires the county committee to notify the county board of supervisors if the committee approves such a petition. Such approvals could be appealed to the SBE, as currently allowed.
4. Provides that property taxes shall only be reallocated in connection with a reorganization when one of the districts is a basic aid school district.
5. Allows the County Superintendent of Schools the choice of electoral procedures specified in the Elections Code, which allows conducting the election by mail under specific conditions, when calling an election to approve or reject a reorganization proposal.

**AB 1662 (LIEBER) (CHAPTER 653)—SPECIAL EDUCATION: CONFORMANCE TO FEDERAL LAW
URGENCY — effective October 7, 2005**

Principal Code Sections Affected: Numerous Education Code provisions

Makes changes to state special education statutes to bring them into harmony with federal changes enacted through the 2004 reauthorization of the Individuals with Disabilities Education Improvement Act (IDEA).

1. Specifies that for an individual with exceptional needs, beginning no later than the effective date of the individualized education program (IEP) in effect when the individual reaches the age of 16 years, or younger if determined appropriate by the IEP team, an IEP meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual.
2. Changes the time limitation for requesting a due process hearing from three to two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis of the request.
3. Provides that a party may file a request within the three-year statute of limitations provisions until October 9, 2006, but requires that party to participate in a mediation conference, which shall be conducted in an effort to resolve the due process hearing issue.
4. Adds definitions of "assistive technology device," "related services" and "supplementary aids and services" to align them with federal law.
5. Conforms the primary time line provisions in State law with the federal IDEA of 2004 related to IEP meetings, transition services, IEP review procedures, reassessment and transfer requirements.

6. Adds a 30-day time frame by which a school district of a transferring pupil with exceptional needs shall provide a free appropriate public education to the pupil, while the local educational agency adopts the previously held IEP or develops, adopts and implements a new one that is consistent with federal and state law.
7. Adds language that covers the situation where a pupil with an IEP transfers during the academic year from one district to another district within the same special education local plan area (SELPA). Requires the new school district to continue, without delay, to provide services comparable to those described in the existing IEP, unless the parent and the LEA agree to develop, adopt and implement a new IEP.
8. Requires an LEA to file a request for a due process if the parent or guardian of a child who is an individual with exceptional needs refuses all services in the IEP after having consented to those services in the past.
9. Clarifies that the written document containing amendments or modifications to a pupil's IEP is signed by the parent and the LEA.
10. Adds the requirement of providing prior written notice to parents in instances when the public agency proposes to initiate or change, or refuses to initiate or change the identification, assessment, or educational placement of a pupil or the provision of a free appropriate public education to the pupil.
11. Places a limitation on the subject matter of a due process hearing by stating that the party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that were not raised in the notice filed under this section, unless the other party agrees.
12. Outlines the procedural inadequacies by which a due process hearing officer, in matters alleging procedural violations, may find that a child did not receive a free appropriate public education.
13. Adds language that provides that a due process hearing officer is not precluded from ordering an LEA to comply with procedural requirements under the Procedural Safeguards chapter.

AB 1669 (CHU) (CHAPTER 653)—EMPLOYMENT: DISCRIMINATION

Principal Code Sections Affected: Government Code Section 12960

Tolls, for an employee who is a minor, the one-year statute of limitation for filing a complaint based on an unlawful employment practice under the Fair Employment and Housing Act, so that the employee may file such a claim up to one year after the minor reaches the age of 18.

AB 1772 (COMMITTEE ON PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY) (CHAPTER 547)—CLASSIFIED SCHOOL EMPLOYEES

Principal Code Sections Affected: Education Code Sections 45240, 45262, 45272.5, 45277.5, 45278 and 45387

Makes various changes regarding school personnel procedures relative to classified employees.

1. Provides that rules regarding the merit system that are prescribed, amended, and interpreted by a personnel commission may be electronically transmitted.
2. Authorizes a school district to publish and distribute examination bulletins by electronic means.
3. Authorizes the governing board of a school district to permit a permanent classified employee to attend a minimum of one school day each year, during working hours, for job-related in-service training, with pay.
4. Extends a sunset regarding specialized hiring practices for hard to recruit individuals.

ACR 30 (McCarthy) (Resolution Chapter 54)—Civic Mission of Schools

This resolution urges the State Board of Education and all local school governing bodies to examine current practice and develop plans to increase and broaden emphasis on principles and practices of democracy in the schools of this state.

1. Makes the following findings:
 - A. Preparing each generation to understand and support democratic principles is the responsibility of all of our institutions and was a primary reason for the creation of public schools;
 - B. Our citizens have overwhelmingly agreed over the course of 33 years of Gallup polling that "educating young people for responsible citizenship" should be the primary purpose of our schools;
 - C. Research demonstrates that our schools are an effective place to provide systematic and sustained instruction in and opportunities for the application of democratic principles and that early adolescence is a particularly critical time for civic education;
 - D. The democratic principles that underlie our society, the structure, and functions of government, and the rights, responsibilities, and participation of citizens should be a continual and meaningful part of instruction throughout every child's education;
 - E. The importance of pupils' grasp of the concepts of civic responsibility and respect for others cannot be underestimated;
 - F. The history-social science framework goals now guiding California schools call for the integration of knowledge and cultural understanding, democratic understanding, civic values and skills attainment, and social participation at every grade; and
 - G. State law requires that secondary pupils complete only a single semester-long course in government/civics.

2. Urges the State Board of Education and all local school governing bodies to examine current practice and develop plans to increase and broaden emphasis on principles and practices of democracy in the schools of this state.

AJR 22 (BASS) (RESOLUTION CHAPTER 101)—SCHOOL RECORDS

This resolution urges the Congress of the United States to immediately enact an exception to Family Educational Rights and Privacy Act (FERPA) to permit schools to share with child death teams any relevant pupil records and urges the President of the United States to immediately sign the enactment.
