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SB-1479 COVID-19 testing in schools: COVID-19 testing plans. (2021-2022)

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Senate Bill No. 1479

CHAPTER 850

An act to add and repeal Article 9 (commencing with Section 32096) of Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, relating to public health.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, Pan. COVID-19 testing in schools: COVID-19 testing plans.

Existing law appropriates funds to the State Department of Public Health for various programs related to the safe reopening of schools during the COVID-19 pandemic, including funds to support COVID-19 testing in schools allocated from the federal American Rescue Plan Act of 2021 and funds from the General Fund for the Safe Schools For All Team to coordinate technical assistance, community engagement, increased transparency, and enforcement by the appropriate entity for public school health and safety during the COVID-19 pandemic. Existing law authorizes certain school apportionments to be used for any purpose consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, as provided. Existing law prescribes public health reporting requirements related to COVID-19 for local educational agencies, including the development of a COVID-19 safety plan, as provided.

This bill would require the State Department of Public Health to coordinate specified school district, county office of education, and charter school COVID-19 testing programs that are currently federally funded or organized under the California COVID-19 Testing Task Force, as provided. The bill would authorize the department to provide supportive services, including technical assistance, vendor support, guidance, monitoring, and testing education, related to testing programs for teachers, staff, and pupils to help schools reopen and keep schools operating safely for in-person learning. The bill would also encourage the department to expand its contagious, infectious, or communicable disease testing guidance and other public health mitigation efforts to include prekindergarten and childcare centers, as provided.

This bill would require each local educational agency, defined to mean a school district, county office of education, or charter school, after consulting with its local health department, as defined, to create a COVID-19 testing plan, or adopt the State Department of Public Health's framework, as defined, that is consistent with guidance from the department, as provided. The bill would require each local educational agency to publish the testing plan on its internet website. The bill would authorize each local educational agency to designate one staff member to report information on its COVID-19 testing program to the department, as provided. The bill would require that all COVID-19 testing data be in a format that facilitates a simple process by which parents and local educational agencies may report data to the department or a local health department, as provided. By imposing new obligations on local educational agencies, and to the extent new duties are imposed on local health departments, the bill would impose a state-mandated local program. The bill would require the department to determine which COVID-19 tests are appropriate for the testing program.

The bill would make the implementation of these provisions contingent upon an appropriation by the Legislature, and would repeal these provisions on January 1, 2026.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Article 9 (commencing with Section 32096) is added to Chapter 1 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 9. COVID-19 Testing in Schools

32096. (a) For purposes of this section, the following definitions apply:

(1) "Framework" means the document issued on May 27, 2022, titled "Preliminary Testing Framework for K–12 Schools for the 2022–2023 School Year" by the State Department of Public Health, as it is updated based on current scientific knowledge and anticipated trends.

(2) "Local educational agency" means a school district, county office of education, or charter school serving pupils in kindergarten or any of grades 1 to 12, inclusive.

(3) "Local health department" means either a city or county health department.

(b) The State Department of Public Health shall coordinate COVID-19 testing programs in local educational agencies funded by federal resources or organized under the California COVID-19 Testing Task Force, to the extent required by testing plans described in subdivision (e). In coordinating these COVID-19 testing programs, the State Department of Public Health may provide supportive services related to the local educational agency testing plans described in subdivision (e) and testing programs for teachers, staff, pupils, and surrounding communities that help local educational agencies reopen and keep local educational agencies operating safely for in-person learning. These supportive services may include, but are not limited to, any of the following:

(1) Technical assistance.

(2) Vendor support.

(3) Guidance.

(4) Monitoring.

(5) Testing education.

(c) The State Department of Public Health is encouraged to expand its contagious, infectious, or communicable disease testing guidance and other public health mitigation efforts to include prekindergarten and childcare centers as needed according to the framework.

(d) If the state secures additional federal funds through the United States Centers for Disease Control and Prevention Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases Program for the purposes of COVID-19 testing in local educational agencies, any federal funds shall be expended before allocating state funds for the purposes described in subdivisions (b) and (c).

(e) (1) Each local educational agency, after consulting with its local health department regarding any local guidance or best practices from the Safe Schools for All Hub, shall create a COVID-19 testing plan, or adopt the framework, that is consistent with guidance from the State Department of Public Health. Each local educational agency shall publish the testing plan on its internet website.

(2) (A) Each local educational agency may designate one staff member to report information on its COVID-19 testing program to the State Department of Public Health.

(B) For purposes of this paragraph, publishing a testing plan on its internet website, as required pursuant to paragraph (1), shall satisfy the reporting provision described in subparagraph (A).

(3) All COVID-19 testing data shall be in a format that facilitates a simple process by which parents and local educational agencies may report data to the State Department of Public Health, or to a local health department, consistent with the framework.

(4) Testing plans shall not be required to include the provision of onsite testing or programs.

(5) Nothing in this section requires the State Department of Public Health to review or approve testing plans that are consistent with the framework before the testing plan is published or implemented.

(f) The State Department of Public Health shall determine which COVID-19 tests are appropriate for use for the testing programs described in this section.

(g) Implementation of the provisions of this section are contingent upon an appropriation in the annual Budget Act or another statute for this purpose.

32096.1. This article shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.