

2019 Legislative Session Adjourns

The 2019 legislative session ended in “Blood, Sweat and Cheers” about 3 a.m. on Saturday September 14, 2019. In addition to increasingly assertive protesters inside and outside the Capitol, there was the typical cunning timing on bringing bills up for floor votes – a tug of war or balancing act by the Senate and Assembly to control movement of bills between the houses. In the end, the Legislature transmitted 772 legislative proposals over to the governor’s desk and he has until Sunday, October 13, 2019 to act on the bills. If he does not sign or veto a bill, it becomes law.

Two bills that took center stage over the last two weeks of session were **SB 276 and SB 714 by Senator Pan (Sacramento), which will require stricter immunization exemptions.** The Governor has signed both these bill into law.

SB 276 requires the Department of Public Health (DPH) to develop an electronic, statewide, standardized medical exemption request form for immunization requirements in existing law. This bill requires DPH to make the request form available for use by physicians and to be transmitted directly to a state database. This bill requires the request form to be the only medical exemption documentation that a governing authority may accept. This bill requires DPH to create a standardized system to monitor immunization levels in schools and institutions, and to monitor patterns of unusually high exemption form submissions by a particular physician.

SB 714 was introduced late Friday, September 6, 2019 to address Governor Newsom’s last-minute concerns after continuous pressure from parents advocating for parental rights over their child’s health. The law requires a child who has a medical exemption issued before January 1, 2020, to be allowed continued enrollment to any public or private elementary or secondary school, child care center, day nursery, nursery school, family day care home, or developmental center within the state until the child enrolls in the next grade span. Prohibits medical exemptions ongoing from existing beyond those grade spans. Defines “grade span” to mean: birth to preschool; Kindergarten and grades 1 to 6, including transitional kindergarten; and, grades 7 to 12.

- Prohibits medical exemptions ongoing from existing beyond those grade spans.
- Prohibits a school governing authority, on and after July 1, 2021, from unconditionally admitting or readmitting to any educational institutions, or from admitting or advancing any pupil to 7th grade level, unless the pupil has been immunized pursuant to existing law or the parent or guardian files a medical exemption form, as specified.
- Deletes the requirement that a physician issuing a medical exemption certify under penalty of perjury that the information in the medical exemption form are true, accurate, and complete.
- Deletes the requirement that medical exemptions authorized prior to the adoption of the standardized form to be submitted to DPH in order to remain valid.
- Prohibits DPH and a governing authority from accepting a medical exemption from a physician who is on probation for action relating to immunization standards of care unless and until the probation has been terminated.

Governor Newsom signed into law two bills that CASP was supporting on student safety and pupil discipline.

SB 316 (Rubio): pupil and student safety: identification cards: domestic violence hotline telephone number. Commencing October 1, 2020, the law 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 those cards the telephone number for the National Domestic Violence Hotline. The law requires, commencing October 1, 2020, 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.

SB 419 (Skinner): pupil discipline: suspensions: willful defiance. Commencing July 1, 2020, the law prohibits the suspension of a pupil enrolled in a school district or charter school in grades 4 and 5 for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties. The bill from July 1, 2020 until July 1, 2025, would prohibit the suspension of a pupil enrolled in a school district or charter school in any grades 6 to 8, inclusive, for those acts.

Below are highlights on other key bills of interest to CASP. The Governor has until mid-October to either sign or veto the measures.

School-Based health programs – AB 1322 (Berman) would require the State Department of Education to, no later than July 1, 2020, establish an Office of School-Based Health Programs for the purpose of, among other things, administering health-related programs under the purview of the State Department of Education and advising on issues related to the delivery of school-based Medi-Cal services in the state. The bill would authorize the office to form additional advisory groups and would require the CDE to make available to the office any information on other school-based dental, health, and mental health programs. CASP has a Support position on AB 1322.

Pupil identification cards: sexual assault hotline and reproductive health care telephone numbers. AB 624 (Gabriel) would require public schools, including charter schools, if they issue pupil identification cards, to have printed on either side of those identification cards the telephone numbers for the National Sexual Assault Hotline and a local resource that provides sexual and reproductive health care information that meets certain requirements. The bill would require a private school, if it issues pupil identification cards, to have printed on either side of those identification cards the telephone number for the National Sexual Assault Hotline.

Special education: nonpublic, nonsectarian schools or agencies - AB 1172 (Frazier) would require that local educational agencies (LEAs) that send students to non-public, non-sectarian schools (NPSs) conduct on-site monitoring visits. The bill also requires that NPSs notify the CDE of any student-involved incident in which law enforcement is contacted; requires the CDE, if an investigation conducted by the CDE results in a finding that pupil health or safety has been compromised, to immediately suspend or revoke the school's certification. In addition, AB 1172 requires that an NPS serving students with significant behavioral needs to have an individual on site who is qualified to implement behavior interventions, and requires that administrators of NPSs hold or be working toward specified credentials or licenses; requires that NPSs train specified staff in evidence-based practices and interventions specific to students' unique behavioral needs. CASP has a watch position on AB 1172.

Administration of medical cannabis: school sites - SB 223 (Hill), known as Jojo's Act, 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 a policy that allows a parent or guardian of a pupil to possess and administer non-smokeable and non-vapeable medicinal cannabis to the authorized pupil at a school site. CASP has a neutral position on SB 223.

Pupil health: employee training: youth mental health - SB 428 (Pan) would require CDE to identify an evidence-based training program for LEAs to train classified and certificated staff having direct contact with children on youth mental health first aid. This bill would also require CDE, subject to funds being appropriated for this purpose, to disseminate the training program to LEAs at no cost. CASP has a watch position on SB 428.

Special education: IEP: translation services - SB 695 (Portantino) would require local educational agencies (LEAs) to provide most students' parents with a translation, upon parental request, of the student's individualized education program (IEP) and other related documents in the native language of the parent within 30 days of the IEP team meeting, and require translations to be conducted by a qualified translator. The bill would require the documents to be translated for the top eight languages (other than English) in each LEA as determined by CDE & reported on Dataquest. The bill defines who can provide the translation of IEP documents. Translation of other student materials (evaluations, assessment, or progress data) – there is no required time frame to have them translated. CASP has a neutral position on SB 695.