

## UPDATE ON SCHOOLS & COLLEGES PROPERTY & LIABILITY LEGISLATION INTRODUCED FOR 2016

September 30, 2016 was the last day for Governor Brown to sign or veto the hundreds of bills that were sent to his desk in the last weeks of the legislative session. Many of those bills have an impact on schools' property and liability pools. Below are summaries of the bills the Governor signed into law and those he vetoed. Unless otherwise noted, these bills will go into effect on January 1, 2017.

### **BULLYING**

**AB 2536** - This bill expands the definition of electronic acts in relation to bullying to include cyber sexual bullying and requires the California Department of Education (CDE) to include information on cyber sexual bullying on a specified website.

**AB 2212** - This bill defines "bullying via an electronic act" to mean the creation or transmission of a communication by means of an electronic device that includes a video.

### **CIVIL ACTIONS**

**AB 1682** - This bill prohibits confidentiality provisions in settlement agreements in civil cases for damages for childhood sexual abuse or sexual exploitation of a minor. The bill does not void confidentiality provisions signed prior to January 1, 2017, but those dated on or after January 1, 2017 will be void and unenforceable.

### **COMMUNITY COLLEGES**

**SB 1038** - This bill requires community college faculty to submit to a tuberculosis risk assessment within 60 days before initial employment. It would essentially conform treatment of community college faculty to that of K-12 schools.

**AB 1995** - This bill requires a community college campus to grant access to shower facilities for enrolled homeless students. For more information on this bill, please see our Keenan *Briefing*, "AB 1995: Proposed Legislation Regarding CCD Shower Facility Access for Homeless Students," at:

[http://www.keenan.com/news/brief/2016/BRF\\_20160812\\_AB1995CCDShowerFacilityAccess\\_KA.pdf](http://www.keenan.com/news/brief/2016/BRF_20160812_AB1995CCDShowerFacilityAccess_KA.pdf)

### **DATA PRIVACY/SECURITY**

**AB 2097** - This bill prohibits a local educational agency (LEA) from collecting or soliciting social security numbers or the last four digits of social security numbers from students or their parents. This law will go into effect for the 2017-2018 school year.

**SB 441** - This bill exempts from disclosure under the California Public Records Act any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor. This is intended to protect public agencies from a type of cybercrime known as spear phishing.

**AB 2799** - This bill prohibits operators of internet websites, online services, and mobile apps that are designed, marketed and used primarily for prekindergarten and preschool pupils, from using data about those pupils for targeting, marketing or profiling, and prohibits selling or disclosing a pupil's information with limited exceptions. It is essentially identical to other laws already in place for K-12 students.

## LOCAL AGENCY GOVERNANCE/PUBLIC MEETINGS

**AB 1217** - This bill prohibits the Orange County Fire Authority from appointing alternates for its governing board's members. This legislation was opposed by the California League of Cities and others for interfering in the operation of a local board.

**AB 2257** - This bill requires an online posting of a meeting agenda to have a prominent, direct link to the current agenda itself from the local agency's homepage. The link shall be included on the local agency's homepage, not in a contextual menu on the homepage, and the agenda shall be posted in a way that is (a) retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications; (b) platform independent and machine readable; and (c) available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.

**AB 1787** – This bill requires local agencies to provide at least twice the allotted time for public comment to speakers who require translation services.

## PUPIL HEALTH

**AB 1386** - This bill authorizes pharmacies to furnish epinephrine auto-injectors to school districts and provides civil immunity to schools for the use of them. For more details on this legislation, please see our Keenan *Briefing*, “AB 1386 and AB 1748: Effective January 1, 2017 New Emergency Drug Treatment Options for Schools” at:

[http://www.keenan.com/news/brief/2016/BRF\\_20161102\\_AB1386andAB1748EmergDrugTreatmentinSchools\\_KA.pdf](http://www.keenan.com/news/brief/2016/BRF_20161102_AB1386andAB1748EmergDrugTreatmentinSchools_KA.pdf)

**AB 1719** – This bill requires that, commencing in the 2018-2019 school year, school districts and charter schools that require a health course for graduation include instruction in compression-only cardiopulmonary resuscitation (CPR).

**AB 1748** - This bill authorizes LEAs to provide an emergency opioid antagonist to school nurses or trained personnel and authorizes a school nurse or trained personnel to administer an opioid antagonist to a person suffering from an opioid overdose. For more information, please see our Keenan *Briefing*, “AB 1386 and AB 1748: Effective January 1, 2017 New Emergency Drug Treatment Options for Schools” at:

[http://www.keenan.com/news/brief/2016/BRF\\_20161102\\_AB1386andAB1748EmergDrugTreatmentinSchools\\_KA.pdf](http://www.keenan.com/news/brief/2016/BRF_20161102_AB1386andAB1748EmergDrugTreatmentinSchools_KA.pdf)

**AB 2246** - This bill requires LEAs that serve pupils in grades 7-12 to adopt written policies on pupil suicide prevention prior to the beginning of the 2017-2018 school year.

**AB 1639** - Effective July 1, 2017, this bill requires the CDE to develop guidelines and information on sudden cardiac arrest symptoms and to post the information on the internet. It also requires any pupil who participates in athletics to sign and return an acknowledgement sheet on sudden cardiac arrest symptoms and warning signs

each school year before participating in athletic activity. It requires coaches to remove pupils from athletic activity if they faint or pass out. It also requires coaches to complete a training course on sudden cardiac arrest every other school year.

## SCHOOL FACILITIES

**AB 1557** - This bill amends the civic center act to limit school districts to charging an average of \$60/month facilities use fee by a nonprofit youth organization.

## SCHOOL SAFETY

**SB 1072** – This bill requires, on or before the beginning of the 2018-2019 school year, every school bus, school pupil activity bus (SPAB), and youth bus be equipped with a "child safety alert system;" imposes additional requirements on school districts to ensure that a pupil is not left unattended on a bus. For more details on this new law, please see our Keenan *Briefing*, "SB 1072: The Paul Lee School Bus Safety Law Effective January 1, 2017 and the 2018-2019 School Year," at:

[http://www.keenan.com/news/brief/2016/BRF\\_20161013\\_SB1072SchoolBusSafetyAlert\\_KA.pdf](http://www.keenan.com/news/brief/2016/BRF_20161013_SB1072SchoolBusSafetyAlert_KA.pdf).

**SB 1067** - This bill requires the food safety certification examination, which must be completed by at least one person at every retail food facility, to include major food allergens and the symptoms that these allergens could cause in individuals who have allergic reactions. Additionally, the bill revises and recasts provisions of law governing the serving of raw and undercooked meat and makes various other updates and minor changes to the laws governing retail food facilities. These new rules would apply to school cafeterias.

**AB 2161** – This bill allows an insurer to consider the installation of vehicle barriers as a safety measure for purposes of providing or offering a discount on the property owner's commercial property insurance; it requires any such discounts to be determined to be actuarially sound and approved by the Insurance Commissioner prior to their use.

## TITLE IX/CAMPUS SEXUAL ASSAULT

**AB 2654** - This bill expands the information to be included in a postsecondary educational institution's written policy on sexual harassment to include information regarding complaint processes and timelines, on and off-campus resources, and further requires that the written policy be made available on the institution's website.

**AB 1654** - This bill expands existing audit requirements regarding the reporting of crime statistics by California postsecondary educational institutions by requiring the State Auditor to include an evaluation of institutions' compliance with state law governing crime reporting and the development and implementation of student safety policies and procedures.

**SB 1375** - This bill requires all schools subject to Title IX to post specific information related to Title IX on their websites.

## WORKPLACE DISCRIMINATION

**AB 1661** - This bill requires local agency officials to receive two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter. The requirements of the bill apply only if a local agency provides any type of compensation, salary, or stipend to its local agency officials. Pursuant to the definitions provided in the bill, its requirements apply to any member of a legislative body and any elected official of cities and counties (including charter cities and charter counties), and special districts.

**AB 1676** - This bill clarifies that prior salary cannot, by itself, justify any disparity in compensation between men and women. The bill is seen by proponents as building on prior legislation, including last year's SB 358, which requires that men and women doing substantially similar work under similar working conditions be paid equally, barring other factors.

**AB 1843** - This bill prohibits employers from asking an applicant for employment to disclose information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law, or seek or utilize any such information as a factor in determining any condition of employment.

**AB 2337** - This bill requires employers to provide their employees with written notice of their right to take time off from work for certain purposes if they are a victim of domestic violence, sexual assault, or stalking. In order to facilitate compliance by employers, this bill requires the Labor Commissioner to develop a form that employers could use to comply with the notice requirement. It also requires the Commissioner to post the form on his or her website on or before July 1, 2017, and provides that an employer is not required to comply with the disclosure requirement until the Commissioner posts the form.

**SB 1063** - This bill amends the Equal Pay Act to prohibit employers from paying employees a wage rate less than the rate paid to employees of a different race or ethnicity for substantially similar work.

## VETOED

The Governor vetoed a number of bills that would have had an impact on schools' property and liability programs. Many of these bills had been sent to the governor and were vetoed by him in 2015. As this is the end of a two-year session, legislators wishing to pursue this legislation will have to re-introduce these bills in January 2017.

**AB 709** - This bill would have subjected charter schools to a variety of the same open meeting, conflict-of-interest and disclosure laws as traditional school districts, including the Ralph M. Brown Act (Brown Act), the California Public Records Act (CPRA), the Political Reform Act of 1974, and the state's primary conflict-of-interest provisions-Government Code Section 1090. The Governor has now vetoed this legislation twice, stating that it "goes too far" in prescribing how the governing boards of charter schools operate.

**AB 969** - This bill would have required, as a condition of receiving state funds for student financial assistance and beginning no later than October 1, 2018, that the governing boards of each community college district, the California State University Trustees, the University of California Regents, and the governing board of each

independent postsecondary educational institution annually report specified information relative to sexual assault, dating violence, stalking complaints, investigations, and outcomes.

**AB 1653** – This bill would have required the California Community Colleges, Board of Governors, the California State University Trustees, the governing body of each private postsecondary educational institution in the state to generate a report every two years pertaining to campus climate. Governor Brown vetoed virtually identical legislation in 2015.

**AB 1778** - This bill would have required the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of independent postsecondary educational institutions to conduct annual training of their employees on their obligations in responding to and reporting incidents of sexual assault, domestic violence, dating violence, and stalking involving students. In his veto message, Governor Brown noted, “College campuses are already required to have clear policies and procedures to deal with these reports. The state, in this case, should not have to additionally mandate an annual training schedule for all college employees.”

**AB 1783** – This bill would have required a LEA located in an area of higher seismicity to conduct an inspection of the contents in each school building to assess whether furniture and equipment meet specified safety guidelines in the event of an earthquake.

**AB 2182** - This bill would have established the Neurocognitive Testing Pilot Grant Program to provide funds to Title I schools for the purpose of neurocognitive testing, requiring participating school districts electing to offer sports programs to collect and maintain data on traumatic brain injuries and concussions sustained during these activities.

**AB 2621** - This bill would have required a LEA that maintains an employee code of conduct with students to provide a written copy of that document to every pupil enrolled, as well as every parent or guardian, and to post it on a public page on each school’s website.

**SB 1113** – This bill would have authorized LEAs to enter into partnerships with county mental health plans for the provision of Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) mental health services, and established the County and Local Educational Agency Partnership Fund in the State Treasury.

**SB 1439** – This bill would have required the University of California, the California State University and the California Community Colleges to require applicants for employment to disclose information regarding final administrative findings of sexual harassment.

If you have any questions regarding the information contained in this *Briefing*, please contact your Keenan Account Manager.

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