ASCIP Regional Training
Annual Codes, Regulations, and Compliance Review 2016

Alliance of Schools for Cooperative Insurance Programs (ASCIP)

Regional Training
Annual Codes, Regulations, and Compliance Review
October 28, 2016

ASCIP would like to thank Schools Excess Liability Fund (SELF) for cosponsoring and hosting this webinar, and Nancy LaCasse, Associate Vice President, School Services of California, Inc., (SSC) for preparing this presentation
Introductions for Today’s Session

Chuck Clemente, Senior Risk Management Specialist, ASCIP
Lois Gormley, Director of Communications & Member Services, SELF
Nancy LaCasse, Associate Vice President, SSC

ASCIP’s Annual Codes and Regulations Webinar

Welcome to ASCIP’s annual review of new and amended codes and regulations affecting school safety, health, and employees

- Today’s webinar will provide up-to-date information on the latest changes to codes and regulations
  - The focus will be on the high-profile bills affecting K-14 schools signed into law and effective in January 2017, unless otherwise noted
  - The presentation will last approximately one hour, and there will be an opportunity to ask questions at the conclusion
During the 2015-16 two-year legislative session, close to 4,000 bills were introduced by the Legislature, and 1,320 of them were adopted by the Legislature.

- Of those, 1,161 were signed into law by Governor Jerry Brown and 159 were vetoed.

Just under 100 K-14 bills were identified as having an impact on K-14 school agencies.

- Today’s webinar will focus on 20 of those new laws that we believe will have the most significant impact on K-14 school agencies.

A complete list of those bills is included in ASCIP’s “Master Bill List”.

- The list includes a link to each new statute and analysis, including the applicable code sections affected.
  - Can be sorted by subject area and forwarded to the appropriate person in your school agency.
ASCIP 2016 Master Bill List

SIGNIFICANT BILLS ENACTED INTO LAW IN 2016

Student and School Safety
School Employees
School Facilities
Miscellaneous
Assembly Bill (AB) 1386
Epi-Pen Prescriptions

New eligible entities must meet existing training requirements
Requires six components to be included in the Operational Plan
Requires entities to report incidences to the Emergency Medical Services (EMS) Authority within 30 days

This law expands entities, including higher education institutions, eligible to stock Epi-pens when certain conditions are met; requires eligible entities to create and maintain “operational plans;” and, strengthens immunity for physicians who write prescriptions.
AB 1639
Sudden Cardiac Arrest Training

- Affects high school interscholastic athletics and other school sponsored sports programs
- Requires the California Department of Education (CDE) to post guidelines, videos and links regarding SCA
- Codifies current California Interscholastic Federation (CIF) practice regarding removal of students suspected of SCA

This law requires athletic coaches to complete specified training to identify symptoms of sudden cardiac arrest (SCA) and to re-take the training every two years. Beginning July 1, 2019, coaches are prohibited from coaching until completion of the training.

AB 1654
Community College Crime Reporting

- Requires the State Auditor to evaluate community college compliance with state crime reporting laws
- Requires the State Auditor to review Auditee’s student safety policies and procedures
- A 2015 State Audit found higher education institutions noncompliant with federal Cleary Act crime reporting requirements

This law expands existing audit requirements in the reporting of crime statistics by community colleges and other higher education institutions.
AB 1748
Opio Antagonist Disposition

Requires the State Superintendent of Public Instruction (SSPI) to establish minimum standards of training; specifies five required training components.

Requires annual notification to school staff regarding volunteer criteria.

Provides immunity to prescription-issuing physician and trained volunteers and personnel.

This law authorizes school nurses or trained volunteers or personnel in school districts, county offices of education (COEs), and charter schools to administer emergency naloxone or opioid antagonist through an auto-injector or nasal spray to persons suffering from an opioid overdose.

AB 2097
Pupil Privacy: Social Security Numbers

Eliminates the SSPI's authority to collect or use social security numbers associated with students with disabilities.

Gives authority to the SSPI to prohibit the collection of other personally identifiable student information.

Law is in response Morgan Hill Concerned Parents et al v. California Department of Education and student privacy issues.

This law prohibits a school district, COE, or charter school from collecting or soliciting social security numbers or the last four digits of social security numbers from students or their parents.
AB 2246
Suicide Prevention Policies

- Requires the CDE to develop and maintain a model policy to serve as a guide for local educational agencies (LEAs).
- Requires school and community stakeholders to be consulted with in the development of the policy.
- Requires policies to include procedures relating to suicide prevention, intervention, and postvention of high-risk student groups.

Requires each school district, COE, charter school, and state special school, serving students in grades 7 to 12, to adopt a policy on suicide prevention before the beginning of the 2017-18 school year.

AB 2845
Safe Place to Learn Act

- Requires the CDE to include information and resources for parents on its website regarding bullying based on religious affiliation.
- Requires the CDE to review LEA policies prohibiting discrimination based on religious affiliation.
- Requires the CDE to review LEA discrimination and bullying investigation and appeals processes.

This law requires the CDE, as part of its existing compliance monitoring activities, to assess whether school agencies have provided information and resources to school staff serving students in grades 7 through 12, related to bullying due to religious affiliation.
Senate Bill (SB) 1072
Schoolbus Safety Alarm System

Mandates transportation plans to include procedures to ensure students are not left unattended on a school bus.

Exempts pupil activity buses meeting certain criteria and specifies new volunteer procedures and standards.

Requires the California Highway Patrol to adopt regulations for child safety alarm systems by January 1, 2018.

Requires, by the 2018-19 school year, school buses and child care motor vehicles to be equipped with a “child safety alert system,” which is a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle.

SB 1343
Intradistrict Transfers: Violent Students

Requires the governing school board to adopt a policy that contains specified provisions.

Requires that the policy be provided to parents and guardians as part of the annual parent notification.

Requires the school to first attempt to resolve the conflict before transferring the pupil.

Authorizes a school district to transfer to another school in the school district a student who has been convicted of a violent felony or specified misdemeanor when the victim of the crime is enrolled at the same school.
This law requires California community college districts (CCDs) to have collective bargaining agreements with part-time faculty that include specified conditions of employment.

AB 1690
Collective Bargaining
Community College Part-Time Employees

Must commence negotiations with part-time, temporary employees on or after January 1, 2017

Specified requirements include: evaluation, assignments, seniority, and due process for termination

Exempts CCD's that have collective bargaining agreements with part-time temporary employees if specified requirements are included
AB 2393
Classified Employee Parental Leave

- Specifies employee may use his or her sick leave for up to 12 weeks of parental leave during the year
- Clarifies provisions requiring certificated school employees on parental leave to receive differential pay
- The bill is similar to AB 375 (Chapter 400/2015) that requires certificated K-12 school employees on maternity or paternity leave to receive differential pay

This law provides 12 weeks of parental leave for K-12 and community college classified employees and community college certificated employees.

SB 1379
Collective Bargaining Community College Part-Time Employees

- Overrides provisions included in AB 1690. Adds language regarding minimum standards for the terms of reemployment preference
- Of the 72 CCDs, 40 do not have collective bargaining agreements with part-time faculty
- Significant concerns raised regarding linking SSSP funding to compliance with this new law

SB 1379 requires, as a condition of receiving Student Success and Support Program (SSSP) funding, a CCD and the exclusive representative of the part-time, temporary faculty to negotiate collective bargaining agreements in good faith.
SCHOOL FACILITIES LAWS

AB 1995
Homeless Students Shower Access

- Requires the governing board to determine a plan of action that includes hours of operation, minimum unit requirement for those students.

- Defines “Homeless Student” based on federal McKinney-Vento Homeless Act (42 USC Section 11434a[2]).

- Specifies hours of operation shall be a minimum of two hours daily consistent with existing facility hours.

- Requires CCDs to grant access to shower facilities to any homeless student who is enrolled, has paid enrollment fees, and is in good standing, without requiring the student to enroll in additional courses.
This law is intended to ensure governing boards have additional projections than from just one bond advisor.

Requires governing boards to “consider the county assessors projection” prior to ordering an election.

Current law requires the order by the governing board to be entered in its minutes.

Requires that before school and CCDs order a local bond election they shall obtain “reasonable and informed projections of assessed property valuation” that include projections made by a county assessor.

Repeals the authority of school districts to award lease-leaseback contracts without advertising for bids.

Requires LEAs to use a best value procurement process that includes specified requirements.

Sunsets the best value provisions and contractor reimbursement provisions on July 1, 2022; makes permanent prohibition to let lease-leaseback contracts without advertising for bids.

This law alters the authority of school districts to let school construction projects under a lease-leaseback contract.
AB 2476
Parcel Tax Notification

The notice is required to include the proposed parcel tax amount or rate; method and frequency of collection and duration and contact information for property owners.

Notification must be in 10 point type send via letter or postcard (template in statute) to last address that appears on Board of Equalization roll.

Allows local agency to recoup cost of notification using parcel tax proceeds.

This law requires all local agencies, including school and CCDs, within 30 days following a vote to place a proposed parcel tax on the ballot, to provide specified notice to property owners affected by the tax that do not reside within the jurisdictional boundaries of the taxing agency.

SB 1406
Disability Access Attorney Notification

Requires the attorney to submit to CCDA notification of judgment, settlement, or dismissal.

Subjects noncompliant attorneys to disciplinary action.

The law seeks to better understand the number and type of claims that are being brought against public schools.

This law requires that an attorney who sends a pre-litigation construction-related accessibility letter to an education entity to include specified information and requires the attorney to send a copy to the California Commission on Disability Access (CCDA) within five days.

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Prior to the 2017-18 school year, requires the CDE to provide guidance on how to implement the law.

Requires instruction to be based on national evidence-based guidelines.

Provides limited protection against civil damages alleged to result from the acts or omissions of a pupil who received instruction.

This law requires that, commencing in the 2018-19 school year, school districts and charter schools that require a health course for graduation include instruction in compression-only cardiopulmonary resuscitation (CPR).
Certification will be a required element of the Report of Proposed Debt Issuance that is filed with the California Debt & Investment Advisory Commission (CDIAC) prior to a bond issuance.

Requires LEAs to prepare an annual report for any debt issue for which it has filed a CDIAC Report of Final Sale on or after January 21, 2017.

Debt policy must address intended use; type of debt issued; policy goals and objectives; internal controls; and, integration with the issuer’s capital improvement program or budget.

Requires LEAs, including school and CCDs, to certify that they have adopted local debt policies and that each contemplated debt issuance is consistent with those adopted policies.

SB 1029
Local Agency Debt Reporting

Information must include the name and contact information of Title IX Coordinator and provide links to the Office of Civil Rights.

Schools must provide a description of how to file a Title IX complaint and include how it will be investigated.

Authorizes schools that do not have a website to comply by posting on the school district’s website.

This law requires, on or before July 1, 2017, all public schools that receive federal funds and are subject to the requirements of Title IX, to post Title IX information in a prominent and conspicuous location on their website.

SB 1375
Title IX Notifications
WHAT’S AHEAD FOR 2016

November Ballot Initiatives

Now, more than ever before, laws are created through the state initiative process

- There are 17 initiatives on the November 2016 ballot, including:
  - Proposition 51: Provides a $9 billion K-14 School Facilities Bond
  - Proposition 55: Extends the existing higher income tax bracket established by Proposition 30 (2012)
  - Proposition 58: Removes limits on native language instruction imposed by Proposition 227 (1998)
Regulations to Watch

Notices of proposed actions to adopt, amend, or repeal regulations for the CDE, SSPI, and the State Board of Education can be found here:

- [http://www.cde.ca.gov/re/lr/rr/](http://www.cde.ca.gov/re/lr/rr/)

Information regarding the laws and regulations for school facility programs administered by the Office of Public School Construction can be found here:


Questions and Comments

Questions?
Contact Chuck Clemente, [Clemente@ascip.org](mailto:Clemente@ascip.org) or (562) 404-8029
### Acronyms

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**Thank you!**