

CLIENT NEWS BRIEF

Recent Legislation Addresses Cheerleading, District Training Requirements to Protect Students, and Changes to the Uniform Complaint Procedures

In October 2015, Governor Jerry Brown signed into law five new bills that all go into effect January 1, 2016, enacting important changes to the Education Code on issues affecting student rights and services. These bills address mandatory training for school counselors, classification of competition cheerleading as a sport, additions to the Safe Place to Learn Act, guidance regarding child abuse and training, and an expansion of the Uniform Complaint Procedures to cover issues related to foster children and homeless youth.

SB 451: Pupil Instruction and Services

Senate Bill (SB) 451 amends Section 49600 of the Education Code to add specific requirements for school counseling programs in districts which have chosen to provide comprehensive school counseling programs. Counselors will be required to engage in continued professional development related to career and vocational counseling, including strategies for students pursuing postsecondary, career technical education, multiple pathway, college, and global career opportunities. SB 451 also lists additional counseling services that may be added. These additional services, which are stated as legislative intent and are not specifically mandated, include: engaging and advocating for all students; implementing programs to promote student academic, career, and personal growth; promoting a safe learning environment; and using research-based strategies to reduce stigma, conflict, and bullying. Districts that wish to expand the services that their counselors provide may need to bargain this with the applicable employee union.

AB 949: Physical Education Related to Cheerleading

Assembly Bill (AB) 949 requires the California Interscholastic Federation (CIF) to develop guidelines, procedures, and safety standards for the purpose of classifying competition cheer as an interscholastic sport by no later than July 1, 2017. This new law adds Section 33353.7 to the Education Code and will allow school districts to count competition cheer towards a school's Title IX compliance once the United States Department of Education's Office for Civil Rights deems competition cheer complaint with its definition of a sport.

AB 827: Safe Place to Learn Act

Currently, the Safe Place to Learn Act requires that each school district afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. As part of the regular monitoring process, the California Department of Education (CDE) is tasked with assessing whether local educational agencies (LEAs) have adopted policies that prohibit discrimination, harassment, intimidation, and bullying. AB 827 amends Education Code section 234.1 to require CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certified schoolsite employees serving grades seven through twelve on school and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students.

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Thomas R. Manniello
Partner and Student
Practice Group Co-Chair
Monterey Office
tmanniello@lozanosmith.com



Jennifer Baldassari
Associate
Walnut Creek Office
jbaldassari@lozanosmith.com



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AB 1058: Child Abuse Prevention and Training

AB 1058 amends Section 44691 of the Education Code and focuses on child abuse on school grounds or by school personnel and requires CDE to establish best practices for district employees to follow regarding prevention of child abuse, including sexual abuse of children on school grounds, by school personnel, or in school-sponsored programs. The bill encourages, but does not require, school districts, county offices of education and charter schools to participate in child abuse prevention training at least once every three years regarding the prevention of abuse at school or by school personnel.

AB 379: Foster Youth and Homeless Children and the Uniform Complaint Procedures

AB 379 expands the Uniform Complaint Procedures (UCP) to encompass complaints regarding the rights of foster youth and homeless children. Specifically, complaints alleging violations of certain educational rights afforded to students in foster care and students who are homeless are now subject to the UCP process with an appeal to CDE. This bill amends Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 of the Education Code.

If you have any questions about these recent bills, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).