



# LEGISLATIVE MATTERS

California Schools in Focus: Quarterly Newsletter on Legislation Affecting Schools



## IN THIS ISSUE

### CHILDHOOD SEXUAL ASSAULT:

- AB-452 K-12; CC
- SB-558 K-12; CC

### HUMAN RESOURCES

- AB-472 K-12; CC
- AB-897 K-12; CC

### FACILITIES

- SB-760 K-12
- AB-70 K-12; CC

### OPIOID SAFETY

- AB-1166 K-12; CC
- AB-461 CC
- AB-889 K-12
- SB-10 K-12

### STUDENT SAFETY

- AB-1651 K-12
- AB-1283 K-12
- SB-323 K-12
- SB-88 K-12
- AB-391 K-12; CC
- SB-531 K-12
- AB-245 CC

### ATHLETICS

- AB-245 K-12
- AB-1653 K-12

## Legislation Trends

October 14, 2023, marks the end of another legislative year in California, and several bills will impact public education. In response to the Fentanyl crisis, legislators have presented several bills related to opioid overdose awareness and safety procedures. Four of those bills have been chaptered and will become effective January 1, 2024. Unless otherwise specified, all other bills listed below will become effective on that date. Please note that many bills with effective dates over one year often include language to indicate that the California Department of Education will develop guidance and resources on or before the effective date.

As the CDE and other regulatory agencies provide more guidance, CSRM will provide updates to members. Please review the bills for any changes that may impact your board policies or district procedures. This is not an exhaustive list of all new legislation affecting LEAs, but a summary review of bills passed that could impact member districts.



### Childhood Sexual Assault:

#### AB-452 Childhood sexual assault: statute of limitations

K-12 CC

The bill eliminates any time constraints for bringing actions to recover damages resulting from childhood sexual assault, allowing survivors to file lawsuits regardless of when the incident occurred. It also extends liability to individuals or entities who owe a duty of care to the survivor, broadening the scope of accountability. The legislation introduces the possibility of treble damages in cases where a defendant is found to have covered up the assault of a minor. Additionally, the bill outlines procedural requirements, including the submission of certificates of merit for plaintiffs aged 40 or older, and provides protection for defendant identities until corroborative evidence is presented. These provisions apply to claims arising on or after January 1, 2024, while claims related to incidents before this date must adhere to the prior statute of limitations laws.

#### SB-558 Civil actions: childhood sexual abuse

K-12 CC

This law broadens the definition of childhood sexual assault to include cases involving a child being depicted in explicit material (even if no physical contact took place). For these cases before January 1, 2024, the time limit is extended to within 22 years of the victim turning 18 or within 10 years of discovering the explicit material, whichever is later. The law also introduces procedures for proving cover-ups of such assaults and outlines requirements for filing certificates of merit, especially for plaintiffs over 40 years old. Finally, it specifies that claims for damages related to childhood sexual assault are not required to be presented to any government entity before filing a lawsuit.

#### AB-472 Classified school district and community college employees: compulsory leaves of absence

K-12 CC

If a classified employee who is placed on an involuntary leave of absence due to criminal charges, criminal investigations, or an administrative matter, and the matter is resolved in favor of the employee, the LEA must provide the employee with full compensation for the period of involuntary leave. This bill will be effective January 1, 2024. CSEA and CTA supported this bill. No opposition was noted in the bill analysis presented to the Senate.

#### AB-897 Certificated school employees: probationary employees: service credit

K-12 CC

This bill requires adult education teachers to attain permanent employee status after completing a probationary period akin to general education teachers. It also requires employees hired using "categorical" or restricted state funding to be notified of the following at the time of hire: the expected end date of employment, the source of funding, and the nature of the categorically funded program or project. This bill was opposed by ACSA, CASBO, and CSBA, with concerns that districts may be reluctant to pass probationary employees due to a lack of data for evaluation, since adult education hours provided by LEAs are typically less than general education hours. Also, expanding the rights of permanent teachers to all certificated employees will be cost-prohibitive as school districts would need to put a dismissal process in place, mirrored for permanent teachers. This law becomes effective July 1, 2024.





### SB-760 School facilities: all-gender restrooms

K-12

Effective January 1, 2026, all school districts, county offices of education, and charter schools will be required to provide and maintain at least one all-gender restroom for voluntary pupil use at each school site. These restrooms must meet certain criteria:

- They must be identified with signage indicating they are open to all genders.
- They should be easily accessible, unlocked, and unobstructed.
- They should be available during school hours and functions when pupils are present.
- They must be consistent with existing pupil access to sex-segregated restrooms.
- They must conform to Title 24 of the California Code of Regulations

Existing restrooms may be repurposed to meet this requirement. LEAs must post a notice regarding these requirements in a prominent location outside at least one all-gender restroom. The Department of Education will provide guidance for implementation. Each LEA must designate a staff member to serve as a point of contact for the implementation of these requirements.

### SB-10 Pupil health: opioid overdose prevention and treatment

K-12

LEAs serving grades 7-12 must include protocols for responding to a student opioid overdose in their Comprehensive School Safety Plan (CSSP).



### AB-70 Emergency response: trauma kits

K-12

CC

Last year, the legislature passed [AB-2260](#), which required trauma kits in school buildings constructed on or after January 1, 2023. AB 70 extends the requirement for trauma kits to buildings constructed prior to January 1, 2023, if they meet the following requirements:

The structure is an educational building with an occupancy of 200 or more and has been modified, renovated, or tenant improved, defined as

- \$100,000 of tenant improvements in one calendar year.
- \$100,000 of building renovations in one calendar year.
- Any tenant improvement for places of assembly, including auditoriums and performing arts and movie theaters.

### AB-1166 Protections for opioid antagonist administration

K-12

CC

This legislation updates section 1799.113 of the Health and Safety Code to read: A person who, in good faith and not for compensation, renders emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist shall not be liable for civil damages resulting from an act or omission related to the rendering of the emergency treatment.

### AB-461 Student safety: fentanyl test strips

CC

Campus health centers will be required to participate in the Naloxone Distribution Project and stock fentanyl test strips. Colleges will be required to provide students with educational and preventative information related to opioid overdose as well as the location and use of fentanyl test strips. The bill indicates that this shall be incorporated into campus orientations.

### AB-889 Pupil safety: parental notification: synthetic drugs

K-12

School districts, county offices of education, and charter schools will be required to annually notify parents and guardians of the dangers associated with using synthetic drugs. Notification must be sent at the beginning of the first semester or quarter of the regular school term. If the LEA also maintains a school website, this information must also be posted on the website.





Bill Text - AB-1651 Pupil health: emergency medical care: epinephrine auto-injectors.

K-12

Existing law requires school districts to provide epi-pens to school nurses and trained volunteer personnel for administration if a student suffers from anaphylaxis. This law would extend the definition of volunteer to include the holder of an Activity Supervisor Clearance Certificate (ASCC). The law also requires the epi-pens to be stored in an accessible location upon need for emergency. The location of epi-pens shall be specified in annual notices.

Bill Text - AB-1283 Pupil health: emergency stock albuterol inhalers. (ca.gov)

K-12

This bill authorizes LEAs to provide emergency stock albuterol inhalers, including, if necessary, single-use disposable holding chambers, to school nurses or trained personnel who have volunteered, and would authorize school nurses or trained personnel to use an emergency stock albuterol inhaler to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from respiratory distress.

Bill Text - SB-323 Comprehensive school safety plans: individualized safety plans. (ca.gov)

K-12

Effective January 1, 2024, a district's CSSP must include disaster procedures that are adapted for students with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) and section 504. This bill permits students, student parents or guardians and district employees to bring forth concerns to school principals about an individual student's access to disaster safety procedures outlined in the CSSP. If the principal determines there is merit to a concern, they shall direct the school site council, school safety planning committee, or charter school, as applicable, to modify the CSSP.

Bill Text - SB-88 Pupil transportation: driver qualifications.

K-12

Beginning July 1, 2025, there will be several new requirements and restrictions for drivers who transport students, if they are employed by an LEA, contracted by an LEA, or contracted by an entity with funding from an LEA:

- Hold a valid California driver's license for the appropriate class of vehicle.
- Be at least 18 years of age.
- Pass a criminal background check, including fingerprint clearance.
- Have a satisfactory driving record that includes none of the following within the last 3 years: a violation point count of two or more, suspended driving privilege suspended, revoked, or on probation for any reason involving the unsafe operation of a motor vehicle.
- Provide their employer or the private entity contracting with the local educational agency a report showing the driver's current public record as recorded by the Department of Motor Vehicles and participate in the Department of Motor Vehicles' pull-notice system.
- Be subjected to and comply with drug and alcohol testing consistent with Section 34520.3 of the Vehicle Code, subject to the cannabis discrimination limitations described in Section 12954 of the Government Code.
- Complete a medical examination not more than two years prior to the driver performing pupil transportation by a physician.
- Submit and clear a tuberculosis risk assessment.
- Undergo training.





### AB-391 Child abuse and neglect: nonmandated reporters.

K-12 CC

Existing law permits nonmandated reporters to make a report of abuse or neglect anonymously. This new bill requires LEAs to make efforts to obtain the following information from nonmandated reporters in the event that a nonmandated reporter provides a report of abuse or neglect to an LEA:

- Name
- Telephone number
- The information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect
- The source or sources of the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect

If the nonmandated reporter refuses to provide their name or telephone number, the LEA shall make efforts to determine the basis for that refusal and advise the reporter that the identifying information will remain confidential.

### AB-245 High school athletics: California High School Coaching Education and Training Program: emergency action plan.

K-12

The California High School Coaching Education and Training Program currently includes training in CPR and first aid. Beginning July 1, 2024, the program will be revised to include training in recognizing and responding to symptoms of cardiac arrest, and AED use.

The bill also requires school districts to update their emergency action plan to include how and how often the procedures for medical emergencies will be rehearsed.



### AB-1138 Postsecondary education: sexual assault and sexual violence prevention: medical examinations transportation services.

CC

If a student experiences sexual violence and seeks support services from a campus advocate or a community-based organization under an MOU with the college, the college shall provide the student with following information:

- Options and rights to obtain a sexual assault forensic medical exam.
- Rights to have a counselor or support person accompany them to the exam.
- Rights to transportation to the exam, provided or arranged by the college.

Commencing with the 2025/2026 school year, if transportation is provided, it must be without charge, and in a manner that protects student confidentiality and safety.

### AB-1653 Interscholastic athletic programs: emergency action plans: heat illness: guidelines.

K-12

School districts with interscholastic athletic programs must update their emergency action plans to include procedures to be followed in the event of heat illness related to the athletic program's activities or events. CIF and CDE will be required to partner and develop guidelines, procedures, and safety standards for heat illness for this purpose. This requirement will become effective July 1, 2024.

### SB-531 Pupil safety: local educational agency contractors: background checks.

K-12

Existing law mandates that any contractor with a local educational agency must ensure that employees who interact with students, outside of direct school supervision, have valid criminal records summaries. This bill provides exceptions for contractors offering work experience or workplace placements as part of a student's IEP. In such cases, at least one adult employee in the workplace, responsible for the student's safety, must have a valid criminal records summary. Additionally, the student's parent or guardian must sign a consent form. For independent study programs where a student is under the immediate supervision of a parent or guardian, the LEA must either verify valid criminal records summaries for all contractor employees or obtain consent from the parent or guardian.



# LEGISLATIVE MATTERS



## **A Message from our Claims Services Manager**

CSRM works closely with CAJPA and PRISM to advocate for the best interests of our membership and provide educational outreach to legislators on bills that may have an adverse impact on our public schools and community colleges. It is our goal to keep members informed throughout the year of potential impacts. We will send our next newsletter after the California legislature reconvenes on January 3, 2024. If you have any questions about the legislation referenced in this newsletter, please feel free to reach out to me.



Sandy Avina, MBA, SIP  
CSRM Claims Manager  
SAvina@csjpa.org

## **CSRM Mission Statement**

Promote student achievement by optimizing financial and human resources of member districts through high quality risk financing and loss reduction services