

Changes in Law 2019: Student Services

New vaccine law strengthens oversight of medical exemptions. In an effort to close certain vaccination loopholes, State Senator, and practicing pediatrician, Richard Pan (D-Sacramento) authored **SB 276** to crack down on illegitimate medical exemptions, which data show have increased over recent years. Senator Pan's 2015 vaccination legislation removed the personal belief exemption from law, but maintained the medical exemption. As SB 276 moved through the Legislature, opposition grew louder and more disruptive, and in one of the most sensational stories of the legislative year, culminated with one member of the so-called "anti-vaxx" community throwing her own blood onto the Senate Floor while the Chamber was in session.

Despite the press this issue received, the law has very little impact on schools. Under SB 276, doctors will have to examine patients before issuing their recommendation for a medical exemption to the state Department of Public Health (CDPH). State officials will have the final say in whether or not the exemption request is valid. State officials will also begin reviewing all doctors who have issued five or more medical exemptions in one year. Additionally, medical exemptions from schools with an immunization rate below 95% or from schools that have not shared their vaccination rates with CDPH will be subject to increased state review. Under the new law, governing bodies will be required to report to CDPH, on at least an annual basis, the immunization status of new enrollees in the schools within their jurisdiction.

Governor Newsom signaled his early support for SB 276, but as the legislative session drew to a close and the bill's opposition grew increasingly vocal, he pivoted and asked Senator Pan for additional amendments. After last-minute conversations, all parties came to agreement and the Governor's requests were addressed in **SB 714**, a companion bill to SB 276. SB 714 made several amendments to SB 276, but the major change it made was to allow a child with a medical exemption issued before January 1, 2020 to continue enrollment in preschool, elementary school, secondary school, child care center, day nursery, nursery school, family day care home, or developmental center within the state until the next grade span, defined as:

- Birth to preschool,
- Kindergarten and grades one to six (including Transitional Kindergarten), and
- Grades seven to 12.

The opposition to these new vaccination laws is working to overturn them through the initiative process, though considering the overwhelming public support for vaccinations, their odds of success are minimal.

Alternate meal policies are a thing of the past. Senator Bob Hertzberg (D-Van Nuys), has championed legislation ending the practice of "meal shaming," whereby a student whose family carries school meal debt is served meals that differ from students without that debt. While previous law limited that practice, districts were still able to adopt local policies that allowed for a student with a meal debt to be served an alternate, and oftentimes lesser quality, meal. **SB 265** ends districts' ability to adopt those policies, and as of October 12, 2019, students carrying a meal debt must be provided a reimbursable meal of their choosing. The California Department of Education (CDE) has issued [guidance](#) that may be helpful in implementing the new law.

While there was no opposition to the bill's intent, concerns were stated over its fiscal impact. Currently, federal dollars that states receive for meal assistance cannot be used to repay unreimbursed meals, meaning under this legislation, schools will have to pay themselves back through their general funds. This, stakeholders contend, will deplete resources for other school programs.

The Governor signed the following student services bills:

Child Nutrition

AB 1377 (Wicks) - CalFresh

Under this bill, the CDE, the State Department of Health Care Services (DHCS), and the State Department of Social Services (DSS) are required to work together with specified stakeholders to develop a proposed statewide process for using data collected for purposes of the CalFresh program, Medi-Cal, free and reduced-price school meals programs, and the electronic benefits transfer system to increase enrollment in the CalFresh program. The bill requires those departments to submit recommendations to relevant policy committees on or before August 31, 2020.

Chapter 461, Statutes of 2019

AB 1532 (Bauer-Kahan) - Food facilities: food safety: employee knowledge

This bill provides that food handler card requirements apply to food handlers who are employed by a food facility or an organized camp, and by January 1, 2021 must include instruction relating to major food allergens and symptoms of allergic reactions.

Chapter 131, Statutes of 2019

ACR 40 (Rubio, Blanca) - School Breakfast Week

This measure proclaimed March 4, 2019 to March 8, 2019 School Breakfast Week.

Chapter 28, Statutes of 2019

SB 265 (Hertzberg) - Pupil meals: Child Hunger Prevention and Fair Treatment Act of 2017

The Child Hunger Prevention and Fair Treatment Act of 2017, among other things, requires certain local educational agencies (LEAs) 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 LEA's policy. This bill instead requires those LEAs 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 that pupil's parent or guardian has unpaid meal fees, and ensure that the pupil is not shamed or treated differently from other pupils.

Chapter 785, Statutes of 2019

Homeless/Foster Youth

AB 58 (Rivas, Luz) - Homeless Coordinating and Financing Council

This bill requires the Governor to appoint a representative from the CDE to be a member of the Homeless Coordinating and Financing Council.

Chapter 334, Statutes of 2019

AB 175 (Gipson) - Foster care: rights

This bill revises the Foster Youth Bill of Rights, and adds certain responsibilities to the Office of the State Foster Care Ombudsperson.

Chapter 416, Statutes of 2019

AB 819 (Stone, Mark) - Foster care

This bill makes several changes to further the implementation of Continuum Care Reform (CCR). Changes include authorizing tribally approved homes to be eligible for Foster Family Home and Small Family Home funds, allowing trained group home staff members to administer injections including insulin, and changing the Resource Family Approval (RFA) process.

Chapter 777, Statutes of 2019

AB 1061 (Gipson) - Foster care

This bill deletes references to placing agencies, and extends the application of certain provisions related to foster youth placement changes to probation-supervised youth.

Chapter 817, Statutes of 2019

AB 1235 (Chu) - Youth homelessness prevention centers

This bill renames “runaway and homeless youth shelters” to “youth homelessness prevention centers,” and expands the categories of youth for which the center is required to provide services to also include youth at risk of homelessness and youth exhibiting status offender behavior.

Chapter 341, Statutes of 2019

ACR 90 (Cooley) - Foster Care Month

This measure declared the month of May 2019 as Foster Care Month.

Chapter 124, Statutes of 2019

SCR 75 (Hurtado) - California Runaway and Homeless Youth Prevention Month

This measure proclaims the month of November 2019 as California Runaway and Homeless Youth Prevention Month.

Chapter 160, Statutes of 2019

Immigration Services

AB 1319 (Arambula) - Migrant education: pupil residency

This bill requires LEAs to allow a pupil who is a migratory child to continue attending their school of origin or a school within the school district of origin, regardless of any change of the pupil’s residence.

Chapter 458, Statutes of 2019

ACR 1 (Bonta) - Immigration: public charges

This measure condemns regulations recently adopted by the Department of Homeland Security (DHS) to prescribe how a determination of inadmissibility for a person who is not a citizen or national is made based on the likelihood that the person will become a public charge. This measure would also urge the federal government to repeal the new regulations.

Chapter 164, Statutes of 2019

AJR 9 (Garcia, Cristina) - Immigration enforcement tactics

This measure urges the federal government to stop using ruses against immigrants, revise the tactics used by United States Immigration and Customs Enforcement (ICE), cease the unjust detention of undocumented immigrants, end blanket raids against individuals thought to be without documents, and adopt a standard uniform for ICE officers that clearly identifies them as ICE when operating in California.

Chapter 104, Statutes of 2019

AJR 11 (Carrillo) - Immigration: Development, Relief, and Education for Alien Minors Act: Deferred Action for Childhood Arrivals: Deferred Enforced Departure: Temporary Protected Status

This measure urges the President and the Congress of the United States to enact legislation to provide permanent legal status and a path to citizenship for immigrant youths and individuals with Deferred Enforced Departure and Temporary Protected Status.

Chapter 136, Statutes of 2019

Pupil Health

AB 1 (Cooper) - Youth athletics: California Youth Football Act

The bill, on and after January 1, 2021, requires a youth sports organization that conducts a tackle football program to comply with certain requirements.

Chapter 158, Statutes of 2019

AB 379 (Maienschein) - Youth athletics: concussion and sudden cardiac arrest prevention protocols

Current law requires a youth sports organization, as defined to include an organization, business, nonprofit entity, or local governmental agency that sponsors or conducts amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate in any of 27 designated sports, if it offers an athletic program, to follow specified protocols with respect to concussions and other head injuries. This bill would delete the designation of the 27 sports from the definition of youth sports organization for purposes of this provision, thus expanding the scope of this definition to any amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate.

Chapter 174, Statutes of 2019

AB 743 (Garcia, Eduardo) - Pupil health: self-administration of prescribed asthma medication

This bill requires a school district to accept a written statement 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 California. The bill would require that written statement to be provided in both English and Spanish and to include the name and contact information for the physician or surgeon.

Chapter 101, Statutes of 2019

AB 1454 (Jones-Sawyer) - Trauma-informed diversion programs for youth

This bill, commencing with the 2019–20 fiscal year and thereafter, authorizes Youth Reinvestment Grants to be awarded to nonprofit organization applicants to administer the diversion programs. The bill would increase the maximum grant award to \$2,000,000 and would require an applicant to provide a cash or in-kind match.

Chapter 584, Statutes of 2019

AB 1651 (Medina) - Licensed educational psychologists: supervision of associates and trainees

The Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, provide for the licensure and regulation of the practices of marriage and family therapy, clinical social work, and professional clinical counseling, respectively, by the Board of Behavioral Sciences. Under those acts, certain unlicensed persons, including an applicant for licensure, an associate, an intern, or a trainee, are authorized to perform specified services under the supervision of a healing arts practitioner who is included in the definition of “supervisor.” This bill expands the definition of “supervisor” under each of those acts to include a licensed educational psychologist supervising the provision of educationally related mental health services. This bill also defines “educationally related mental health services.”

Chapter 321, Statutes of 2019

AB 1767 (Ramos) - Pupil suicide prevention policies

This bill requires the governing body of an LEA that serves pupils in kindergarten and grades 1 to 6 to, before the beginning of the 2020–21 school year, adopt and update a policy on pupil suicide prevention that specifically addresses the needs of high-risk groups. The bill requires this policy to be age appropriate and delivered and discussed in a manner that is sensitive to the needs of young pupils.

Chapter 694, Statutes of 2019

SB 276 (Pan) - Immunizations: medical exemptions

This bill changes the process by which doctors provide, and patients receive, medical exemptions from vaccinations, and requires CDPH to, by January 1, 2021, 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 would specify the information to be included in the medical exemption form.

Chapter 278, Statutes of 2019

SB 316 (Rubio) - Pupil and student safety: identification cards: domestic violence hotline telephone number

SB 316 requires, commencing October 1, 2020, public schools, including charter schools, and private schools, that serve pupils in any of grades 7 to 12 that issue pupil identification cards to print the telephone number for the National Domestic Violence Hotline on the cards. The bill also requires, commencing October 1, 2020, that public or private institutions of higher education that issue student identification cards have printed the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline on the identification cards.

Chapter 270, Statutes of 2019

SB 714 (Pan) - Immunizations

Current law generally prohibits the governing authority of a school or other institution from admitting for attendance any pupil who fails to obtain required immunizations within the time limits prescribed by CDPH, except when the pupil has an exemption from this requirement. SB 276 requires the department, by January 1, 2021, to develop and make available for use by licensed physicians and surgeons an electronic, standardized, statewide medical exemption certification form 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 would instead allow a child who has a medical exemption issued before January 1, 2020, to be allowed to continue enrollment until the child enrolls in the next grade span, as specified, and would prohibit, on and after July 1, 2021, a governing authority from unconditionally admitting or readmitting to these institutions, or admit or advance any pupil to 7th grade level, unless the pupil has been immunized or has a medical exemption through a procedure that includes the completion of a compliant statewide form.

Chapter 281, Statutes of 2019

Student Services

AB 209 (Limón) - Parks: outdoor environmental education: grant program

This bill requires the Director of Parks and Recreation to establish the Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands. The bill requires the director to give priority for funding to outdoor environmental education programs that primarily provide outreach to and serve pupils who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency.

Chapter 675, Statutes of 2019

AB 413 (Jones-Sawyer) - Education: at-promise youth

This bill deletes the term “at-risk” from certain codes and replaces it with the term “at-promise.” The bill would, for purposes of the Education Code, define “at-promise” to have the same meaning as “at-risk.”

Chapter 800, Statutes of 2019

AB 439 (Stone, Mark) - Juveniles: competency

This bill removes developmental centers and community care facilities as alternative placement options for juveniles.

Chapter 161, Statutes of 2019

AB 686 (Waldron) - Indian children

Current law establishes the Indian Child Welfare Act (ICWA), and requires that courts in all Indian child custody proceedings comply with ICWA. This bill would require the Judicial Council to establish a rule of court that would authorize the use of telephonic or other remote access by an Indian child’s tribe in proceedings where ICWA applies. The bill would prohibit the charging of a fee for the telephonic or remote access.

Chapter 434, Statutes of 2019

AB 982 (Holden) - Pupils: homework assignments for suspended pupils

This bill requires, upon the request of a parent, a legal guardian or the pupil, a teacher to provide to a pupil who has been suspended from school for 2 or more schooldays the homework that the pupil would otherwise have been assigned.

Chapter 779, Statutes of 2019

AB 1354 (Gipson) - Juvenile court school pupils: joint transition planning policy: individualized transition plan

This bill requires, as part of the joint transition planning policy for youths in the juvenile justice system, the county office of education (COE) to assign transition oversight responsibilities to existing COE personnel who will work in collaboration with the county probation department and relevant LEAs to ensure that specified transition activities are completed for the pupil, and to facilitate the transfer of, among other things, complete and accurate education records and the pupil’s individualized education plan, when a pupil enters the juvenile court school.

Chapter 756, Statutes of 2019

AB 1595 (Committee on Education) - Elementary and secondary education: omnibus bill

This bill changes references in the Education Code to “homemaking” to “family and consumer sciences.”

Chapter 543, Statutes of 2019

ACR 8 (Weber) - Restorative Practices in School Awareness Month

This measure designates September 2019 as Restorative Practices in School Awareness Month in California.

Chapter 43, Statutes of 2019

ACR 14 (Limón) - Dual Enrollment Week

This recognized the week of March 17, 2019 to March 23, 2019 as Dual Enrollment Week, and encouraged colleges and universities to visit high schools and take action to help pupils register in dual enrollment courses.

Chapter 31, Statutes of 2019

ACR 68 (McCarty) - Girls on the Run of Greater Sacramento Day

This measure recognized May 11, 2019 as Girls on the Run of Greater Sacramento Day, and proclaimed that schools across the Sacramento region encourage girls in grades 3 to 8 to get involved and participate in a nearby Girls on the Run program.

Chapter 61, Statutes of 2019

HR 13 (Chu) - Relative to California Girls and Women in Sports Day

This measure resolved that the first Wednesday in February be declared California Girls and Women in Sports Day to acknowledge the contributions of, and to recognize, girls and women in sports in California.

Adopted

HR 29 (Weber) - Relative to College Bound Day

This measure recognized April 22, 2019, as College Bound Day, in order to raise awareness of the importance of making education a priority in every household.

Adopted

SB 748 (Stern) - California Youth Poet Laureate

This bill established the position of California Youth Poet Laureate, and authorized the Governor to appoint an individual from among 3 nominees 13 to 19 years of age garnered by the Arts Council.

Chapter 156, Statutes of 2019

SCR 17 (Leyva) - Read Across America Day

This measure recognized March 1, 2019 as Read Across America Day, and called upon all Californians to observe this day by participating in appropriate ceremonies and activities.

Chapter 17, Statutes of 2019

Capitol Advisors Group has produced a series of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2019. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2020, unless the bill specifically states otherwise.