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SB-816 Elementary and secondary education: omnibus revisions. (2017-2018)

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Senate Bill No. 816

CHAPTER 507

An act to amend Sections 8426, 8482.1, 8483.75, 8483.76, 33000.5, 35000, 48205, 48260.5, 48263, 49063, 49431, 49431.2, 56305, 60119, and 60210 of the Education Code, relating to elementary and secondary education.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 816, Committee on Education. Elementary and secondary education: omnibus revisions.

(1) Existing law establishes the 21st Century High School After School Safety and Enrichment for Teens program as a grant program, under the administration of the State Department of Education, for high school after school programs. Existing law authorizes not more than 15% of each annual grant amount awarded pursuant to these provisions to be used by a grantee for administrative costs. Existing law requires all state funding awarded pursuant to these provisions that remains after subtracting administrative costs and other specified costs to be allocated to the high school after school program site for direct services to pupils.

This bill would authorize the cost of a high school after school program site supervisor to be included as direct services, provided that at least 85% of the site supervisor's time is spent at the program site.

(2) Existing law establishes the After School Education and Safety Program (ASES), under which participating schools are awarded grants to operate before and after school programs during schooldays and summer, intersession, or vacation days in accordance with specified requirements. Existing law provides that a school that establishes specified programs pursuant to ASES is eligible to receive a summer grant to operate the program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods, as specified.

This bill would change the name of the summer grant to the "summer/supplemental grant."

(3) Existing law establishes the State Board of Education and provides that the state board consists of 10 members who are appointed by the Governor with the advice and consent of $\frac{2}{3}$ of the Senate. Existing law requires the Governor to also appoint a student member to the state board with the advice and consent of $\frac{2}{3}$ of the Senate, and prescribes the process for selecting candidates for the student member.

This bill would revise and recast the provisions prescribing the process for selecting the student member. The bill would require the state board, each year, to notify every school district that applications are being accepted for the student member's position. The bill would require a screening committee of the state board to select 12 semifinalists for the position, would require those semifinalists to be presented to the California Association of Student Councils, and would require the California Association of Student Councils to select a maximum of 6 final candidates for presentation to the state board. The bill would require the state

board, each year, to select 3 finalists for the Governor's consideration and would authorize the state board to rank the finalists according to its preference.

(4) Under existing law, each person between 6 and 18 years of age who is not otherwise exempt is subject to compulsory full-time education. Existing law requires each person subject to compulsory full-time education to attend the public full-time day school and for the full time designated as the length of the schoolday by the governing board of the school district in which the residency of either the parent or legal guardian is located. Existing law, notwithstanding compulsory full-time education, requires a pupil to be excused from school when the absence is due to one of several specified reasons, including for the purpose of attending the funeral services of a member of the pupil's immediate family and for the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as provided. Existing law defines "immediate family" for these purposes.

This bill would revise the definition of "immediate family" to mean the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

(5) Existing law requires a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, to be classified as a truant. Existing law authorizes a pupil to be referred to a school attendance review board or to a county probation department if a pupil in a school district in that county is, among other things, irregular in attendance at school. Existing law requires the supervisor of attendance, or other person designated by the governing board of the school district or county, making the referral to provide certain notifications to the minor and the parents or guardians of the minor.

This bill would authorize the referral of a pupil to those entities if, instead of the pupil being irregular in attendance at school, the pupil is a chronic absentee, as defined. The bill would specify that the school district supervisor of attendance is required to provide those notifications, and would additionally require the school district supervisor of attendance to 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.

(6) Existing federal law establishes nutritional standards for all food and beverages, other than meals reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act and the federal Child Nutrition Act of 1966, available for sale to pupils on the school campus during the schoolday. Existing state law establishes nutritional standards for all food and beverages sold or served to pupils in elementary, middle, and high school. Existing law requires that not more than 35% of the total calories of specified foods sold to pupils be from fat, and requires that less than 10% of the total calories of those foods be from saturated fat. Existing law exempts certain foods from these requirements.

This bill would update state law to conform to the federal nutritional standards by adding eggs to the foods exempted from the requirements relating to calories from fat and saturated fat.

(7) Existing law requires, as a condition of receipt of funds for instructional materials from any state source, the governing board of a school district to take specified actions, including holding a public hearing or hearings at which the governing board of the school district encourages participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and makes a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to specified content standards in each of specified subjects.

This bill would instead require, as a condition of receipt of those funds, the governing board of a school district, at the public hearing or hearings, to make a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the State Board of Education in each of specified subjects.

(8) Existing law provides that instructional materials for mathematics that are aligned to common core academic content standards developed by the Common Core State Standards Initiative consortium, as specified, shall be deemed to be aligned to certain content standards adopted for specified purposes.

This bill would also deem instructional materials for English language arts that are aligned to the common core academic content standards developed by the consortium to be aligned to the content standards adopted for the same purposes.

(9) Existing law requires the name of an elementary school district to include the name of the county in which the school district is located.

This bill would delete the requirement to include the name of the county in which an elementary school district is located in the name of the school district.

(10) Existing law requires the State Department of Education, on or before January 1, 2019, to develop a manual that provides guidance to local educational agencies on identifying English learners as individuals with exceptional needs, classifying individuals with exceptional needs as English learners, supporting pupils who are both English learners and individuals with exceptional needs, and determining when such dually identified pupils should be either removed from classification as English learners or exited from special education. Existing law requires the department to develop a plan for dissemination of the manual and the means of providing professional development on the content of the manual, as provided, and requires that plan to be submitted to specified state entities and the appropriate policy and fiscal committees of the Legislature on or before July 1, 2018.

This bill would require the department to develop the manual, and to submit the plan, on or before July 1, 2019.

(11) This bill would make conforming and clarifying changes, delete obsolete provisions, correct and update cross-references, and make other nonsubstantive changes.

(12) This bill would incorporate additional changes to Section 48205 of the Education Code proposed by AB 2289 to be operative only if this bill and AB 2289 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 60119 of the Education Code proposed by AB 2319 to be operative only if this bill and AB 2319 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8426 of the Education Code is amended to read:

8426. (a) (1) A grantee that establishes a program pursuant to this chapter is eligible to receive a five-year grant of up to two hundred fifty thousand dollars (\$250,000) per year per site in a program, subject to semiannual attendance reporting. Funding for a grant shall be allocated in annual increments for a period of not more than five years, contingent upon the availability and appropriation of federal funds by the Legislature for those grants.

(2) The department shall notify new grantees of their award status and the dollar amount of the award, if any, in writing on or before May 15 of each year in which new grants are awarded. The grantee shall notify the department in writing of its acceptance of the grant.

(3) A first-year grant award shall be made no later than 60 days after enactment of the annual Budget Act and any authorizing legislation. A grant award for the second and subsequent fiscal years shall be made no later than 30 days after enactment of the annual Budget Act and any authorizing legislation.

(4) A grantee who receives funds pursuant to this article as part of a partnership or consortium may restructure the partnership or consortium if all of the following conditions are met:

(A) All partners or consortium members agree to the restructure.

(B) The new consortia or partnership structure, or structures, complies with the requirements of paragraph (8) of subdivision (f) of Section 8421, as applicable.

(C) There is no change in the school, or schools, served by the restructured partnership or consortium.

(D) The department agrees to the restructure.

(b) The department shall allocate 25 percent of the grant amount each year no later than 30 days after the grant award acceptance letter is received by the department.

(c) (1) Not more than 15 percent of each annual grant amount may be used by a grantee for administrative costs. For purposes of this article, administrative costs shall include indirect costs. Indirect costs shall not exceed the lesser of the following:

(A) The grantee's indirect cost rate, as approved by the department for the appropriate fiscal year.

(B) Five percent of the state program funding received pursuant to this article.

(2) In addition to the funding allowed for administrative costs pursuant to paragraph (1), up to 15 percent of the first year's annual grant award for each after school grant recipient may be used for startup costs.

(3) Funding made available pursuant to this subdivision shall not result in an increase in the total funding of a grantee above the approved grant amount.

(4) The cost of a program site supervisor may be included as direct services, provided that at least 85 percent of the site supervisor's time is spent at the program site.

(d) Grantees are subject to semiannual attendance reporting during each year of the grant.

(1) The department shall provide technical support for development of a program improvement plan for grantees under either of the following conditions:

(A) If actual pupil attendance falls below 75 percent of the proposed levels in any year of the grant.

(B) If the grantee fails, in any year of the grant, to demonstrate measurable outcomes pursuant to Section 8427.

(2) If the actual pupil attendance falls below 75 percent of the proposed attendance level at the end of the second year of the grant, the department may reduce funding for the grantee.

(3) The department shall adjust the grant level of any school in the program that is under its proposed attendance level by more than 15 percent in each of two consecutive years.

(4) In any year, after the first grant-year period, that the actual attendance level of a school within the program falls below 75 percent of the proposed attendance level, the department shall perform a review of the program and may adjust the grant level as the department deems appropriate.

(e) Notwithstanding any other provision of this section or any other law, the department may at any time terminate the grant of a school in a public school program that fails in three consecutive years to meet either of the following requirements:

(1) Demonstrate program outcomes pursuant to Section 8427.

(2) Attain 75 percent of its proposed attendance levels after having its program reviews and grant level adjusted by the department.

(f) The department shall create a process to allow a grantee to voluntarily lower its annual grant amount if one or more sites are unable to meet the proposed pupil attendance levels by the end of the second year of the grant.

(g) (1) The administrator of a program may supplement, but not supplant, existing funding for after school programs with grant funds awarded pursuant to this article.

(2) In addition to administrative costs, a program participant may expend up to the greater of 6 percent of its state funding or seven thousand five hundred dollars (\$7,500) to collect outcome data for evaluation and for reports to the department.

(3) All state funding awarded to a program pursuant to this article that remains after subtracting the administrative costs, startup costs, and outcome data costs authorized by subdivisions (c) and (d) shall be allocated to the program site for direct services to pupils.

(h) When determining grant award amounts after each grant year, the department may consider whether a program is operating consistent with the terms of its application, including whether the number of pupils served on a regular basis is consistent with the number estimated, and may consider the strength of any justifications or future plans offered by the program to address inconsistencies with the terms of the application. If the department finds that a program is not operating consistent with the terms of its application, the department may take appropriate action, including denying grant awards or reducing the level of grant funding.

(i) The department may withhold or terminate the grant allocation of any site or program that does not comply with audit resolutions, fiscal reporting, attendance reporting, or outcomes reporting requirements required by the department.

(j) If a program grantee is temporarily prevented from operating its entire program due to natural disaster, civil unrest, or imminent danger to pupils or staff, the department may approve a request by the grantee for pupil attendance credits equal to the average annual attendance that the grantee would have received if it had been able to operate its entire program during that time period.

SEC. 2. Section 8482.1 of the Education Code is amended to read:

8482.1. For purposes of this article, Article 19 (commencing with Section 8420), and Article 22.6 (commencing with Section 8484.7), the following definitions shall apply:

(a) "Expanded learning" means before school, after school, summer, or intersession learning programs that focus on developing the academic, social, emotional, and physical needs and interests of pupils through hands-on, engaging learning experiences. It is the intent of the Legislature that expanded learning programs are pupil-centered, results driven, include community partners, and complement, but do not replicate, learning activities in the regular schoolday and school year.

(b) "Summer/supplemental grant" means funding to operate any program in excess of 180 regular schooldays or during any combination of summer, intersession, or vacation periods.

SEC. 3. Section 8483.75 of the Education Code is amended to read:

8483.75. (a) (1) (A) Each school that establishes a before school program component pursuant to Section 8483.1 is eligible to receive a three-year renewable after school grant, that shall be awarded in three one-year increments and is subject to semiannual attendance reporting and renewal as required by the department. Before school programs established pursuant to this section shall be subject to the same reporting and accountability provisions described in subparagraph (A) of paragraph (1) of subdivision (a) of Section 8483.7.

(B) The maximum total grant amount awarded annually pursuant to this paragraph shall be thirty-seven thousand five hundred dollars (\$37,500) for each regular school year for each elementary school and forty-nine thousand dollars (\$49,000) for each regular school year for each middle or junior high school.

(C) The Superintendent shall determine the total annual after school grant amount for which a site is eligible based on a formula of five dollars (\$5) per pupil per day that the program plans to serve, with a maximum total grant of twenty-five dollars (\$25) per projected pupil per week.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this section is eligible to receive a summer/supplemental grant to operate the program in excess of 180 regular schooldays during any combination of summer, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded to the school per school year under this subdivision.

(4) Each program shall provide an amount of cash or in-kind local funds equal to not less than one-third of the total grant from the school district, governmental agencies, community organizations, or the private sector. Facilities or space usage may fulfill not more than 25 percent of the required local contribution.

(5) (A) The department may award up to 125 percent of the maximum total grant amount for an individual school, so long as the maximum total grant amount for all school programs administered by the program grantee is not exceeded.

(B) A program grantee that is awarded funds pursuant to subparagraph (A) shall have an established waiting list for enrollment, and may receive funds only from another school program that has met a minimum of 70 percent of its attendance goal.

(b) The administrator of a program established pursuant to this article may supplement, but not supplant, existing funding for before school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be used to make the required contribution of local funds for those before school programs.

(c) Up to 15 percent of the initial year's grant amount for each grant recipient may be used for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

(d) For each year of the grant, the department shall award the total grant amount for that year not later than 30 days after the date the grantee accepts the grant.

SEC. 4. Section 8483.76 of the Education Code is amended to read:

8483.76. (a) A school that establishes a program pursuant to Section 8483.7 or 8483.75 is eligible to receive a summer/supplemental grant to operate the program in excess of 180 regular schooldays or during any combination of summer, weekends, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded, per school year, to the school.

(b) An existing after school summer/supplemental grantee may operate a three-hour or a six-hour per day program. If the grantee operates a six-hour per day program, the target attendance level for the purpose of grant reductions pursuant to subparagraph

(A) of paragraph (1) of subdivision (a) of Section 8483.7 shall be computed as if the grant award were based upon the lesser of fifteen dollars (\$15) per day of pupil attendance or 30 percent of the total grant awarded to the school per school year.

(c) A summer/supplemental grantee that operates a program pursuant to this section may change the location of the program to address the needs of pupils and school closures. The program may be conducted at an offsite location or at an alternate schoolsite. The summer/supplemental grantee shall give notice to the department of the change of location and shall include a plan to provide safe transportation pursuant to Section 8484.6.

(d) A summer/supplemental grantee that operates a program pursuant to this section may open eligibility to every pupil attending a school in the school district. Priority for enrollment shall be given to the pupils enrolled in the school that receives the grant.

(e) A summer/supplemental grantee operating a six-hour per day program shall provide for each needy pupil at least one nutritionally adequate free or reduced-price meal during each program day.

(f) A summer/supplemental grantee that operates a six-hour per day program is required to submit, for prior approval by the department, a revised program plan that includes all of the following:

(1) A plan for provision of the free or reduced-price meal required by subdivision (e).

(2) An attendance and early release policy for the program that is consistent with the local educational agency's early release policy for the regular schoolday.

SEC. 5. Section 33000.5 of the Education Code is amended to read:

33000.5. (a) Notwithstanding Sections 33000 and 33001, the Governor shall also appoint a student member to the state board with the advice and consent of two-thirds of the Senate.

(b) The term of office of the student member is one year, and shall begin on August 1. An individual may serve only one term as a student member.

(c) Notwithstanding Section 1020 of the Government Code, the student member shall be, at the time the student member's one-year term commences, a student enrolled in good standing in grade 12 in a public high school. The student member shall be selected from three students recommended by the state board pursuant to subdivision (d). The student member shall be a voting member with the full rights and duties of the other 10 members of the state board.

(d) The process for selecting the student member shall be as follows:

(1) Each year, the state board shall notify every school district that applications are being accepted for the student member's position.

(2) A screening committee of the state board shall select 12 semifinalists for the student member's position. Those semifinalists shall be presented to the California Association of Student Councils, which shall select a maximum of six final candidates for presentation to the state board.

(3) Each year, the state board shall select three finalists for the Governor's consideration and may rank the finalists according to its preference.

SEC. 6. Section 35000 of the Education Code is amended to read:

35000. (a) The first governing board of any new school district shall, at the first meeting of the governing board or as soon as practicable thereafter, name the school district.

(b) The name of an elementary school district shall be in the form of "____ District" (using the name of the district). The name of an elementary school district shall not include a number.

(c) The name of a unified school district shall be in the form of "____ Unified School District" (using the name of the district). A number shall not be used as a part of the designation of any unified school district.

SEC. 7. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent.

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(11) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) 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 and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

SEC. 7.5. Section 48205 of the Education Code is amended to read:

48205. (a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

(1) Due to the pupil's illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending the funeral services of a member of the pupil's immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

(5) For the purpose of jury duty in the manner provided for by law.

(6) Due to the illness or medical appointment during school hours of a child of whom the pupil is the custodial parent, including absences to care for a sick child for which the school shall not require a note from a doctor.

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.

(8) For the purpose of serving as a member of a precinct board for an election pursuant to Section 12302 of the Elections Code.

(9) For the purpose of spending time with a member of the pupil's immediate family who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.

(11) Authorized at the discretion of a school administrator, as described in subdivision (c) of Section 48260.

(b) 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 and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

(c) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(d) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(e) "Immediate family," as used in this section, means the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the pupil.

SEC. 8. Section 48260.5 of the Education Code is amended to read:

48260.5. 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, which may include electronic mail or a telephone call:

(a) That the pupil is truant.

(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.

(c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).

(d) That alternative educational programs are available in the school district.

(e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.

(f) That the pupil may be subject to prosecution under Section 48264.

(g) For a pupil under 18 years of age but 13 years of age or older, that the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.

(h) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

SEC. 9. Section 48263 of the Education Code is amended to read:

48263. (a) If a minor pupil in a school district of a county is a habitual truant, or is a chronic absentee, as defined in Section 60901, or is habitually insubordinate or disorderly during attendance at school, the pupil may be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals. The school district supervisor of attendance, or any other persons the governing board of the school district or county may designate, 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 and shall notify the pupil and parents or guardians of the pupil, in writing, of the name and address of the school attendance review board or probation department to which the matter has been referred and of the reason for the referral. The notice shall indicate that the pupil and parents or guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

(b) (1) If the school attendance review board or probation officer determines that available community services can resolve the problem of the truant or insubordinate pupil, then the school attendance review board or probation officer shall direct the pupil or the pupil's parents or guardians, or both, to make use of those community services. The school attendance review board or

probation officer may require, at any time that it determines proper, the pupil or parents or guardians of the pupil, or both, to furnish satisfactory evidence of participation in the available community services.

(2) If the school attendance review board or probation officer determines that available community services cannot resolve the problem of the truant or insubordinate pupil or if the pupil or the parents or guardians of the pupil, or both, have failed to respond to directives of the school attendance review board or probation officer or to services provided, the school attendance review board may, pursuant to Section 48263.5, notify the district attorney or the probation officer, or both, of the county in which the school district is located, or the probation officer may, pursuant to Section 48263.5, notify the district attorney, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in that section. If the district attorney or the probation officer has not elected to participate in the truancy mediation program described in Section 48263.5, the school attendance review board or probation officer may direct the county superintendent of schools to, and, upon that direction, the county superintendent of schools shall, request a petition on behalf of the pupil in the juvenile court of the county. Upon presentation of a petition on behalf of a pupil, the juvenile court of the county shall hear all evidence relating to the petition. The school attendance review board or the probation officer shall submit to the juvenile court documentation of efforts to secure attendance as well as its recommendations on what action the juvenile court should take in order to bring about a proper disposition of the case.

(c) In any county that has not established a school attendance review board, if the school district determines that available community resources cannot resolve the problem of the truant or insubordinate pupil, or if the pupil or the pupil's parents or guardians, or both, have failed to respond to the directives of the school district or the services provided, the school district, pursuant to Section 48260.6, may notify the district attorney or the probation officer, or both, of the county in which the school district is located, if the district attorney or the probation officer has elected to participate in the truancy mediation program described in Section 48260.6.

SEC. 10. Section 49063 of the Education Code is amended to read:

49063. School districts shall notify parents in writing of their rights under this chapter upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Section 48980. The notice shall be, insofar as is practicable, in the home language of the pupil. The notice shall take a form that reasonably notifies parents of the availability of the following specific information:

(a) The types of pupil records and information contained therein that are directly related to pupils and maintained by the institution.

(b) The position of the official responsible for the maintenance of each type of record.

(c) The location of the log or record required to be maintained pursuant to Section 49064.

(d) The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest" as used in Section 49064 and paragraph (1) of subdivision (a) of Section 49076.

(e) The policies of the institution for reviewing and expunging those records.

(f) The right of the parent to access pupil records.

(g) The procedures for challenging the content of pupil records.

(h) The cost, if any, that will be charged to the parent for reproducing copies of records.

(i) The categories of information that the institution has designated as directory information pursuant to Section 49073.

(j) Any other rights and requirements set forth in this chapter, and the right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school district to comply with the provisions of Section 444 of the General Education Provisions Act (20 U.S.C. Sec. 1232g).

(k) The availability of the prospectus prepared pursuant to Section 49091.14.

SEC. 11. Section 49431 of the Education Code is amended to read:

49431. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each elementary school, the only competitive foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meets the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph shall not apply to individually sold portions of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar. This paragraph shall not apply to fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(b) An elementary school may permit the sale of food items that do not comply with subdivision (a) as part of a school fundraising event in either of the following circumstances:

(1) The sale of those items takes place off of and away from school premises.

(2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(c) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section and Section 49431.5.

SEC. 12. Section 49431.2 of the Education Code is amended to read:

49431.2. (a) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, the only competitive snack foods that may be sold to a pupil are fruit, vegetable, dairy, protein, or whole grain rich food items; foods with a fruit, vegetable, dairy, protein, or whole grain item as its first ingredient; or combination foods containing at least one-quarter cup of fruit or vegetable that meet all of the following standards:

(1) Not more than 35 percent of its total calories shall be from fat. This paragraph does not apply to the sale of nuts, nut butters, seeds, seed butters, reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, fruits, vegetables that have not been deep fried, seafood, or a dried fruit and nut and seed combination.

(2) Less than 10 percent of its total calories shall be from saturated fat. This paragraph shall not apply to reduced-fat cheese or part skim mozzarella cheese packaged for individual sale, eggs, nuts, nut butters, seeds, seed butters, or a dried fruit and nut and seed combination.

(3) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugars. This paragraph shall not apply to the sale of fruits, vegetables that have not been deep fried, or a dried fruit and nut and seed combination.

(4) Contains less than 0.5 grams of trans fat per serving.

(5) Contains not more than 200 milligrams of sodium per item, package, or container sold to a pupil.

(6) Contains not more than 200 calories per individual food item.

(b) (1) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold 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:

(A) Contains not more than 400 calories per entrée item.

(B) Not more than 35 percent of its total calories shall be from fat.

(C) Contains less than 0.5 grams trans fat per serving.

(D) Is offered in the same or smaller portion sizes as in the federal National School Lunch Program or federal School Breakfast Program.

(2) From the midnight before to 30 minutes after the end of the official schoolday, at each middle school or high school, a competitive entrée sold by the district food service department but not the day, or the day after, it is served on the federal

National School Lunch Program or federal School Breakfast Program menu, or a competitive entrée sold by any other entity, shall meet the following standards:

- (A) Not more than 35 percent of its total calories shall be from fat.
- (B) Less than 10 percent of its calories shall be from saturated fat.
- (C) Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar.
- (D) Contains less than 0.5 grams of trans fat per serving.
- (E) Contains not more than 480 milligrams of sodium.
- (F) Contains not more than 350 calories.

(c) A middle school or high school may permit the sale of food items that do not comply with subdivision (a) or (b) in any of the following circumstances:

- (1) The sale of those items takes place off of and away from school premises.
- (2) The sale of those items takes place on school premises at least one-half hour after the end of the schoolday.

(d) It is the intent of the Legislature that the governing board of a school district annually review its compliance with the nutrition standards described in this section.

SEC. 13. Section 56305 of the Education Code is amended to read:

56305. (a) On or before July 1, 2019, the department shall develop a manual providing guidance to local educational agencies on identifying English learners as individuals with exceptional needs, classifying individuals with exceptional needs as English learners, supporting pupils who are both English learners and individuals with exceptional needs, and determining when such dually identified pupils should be either removed from classification as English learners or exited from special education.

(b) The goal of the manual shall be to provide guidance, for voluntary use by local educational agencies, charter schools, and the state special schools, on evidence-based and promising practices for the identification, assessment, support, and reclassification of these pupils and to promote a collaborative approach among general education teachers, special education teachers, school administrators, paraprofessionals, other involved personnel, and parents in determining the most appropriate academic placements and services for these pupils.

(c) In developing the manual, the department shall do both of the following:

- (1) Review manuals and other resources produced on this topic by local educational agencies, special education administrators, other organizations, other states, and the federal government.
- (2) Establish and consult with a stakeholder group comprised of experts and practitioners. These individuals shall have expertise or experience in either special education, English learner education, or in both.

(d) The manual shall include all of the following topics:

- (1) Guidance for accurately identifying English learners suspected of being individuals with exceptional needs and accurately classifying individuals with exceptional needs as English learners, including guidance on avoiding overidentification and underidentification of these pupils for special education services and in different disability categories and in different grade spans.
- (2) Information on second language acquisition and progress, including guidance on distinguishing between language acquisition and disabilities.
- (3) Examples of prereferral strategies, early interventions, and early intervening strategies specifically addressing the needs of English learners, including examples of early interventions for pupils in preschool and the primary grades who are acquiring foundational language and literacy skills.
- (4) Guidance on referral processes.
- (5) Guidance on the use of assessments, including the use of multiple measures as well as assessment accommodations for both language and disability, including assessment accommodations in primary languages.
- (6) Guidance on the consideration of extrinsic factors, such as vision, hearing, and health, in the identification of pupils.

(7) Guidance on the development of individualized education programs for English learners, including the composition of individualized education program teams.

(8) Guidance on how to support the language and content learning needs of English learners who are individuals with exceptional needs, including how to do so in the least restrictive environment, as described in Section 56040.1, and in a manner that enables access to the core curriculum.

(9) Guidance regarding placement or continued placement in bilingual programs and on providing services and instruction in primary languages.

(10) Guidance on special education exit and English learner reclassification processes for English learners who are individuals with exceptional needs.

(11) Information on the role of culture and acculturation, to the extent it is related to the process of identifying English learners for special education services.

(12) Guidance for working with families, including guidance on meeting the needs of nonnative English speaking parents, guardians, and educational rights holders in special education proceedings.

(13) Examples of any plans or processes used by local educational agencies for continuous evaluation and systemic review and guidance on sharing information between special education and English learner programs within local educational agencies for the purpose of tracking effectiveness, to the extent permitted under state and federal law regarding the privacy of pupil information.

(14) State and federal law, regulations, and guidance related to the rights of English learners and individuals with exceptional needs.

(e) All guidance in the manual shall be consistent with state and federal law, regulations, and guidance regarding English learners and special education.

(f) The manual shall be written for ease of use by educators. The department is encouraged to incorporate features such as flowcharts, checklists, sample forms, and case examples.

(g) The department shall post the manual on its Internet Web site and on its professional development Internet Web site.

(h) For purposes of this section, the following terms have the following meanings:

(1) "English learners" has the same definition as in subdivision (a) of Section 435.

(2) "Individuals with exceptional needs" has the same definition as in Section 56026.

(3) "Reclassification," with respect to an English learner, means the procedures described in Section 11303 of Title 5 of the California Code of Regulations.

(i) (1) (A) In implementing this section, the department, with input from the stakeholder group, shall develop a plan for the dissemination of the manual and the means of providing professional development on the content of the manual. The plan shall address how the state and local educational agencies can collaborate in meeting both of these objectives in a cost-effective manner.

(B) Implementation of the plan developed pursuant to subparagraph (A) shall be contingent upon an appropriation for that purpose in the annual Budget Act or another enacted statute.

(2) The plan shall be submitted to the state board, the Department of Finance, the Legislative Analyst's Office, the California Collaborative for Educational Excellence, the Advisory Commission on Special Education, and the appropriate policy and fiscal committees of the Legislature on or before July 1, 2019.

(j) It is the intent of the Legislature that this section be funded with federal funds, to the extent permissible.

SEC. 14. Section 60119 of the Education Code is amended to read:

60119. (a) In order to be eligible to receive funds available for purposes of this article, the governing board of a school district shall take the following actions:

(1) (A) The governing board of a school district shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the

school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the state board in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September.

(C) As part of the hearing required pursuant to this section, the governing board of a school district also shall make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board of a school district also shall determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2) (A) If the governing board of a school district determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, in the resolution, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made.

(B) In carrying out subparagraph (A), the governing board of a school district may use moneys in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board of a school district shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the school district and shall not take place during or immediately following school hours.

(c) (1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil. The materials may be in a digital format as long as each pupil, at a minimum, has and can access the same materials in the class and to take home, as all other pupils in the same class or course in the school district and has the ability to use and access them at home.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1) do not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) The governing board of a school district that receives funds for instructional materials from any state source is subject to the requirements of this section.

(e) For the purpose of transitioning to instructional materials that are aligned with the common core academic content standards and science content standards, it is the intent of the Legislature that textbooks, instructional materials, and supplemental instructional materials be deemed to be aligned with the content standards pursuant to subdivisions (a) and (c), and be deemed consistent with the content and cycles of the curriculum framework adopted by the state board pursuant to subdivision (a) if the

textbooks, instructional materials, supplemental instructional materials, or a combination of any such materials are aligned to the content standards adopted pursuant to Section 60605 or 60605.8, or former Section 60605.85, as that section read on June 30, 2014.

SEC. 14.5. Section 60119 of the Education Code is amended to read:

60119. (a) In order to be eligible to receive funds available for purposes of this article, the governing board of a school district shall take the following actions:

(1) (A) The governing board of a school district shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the school district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the state board in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September.

(C) As part of the hearing required pursuant to this section, the governing board of a school district also shall make a written determination as to whether each pupil enrolled in a world language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board of a school district also shall determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2) (A) If the governing board of a school district determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, in the resolution, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made.

(B) In carrying out subparagraph (A), the governing board of a school district may use moneys in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board of a school district shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the school district and shall not take place during or immediately following school hours.

(c) (1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil. The materials may be in a digital format as long as each pupil, at a minimum, has and can access the same materials in the class and to take home, as all other pupils in the same class or course in the school district and has the ability to use and access them at home.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1) do not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) The governing board of a school district that receives funds for instructional materials from any state source is subject to the requirements of this section.

(e) For the purpose of transitioning to instructional materials that are aligned with the common core academic content standards and science content standards, it is the intent of the Legislature that textbooks, instructional materials, and supplemental instructional materials be deemed to be aligned with the content standards pursuant to subdivisions (a) and (c), and be deemed consistent with the content and cycles of the curriculum framework adopted by the state board pursuant to subdivision (a) if the textbooks, instructional materials, supplemental instructional materials, or a combination of any such materials are aligned to the content standards adopted pursuant to Section 60605 or 60605.8, or former Section 60605.85, as that section read on June 30, 2014.

SEC. 15. Section 60210 of the Education Code is amended to read:

60210. (a) Notwithstanding any other law, a local educational agency may use instructional materials that are aligned with the academic content standards adopted pursuant to Section 60605 or 60605.8, or former Section 60605.85, as that section read on June 30, 2014, including instructional materials that have not been adopted by the state board pursuant to Section 60200.

(b) Instructional materials for mathematics and English language arts that are aligned to common core academic content standards developed by the Common Core State Standards Initiative consortium pursuant to Section 60605.7 shall be deemed to be aligned to the content standards adopted pursuant to Section 60605 or 60605.8 for purposes of Section 60119.

(c) If a local educational agency chooses to use instructional materials that have not been adopted by the state board, the local educational agency shall ensure that a majority of the participants of any review process conducted by the local educational agency are classroom teachers who are assigned to the subject area or grade level of the materials.

SEC. 16. (a) Section 7.5 of this bill incorporates amendments to Section 48205 of the Education Code proposed by both this bill and Assembly Bill 2289. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 48205 of the Education Code, and (3) this bill is enacted after Assembly Bill 2289, in which case Section 7 of this bill shall not become operative.

(b) Section 14.5 of this bill incorporates amendments to Section 60119 of the Education Code proposed by both this bill and Assembly Bill 2319. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 60119 of the Education Code, and (3) this bill is enacted after Assembly Bill 2319, in which case Section 14 of this bill shall not become operative.