

# CLIENT NEWS BRIEF

## New Laws Promote Student Health and Safety

California lawmakers demonstrated a concerted effort to promote student health and safety by approving several bills this session. Assembly Bills (AB) 1798, 2435 and 2816 were passed to create or expand requirements or funding for school districts in relation to bus transportation, air quality, and pesticide use.

### **Assembly Bill 1798 – Passenger Restraint Systems on All School Buses by July 1, 2035**

Existing law requires passenger restraint systems on certain classes of school buses manufactured on or after July 1, 2005, and July 1, 2004, depending on capacity and weight. AB 1798 amends section 27316 of the Vehicle Code to require that, on or before July 1, 2035, **all** school buses in use in California must be equipped with a passenger restraint system, effectively phasing-in the requirement as old buses are retired and new buses are manufactured. While the new law creates a state mandated cost, the bill itself provides that no reimbursement is required because violation of the law is a crime.

### **Assembly Bill 1840 – Delays Implementation of School Bus Safety Alert Requirements until March 1, 2019**

Following a few well-publicized incidents where students with special needs were left on school buses, in 2016 the Legislature enacted Senate Bill 1072, which required local educational agencies (LEAs) to install child safety alert systems in school buses and other specified student transport vehicles by the beginning of the 2018-19 school year. Many LEAs were unable to meet the original deadline due to a variety of factors, including the inability of manufacturers and installers to meet the demand for these devices. In response to these issues, the Legislature included a provision in the Education Budget Trailer Bill, AB 1840, that extends the deadline to install these safety devices until on or before March 1, 2019, with an additional six month extension for LEAs with average daily attendance of less than 4,000, or until September 1, 2019.

### **Assembly Bill 2453 – Air Quality**

AB 2453 amends section 17074.25 of the Education Code and adds section 44391.3 to the California Health and Safety Code to expand the use of certain State aid apportionments to school districts, allowing modernization grant money to be used to update air filtration systems in order to limit student exposure to harmful air pollutants. The bill also authorizes schools and school districts located in communities with a “high cumulative exposure burden” to work with air districts to identify schools sites in need of air quality improvement and to be eligible for grants as part of a community emission reduction program. Improvements may include, but are not limited to, air filter installation or upgrade and vegetation buffer planting.

November 2018  
Number 68



Ruth E. Mendyk  
Partner  
Fresno Office

[rmendyk@lozanosmith.com](mailto:rmendyk@lozanosmith.com)



Nicholas G. Felahi  
Associate  
San Diego Office

[nfelahi@lozanosmith.com](mailto:nfelahi@lozanosmith.com)

**LS** Lozano Smith  
ATTORNEYS AT LAW

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# CLIENT NEWS BRIEF

October 2018  
Number 68

## **Assembly Bill 2816 – Report on Pesticide Use**

The purpose of AB 2816 is to evaluate certain existing rules related to the use of pesticides at school sites, ostensibly in order for lawmakers and regulators to make improvements. Under the Healthy Schools Act of 2000 (the Act), school districts are required to follow the preferred method of managing pests, keep records of pesticide use for four years, and to notify staff and parents about expected pesticide use at school sites. The Act also requires the Department of Pesticide Regulation to establish a training program that must be annually completed by any person who intends to apply a pesticide at a school site. AB 2816 adds Section 17614.5 to the Education Code, directing the Department of Pesticide Regulation to submit a report to the Legislature on or before January 1, 2021, evaluating the implementation of the Act and providing recommendation for improvement. This new law will become inoperative on July 1, 2021, and be repealed on January 1, 2022.

## **Takeaways**

Districts now have additional time to install child safety alert systems in their school buses and other student transport vehicles. Although these other new laws do not require immediate action on the part of local educational agencies, school districts should be mindful of future compliance with bus seatbelt requirements and opportunities for air quality funding. In connection with pesticide management, school districts should continue careful monitoring and compliance with existing law while awaiting the Department of Pesticide Regulation's forthcoming report.

If you have any questions about AB 1798, 2453, or 2817 or about laws applicable to local educational agencies in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).