

PAVING A PATH OF RESILIENCE



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2025

PAVING A PATH OF RESILIENCE



Navigating New Legislation for K-12s

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AB 1913 (Required Sexual Abuse/Mandated Reporter Training)

- Current law requires LEAs to provide annual training to their employees and contractors who are mandated reporters on the mandated reporting requirements related to child abuse and encourages that training to include training on the prevention of abuse of children on school grounds by school personnel or in school-sponsored programs.
- Beginning July 1, 2025, requires LEAs to include child abuse prevention in the existing annual mandated reporter training requirement.
- Also requires CDE to develop and disseminate information to all LEAs regarding the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs.

SB 399 (Employer Communications: Intimidation)

- Prohibits adverse employment actions by an employer against an employee because:
 - Employee declines to attend an employer-sponsored meeting, or
 - Employee affirmatively declines to participate in meetings whose purpose is to allow the employer to communicate its opinion about religious or political matters.
- Requires employers to continue to pay employees who refuse to attend such meetings during work hours.
- Exempts certain organizations, including some religious organizations and political organizations.

SB 1100 (Use of California Driver's License as Potential Discriminatory Action)

- Amends Government Code section 12940 to include grounds for discrimination that may arise during the hiring process.
- Employers cannot inquire of an applicant as to whether they have a California-issued driver's license, or they risk exposure to discrimination claims.
- Exception is a two part-test, and both prongs must apply:
 - (1) Employer reasonably expects driving to be one of the job functions for the position, and
 - (2) Employer reasonably believes that satisfying the job function using an "alternative form of transportation...would not be comparable in travel time or cost to the employer."
- Employers are advised that job applications/postings referencing CA driver's license be reexamined.

AB 1815 (Expansion/Clarification on the 2019 CROWN Act)

- The 2019 CROWN Act modified both the Education Code and the Government Code to define “race” for the purposes of anti-discrimination laws to include “traits historically associated with race” and “hair texture and protective hairstyles.”
- AB 1815 removes the term “historically” and specifies that this change is declaratory of existing law.
- Also directly applies the CROWN Act protections to the Unruh Civil Rights Act.

SB 1386 (Use of Evidence in Cases Involving Sexual Harassment, Assault or Battery)

- Existing law (Evidence Code section 1106) prohibited introduction of evidence of plaintiff's sexual conduct to prove plaintiff consent in such cases (except on rebuttal to refute direct testimony, if offered).
- SB 1386 amends the law to also prohibit introducing such evidence to prove absence of injury or to attack the plaintiff's credibility on the issue of consent.
- All of these prohibitions do not apply to evidence of plaintiff's sexual conduct with the alleged perpetrator except in cases involving a minor and an adult perpetrator, where evidence is still not admissible to prove consent or absence of injury.
 - SB 1386 also clarifies that evidence can no longer be used to attack credibility of a minor plaintiff, which was previously available via noticed motion

A Quick Update on AB218 and Challenges to Its Legality

- *West Contra Costa Unified School District v. Superior Court* (2024) 103 Cal.App.5th 1243
- Argument from District: AB 218 violates the California Constitution's prohibition against gifts of public funds.
- The Court of Appeal rejected this argument, stating that the Legislature was aware of the gift of public funds issue when it passed AB 218.
- Also rejected public policy arguments about the effect of very large verdicts against school districts.

The Current State of Title IX Regulations and Enforcement

- Effective August 1, 2024, new Title IX regulations went into effect.
 - More robust procedures and protections, and expanded definition of sex-based discrimination
- January 9, 2025: federal court in Kentucky issued nationwide “vacatur” of the 2024 Regulations.
- As a result, it should be assumed that the 2020 Title IX Regulations are currently in effect.
 - Reminder: California law protects against discrimination based on sex that is more consistent with 2024 Regulations (e.g. sexual identity)
- Unclear what Trump administration will order moving forward.
 - Remember, Trump administration implemented the 2020 Regulations
 - Status of Office for Civil Rights under Department of Education (enforcement mechanism)

The Current Status of Enforcement of Immigration Policy

- Immigration and Customs Enforcement (ICE) has a longstanding policy against enforcing immigration laws at “sensitive” locations (includes schools).
- December 2024: Trump announces he will direct ICE to repeal this policy.
- Effect: many school and community college districts have adopted or reinforced local policies to counteract ICE on campus.
 - Board policies and administrative regulations
 - Resolutions and other proclamations
- Remember: California Values Act passed in 2017 (recent updates to California Attorney General guidance on what to do in presence of immigration enforcement officers on campus).

SB 937 (Developer Fees [Alert: Major Change in Practice!])

- SB 937 limits the ability of LEAs, with certain exceptions, to collect developer fees until the date the first certificate of occupancy is issued, or temporary certificate of occupancy is issued, whichever comes first.
- Exceptions:
 - Utility service fees
 - Fees that are collected for specific public improvement/facilities for which an account/funds have been appropriated, and a construction plan adopted (includes five year construction/rehabilitation plan under Education Code section 17017.5)
 - Reimbursement for previous expenditures
- Additional restrictions for low-income housing or multifamily housing.

SB 956 (Eliminating the Sunset Date for Design-Build Contracts)

- When introduced, LEAs only had until January 1, 2025 to procure design-build contracts for public works projects in excess of \$1 million to either the lowest bidder or the best value.
- SB 956 eliminates the sunset date, thereby extending this authority indefinitely.

SB 1091 (Exceptions for Accessible Path of Travel Requirements)

- The California Building Standards Code requires that buildings and facilities be accessible to individuals with disabilities, including providing an accessible path of travel during alterations or additions.
- SB 1091 allows for school construction facilities approved by the Division of the State Architect on or before December 31, 2030, to be exempt from providing an accessible path of travel if the cost would exceed 20% of the overall construction costs from the project.

AB 2317 (Anaphylactic Policy for Child Day Care Facilities)

- Requires the California State Department of Social Services to establish an policy that sets forth guidelines and procedures recommended for child day care facility-trained staff to prevent a child suffering from anaphylaxis and to be used during a medical emergency resulting from anaphylaxis.
- Requires the director and all teachers at day care centers to obtain training in a pediatric first aid or pediatric cardiopulmonary resuscitation (CPR) course that includes instruction on the prevention and treatment of anaphylaxis, including the emergency use of epinephrine auto-injectors.

AB 2886 (Swimming Pools at Child Day Care Facilities)

- Requires any licensed child care facility with a swimming pool on the premises to comply with certain safety features of the Swimming Pool Safety Act.

AB 453 (Changes to Public Hearing Requirements for District-Based Elections)

- Currently, under the California Voting Rights Act, local agencies (including K-12 agencies) are required to provide public notice of hearings on the consideration of whether the local agency will change its method of election.
- AB 453 clarifies that, for any meeting in which this hearing is consolidated with a meeting of the local agency, the notice of public hearing must conform to the following:
 - The agenda must specify a fixed time when the public hearing will take place.
 - The agency must provide specific notice of the public hearing separate and apart from the meeting agenda.

AB 3074 (The California Racial Mascots Act)

- Immediately prohibits public schools from using the term “Redskins” as a school or athletic team name, mascot or nickname.
- Also prohibits, beginning July 1, 2026, any public school from using any derogatory Native American term as a school or athletic team name, mascot or nickname.
- Public schools operated by a tribal organization are exempt, as are schools that receive written consent from a “local federally recognized tribe.”
- Alleged violations are to be addressed through uniform complaint procedures.

AB 3216 (Pupil Use of Smartphones and Adoption of Smartphone Policies)

- By July 1, 2026, requires school districts and county offices of education to develop and adopt (and to update at least every 5 years thereafter) a policy to limit or prohibit the use of smartphones by pupils while the pupils are at a school site or while the pupils are under the supervision and control of an employee or employees of the district/county office.

AB 3216 (Pupil Use of Smartphones and Adoption of Smartphone Policies) Cont.

- Policies adopted under AB 3216 must meet several requirements:
 - Must be “evidence-based”
 - Must involve “significant stakeholder participation”
 - May include “enforcement mechanisms” limiting smartphone access but does not authorize “monitoring, collecting, or otherwise accessing any information related to a pupil’s online activities.”
- Similarly, AB 1283 authorizes (but does not require) LEAs to prohibit student use of social media while pupils are at a school site or while the pupils are under the supervision and control of an employee or employees of the LEA.

SB 483 (Prohibiting Use of Prone Restraints Against Pupils)

- Currently, prone restraints (or “prone containment”) are permissible as a potential emergency intervention with a student
- SB 483 now prohibits the use of prone restraints against any student.
- As defined, “prone restraint” or “prone containment” under SB 483 means the “application of a behavioral restraint on a pupil in a facedown position for any period of time” (emphasis added).

AB 2073 (Allowing Modification of Structure for Physical Education Instructional Minutes)

- Current law provides that LEAs must provide a minimum of 200 minutes (grades 1 through 6) or 400 minutes (grades 7 through 12) of physical education every 10 days for the full school year.
 - Remember the Cal200 litigation?
- AB 2073 makes it easier to comply with this requirement by allowing any schools serving grades 6 through 12 to load PE minutes into a single semester.
- Over a semester of at least 18 weeks, PE minutes requirement can be met:
 - By having 400 minutes every 10 days, for an annual total of 3,600 minutes (6th grade)
 - By having 800 minutes every 10 days, for an annual total of 7,200 minutes (7th through 12th grade)

AB 1870 (Posting Requirements for Notice to Employees re Workers' Compensation)

- Currently, employers are required to post in a conspicuous location certain information to employees about workers' compensation rights, including the right to select a treating physician and protections against discrimination, among other items.
- AB 1870 requires that employers also provide, as part of this posting, information concerning an injured employee's ability to consult a licensed attorney to advise them of their rights under workers' compensation laws.

AB 1429 (List of Emergencies Eligible for Instructional Minutes and ADA Waivers)

- Adds snowstorms to the list of eligible reasons an LEA can seek a waiver for instructional minutes minimum requirements.
- Interesting note: came about as a result of snowstorms occurring in San Bernardino County

AB 2690 (Required Disclosures to Parents re Use of Drugs)

- Current law requires that school districts and county offices of education annually inform parents/guardians of the dangers associated with using synthetic drugs and the possibility that dangerous synthetic drugs can be found in counterfeit pills (e.g. fentanyl).
- AB 2690 now requires, as part of this annual notification, to mention the risk of social media platforms being used as a way to market and sell synthetic drugs.

AB 2998 (Pupil Possession of Opioid Reversal Mediations)

- Prohibits a school district or county office of education from prohibiting pupils 12 and older from carrying or administering a naloxone hydrochloride nasal spray or any other opioid overdose medication that is federally-approved for over-the-counter, non-prescription use.
- Students are permitted to administer, for the purpose of providing emergency treatment, such medications to persons who are suffering or reasonably believed to be suffering from an opioid overdose.
- SB 997 similarly prohibits preventing middle and high school students from possessing fentanyl test strips on campus.

AB 1858 (School Safety Plans to Include Procedures Related to Active Shooters)

- Current law requires every school site to develop a comprehensive school safety plan (CSSP). Amongst other requirements, the CSSP must have procedures related to tactical responses to criminal incidents, including procedures related to individuals with guns on campus.
- AB 1858 requires that, if a CSSP includes procedures to conduct drills in response to such incidents, specific procedures related to such drills be included in the CSSP.
- Also requires that CDE develop, by June 15, 2025, a guidance on “best practices” for conducting such drills.

AB 2887 (School Safety Plans to Include Specific Medical Emergency Procedures)

- Any new or updated CSSP after July 1, 2025 must now include procedures on how to respond to incidents involving an individual experiencing a sudden cardiac arrest or a similar life-threatening emergency while on school grounds.
- AB 3262 (related): requires that when an automated external defibrillator is placed in a public or private school serving grades 6-12, the principal must annually notify pupils of its location.

AB 2316 (Synthetic Materials in Food Distributed to Students)

- By December 31, 2027, public schools are prohibited from offering, selling or otherwise providing any food that contains certain dyes: Blue 1, Blue 2, Green 3, Red 40, Yellow 5, or Yellow 6.
- Exempts foods provided by the USDA Foods in Schools Program.

SB 1063 (Information Provided to Students on Identification Cards)

- Beginning July 1, 2025, all schools (public or private) that serve grades 7 through 12 and that issue identification cards must include the phone number for the 988 Suicide and Crisis Lifeline on such identification cards.
- Also authorizes the printing of QR codes on such cards linking to mental health resources available in the county in which the school is located.

AB 1955 (The Support Academic Futures and Educators for Today's Youth Act)

- The SAFETY Act provides that an employee or contractor of a school district or county office of education cannot be required to disclose any information related to a pupil's sexual orientation, gender identity or gender expression to any other person without the pupil's consent, unless otherwise required by state or federal law.
- Also prohibits the enactment or enforcement of any policy, rule or administrative regulation that would require such a disclosure, and declares any policy, rule or administrative regulation that is inconsistent with the SAFETY Act to be invalid and without any force or effect.
- Major question: effect of new executive order re gender identity?

SB 1248 (Extreme Weather Conditions and Physical Activity)

- By January 1, 2026, the CDE must compile and post to its website standardized guidelines specifying temperature thresholds or index ratings that trigger modifications to pupil physical activities during extreme weather conditions.
 - Guidelines will be required to consider relevant factors, including pupil ages, harmful duration of exposure, overall pupil safety, and mitigation measures, among other requirements.
- On or before July 1, 2026, LEAs must develop, adopt and implement weather protocols for extreme weather conditions that incorporate the guidelines compiled by CDE.

AB 2123 (Amendment to State's Family Leave Program Requirements)

- Sunsets the authorization for an employer to require an employee to take two weeks of earned but unused vacation leave, before, and as a condition of, accessing benefits under California's Paid Family Leave (PFL) program, making the authorization and related provisions inapplicable to any disability period commencing on or after January 1, 2025.

SB 729 (Health Care Coverage: Treatment for Infertility and Fertility Services)

- Requires large and small group health care service plan contracts and disability insurance policies to provide coverage for the diagnosis and treatment of infertility and fertility services, when those contracts and policies were issued, amended, or renewed on or after July 1, 2025.
- Revises the definition of infertility.
- Provides for coverage of in-vitro fertilization.
- Prohibits a health care service plan or disability insurer from placing coverage limitations on fertility medications, and the diagnosis and treatment of infertility as compared to similar benefits for services not related to fertility.
- Does not apply to religious employers or Medi-Cal managed health care.

AB 2534 (Certificated Employees: Egregious Misconduct Disclosures and Inquiries)

- **Applicant Disclosure:** Certificated applicants required to disclose to prospective employers at a new school district, COE, charter school, or state special school to disclose every LEA where was employed.
- **Employer Inquiry:** Prospective employers required to inquire about certificated applicant with all previous employing LEAs about prior egregious misconduct that was required to be reported to the CTC.

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Thank You!

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