

New Legislation Will Impact Student Health

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Three new bills signed by Governor Newsom impact student health including requiring the development of type 1 diabetes information to be made available to parents or guardians, making menstrual products more accessible in public school restrooms, and informing students on the best practices for returning to exercise and physical activity after displaying symptoms of or testing positive for COVID-19.

Senate Bill 97 – Pupil Health: Type 1 Diabetes Information: Parent Notification

Senate Bill (SB) 97, which was signed by Governor Newsom on October 8, 2021, requires the California Department of Education (CDE) to develop informational materials regarding type 1 diabetes. On or after January 1, 2023, SB 97 also requires school districts, county offices of education, and charter schools to either include the materials as part of a notification to students' parents/guardians or make these materials available to them when the student first enrolls in elementary school.

Assembly Bill 367 – Menstrual Products

Assembly Bill (AB) 367 was also signed by the Governor on October 8, 2021, and enacts the Menstrual Equity for All Act of 2021. AB 367 requires that by the 2022-2023 school year, public schools maintaining any combination of classes from grades six to 12, must supply cost-free menstrual products in all of the schools' - women's and all-gender restrooms and in at least one men's restroom. Effective July 1, 2022, schools also need to post a designated notice of the requirement, with specific information outlined in the law, in each restroom required to stock the menstrual products.

Effective January 1, 2022, AB 367 also requires the California State Universities and community college districts to stock an adequate supply of menstrual products, free of cost, in at least one designated and accessible central location on each campus. The California State Universities and community college districts are also required to post a notice regarding the requirements in all women's restrooms and all-gender restrooms and in at least one men's restroom.

Assembly Bill 856 – Pupil Health: COVID-19 Youth Health Information Act

On July 23, 2021, Governor Newsom signed AB 856, which enacts the COVID-19 Youth Health Information Act and requires the CDE to post information on its website

concerning the safe return of students to physical activity after experiencing signs or symptoms of or testing positive for COVID-19. The information posted to the CDE's website must also include current guidelines issued by the American Academy of Pediatrics regarding preparticipation screening evaluations, "gradual return to play" protocols according to the severity of the student's symptoms and reactions to COVID-19, and guidelines for pupils to obtain medical clearance before returning to physical activity after experiencing signs or symptoms of or testing positive for COVID-19.

AB 856 also requires that the CDE monitor best practices and evolving guidelines concerning the safe return of students to physical activity after experiencing symptoms of or testing positive for COVID-19. Additionally, the CDE is required to keep its website updated with its latest findings.

Finally, the new law requires the CDE to encourage schools and school districts to give students and their parents or guardians access to the information from the CDE by posting it to the school's own website or distributing the information via email, newsletter, postal mail, meetings, sports registration and clearance packets, or in person.

This law is effective immediately, but will become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

Takeaways

AB 97 and AB 367 impose an obligation on school districts to make type 1 diabetes information available to parents or guardians and make cost-free menstrual products available in school restrooms. Districts should also be on notice that, as required by AB 856, the CDE will encourage school districts to make information regarding the safe return of students to physical activity, after testing positive for or experiencing symptoms of COVID-19, readily available to students and their parents/guardians.

If you have any questions about your obligations under AB 97, AB 367, or AB 856, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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