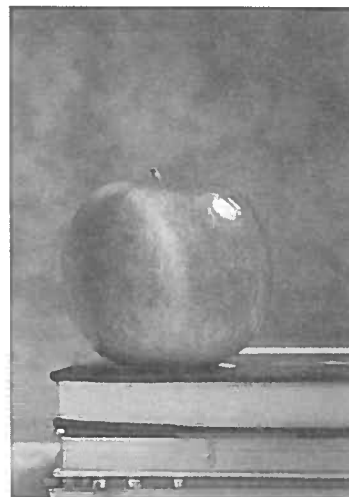


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STUDENTS



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Torrance Area Parents
Torrance Unified School District

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A Professional Law Corporation

2020

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MIDDLE AND HIGH SCHOOLS: LATER START TIMES

Senate Bill 328 (Portantino): Senate Bill 328 pushes back start times for middle schools and high schools, including those operated by charter schools. The new start times will go into effect on July 1, 2022, or on the date a school district's or charter school's applicable collective bargaining agreements expire, whichever is later.

SB 328 revises Education Code section 46148 to require that:

- Middle schools can start no earlier than 8:00 a.m.
- High schools can start no earlier than 8:30 a.m.

According to the author, the purpose of the SB 328 is to align the school start time with the developmental needs and biological sleep cycles of adolescents. According to the April 24, 2019, Senate Committee on Education report, later school start times have been shown to improve grades, reduce depression symptoms, reduce caffeine use, reduce substance abuse, reduce tardiness, improve attendance rates, improve graduation rates, and greatly reduce car crashes caused by teen drivers.

The new law does not alter the minimum requirement for instructional minutes. Additionally, the April 24, 2019, report on SB 328 acknowledged that a later start time would result in a later end time, which might negatively affect extracurricular activities especially during the winter months for schools that lack outdoor lighting on their sports fields.

The new law will still allow schools to offer classes or activities to a limited number of pupils before the start of the school day as long as these classes or activities do not generate average daily attendance (ADA) for the purpose of determining a district's apportionment of state funding. This means that schools may still offer "zero periods" prior to the official start times listed above.

The new law does not apply to rural school districts. However, SB 328 does not define "rural." This problem in the law was noted in the April 24, 2019, report, which notes that, "If the bill moves forward, the author may wish to clarify the meaning of rural school districts for purposes of the exemption." The August 14, 2019, Assembly Committee on Appropriations report stated that "[u]sing the federal definition of 'rural,' 20% of California schools would be exempt." This same report did not specify which definition of rural it applied in its calculation.

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To the extent that there are changes in the start and end times of the work day for certificated or classified employees, districts should expect to receive a demand to bargain over implementation of the law as it will impact a mandatory subject of bargaining (i.e. hours). (Stats. 2019, ch. 868, effective January 1, 2020.)

WILLFUL DEFIANCE

Senate Bill 419 (Skinner): This bill will prohibit public schools – both traditional and charter – from suspending 4th through 8th grade students for class disruption and willful defiance starting on July 1, 2020. Suspension of students in kindergarten through 3rd grade on this basis is already prohibited. The bill amended Education Code section 48900 and added section 48901.1

Opting instead for more research-based and holistic, positive alternatives to discipline, the Legislature encourages school administrators and teachers to consider alternatives to suspension to help students by keeping them at school and in the classroom and avoiding the creation of a school-to-prison-pipeline. SB 419 specifies that “it is the intent of the Legislature to provide teachers and school administrators with the means to foster safe and supportive learning environments for all children in California.”

The new legislation follows similar bans enacted at several school districts throughout California in recent years, marking a decisive step back from the harsh “zero tolerance” discipline policies that took hold decades ago. Under the new law, beginning on July 1, 2020, students enrolled in grades 4 through 8 can no longer be suspended for disrupting school activities or otherwise willfully defying school personnel engaged in the performance of their duties. Please note, however, that the Legislature built in a July 1, 2025, sunset provision for the ban as applied to 6th through 8th grade students and, as such, is expected to revisit the issue with regard to middle-schoolers before that date.

Once effective on July 1, 2020, administrators and teachers could still remove disruptive students from class (though not suspend them from school), but they are encouraged to opt instead for restorative justice practices and related alternatives to discipline, including the use of research-based frameworks with strategies that improve behavioral and academic outcomes. School officials are also encouraged to use a Multi-Tiered System of Supports, such as trauma-informed practices, social and emotional learning, and positive behavior interventions and support. The Legislature’s goal is to use such alternatives to help provide students with support to transform any trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

The so-called “willful defiance” basis for suspension has been criticized as counterproductive to student achievement and equity, as some view it as being arbitrary and often unfairly applied to students of color and students with disabilities. Some critics of the ban criticize the one-size-fits-all disciplinary approach.

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Existing law allows administrators and teachers to exercise their discretion in removing students from class for disrupting school activities and willful defiance. Willful defiance suspensions were already on the decline prior to the enactment of this legislation – accounting for more than 50% of all suspensions at its peak, and only 16% in 2018. SB 419, however, will require school administrators and teachers to further focus on and expand restorative practices and implement systems and approaches for responding to disciplinary disruptions at school. It will be important for schools, districts, and county offices of education to plan for this change and implement additional alternative practices in advance of the effective date of the change. (Stats. 2019, ch. 279, effective January 1, 2020.)

INTRADISTRICT AND INTERDISTRICT TRANSFERS: BULLYING VICTIMS

Assembly Bill 1127 (Rivas, Luz): Requires a school district of residence to approve an intradistrict transfer request for a victim of an act of bullying, as provided. The bill prohibits a school district of residence, regardless of whether there is an agreement or permit, from prohibiting the interdistrict transfer of a victim of an act of bullying if there is no available school for an intradistrict transfer and the school district of proposed enrollment approves the application for transfer. By requiring school districts to approve intradistrict transfers for victims of bullying, the bill imposes a state-mandated local program. Upon parental request, district of enrollment shall provide transportation assistant to pupil eligible for free or reduced-price meals. (Stats. 2019, ch. 781, effective January 1, 2020.)

PUPILS: USE OF SMARTPHONES

Assembly Bill 272 (Muratsuchi): Explicitly authorizes the governing body of a school district, a county office of education, or a charter school to adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school. The bill, however, specifies circumstances in which a pupil could not be prohibited from possessing or using a smartphone:

- (1) In the case of an emergency, or in response to a perceived threat of danger.
- (2) When a teacher or administrator of the school district, county office of education, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.

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- (3) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.
- (4) When the possession or use of a smartphone is required in a pupil's individualized education program.

(Stats. 2019, ch. 42, effective January 1, 2020.)

CHILD HUNGER PREVENTION AND FAIR TREATMENT ACT OF 2017

Senate Bill 265 (Hertzberg): The Child Hunger Prevention and Fair Treatment Act of 2017, among other things, requires certain local educational agencies, as defined, that provide school meals through the federal National School Lunch Program or the federal School Breakfast Program to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed, treated differently, or served a meal that differs from what a pupil whose parent or guardian does not have unpaid school meal fees would receive under that local educational agency's policy. This bill instead requires those local educational agencies to ensure that a pupil whose parent or guardian has unpaid school meal fees is not denied a reimbursable meal of the pupil's choice because of the fact that the pupil's parent or guardian has unpaid meal fees and ensure that the pupil is not shamed or treated differently from other pupils. (Stats. 2019, ch. 785, effective January 1, 2020.)

IMMUNIZATIONS: MEDICAL EXEMPTION FORM
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Senate Bill 276 (Pan): Requires the State Department of Public Health, by January 1, 2021, to develop and make available for use by licensed physicians and surgeons an electronic, standardized, statewide medical exemption request that would be transmitted using the California Immunization Registry (CAIR), and which, commencing January 1, 2021, would be the only documentation of a medical exemption that a governing authority may accept. The bill specifies the information to be included in the medical exemption form, including a certification under penalty of perjury that the statements and information contained in the form are true, accurate, and complete. (Stats. 2019, ch. 278, effective January 1, 2020.)

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PUPILS: ADMINISTRATION OF MEDICINAL CANNABIS

*Tolerance does not
due to Federal law.*

Senate Bill 223 (Hill): Enacts Jojo's Act, which authorizes the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades 1 to 12, inclusive, to adopt, at a regularly scheduled meeting of the governing board or body, a policy, as provided, that allows a parent or guardian of a pupil to possess and administer medicinal cannabis, as defined, at a schoolsite to the pupil who is a qualified patient entitled to the protections of the Compassionate Use Act of 1996, excluding cannabis, as defined, in a smokeable or vapeable form. (Stats. 2019, ch. 699, effective January 1, 2020.)

PUPILS: SELF-ADMINISTRATION OF PRESCRIBED ASTHMA MEDICATION

Assembly Bill 743 (Garcia, Eduardo): Requires a school district to accept a written statement provided by a physician or surgeon relating to a pupil carrying and self-administering inhaled asthma medication, from a physician or surgeon who is contracted with a prepaid health plan operating lawfully under the laws of Mexico that is licensed as a health care service plan in this state. The bill requires that written statement to be provided in both English and Spanish and to include the name and contact information for the physician or surgeon. (Stats. 2019, ch. 101, effective January 1, 2020.)

STUDENT ID CARDS: DOMESTIC VIOLENCE HOTLINE TELEPHONE NUMBER

Senate Bill 316 (Rubio): Commencing October 1, 2020, additionally requires a public school, including a charter school, or a private school, that serves pupils in any of grades 7 to 12, inclusive, that issues pupil identification cards to have printed on the identification cards the telephone number for the National Domestic Violence Hotline. The bill, commencing October 1, 2020, requires a public or private institution of higher education that issues student identification cards to have printed on the identification cards the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline. (Stats. 2019, ch. 270, effective January 1, 2020.)

PUPIL INSTRUCTION: COMMUNITY EMERGENCY RESPONSE TRAINING

Assembly Bill 1062 (Limón): Current law requires each pupil completing grade 12 to satisfy certain requirements as a condition of receiving a diploma of graduation. These requirements include the completion of designated coursework in grades 9 to 12, inclusive. This bill authorizes, if the governing board of a school district requires the

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completion of community service hours as a requirement for graduation from high school, a school district to provide a pupil with credit towards the required community service hours commensurate with the hours required for completion of a course in community emergency response training. (Stats. 2019, ch. 70, effective January 1, 2020.)

"AT-RISK" YOUTH: CHANGE TERMINOLOGY TO "AT-PROMISE"

Assembly Bill 413 (Jones-Sawyer): Current law uses the term "at-risk" to describe youth for purposes of various provisions of the Education and Penal Codes. This bill deletes the term "at-risk" and replaces it with the term "at-promise" for purposes of these provisions. The bill, for purposes of the Education Code, defines "at-promise" to have the same meaning as "at-risk." (Stats. 2019, ch. 800, effective January 1, 2020.)

WRITTEN SEXUAL HARASSMENT POLICY: ORIENTATION

Assembly Bill 543 (Smith): Current law requires each educational institution in the state to have a written policy on sexual harassment and to display that policy in a prominent location, as defined, in the main administrative building or other area of the educational institution's campus or schoolsite. Current law requires a copy of that policy, as it pertains to students, to be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable. This bill requires a copy of that policy to also be provided as part of an orientation program conducted for continuing pupils, as specified. (Stats. 2019, ch. 428, effective January 1, 2020.)

PUPIL RECORDS: NAME AND GENDER CHANGES

Assembly Bill 711 (Chiu): Requires a school district, charter school, or county office of education to update a former pupil's records to include the pupil's updated legal name or gender if the school district, charter school, or county office of education receives government-issued documentation, as described, demonstrating that the former pupil's legal name or gender has been changed. (Stats. 2019, ch. 179, effective January 1, 2020.)

MIGRANT EDUCATION: PUPIL RESIDENCY

Assembly Bill 1319 (Arambula): Requires local educational agencies, as defined, to allow a pupil who is a migratory child, as defined, to continue attending their school of origin, as defined, or a school within the school district of origin, as provided, regardless of any change of residence of the pupil, as specified. By requiring local educational agencies to allow pupils who are migratory children who no longer satisfy the residency requirement to attend their schools of origin or a school within the school district of origin, the bill imposes a state-mandated local program. (Stats. 2019, ch. 458, effective January 1, 2020.)

Atkinson, Andelson, Loya, Ruud & Romo focuses on providing proactive solutions to California's challenging school environment. These materials were prepared for the 2019 *Education Law Conference* and *It's the Law Now* and are intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR publication does not create an attorney-client relationship. The Firm is not responsible for inadvertent errors that may occur in the publishing process.

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GRADUATION CEREMONIES

Assembly Bill 1248 (Gloria): This bill authorizes students to wear traditional tribal regalia or recognized objects of religious or cultural significance to graduation ceremonies. The bill allows school districts to prohibit an item if it is likely to cause a substantial disruption or material interference with the ceremony. The bill also clarifies that while the item may be worn in addition to the traditional cap and gown; it is not meant to replace the cap and gown. (Stats. 2018, ch. 804, effective January 1, 2019.)

PUPILS—COLLECTION OF DEBT

Assembly Bill 1974 (Gonzalez Fletcher): This bill enacts the Public School Fair Debt Collection Act, and adds sec. 49014 to the Education Code. The bill provides that a pupil or former pupil, unless emancipated at the time the debt is incurred, can never owe or be billed for a debt owed to a public school, school district, county office of education, or state special school. The educational entities are also prohibited from taking negative actions against a pupil or former pupil because of debt owed, such as withholding a diploma or denying access to campus or school activities.

This bill does not apply to debt owed as a result of vandalism or to cover the replacement cost of public school books, supplies, or property loaned to the pupil that the pupil failed to return or willfully damaged. Schools may offer pupils and former pupils alternative nonmonetary forms of repayment of debt such as service or work, provided that such alternatives comply with the Labor Code and receive parental permission.

Before a public school pursues repayment of a debt owed by a parent or guardian on behalf of a pupil or former pupil, it must provide an itemized invoice for any amount owed. The invoice must reference school policies relating to debt collection in accordance with this bill and Education Code sec. 49557.5. The school must also provide receipts for each repayment made to the school.

While public schools may contract with debt collectors to pursue repayment of debts owed by parents and guardians, the debt collector may not report any such debt owed to a credit reporting agency. Pupils, parents, and guardians may not waive provisions of this bill. Any such waiver would be contrary to public policy and be unenforceable and void. (Stats. 2018, ch. 577, effective January 1, 2019.)

STUDENT TEMPORARY DISABILITY

Assembly Bill 2109 (O'Donnell): Existing law requires a school district in which a student with a temporary disability resides to provide the student with individual instruction if the student is unable to attend school regardless of whether the student is receiving individual instruction at home or in a hospital. This bill amends sec. 48206.3 of the Education Code requiring that the school district in which the hospital or other residential health facility, excluding a state hospital, is located provide a student with temporary disability individual instruction. The law requires the district in which the student resides to provide individual instruction if the student is receiving the instruction in his or her home. The bill adds Education Code sec. 48207.5 requiring individual instruction of temporarily disabled students in the home begin within five working days of the district's determination that the student receive such services.

This bill also requires school districts and charter schools to allow a student with a temporary disability to return to the school the student attended immediately before receiving individual instruction. The bill only requires school districts and charter schools to allow the student to return if the student returns during the same school year in which the individual instruction started. The bill allows students receiving individual instruction in a hospital or other health facility to attend school in their school district of residence on days of the week that they do not receive individual instruction. This bill requires schools to excuse the absences of a student with a temporary disability receiving individual instruction until the student is able to return to the regular school program.

Existing law allows the governing board of a school district to confer honorary high school diplomas to foreign exchange students who have not completed high school graduation requirements and are returning to their home country. AB 2109 amends Education Code sec. 51225.5, to allow the governing board of a school district, a county office of education, and the governing body of a charter school with a high school to confer honorary high school diplomas to terminally ill students. (Stats. 2018, ch.167, effective January 1, 2019.)

STUDENT PARENTS

Assembly Bill 2289 (Weber): Currently, educational institutions are prohibited by federal and state regulations from applying any rule concerning a pupils' actual or potential parental, family, or marital status that treats pupils differently on the basis of sex. This bill adds Education Code secs. 221.51, 222.5, and 46015, and amends Education Code secs. 48205 and 48980. This bill codifies and clarifies those regulations by declaring that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children, and subsequently establishes the specified accommodations to which they are entitled. New Education Code sec. 46015 grants a pregnant or parenting pupil eight weeks of parental, including time before the

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birth for medical disability. These codified regulations apply to local educational agencies, including school districts, county offices of education, schools operated by a school district or county office of education, charter schools, California Schools for the Deaf, and California Schools for the Blind. Included in the established accommodations, among other rights, is a pregnant or parenting pupil's entitlement to eight weeks of parental leave and the ability to be excused from school without needing to provide a doctor's note to care for a sick child.

Under the new law, educational agencies are required to notify pregnant and parenting pupils and their guardians of their rights and the options available to them. The bill authorizes a complaint of noncompliance with the established rights to be filed with the local educational agency pursuant to the Uniform Complaint Procedures. (Stats. 2018, ch. 942, effective January 1, 2019.)

SCHOOL SAFETY—BULLYING

Assembly Bill 2291 (Chiu): Existing law states that local educational agencies shall adopt an educational equity-related policy that prohibits discrimination, harassment, intimidation, and bullying based on specified characteristics including disability, gender, nationality, race or ethnicity, religion, or sexual orientation. This bill adds to these requirements, stating that educational agencies shall adopt procedures for preventing acts of bullying, including cyberbullying, on or before December 21, 2019. Under this bill the State Department of Education, which is currently required to develop an online training module to educate school employees, pupils, and other related individuals about the dynamics of bullying and cyberbullying, is further required to post the module on its website and annually update the list of available training modules relating to bullying and bullying prevention. Schools will make this online training module available to employees who have regular interaction with pupils. (Stats. 2018, ch. 491, effective January 1, 2019.)

STUDENT RESTRAINTS

Assembly Bill 2657 (Weber): Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil. This bill authorizes an educational provider to use behavioral restraints, including physical or mechanical restraints, or seclusion, only as a safety measure of last resort to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot immediately be prevented by a less-restrictive response. The behavioral restraints and seclusion are prohibited in the bill from being used for the purpose of coercion, discipline, convenience, or retaliation. Certain restraint and seclusion techniques are also prohibited. The bill requires the local educational agency to report to the State Department of Education annually, no later than three months after the end of the school year, on the use of behavioral restraints and seclusion for pupils

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enrolled in or served by the agency for all or part of the prior school year. Data collection and reporting requirements shall be conducted in compliance with specified federal law. (Stats. 2018, ch. 998, effective January 1, 2019.)

ENGLISH LANGUAGE LEARNERS

Assembly Bill 2735 (O'Donnell): Existing law requires school districts and certain other educational institutions that have one or more English learners enrolled to assess each learner's English language development to determine his or her level of proficiency. Commencing in the 2019-20 school year, this bill would prohibit middle school and high school pupils who are English learners from being denied participation in a school's standard instructional program, including being denied enrollment in, among others, courses required for graduation and college admission. (Stats. 2018, ch. 304, effective 2019-20 school year.)

PUPIL RESIDENCY

Assembly Bill 2949 (Gloria): Currently, students between the ages of six and 18 years old are required to attend school in the district where the student's parent or legal guardian resides. Existing law states that a student is deemed to have satisfied residency requirements for school attendance in a school district as long as the student satisfies one of the specific requirements. A student is deemed to have satisfied residency requirements for school attendance if the student's parent is transferred or is pending transfer to a military base within the state.

This bill adds sec. 48204.6 to the Education Code and makes significant changes to residency requirements for students from military families. The bill requires school districts to allow a student of a military family to continue attending the school or district the student was enrolled in before the change in residence occurs, regardless of the family's change of residence or the end of military service. (Stats. 2018, ch. 327, effective January 1, 2019.)

RETROACTIVE DIPLOMA

Assembly Bill 3022 (Gonzalez Fletcher): This bill allows a high school district, unified school district, county office of education, or a charter school to retroactively grant a high school diploma to a person who departed California against his or her will (as defined in Education Code sec. 48204.4(d)), was enrolled in grade 12 of a high school and in good academic standing at the time of his or her departure, and did not receive a high school diploma because his or her education was interrupted by such departure. In considering whether to award such a diploma, the awarding entity must consider any

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coursework that may have been completed by the pupil outside of the United States or through online courses. (Stats. 2018, ch. 772, effective immediately.)

MEDIA LITERACY

Senate Bill 830 (Dodd): Existing law requires the adopted course of study for grades one to 12 to offer courses in specified areas of study, including social sciences. Senate Bill 830 requires the State Department of Education to make a list of resources and instructional materials on media literacy, including media literacy professional development programs for teachers, available to school districts on its Internet Web site on or before July 1, 2019. "Media literacy" is defined as "the ability to access, analyze, evaluate, and use media and encompasses the foundational skills that lead to digital citizenship." (Stats. 2018, ch. 448, effective January 1, 2019.)

WORK PERMITS

Senate Bill 1428 (McGuire): This bill requires that when a pupil applies for a work permit in order to participate in a government-administered employment and training program that will occur during the regular summer recess or vacation of the pupil's school, the work permit cannot be denied on the basis of the pupil's grades, grade point average, or school attendance. (Stats. 2018, ch. 420, effective January 1, 2019.)

HUMAN TRAFFICKING

Senate Bill 1104 (Roth): This bill requires that school districts and charter schools maintaining any of grades six to 12 to identify the most appropriate methods of informing parents and guardians of human trafficking prevention resources. Such methods identified must be implemented by January 1, 2020. (Stats. 2018, ch. 848, effective January 1, 2019.)

HUMAN TRAFFICKING

Assembly Bill 1861 (Rodriguez): This bill amends sec. 51934 of the Education Code to add additional required components to the comprehensive sexual health education and HIV prevention education trainings school districts must provide for seventh to twelfth grade students. In addition to the existing components, the training must now include information about sexual harassment, sexual assault, sexual abuse, and human trafficking. Specifically for information on human trafficking, the trainings must include information on the prevalence, nature, and strategies to reduce the risk of human

trafficking, techniques to set healthy boundaries, and how to safely seek assistance. (Stats. 2018, ch. 807, effective January 1, 2019.)

SEXTING

Assembly Bill 1868 (Cunningham): This bill amends sec. 51934 of the Education Code to add an optional additional component to the comprehensive sexual health education and HIV prevention education trainings school districts must provide for seventh to twelfth grade students. In addition to the existing requirements, the training may include education on the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cell phones, social networking websites, or other digital media. (Stats. 2018, ch. 428, effective January 1, 2019.)

NATIONAL SUICIDE HOTLINE

Senate Bill 972 (Portantino): This bill requires California schools—including institutions of higher education—to update pupil and student identification cards to include Suicide Hotline information. The California Suicide Prevention Act of 2000 authorizes the State Department of Health Care Services to establish and implement suicide prevention and education programs to reduce suicidal behaviors, and authorizes the Department to contract with an outside agency to implement a targeted public awareness and education campaign on suicide prevention and treatment aimed primarily at junior high and high school students. Other existing laws related to suicide prevention include requirements that governing boards of public or charter schools serving pupils in grades seven to 12 to adopt a policy on suicide prevention that specifically addresses the needs of high-risk groups, and requirements that Superintendents of Public Instruction encourage suicide prevention training to each school counselor.

This bill requires public schools, private schools, and charter schools that serve pupils in grades seven to 12 and issue pupil identification cards to have the telephone number for the National Suicide Prevention Lifeline printed on either side of the ID cards, and authorizes other numbers to be printed as well, including the Crisis Text Line and local suicide prevention hotlines. The bill also requires public or private institutions of higher education that issue student identification cards to have the telephone number for the National Suicide Prevention Lifeline printed on either side of the cards, and authorizes numbers including the Crisis Text Line, local suicide prevention hotlines, and the telephone number of the campus police or security. The bill requires schools and institutions of higher education subject to these requirements that have a supply of unissued, noncompliant ID cards as of January 1, 2019, to issue the noncompliant identification cards until that supply is deleted. (Stats. 2018, ch. 460, effective January 1, 2019.)

EDUCATION TRAILER BILL—SUSPENSION

Assembly Bill 1808 (Committee on Budget): Sec. 49 of this bill amends sec. 48900 of the Education Code, which sets forth prohibition of suspension of students for certain reasons. Specifically students may only be suspended from school or be recommended for expulsion if the student has committed acts including disrupting school activities or otherwise willfully defying the valid authority of staff. This bill removes the termination of this prohibition, originally scheduled for July 1, 2018 and extends it indefinitely. (Stats. 2018, ch. 32, January 1, 2019.)

Discipline
Sec. K.

→ Can't be suspended
for K.

OPIOIDS

Senate Bill 1109 (Bates): This bill amends and adds sections of the law relating to controlled substances, and in particular opioids, including the addition of sec. 49476 to the Education Code and sec. 11158.1 to the Health and Safety Code. Sec. 49476 states that if a school district, charter school, or private school offers an athletic program, the school shall annually provide the Opioid Factsheet for Patients, published by the Centers for Disease Control and Prevention, to each athlete. The athlete and, if the athlete is 17 years of age or younger, the athlete's parent or guardian shall sign a document acknowledging receipt of the Factsheet and return it to the school prior to initiating practice or competition. This section does not apply to athletes engaging in an athletic activity during the regular school day or as part of a physical education course.

Sec. 11158.1, newly added to the Health and Safety Code, sets forth a list of risks, dangers, and other information that prescribers must discuss with minor patients and their parent or guardian, except in certain circumstances. This list includes: the risks of addiction and overdose associated with opioid use; the increased risk of addiction to an opioid in individuals suffering from both mental and substance abuse disorders; the danger of taking an opioid with a benzodiazepine, alcohol, or another central nervous system depressant; and any other information required by law. (Stats. 2018, ch. 693, effective January 1, 2019.)

OMNIBUS BILL

Senate Bill 816 (Committee on Education): This bill provides amendments to the Education Code as it relates to elementary and secondary education.

Newly amended sec. 48205 of the Education Code specifies when an absent pupil shall be excused from school, including absences due to illness, for the purpose of jury duty, for the purpose of attending the pupil's naturalization ceremony, and others. A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided. Further detail is given in Section 7 of this bill.

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Amended sec. 48260.5 of the Education Code states that upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, using the most cost effective method possible, that: the pupil is truant; the parent or guardian is obligated to compel the attendance of the pupil at school and those that fail to meet this obligation may be guilty of an infraction and subject to prosecution; alternative educational programs are available in the district; the parent or guardian has the right to meet with appropriate personnel to discuss solutions to the truancy; the pupil may be subject to prosecution; the pupil, if under 18 but over 13 years of age may be subject to suspension, restriction, or delay of driving privilege; and that the parent or guardian is recommended to accompany the pupil to school and attend classes with the pupil for one day. Further detail is given in Section 8 of this bill.

The amended sec. 48263 of the Education Code states that if a pupil in a school district is a habitual truant or a chronic absentee, or is habitually insubordinate or disorderly during school attendance, the pupil may be referred to a school attendance review board or to the probation department for services. Among other requirements, the individual making the referral shall provide documentation of the interventions undertaken at the school to the pupil, the pupil's parents or guardians, and the school attendance review board or probation department. The school attendance review board or probation department shall subsequently determine whether available community services can resolve the problem. If they cannot, or if the pupil, the pupil's parents or guardians, or both, have failed to respond to directives or to services provided, the school attendance review board or probation officer may notify relevant parties in order to involve the juvenile court of the county. More detailed information can be found in Section 9 of this bill.

The amended sec. 49431 of the Education Code states that from the midnight before to 30 minutes after the end of the official school day, the only competitive foods that may be sold to pupils at elementary schools are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with the aforementioned items as the first ingredient; or combination foods that contain, among other standards outlined, at least one-quarter cup of fruit or vegetable, no more than 35 percent of its calories in fat; no more than 200 milligrams of sodium per item, package, or container; and no more than 200 calories per individual food item. Elementary schools may permit the sale of food items that do not comply with these rules as part of a school fundraising event if the sale of the items takes place away from school premises and at least one half hour after the end of the school day. More information on nutrition standards can be found in Section 11 of this bill.

The amended sec. 49431.2 states that—as with the elementary schools as listed above—from midnight before to 30 minutes after the end of the official school day, at middle schools and high schools are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with the aforementioned items as the first ingredient; or combination foods that contain, among other standards outlined, at least one-quarter cup of fruit or vegetable, no more than 35 percent of its calories in fat; no more than 200 milligrams of sodium per item, package, or container; and no more than 200 calories per individual food item. From the midnight before to 30 minutes after the end of the official school

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day, competitive entrees sold at middle schools or high schools by the district food service department the day, or the day after, it is served on the federal National School Lunch Program or federal School Breakfast Program menu shall meet the following standards: contains no more than 400 calories per entrée item, contains not more than 35 percent of its total calories in fat; contains less than .5 trans fat per serving, and is offered in the same or smaller portion sizes as in the federal programs. Competitive entrees sold not on the day or day after it is served on the federal program menus must contain no more than 35 percent of its total calories in fat, less than 480 milligrams of sodium, no more than 350 calories, and other specifications as outlined in the bill. Food items that do not comply with these rules may be sold by middle schools and high schools off of and away from school premises and at least one-half hour after the end of the school day. More information on nutrition standards can be found in Section 12 of this bill. (Stats. 2018, ch. 507, effective January 1, 2019.)