

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 777**

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**Introduced by Senator Kuehl**

February 23, 2007

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An act to amend Sections 200, 220, 235, 260, 14058, 18701, 18710, 18720, 19323, 35316, 35351, 39830, 44253.2, 44253.3, 44866, 46192, 47605, 51004, 51500, 51501, 51802, 60044, 60800, 66030, 66210, 66250, 66251, and 66270 of, 66270, 66292, 66292.1, 66292.2, 69535, 72011, 72012, 72014, 82305.6, 89757, 92150, and 94600 of, to amend and renumber Sections 210.1 and 220.5; 220.5 and 66270.5 of, to amend, renumber, and add Section 210.5 of, to add Sections 210.1, 210.7, 212.1, 212.3, 212.6, 219, 66260.5, 66260.7, 66261.5, 66261.7, 66262.7, and 66269 to, to repeal Section 72013 of, and to repeal and add Sections 212 and 66262 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Kuehl. Discrimination.

**Existing**

(1) *Existing* law states that it is the policy of the state to afford equal rights and opportunities to all persons in the public or private elementary and secondary schools and postsecondary educational institutions of the state regardless of their sex, ethnic group identification, race, national origin, religion, or mental or physical disability and prohibits a person from being subjected to discrimination on those bases *and contains various provisions to implement that policy*.

Existing law prohibits a teacher from giving instruction, and a school district from sponsoring any activity, that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

Existing law prohibits the State Board of Education and the governing board of a school district from adopting for use in the public schools any instructional materials that reflect adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of prohibited bases of discrimination and the kinds of prohibited instruction, activities, and instructional materials and instead, would refer to disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic contained in the definition of hate crimes that is contained in the Penal Code. The bill would define disability, gender, nationality, race or ethnicity, religion, and sexual orientation for this purpose.

(2) Existing laws relating to education refer to “handicapped pupils,” “handicapped adults,” “physically handicapped pupils,” “physically handicapped adults,” “the handicapped,” and “handicapped persons.”

This bill would change these terms to “pupils with disabilities,” “adults with disabilities,” “pupils with physical disabilities,” “adults with physical disabilities,” and “persons with disabilities.”

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as the  
2 California Student Civil Rights Act.

3 ~~SECTION 1.~~

4 SEC. 1.5. Section 200 of the Education Code is amended to  
5 read:

6 200. It is the policy of the State of California to afford all  
7 persons in public schools, regardless of their disability, gender,  
8 nationality, race or ethnicity, religion, sexual orientation, or any  
9 other characteristic that is contained in the definition of hate crimes  
10 set forth in Section 422.55 of the Penal Code, equal rights and  
11 opportunities in the educational institutions of the state. The  
12 purpose of this chapter is to prohibit acts ~~which~~ that are contrary  
13 to that policy and to provide remedies therefor.

14 ~~SEC. 2. Section 210.1 is added to the Education Code, to read:~~  
15 ~~210.1. “Disability” includes mental and physical disability.~~

16 ~~SEC. 3.~~

17 SEC. 2. Section 210.1 of the Education Code is amended and  
18 renumbered to read:

1 210.3. “Educational institution” means a public or private  
2 preschool, elementary, or secondary school or institution; the  
3 governing board of a school district; or any combination of school  
4 districts or counties recognized as the administrative agency for  
5 public elementary or secondary schools.

6 SEC. 3. Section 210.1 is added to the Education Code, to read:

7 210.1. “Disability” includes mental and physical disability.

8 SEC. 4. Section 210.7 is added to the Education Code, to read:

9 210.7. “Gender” means sex, and includes a person’s gender  
10 identity and gender related appearance and behavior whether or  
11 not stereotypically associated with the person’s assigned sex at  
12 birth.

13 SEC. 5. Section 212 of the Education Code is repealed.

14 SEC. 6. Section 212 is added to the Education Code, to read:

15 212. “Nationality” includes citizenship, country of origin, and  
16 national origin.

17 SEC. 7. Section 212.1 is added to the Education Code, to read:

18 212.1. “Race or ethnicity” includes ancestry, color, and ethnic  
19 background.

20 SEC. 8. Section 212.3 is added to the Education Code, to read:

21 212.3. “Religion” includes all aspects of religious belief,  
22 observance, and practice and includes agnosticism and atheism.

23 SEC. 9. Section 212.6 is added to the Education Code, to read:

24 212.6. “Sexual orientation” means heterosexuality,  
25 homosexuality, or bisexuality.

26 SEC. 10. Section 219 is added to the Education Code, to read:

27 219. Disability, gender, nationality, race or ethnicity, religion,  
28 sexual orientation, or any other characteristic contained in the  
29 definition of hate crimes set forth in Section 422.55 of the Penal  
30 Code includes a perception that the person has any of those  
31 characteristics or that the person is associated with a person who  
32 has, or is perceived to have, any of those characteristics.

33 SEC. 11. Section 220 of the Education Code is amended to  
34 read:

35 220. No person shall be subjected to discrimination on the basis  
36 of disability, gender, nationality, race or ethnicity, religion, sexual  
37 orientation, or any other characteristic that is contained in the  
38 definition of hate crimes set forth in Section 422.55 of the Penal  
39 Code in any program or activity conducted by an educational

1 institution that receives, or benefits from, state financial assistance  
2 or enrolls pupils who receive state student financial aid.

3 SEC. 12. Section 220.5 of the Education Code is amended and  
4 renumbered to read:

5 221. This article shall not apply to an educational institution  
6 that is controlled by a religious organization if the application  
7 would not be consistent with the religious tenets of that  
8 organization.

9 SEC. 13. Section 235 of the Education Code is amended to  
10 read:

11 235. There shall be no discrimination on the basis of the  
12 characteristics listed in Section 220 in any aspect of the operation  
13 of alternative schools or charter schools.

14 SEC. 14. Section 260 of the Education Code is amended to  
15 read:

16 260. The governing board of a school district shall have the  
17 primary responsibility for ensuring that school district programs  
18 and activities are free from discrimination based on the  
19 characteristics listed in Section 220 and for monitoring compliance  
20 with any and all rules and regulations promulgated pursuant to  
21 Section 11138 of the Government Code.

22 SEC. 15. Section 14058 of the Education Code is amended to  
23 read:

24 14058. (a) For all ~~handicapped~~ adults *with disabilities* educated  
25 by the county superintendent of schools, for all secondary schools  
26 maintained in juvenile halls, juvenile homes, and juvenile camps  
27 by the county superintendent of schools, and for all ~~students~~ *pupils*  
28 enrolled in grades 9 to 12, inclusive, in opportunity schools and  
29 classes and all continuation schools and classes maintained by the  
30 county superintendent of schools, the Superintendent ~~of Public~~  
31 ~~Instruction~~ shall allow the same amount as he or she would  
32 compute for the foundation program of a high school district under  
33 Section 41712.

34 ~~However,~~

35 (b) *Notwithstanding subdivision (a)*, the total of allowances for  
36 education of ~~handicapped~~ adults *with disabilities* in classes  
37 established by the county superintendent of schools pursuant to  
38 Section 52570 or 78440 shall not exceed fifty thousand dollars  
39 (\$50,000) in any one fiscal year. The Superintendent ~~of Public~~  
40 ~~Instruction~~ shall establish a system of priorities that he or she shall

1 by rule or regulation adopt that shall give highest priority to those  
2 counties in which no program or an insufficient program for the  
3 education of ~~handicapped~~ adults *with disabilities* is provided by  
4 the school districts within the county, in order to comply with the  
5 limitation prescribed by this ~~subdivision~~ *section*.

6 *SEC. 16. Section 18701 of the Education Code is amended to*  
7 *read:*

8 18701. The Legislature finds and declares that it is in the  
9 interest of the people of the state to insure that all people have free  
10 and convenient access to all library resources and services that  
11 might enrich their lives, regardless of where they live or of the tax  
12 base of their local government.

13 This finding is based on the recognition that:

14 (a) The public library is a primary source of information,  
15 recreation, and education to persons of all ages, any location, or  
16 any economic circumstance.

17 (b) The expansion of knowledge and the increasing complexity  
18 of our society create needs for materials and information ~~which~~  
19 *that* go beyond the ability of any one library to provide.

20 (c) The public libraries of California are supported primarily  
21 by local taxes. The ability of local governments to provide adequate  
22 service is dependent on the taxable wealth of each local jurisdiction  
23 and varies widely throughout the state.

24 (d) Public libraries are unable to bear the greater costs of  
25 meeting the exceptional needs of many residents, including ~~the~~  
26 ~~handicapped~~ *people with disabilities*, non-English and limited  
27 English-speaking persons, those who are confined to home or in  
28 an institution, and those who are economically disadvantaged.

29 (e) The effective sharing of resources and services among the  
30 libraries of California requires an ongoing commitment by the  
31 state to compensate libraries for services beyond their clientele.

32 (f) The sharing of services and resources is most efficient when  
33 a common data base is available to provide information on where  
34 materials can be found.

35 *SEC. 17. Section 18710 of the Education Code is amended to*  
36 *read:*

37 18710. As used in this chapter, unless the context otherwise  
38 indicates or unless specific exception is made:

- 1 (a) “Academic library” means a library established and  
2 maintained by a college or university to meet the needs of its  
3 students and faculty, and others by agreement.
- 4 (b) “Act” means the California Library Services Act.
- 5 (c) “Cooperative Library System” means a public library system  
6 that consists of two or more jurisdictions entering into a written  
7 agreement to implement a regional program in accordance with  
8 this chapter, and which, as of the effective date of this chapter,  
9 was designated a library system under the Public Library Services  
10 Act of 1963 or was a successor to such a library system.
- 11 (d) “Direct loan” means the lending of a book or other item  
12 directly to a borrower.
- 13 (e) “Equal access” means the right of the residents of  
14 jurisdictions that are members of a Cooperative Library System  
15 to use on an equal basis with one another the services and loan  
16 privileges of any and all other members of the same system.
- 17 (f) “Independent public library” means a public library not a  
18 member of a system.
- 19 (g) “Interlibrary loan” means the lending of a book or other item  
20 from one library to another as the result of a user request for the  
21 item.
- 22 (h) “Interlibrary reference” means the providing of information  
23 by one library or reference center to another library or reference  
24 center as the result of a user request for the information.
- 25 (i) “Jurisdiction” means a county, city and county, city, or any  
26 district that is authorized by law to provide public library services  
27 and that operates a public library.
- 28 (j) “Libraries for institutionalized persons” means libraries  
29 maintained by institutions for the purpose of serving their resident  
30 populations.
- 31 (k) “Net imbalance” means the disproportionate cost incurred  
32 under universal borrowing or equal access when a library directly  
33 lends a greater number of items to users from outside its  
34 jurisdiction than its residents directly borrow from libraries of  
35 other jurisdictions.
- 36 (l) “Public library” means a library, or two or more libraries,  
37 that is operated by a single public jurisdiction and that serves its  
38 residents free of charge.
- 39 (m) “School library” means an organized collection of printed  
40 and audiovisual materials that satisfies all of the following criteria:

- 1 (1) Is administered as a unit.
- 2 (2) Is located in a designated place.
- 3 (3) Makes printed, audiovisual, and other materials as well as
- 4 necessary equipment and services of a staff accessible to
- 5 elementary and secondary school students and teachers.

6 (n) “Special library” means one maintained by an association,

7 government service, research institution, learned society,

8 professional association, museum, business firm, industrial

9 enterprise, chamber of commerce, or other organized group, the

10 greater part of their collections being in a specific field or subject,

11 e.g., natural sciences, economics, engineering, law, and history.

12 (o) “Special Services Programs” means a project establishing

13 or improving service to the underserved of all ages.

14 (p) “State board” means the California Library Services Board.

15 (q) “System” means a cooperative library system.

16 (r) “Underserved” means any population segment with

17 exceptional service needs not adequately met by traditional library

18 service patterns; including, but not limited to, those persons who

19 are geographically isolated, economically disadvantaged,

20 functionally illiterate, of non-English-speaking or

21 limited-English-speaking ability, shut-in, or institutionalized, or

22 ~~handicapped~~ *who are persons with disabilities*.

23 (s) “Universal borrowing” means the extension by a public

24 library of its direct loan privileges to the eligible borrowers of all

25 other public libraries.

26 *SEC. 18. Section 18720 of the Education Code is amended to*

27 *read:*

28 18720. (a) There is hereby established in the state government

29 the California Library Services Board, to consist of 13 members.

30 The Governor shall appoint nine members of the ~~state~~ board. Three

31 of the Governor's appointments shall be representative of

32 laypersons, one of whom shall represent ~~the handicapped people~~ *the*

33 *with disabilities*, ~~one representing of whom shall represent~~ limited-

34 and non-English-speaking persons, and ~~one representing of whom~~

35 *shall represent* economically disadvantaged persons.

36 ~~The~~

37 (b) *The* Governor shall also appoint six members of the board,

38 each of whom shall represent one of the following categories:

39 school libraries, libraries for institutionalized persons, public library

1 trustees or commissioners, public libraries, special libraries, and  
2 academic libraries.

3 ~~The~~

4 (c) *The* Legislature shall appoint the remaining four public  
5 members from persons who are not representative of categories  
6 mentioned in this section. Two shall be appointed by the Senate  
7 Rules Committee and two shall be appointed by the Speaker of  
8 the Assembly.

9 ~~The~~

10 (d) *The* terms of office of members of the ~~state~~ board shall be  
11 for four years and shall begin on January 1 of the year in which  
12 the respective terms are to start.

13 *SEC. 19. Section 19323 of the Education Code is amended to*  
14 *read:*

15 19323. The State Librarian shall make available on a loan basis  
16 to legally blind persons, or to persons ~~who are visually or~~  
17 ~~physically handicapped to such an extent that they are unable to~~  
18 ~~read with a disability that prevents them from reading~~ conventional  
19 printed materials, in the state tape recordings of books and other  
20 related materials. The tape recordings shall be selected by the State  
21 Library on the same basis as the State Library's general program  
22 for providing library materials to legally blind readers.

23 *SEC. 20. Section 35316 of the Education Code is amended to*  
24 *read:*

25 35316. An applicant for a loan from the fund shall make  
26 application therefor in accordance with reasonable rules and  
27 regulations established by the governing board of the school  
28 district, provided that ~~such~~ *the* rules and regulations shall not  
29 include any conditions limiting eligibility on account of ~~race, creed,~~  
30 ~~or country of origin~~ *in the characteristics listed in Section 220.*

31 *SEC. 21. Section 35351 of the Education Code is amended to*  
32 *read:*

33 35351. No public school ~~student shall, because of his race,~~  
34 ~~creed, or color,~~ *pupil shall* be assigned to or be required to attend  
35 a particular school *because of the characteristics listed in Section*  
36 *220.*

37 *SEC. 22. Section 39830 of the Education Code is amended to*  
38 *read:*

39 39830. A schoolbus is any motor vehicle designed, used, or  
40 maintained for the transportation of ~~any~~ *a* school pupil at or below



1 the ~~12<sup>th</sup>~~ grade *I2* level to or from a public or private school or to  
2 or from public or private school activities, except the following:

3 (a) A motor vehicle of any type carrying only members of the  
4 household of its owner.

5 (b) A motortruck transporting pupils who are seated only in the  
6 passenger compartment, and a passenger vehicle designed for and  
7 when actually carrying not more than 10 persons, including the  
8 driver, except any vehicle or truck transporting two or more  
9 ~~handicapped pupils confined to~~ *who use* wheelchairs.

10 (c) A motor vehicle operated by a common carrier, or by and  
11 under exclusive jurisdiction of a publicly owned or operated transit  
12 system, only during the time it is on a scheduled run and is  
13 available to the general public or on a run scheduled in response  
14 to a request from a ~~handicapped pupil confined to~~ *who uses* a  
15 wheelchair, or from a parent of the ~~handicapped~~ pupil, for  
16 transportation to or from nonschool activities. However, the motor  
17 vehicle is designed for and actually carries not more than 16  
18 persons and the driver, is available to eligible persons of the general  
19 public, and the school does not provide the requested transportation  
20 service.

21 (d) A school pupil activity bus as defined in Section 39830.1.

22 (e) A motor vehicle operated by a carrier licensed by the  
23 Interstate Commerce Commission that is transporting pupils on a  
24 school activity entering or returning to the state from another state  
25 or country.

26 (f) A state-owned motor vehicle being operated by a state  
27 employee upon the driveways, paths, parking facilities, or grounds  
28 specified in Section 21113 of the Vehicle Code that are under the  
29 control of a state hospital under the jurisdiction of the State  
30 Department of Developmental Services where the posted speed  
31 limit is not more than 20 miles per hour. The motor vehicle may  
32 also be operated for a distance of not more than one-quarter mile  
33 upon a public street or highway that runs through the grounds of  
34 a state hospital under the jurisdiction of the State Department of  
35 Developmental Services, if the posted speed limit on the public  
36 street or highway is not more than 25 miles per hour and if all  
37 traffic is regulated by posted stop signs or official traffic control  
38 signals at the points of entry and exit by the motor vehicle.

39 *SEC. 23. Section 44253.2 of the Education Code is amended*  
40 *to read:*

1 44253.2. For the purposes of this chapter, the following terms  
2 shall have the following meanings, unless the context otherwise  
3 requires:

4 (a) “Instruction for English language development” means  
5 instruction designed specifically for limited-English-proficient  
6 pupils to develop their listening, speaking, reading, and writing  
7 skills in English.

8 (b) “Specially designed content instruction delivered in English”  
9 means instruction in a subject area, delivered in English, that is  
10 specially designed to meet the needs of limited-English-proficient  
11 pupils.

12 (c) “Content instruction delivered in the primary language”  
13 means instruction in a subject area delivered in the primary  
14 language of the pupil.

15 (d) “Instruction for primary language development” means  
16 instruction designed to develop a pupil’s listening, speaking,  
17 reading, and writing skills in the primary language of the pupil.

18 (e) “Culture and cultural diversity” means an understanding of  
19 human relations, including the following:

20 (1) The nature and content of culture.

21 (2) Cross cultural contact and interactions.

22 (3) Cultural diversity in the United States and California.

23 (4) Approaches to providing instruction responsive to the  
24 diversity of the ~~student~~ *pupil* population.

25 (5) Recognizing and responding to behavior related to bias based  
26 on ~~race, color, religion, nationality, country of origin, ancestry,~~  
27 ~~gender, disability, or sexual orientation~~ *the characteristics listed*  
28 *in Section 220.*

29 (6) Techniques for the peaceful resolution of conflict.

30 *SEC. 24. Section 44253.3 of the Education Code is amended*  
31 *to read:*

32 44253.3. (a) The commission shall issue a certificate that  
33 authorizes the holder to provide all of the following services to  
34 limited-English-proficient pupils:

35 (1) Instruction for English language development in preschool,  
36 kindergarten, grades 1 to 12, inclusive, and classes organized  
37 primarily for adults, except when the requirement specified in  
38 paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by  
39 the possession of a children’s center instructional permit pursuant  
40 to Sections 8363 and 44252.7, a children’s center supervision

1 permit pursuant to Section 8363, or a designated subjects teaching  
2 credential in adult education pursuant to Section 44260.2. If the  
3 requirement specified in paragraph (1) of subdivision (b) of Section  
4 44253.3 is satisfied by the possession of a children's center  
5 instructional permit, or a children's center supervision permit,  
6 instruction for English language development is limited to the  
7 programs authorized by that permit. If the requirement specified  
8 in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied  
9 by the possession of a designated subjects teaching credential in  
10 adult education, instruction for English language development is  
11 limited to classes organized primarily for adults.

12 (2) Specially designed content instruction delivered in English  
13 in the subjects and at the levels authorized by the teacher's  
14 prerequisite credential or permit used to satisfy the requirement  
15 specified in paragraph (1) of subdivision (b) of Section 44253.3.

16 (b) The minimum requirements for the certificate shall include  
17 all of the following:

18 (1) Possession of a valid California teaching credential, services  
19 credential, children's center instructional permit, or children's  
20 center supervision permit which credential or permit authorizes  
21 the holder to provide instruction to pupils in preschool,  
22 kindergarten, any of grades 1 to 12, inclusive, or classes primarily  
23 organized for adults, except for any of the following:

24 (A) Emergency credentials or permits.

25 (B) Exchange credentials as specified in Section 44333.

26 (C) District intern credentials as specified in Section 44325.

27 (D) Sojourn certificated employee credentials as specified in  
28 Section 44856.

29 (E) Teacher education internship credentials as specified in  
30 Article 3 (commencing with Section 44450) of Chapter 3.

31 (2) Passage of one or more examinations that the commission  
32 determines are necessary for demonstrating the knowledge and  
33 skills required for effective delivery of the services authorized by  
34 the certificate.

35 (3) Completion of at least six semester units, or nine quarter  
36 units, of coursework in a second language at a regionally accredited  
37 institution of postsecondary education. The commission shall  
38 establish minimum standards for scholarship in the required  
39 coursework. The commission shall also establish alternative ways  
40 in which the requirement can be satisfied by language-learning

1 experience that creates an awareness of the challenges of  
2 second-language acquisition and development.

3 (c) Completion of coursework in human relations in accordance  
4 with the commission's standards of program quality and  
5 effectiveness that includes, at a minimum, instruction in the  
6 following:

7 (1) The nature and content of culture.

8 (2) Crosscultural contact and interactions.

9 (3) Cultural diversity in the United States and California.

10 (4) Providing instruction responsive to the diversity of the pupil  
11 population.

12 (5) Recognizing and responding to behavior related to bias based  
13 on ~~race, color, religion, nationality, country of origin, ancestry,~~  
14 ~~gender, disability, or sexual orientation~~ *the characteristics listed*  
15 *in Section 220.*

16 (6) Techniques for the peaceful resolution of conflict.

17 (d) The commission shall establish alternative requirements for  
18 a teacher to earn the certificate, which shall be awarded as a  
19 supplementary authorization pursuant to subdivision (e) of Section  
20 44225.

21 (e) A teacher who possesses a credential or permit described in  
22 paragraph (1) of subdivision (b) and is able to present a valid  
23 out-of-state credential or certificate that authorizes the instruction  
24 of English language learners may qualify for the certificate issued  
25 under this section by submitting an application and fee to the  
26 commission.

27 (f) The certificate shall remain valid as long as the prerequisite  
28 credential or permit specified in paragraph (1) of subdivision (b)  
29 remains valid.

30 *SEC. 25. Section 44866 of the Education Code is amended to*  
31 *read:*

32 44866. The qualifications of a home instructor of ~~physically~~  
33 ~~handicapped~~ pupils *with physical disabilities* shall be a valid  
34 teaching credential or a credential authorizing the teaching of  
35 exceptional children in an area of specialized preparation issued  
36 by the State Board of Education, or the Commission for Teacher  
37 ~~Preparation and Licensing~~ *on Teacher Credentialing.*

38 *SEC. 26. Section 46192 of the Education Code is amended to*  
39 *read:*

1 46192. Each clock hour of teaching time devoted to the  
2 individual instruction of ~~physically handicapped~~ adults *with*  
3 *physical disabilities* who are patients in a tuberculosis ward or  
4 hospital maintained by one or more counties shall count as one  
5 day of attendance but no such adult shall be credited with more  
6 than one day of attendance in any calendar day.

7 *SEC. 27. Section 47605 of the Education Code is amended to*  
8 *read:*

9 47605. (a) (1) Except as set forth in paragraph (2), a petition  
10 for the establishment of a charter school within any school district  
11 may be circulated by any one or more persons seeking to establish  
12 the charter school. A petition for the establishment of a charter  
13 school shall identify a single charter school that will operate within  
14 the geographic boundaries of that school district. A charter school  
15 may propose to operate at multiple sites within the school district,  
16 as long as each location is identified in the charter school petition.  
17 The petition may be submitted to the governing board of the school  
18 district for review after either of the following conditions are met:

19 (A) The petition has been signed by a number of parents or *legal*  
20 guardians of pupils that is equivalent to at least one-half of the  
21 number of pupils that the charter school estimates will enroll in  
22 the school for its first year of operation.

23 (B) The petition has been signed by a number of teachers that  
24 is equivalent to at least one-half of the number of teachers that the  
25 charter school estimates will be employed at the school during its  
26 first year of operation.

27 (2) A petition that proposes to convert an existing public school  
28 to a charter school that would not be eligible for a loan pursuant  
29 to subdivision (b) of Section 41365 may be circulated by any one  
30 or more persons seeking to establish the charter school. The petition  
31 may be submitted to the governing board of the school district for  
32 review after the petition has been signed by not less than 50 percent  
33 of the permanent status teachers currently employed at the public  
34 school to be converted.

35 (3) A petition shall include a prominent statement that a  
36 signature on the petition means that the parent or *legal* guardian  
37 is meaningfully interested in having his or her child, or ward, attend  
38 the charter school, or in the case of a teacher's signature, means  
39 that the teacher is meaningfully interested in teaching at the charter  
40 school. The proposed charter shall be attached to the petition.

1 (4) After receiving approval of its petition, a charter school that  
2 proposes to establish operations at one or more additional sites  
3 shall request a material revision to its charter and shall notify the  
4 authority that granted its charter of those additional locations. The  
5 authority that granted its charter shall consider whether to approve  
6 those additional locations at an open, public meeting. If the  
7 additional locations are approved, they shall be a material revision  
8 to the charter school's charter.

9 (5) Notwithstanding subdivision (a), a charter school that is  
10 unable to locate within the jurisdiction of the chartering school  
11 district may establish one site outside the boundaries of the school  
12 district, but within the county within which that school district is  
13 located, if the school district within whose jurisdiction the charter  
14 school proposes to operate is notified in advance of the charter  
15 petition approval, the county superintendent of schools and the  
16 Superintendent are notified of the location of the charter school  
17 before it commences operations, and either of the following  
18 circumstances exist:

19 (A) The school has attempted to locate a single site or facility  
20 to house the entire program, but a site or facility is unavailable in  
21 the area in which the school chooses to locate.

22 (B) The site is needed for temporary use during a construction  
23 or expansion project.

24 (6) Commencing January 1, 2003, a petition to establish a charter  
25 school may not be approved to serve pupils in a grade level that  
26 is not served by the school district of the governing board  
27 considering the petition, unless the petition proposes to serve pupils  
28 in all of the grade levels served by that school district.

29 (b) No later than 30 days after receiving a petition, in accordance  
30 with subdivision (a), the governing board of the school district  
31 shall hold a public hearing on the provisions of the charter, at  
32 which time the governing board of the school district shall consider  
33 the level of support for the petition by teachers employed by the  
34 district, other employees of the district, and parents. Following  
35 review of the petition and the public hearing, the governing board  
36 of the school district shall either grant or deny the charter within  
37 60 days of receipt of the petition, provided, however, that the date  
38 may be extended by an additional 30 days if both parties agree to  
39 the extension. In reviewing petitions for the establishment of  
40 charter schools pursuant to this section, the chartering authority

1 shall be guided by the intent of the Legislature that charter schools  
2 are and should become an integral part of the California educational  
3 system and that establishment of charter schools should be  
4 encouraged. ~~A school district~~ *The governing board of the school*  
5 *district* shall grant a charter for the operation of a school under  
6 this part if it is satisfied that granting the charter is consistent with  
7 sound educational practice. The governing board of the school  
8 district shall not deny a petition for the establishment of a charter  
9 school unless it makes written factual findings, specific to the  
10 particular petition, setting forth specific facts to support one or  
11 more of the following findings:

12 (1) The charter school presents an unsound educational program  
13 for the pupils to be enrolled in the charter school.

14 (2) The petitioners are demonstrably unlikely to successfully  
15 implement the program set forth in the petition.

16 (3) The petition does not contain the number of signatures  
17 required by subdivision (a).

18 (4) The petition does not contain an affirmation of each of the  
19 conditions described in subdivision (d).

20 (5) The petition does not contain reasonably comprehensive  
21 descriptions of all of the following:

22 (A) (i) A description of the educational program of the school,  
23 designed, among other things, to identify those whom the school  
24 is attempting to educate, what it means to be an “educated person”  
25 in the 21st century, and how learning best occurs. The goals  
26 identified in that program shall include the objective of enabling  
27 pupils to become self-motivated, competent, and lifelong learners.

28 (ii) If the proposed school will serve high school pupils, a  
29 description of the manner in which the charter school will inform  
30 parents about the transferability of courses to other public high  
31 schools and the eligibility of courses to meet college entrance  
32 requirements. Courses offered by the charter school that are  
33 accredited by the Western Association of Schools and Colleges  
34 may be considered transferable and courses approved by the  
35 University of California or the California State University as  
36 creditable under the “A” to “G” admissions criteria may be  
37 considered to meet college entrance requirements.

38 (B) The measurable pupil outcomes identified for use by the  
39 charter school. “Pupil outcomes,” for purposes of this part, means  
40 the extent to which all pupils of the school demonstrate that they

1 have attained the skills, knowledge, and attitudes specified as goals  
2 in the school’s educational program.

3 (C) The method by which pupil progress in meeting those pupil  
4 outcomes is to be measured.

5 (D) The governance structure of the school, including, but not  
6 limited to, the process to be followed by the school to ensure  
7 parental involvement.

8 (E) The qualifications to be met by individuals to be employed  
9 by the school.

10 (F) The procedures that the school will follow to ensure the  
11 health and safety of pupils and staff. These procedures shall include  
12 the requirement that each employee of the school furnish the school  
13 with a criminal record summary as described in Section 44237.

14 (G) The means by which the school will achieve a racial and  
15 ethnic balance among its pupils that is reflective of the general  
16 population residing within the territorial jurisdiction of the school  
17 district to which the charter petition is submitted.

18 (H) Admission requirements, if applicable.

19 (I) The manner in which annual, independent, financial audits  
20 shall be conducted, which shall employ generally accepted  
21 accounting principles, and the manner in which audit exceptions  
22 and deficiencies shall be resolved to the satisfaction of the  
23 chartering authority.

24 (J) The procedures by which pupils can be suspended or  
25 expelled.

26 (K) The manner by which staff members of the charter schools  
27 will be covered by the State Teachers’ Retirement System, the  
28 Public Employees’ Retirement System, or federal social security.

29 (L) The public school attendance alternatives for pupils residing  
30 within the school district who choose not to attend charter schools.

31 (M) A description of the rights of any employee of the school  
32 district upon leaving the employment of the school district to work  
33 in a charter school, and of any rights of return to the school district  
34 after employment at a charter school.

35 (N) The procedures to be followed by the charter school and  
36 the entity granting the charter to resolve disputes relating to  
37 provisions of the charter.

38 (O) A declaration whether or not the charter school shall be  
39 deemed the exclusive public school employer of the employees of  
40 the charter school for the purposes of the Educational Employment



1 Relations Act (Chapter 10.7 (commencing with Section 3540) of  
2 Division 4 of Title 1 of the Government Code).

3 (P) A description of the procedures to be used if the charter  
4 school closes. The procedures shall ensure a final audit of the  
5 school to determine the disposition of all assets and liabilities of  
6 the charter school, including plans for disposing of any net assets  
7 and for the maintenance and transfer of pupil records.

8 (c) (1) Charter schools shall meet all statewide standards and  
9 conduct the pupil assessments required pursuant to Sections 60605  
10 and 60851 and any other statewide standards authorized in statute  
11 or pupil assessments applicable to pupils in noncharter public  
12 schools.

13 (2) Charter schools shall, on a regular basis, consult with their  
14 parents, *legal* guardians, and teachers regarding the school's  
15 educational programs.

16 (d) (1) In addition to any other requirement imposed under this  
17 part, a charter school shall be nonsectarian in its programs,  
18 admission policies, employment practices, and all other operations,  
19 shall not charge tuition, and shall not discriminate against any  
20 pupil on the basis of ~~ethnicity, national origin, gender, or disability~~  
21 *the characteristics listed in Section 220*. Except as provided in  
22 paragraph (2), admission to a charter school shall not be determined  
23 according to the place of residence of the pupil, or of his or her  
24 parent or *legal* guardian, within this state, except that any existing  
25 public school converting partially or entirely to a charter school  
26 under this part shall adopt and maintain a policy giving admission  
27 preference to pupils who reside within the former attendance area  
28 of that public school.

29 (2) (A) A charter school shall admit all pupils who wish to  
30 attend the school.

31 (B) However, if the number of pupils who wish to attend the  
32 charter school exceeds the school's capacity, attendance, except  
33 for existing pupils of the charter school, shall be determined by a  
34 public random drawing. Preference shall be extended to pupils  
35 currently attending the charter school and pupils who reside in the  
36 district except as provided for in Section 47614.5. Other  
37 preferences may be permitted by the chartering authority on an  
38 individual school basis and only if consistent with the law.

39 (C) In the event of a drawing, the chartering authority shall  
40 make reasonable efforts to accommodate the growth of the charter

1 school and, in no event, shall take any action to impede the charter  
2 school from expanding enrollment to meet pupil demand.

3 (3) If a pupil is expelled or leaves the charter school without  
4 graduating or completing the school year for any reason, the charter  
5 school shall notify the superintendent of the school district of the  
6 pupil's last known address within 30 days, and shall, upon request,  
7 provide that school district with a copy of the cumulative record  
8 of the pupil, including a transcript of grades or report card, and  
9 health information. This paragraph applies only to pupils subject  
10 to compulsory full-time education pursuant to Section 48200.

11 (e) The governing board of a school district shall not require  
12 any employee of the school district to be employed in a charter  
13 school.

14 (f) The governing board of a school district shall not require  
15 any pupil enrolled in the school district to attend a charter school.

16 (g) The governing board of a school district shall require that  
17 the petitioner or petitioners provide information regarding the  
18 proposed operation and potential effects of the school, including,  
19 but not limited to, the facilities to be utilized by the school, the  
20 manner in which administrative services of the school are to be  
21 provided, and potential civil liability effects, if any, upon the school  
22 and upon the school district. The description of the facilities to be  
23 used by the charter school shall specify where the school intends  
24 to locate. The petitioner or petitioners shall also be required to  
25 provide financial statements that include a proposed first-year  
26 operational budget, including startup costs, and cashflow and  
27 financial projections for the first three years of operation.

28 (h) In reviewing petitions for the establishment of charter  
29 schools within the school district, the ~~school district~~ governing  
30 board *of the school district* shall give preference to petitions that  
31 demonstrate the capability to provide comprehensive learning  
32 experiences to pupils identified by the petitioner or petitioners as  
33 academically low achieving pursuant to the standards established  
34 by the department under Section 54032.

35 (i) Upon the approval of the petition by the governing board of  
36 the school district, the petitioner or petitioners shall provide written  
37 notice of that approval, including a copy of the petition, to the  
38 applicable county superintendent of schools, the department, and  
39 the State Board of Education.

1 (j) (1) If the governing board of a school district denies a  
2 petition, the petitioner may elect to submit the petition for the  
3 establishment of a charter school to the county board of education.  
4 The county board of education shall review the petition pursuant  
5 to subdivision (b). If the petitioner elects to submit a petition for  
6 establishment of a charter school to the county board of education  
7 and the county board of education denies the petition, the petitioner  
8 may file a petition for establishment of a charter school with the  
9 State Board of Education, and the ~~state board~~ *State Board* may  
10 approve the petition, in accordance with subdivision (b). Any  
11 charter school that receives approval of its petition from a county  
12 board of education or from the State Board of Education on appeal  
13 shall be subject to the same requirements concerning geographic  
14 location that it would otherwise be subject to if it receives approval  
15 from the entity to whom it originally submits its petition. A charter  
16 petition that is submitted to either a county board of education or  
17 to the State Board of Education shall meet all otherwise applicable  
18 petition requirements, including the identification of the proposed  
19 site or sites where the charter school will operate.

20 (2) In assuming its role as a chartering agency, the State Board  
21 of Education shall develop criteria to be used for the review and  
22 approval of charter school petitions presented to the State Board  
23 of Education. The criteria shall address all elements required for  
24 charter approval, as identified in subdivision (b) and shall define  
25 “reasonably comprehensive” as used in paragraph (5) of  
26 subdivision (b) in a way that is consistent with the intent of this  
27 part. Upon satisfactory completion of the criteria, the State Board  
28 of Education shall adopt the criteria on or before June 30, 2001.

29 (3) A charter school for which a charter is granted by either the  
30 county board of education or the State Board of Education based  
31 on an appeal pursuant to this subdivision shall qualify fully as a  
32 charter school for all funding and other purposes of this part.

33 (4) If either the county board of education or the State Board  
34 of Education fails to act on a petition within 120 days of receipt,  
35 the decision of the governing board of the school district, to deny  
36 a petition shall, thereafter, be subject to judicial review.

37 (5) The State Board of Education shall adopt regulations  
38 implementing this subdivision.

39 (6) Upon the approval of the petition by the county board of  
40 education, the petitioner or petitioners shall provide written notice

1 of that approval, including a copy of the petition to the department  
2 and the State Board of Education.

3 (k) (1) The State Board of Education may, by mutual agreement,  
4 designate its supervisory and oversight responsibilities for a  
5 charter school approved by the State Board of Education to any  
6 local education agency in the county in which the charter school  
7 is located or to the governing board of the school district that first  
8 denied the petition.

9 (2) The designated local education agency shall have all  
10 monitoring and supervising authority of a chartering agency,  
11 including, but not limited to, powers and duties set forth in Section  
12 47607, except the power of revocation, which shall remain with  
13 the State Board of Education.

14 (3) A charter school that has been granted its charter through  
15 an appeal to the State Board of Education and elects to seek  
16 renewal of its charter shall, prior to expiration of the charter, submit  
17 its petition for renewal to the governing board of the school district  
18 that initially denied the charter. If the governing board of the school  
19 district denies the school's petition for renewal, the school may  
20 petition the State Board of Education for renewal of its charter.

21 (l) Teachers in charter schools shall hold a Commission on  
22 Teacher Credentialing certificate, permit, or other document  
23 equivalent to that which a teacher in other public schools would  
24 be required to hold. These documents shall be maintained on file  
25 at the charter school and are subject to periodic inspection by the  
26 chartering authority. It is the intent of the Legislature that charter  
27 schools be given flexibility with regard to noncore, noncollege  
28 preparatory courses.

29 (m) A charter school shall transmit a copy of its annual,  
30 independent, financial audit report for the preceding fiscal year,  
31 as described in subparagraph (I) of paragraph (5) of subdivision  
32 (b), to its chartering entity, the Controller, the county  
33 superintendent of schools of the county in which the charter school  
34 is sited, unless the county board of education of the county in  
35 which the charter school is sited is the chartering entity, and the  
36 department by December 15 of each year. This subdivision does  
37 not apply if the audit of the charter school is encompassed in the  
38 audit of the chartering entity pursuant to Section 41020.

39 *SEC. 28. Section 51004 of the Education Code is amended to*  
40 *read:*

1 51004. The Legislature hereby recognizes that it is the policy  
2 of the people of the State of California to provide an educational  
3 opportunity to the end that every ~~student~~ *pupil* leaving school shall  
4 have the opportunity to be prepared to enter the world of work;  
5 that every ~~student~~ *pupil* who graduates from any state-supported  
6 educational institution should have sufficient marketable skills for  
7 legitimate remunerative employment; that every qualified and  
8 eligible adult citizen shall be afforded an educational opportunity  
9 to become suitably employed in some remunerative field of  
10 employment; and that ~~such~~ *these* opportunities are a right to be  
11 enjoyed without regard to ~~race, creed, color, national origin, sex,~~  
12 ~~or economic status~~ *the characteristics listed in Section 220.*

13 The Legislature further recognizes that all ~~students~~ *pupils* need  
14 to be provided with opportunities to explore and make career  
15 choices and to seek appropriate instruction and training to support  
16 those choices. The Legislature therefore finds that fairs as  
17 community resource and youth leadership activities are integral  
18 to assisting and guiding ~~students~~ *pupils* in making ~~such~~  
19 and therefore encourage the further expansion of cooperative  
20 activities between schools, youth leadership activities, and  
21 community resources. Among community resources of particular  
22 significance in providing information on various career  
23 opportunities are vocational and occupational exhibits,  
24 demonstrations and activities conducted at fairs.

25 ~~SEC. 15.~~

26 *SEC. 29.* Section 51500 of the Education Code is amended to  
27 read:

28 51500. No teacher shall give instruction nor shall a school  
29 district sponsor any activity that reflects adversely upon persons  
30 because of a characteristic listed in Section 220.

31 ~~SEC. 16.~~

32 *SEC. 30.* Section 51501 of the Education Code is amended to  
33 read:

34 51501. No textbook; or other instructional materials shall be  
35 adopted by the state board or by any governing board for use in  
36 the public schools that contains any matter reflecting adversely  
37 upon persons because of a characteristic listed in Section 220.

38 *SEC. 31.* *Section 51802 of the Education Code is amended to*  
39 *read:*

1 51802. (a) The governing board of ~~any~~ a school district  
 2 maintaining a home teaching program, or providing home  
 3 instruction as authorized by law for pupils ~~afflicted with any form~~  
 4 ~~of handicap~~ *with disabilities*, may provide ~~such~~ home teaching or  
 5 instruction on Saturday.

6 (b) No pupil shall be required to attend upon a home teaching  
 7 program or home instruction on Saturday without the consent of  
 8 his *or her* parent or *legal* guardian.

9 ~~SEC. 17.~~

10 ~~SEC. 32.~~ Section 60044 of the Education Code is amended to  
 11 read:

12 60044. No instructional materials shall be adopted by any  
 13 governing board for use in the schools that, in its determination,  
 14 contains:

15 (a) Any matter reflecting adversely upon persons because of a  
 16 characteristic listed in Section 220.

17 (b) Any sectarian or denominational doctrine or propaganda  
 18 contrary to law.

19 ~~SEC. 33.~~ Section 60800 of the Education Code is amended to  
 20 read:

21 60800. (a) During the month of February, March, April, or  
 22 May, the governing board of each school district maintaining any  
 23 of grades 5, 7, and 9 shall administer to each pupil in those grades  
 24 the physical performance test designated by the State Board ~~of~~  
 25 ~~Education.~~ Each ~~physically handicapped~~ pupil *with a physical*  
 26 *disability* and each pupil who is physically unable to take all of  
 27 the physical performance test shall be given as much of the test as  
 28 his or her condition will permit.

29 (b) Upon request of the ~~State Department of Education~~  
 30 *department*, a school district shall submit to the department, at  
 31 least once every two years, the results of its physical performance  
 32 testing.

33 (c) ~~The State Department of Education~~ *department* shall compile  
 34 the results of the physical performance test and submit a report  
 35 every two years, by December 31, to the Legislature and Governor  
 36 that standardizes the data, tracks the development of high-quality  
 37 fitness programs, and compares the performance of California's  
 38 pupils with national performance, to the extent that funding is  
 39 available.

1 (d) Pupils shall be provided with their individual results after  
2 completing the physical performance testing. The test results may  
3 be provided orally as the pupil completes the testing.

4 (e) The governing board of a school district shall report the  
5 aggregate results of its physical performance testing administered  
6 pursuant to this section in their annual school accountability report  
7 card required by Sections 33126 and 35256.

8 *SEC. 34. Section 66030 of the Education Code is amended to*  
9 *read:*

10 66030. (a) It is the intent of the Legislature that public higher  
11 education in California strive to provide educationally equitable  
12 environments ~~which~~ *that* give each Californian, regardless of ~~ethnic~~  
13 ~~origin, race, gender, age, disability, or economic circumstance~~ *the*  
14 *characteristics listed in Section 66270*, a reasonable opportunity  
15 to develop fully his or her potential.

16 (b) It is the responsibility of the governing boards of institutions  
17 of higher education to ensure and maintain multicultural learning  
18 environments free from all forms of discrimination and harassment,  
19 in accordance with state and federal law.

20 *SEC. 35. Section 66210 of the Education Code is amended to*  
21 *read:*

22 66210. (a) The Office of Emergency Services shall develop  
23 guidelines for campuses of the University of California and the  
24 California State University to use in developing emergency  
25 evacuation plans for all forms of student housing owned, operated,  
26 and offered by the university, both on campus and off campus. In  
27 developing the guidelines, the Office of Emergency Services shall  
28 consider Sections 3.09 and 3.13 of Title 19 of the California Code  
29 of Regulations. The guidelines shall address all of the following  
30 issues:

31 (1) Plan content. The plans should include, but need not be  
32 limited to, the following:

33 (A) Specific evacuation routes that recognize the needs of  
34 persons with special needs, such as ~~handicapped~~ persons *with*  
35 *disabilities*.

36 (B) The designation of a meeting place or places upon  
37 evacuation.

38 (C) The education of students and staff in emergency procedures.

39 (2) The implementation and maintenance of the evacuation plan  
40 by the Director of Student Housing, or other appropriate officer,

1 at the individual campuses. The director, or other appropriate  
2 officer, is responsible for scheduling periodic tests of the plan and  
3 implementing changes as needed.

4 (b) Each campus of the University of California and the  
5 California State University shall establish an emergency evacuation  
6 plan for its postsecondary student housing and may consult with  
7 the Office of Emergency Services for guidance in developing and  
8 establishing the plan.

9 ~~SEC. 18.~~

10 *SEC. 36.* Section 66250 of the Education Code is amended to  
11 read:

12 66250. This chapter shall be known, and may be cited, as the  
13 Equity in Higher Education Act.

14 ~~SEC. 19.~~

15 *SEC. 37.* Section 66251 of the Education Code is amended to  
16 read:

17 66251. It is the policy of the State of California to afford all  
18 persons, regardless of disability, gender, nationality, race or  
19 ethnicity, religion, sexual orientation, or any other ~~any~~ basis that  
20 is contained in the prohibition of hate crimes set forth in  
21 subdivision (a) of Section 422.6 of the Penal Code, equal rights  
22 and opportunities in the postsecondary institutions of the state.  
23 The purpose of this chapter is to prohibit acts that are contrary to  
24 that policy and to provide remedies therefor.

25 ~~SEC. 20.~~

26 *SEC. 38.* Section 66260.5 is added to the Education Code, to  
27 read:

28 66260.5. “Disability” includes mental and physical disability.

29 ~~SEC. 21.~~

30 *SEC. 39.* Section 66260.7 is added to the Education Code, to  
31 read:

32 66260.7. “Gender” means sex, and includes a person’s gender  
33 identity and gender related appearance and behavior whether or  
34 not stereotypically associated with the person’s assigned sex at  
35 birth.

36 ~~SEC. 22.~~

37 *SEC. 40.* Section 66261.5 is added to the Education Code, to  
38 read:

39 66261.5. “Nationality” includes citizenship, country of origin,  
40 and national origin.



1 ~~SEC. 23.~~

2 *SEC. 41.* Section 66261.7 is added to the Education Code, to  
3 read:

4 66261.7. “Race or ethnicity” includes ancestry, color, and  
5 ethnic background.

6 ~~SEC. 24.~~

7 *SEC. 42.* Section 66262 of the Education Code is repealed.

8 ~~SEC. 25.~~

9 *SEC. 43.* Section 66262 is added to the Education Code, to  
10 read:

11 66262. “Religion” includes all aspects of religious belief,  
12 observance, and practice and includes agnosticism and atheism.

13 ~~SEC. 26.~~

14 *SEC. 44.* Section 66262.7 is added to the Education Code, to  
15 read:

16 66262.7. “Sexual orientation” means heterosexuality,  
17 homosexuality, or bisexuality.

18 ~~SEC. 27.~~

19 *SEC. 45.* Section 66269 is added to the Education Code, to  
20 read:

21 66269. Disability, gender, nationality, race or ethnicity,  
22 religion, sexual orientation, or any other characteristic contained  
23 in the definition of hate crimes set forth in Section 422.55 of the  
24 Penal Code includes a perception that the person has any of those  
25 characteristics or that the person is associated with a person who  
26 has, or is perceived to have, any of those characteristics.

27 ~~SEC. 28.~~

28 *SEC. 46.* Section 66270 of the Education Code is amended to  
29 read:

30 66270. No person shall be subjected to discrimination on the  
31 basis of disability, gender, nationality, race or ethnicity, religion,  
32 sexual orientation, or any other characteristic that is contained in  
33 the prohibition of hate crimes set forth in subdivision (a) of Section  
34 422.6 of the Penal Code in any program or activity conducted by  
35 any postsecondary educational institution that receives, or benefits  
36 from, state financial assistance or enrolls students who receive  
37 state student financial aid.

38 *SEC. 47.* *Section 66270.5 of the Education Code is amended*  
39 *and renumbered to read:*

1     ~~66270.5.~~

2     66271. This chapter shall not apply to an educational institution  
3 that is controlled by a religious organization if the application  
4 would not be consistent with the religious tenets of that  
5 organization.

6     *SEC. 48. Section 66292 of the Education Code is amended to*  
7 *read:*

8     66292. (a) The governing board of a community college district  
9 shall have the primary responsibility for ensuring that community  
10 college district programs and activities are free from discrimination  
11 based on ~~ethnic group identification, religion, age, sex, color, or~~  
12 ~~physical or mental disability~~ *the characteristics listed in Section*  
13 *66270.*

14     (b) The Chancellor’s office of the California Community  
15 Colleges shall have responsibility for monitoring the compliance  
16 of each district with any and all regulations adopted pursuant to  
17 Section 11138 of the Government Code.

18     *SEC. 49. Section 66292.1 of the Education Code is amended*  
19 *to read:*

20     66292.1. The Chancellor of the California State University and  
21 the president of each California State University campus shall have  
22 the primary responsibility for ensuring that campus programs and  
23 activities are free from discrimination based on ~~ethnic group~~  
24 ~~identification, religion, age, sex, color, or physical or mental~~  
25 ~~disability~~ *the characteristics listed in Section 66270.*

26     *SEC. 50. Section 66292.2 of the Education Code is amended*  
27 *to read:*

28     66292.2. The President of the University of California and the  
29 chancellor of each University of California campus shall have  
30 primary responsibility for ensuring that campus programs and  
31 activities are free from discrimination based on ~~ethnic group~~  
32 ~~identification, religion, age, sex, color, or physical or mental~~  
33 ~~disability~~ *the characteristics listed in Section 66270.*

34     *SEC. 51. Section 69535 of the Education Code is amended to*  
35 *read:*

36     69535. (a) Cal Grant Program awards shall be based upon the  
37 financial need of the applicant. The level of financial need of each  
38 applicant shall be determined by the commission pursuant to  
39 Article 1.5 (commencing with Section 69503).

1 (b) For the applicants so qualifying, academic criteria or criteria  
2 related to past performances shall be utilized as the criteria in  
3 determining eligibility for grants.

4 (c) All Cal Grant Program award recipients shall be residents  
5 of California, as determined by the commission pursuant to Part  
6 41 (commencing with Section 68000), and shall remain eligible  
7 only if they are in attendance and making satisfactory progress  
8 through the instructional programs, as determined by the  
9 commission.

10 (d) Part-time students shall not be discriminated against in the  
11 selection of Cal Grant Program award recipients, and awards to  
12 part-time students shall be roughly proportional to the time spent  
13 in the instructional program, as determined by the commission.  
14 First-time Cal Grant Program award recipients who are part-time  
15 students shall be eligible for a full-time renewal award.

16 (e) Cal Grant Program awards shall be awarded without regard  
17 to ~~race, religion, creed, sex, or age~~ *the characteristics listed in*  
18 *Section 66270.*

19 (f) No applicant shall receive more than one type of Cal Grant  
20 Program award concurrently. Except as provided in subdivisions  
21 (b) and (c) of Section 69535.1, no applicant shall:

22 (1) Receive one or a combination of Cal Grant Program awards  
23 in excess of a total of four years of full-time attendance in an  
24 undergraduate program.

25 (2) Have obtained a baccalaureate degree prior to receiving a  
26 Cal Grant Program award, except as provided in Section 69540.

27 (g) Cal Grant Program awards, except as provided in subdivision  
28 (c) of Section 69535.1, may only be used for educational expenses  
29 of a program of study leading directly to an undergraduate degree  
30 or certificate, or for expenses of undergraduate coursework in a  
31 program of study leading directly to a first professional degree,  
32 but for which no baccalaureate degree is awarded.

33 (h) Commencing in 1999, the commission shall, for students  
34 who accelerate college attendance, increase the amount of award  
35 proportional to the period of additional attendance resulting from  
36 attendance in classes that fulfill requirements or electives for  
37 graduation during summer terms, sessions, or quarters. In the  
38 aggregate, the total amount a student may receive in a four-year  
39 period may not be increased as a result of accelerating his or her

1 progress to a degree by attending summer terms, sessions, or  
2 quarters.

3 (i) The commission shall notify Cal Grant award recipients of  
4 the availability of funding for the summer term, session, or quarter  
5 through prominent notice in financial aid award letters, materials,  
6 guides, electronic information, and other means that may include,  
7 but not be limited to, surveys, newspaper articles, or attachments  
8 to communications from the commission and any other published  
9 documents.

10 (j) The commission may provide by appropriate rules and  
11 regulations for reports, accounting, and statements from the award  
12 winner and college or university of attendance pertaining to the  
13 use or application of the award as the commission may deem  
14 proper.

15 (k) The commission may establish Cal Grant Program awards  
16 in one hundred dollar (\$100) increments.

17 (l) A Cal Grant Program award may be utilized only at the  
18 following institutions or programs:

19 (1) Any California private or independent postsecondary  
20 educational institution or program that participates in two of the  
21 three federal campus-based student aid programs and whose  
22 students participate in the Pell Grant program.

23 (2) Any nonprofit regionally accredited institution headquartered  
24 and operating in California that certifies to the commission that  
25 10 percent of the institution's operating budget, as demonstrated  
26 in an audited financial statement, is expended for the purposes of  
27 institutionally funded student financial aid in the form of grants  
28 and that demonstrates to the commission that it has the  
29 administrative capacity to administer the funds.

30 (3) Any California public postsecondary educational institution  
31 or program.

32 *SEC. 52. Section 72011 of the Education Code is amended to*  
33 *read:*

34 72011. Every community college district shall provide access  
35 to its services, classes, and programs without regard to ~~race,~~  
36 ~~religious creed, color, national origin, ancestry, handicap, or sex~~  
37 *the characteristics listed in Section 66270.*

38 *SEC. 53. Section 72012 of the Education Code is amended to*  
39 *read:*

1 72012. Every community college shall comply with Sections  
2 221.5, 221.7, and Section 66016, the *Equity in Higher Education*  
3 *Act as set forth in Chapter 4.5 (commencing with Section 66250)*  
4 *of Part 40 of Division 5, and other applicable laws* relating to sex  
5 discrimination.

6 *SEC. 54. Section 72013 of the Education Code is repealed.*

7 ~~72013. With respect to access to community college district  
8 services, classes, and programs, and with respect to all references  
9 within this division, “handicap” and “disability” shall have the  
10 same meaning.~~

11 *SEC. 55. Section 72014 of the Education Code is amended to*  
12 *read:*

13 72014. No funds under the control of a community college  
14 district shall ever be used for membership or for any participation  
15 involving a financial payment or contribution, on behalf of the  
16 district or any individual employed by or associated therewith, in  
17 any private organization whose membership practices are  
18 discriminatory on the basis of ~~race, creed, color, sex, religion, or~~  
19 ~~national origin~~ *the characteristics listed in Section 66270.* This  
20 section does not apply to any public funds ~~which~~ *that* have been  
21 paid to an individual officer or employee of the district as salary,  
22 or to any funds ~~which~~ *that* are used directly or indirectly for the  
23 benefit of student organizations.

24 *SEC. 56. Section 82305.6 of the Education Code is amended*  
25 *to read:*

26 82305.6. When the governing board of a community college  
27 district provides for the transportation of students to and from  
28 community colleges, the governing board of the district may require  
29 the parents and *legal* guardians of all or some of the students  
30 transported, to pay a portion of the cost of ~~such~~ *the* transportation  
31 in an amount determined by the governing board. The amount  
32 determined by the board shall be no greater than that paid for  
33 transportation on a common carrier or municipally owned transit  
34 system by other students in the district who do not use the  
35 transportation provided by the district. The governing board shall  
36 exempt from the charges students of parents and *legal* guardians  
37 who are indigent as set forth in rules and regulations adopted by  
38 the board. No charge under this section shall be made for the  
39 transportation of ~~handicapped~~ students *with disabilities*. Nothing  
40 in this section shall be construed to sanction, perpetuate, or promote

1 the racial or ethnic segregation of students in the community  
2 colleges.

3 *SEC. 57. Section 89757 of the Education Code is amended to*  
4 *read:*

5 89757. None of the funds enumerated in Section 89756, nor  
6 any of the funds of an auxiliary organization, shall ever be used  
7 by any university or college for membership or for any participation  
8 involving a financial payment or contribution, on behalf of the  
9 institution, or any individual employed by or associated therewith,  
10 in any private organization whose membership practices are  
11 discriminatory on the basis of ~~race, creed, color, sex, religion, or~~  
12 ~~national origin~~ *in the characteristics listed in Section 66270.* This  
13 section does not apply to any public funds ~~which~~ *that* have been  
14 paid to an individual employee or officer as salary, or to any funds  
15 ~~which~~ *that* are used directly or indirectly for the benefit of student  
16 organizations.

17 *SEC. 58. Section 92150 of the Education Code is amended to*  
18 *read:*

19 92150. No state funds under the control of an officer or  
20 employee of the University of California shall ever be used for  
21 membership or for any participation involving a financial payment  
22 or contribution, on behalf of the university, or any individual  
23 employed by or associated therewith, in any private organization  
24 whose membership practices are discriminatory on the basis of  
25 ~~race, creed, color, sex, religion, or national origin~~ *in the*  
26 *characteristics listed in Section 66270.* This section does not apply  
27 to any public funds ~~which~~ *that* have been paid to an individual  
28 employee or officer of the university as salary, or to any funds  
29 ~~which~~ *that* are used directly or indirectly for the benefit of student  
30 organizations.

31 *SEC. 59. Section 94600 of the Education Code is amended to*  
32 *read:*

33 94600. (a) The Office of Emergency Services shall develop  
34 guidelines for private colleges and universities to use in developing  
35 emergency evacuation plans for all forms of student housing  
36 owned, operated, and offered by private colleges and universities,  
37 both on campus and off campus. In developing the guidelines, the  
38 Office of Emergency Services shall consider Sections 3.09 and  
39 3.13 of Title 19 of the California Code of Regulations. The  
40 guidelines shall address all of the following issues:

1 (1) Plan content. The plans should include, but need not be  
2 limited to, the following:

3 (A) Specific evacuation routes that recognize the needs of  
4 persons with special needs, such as ~~handicapped~~ persons *with*  
5 *disabilities*.

6 (B) The designation of a meeting place or places upon  
7 evacuation.

8 (C) The education of students and staff in emergency procedures.

9 (2) The implementation and maintenance of the evacuation plan  
10 by the Director of Student Housing, or other appropriate officer,  
11 at individual campuses. The director, or other appropriate officer,  
12 is responsible for scheduling periodic tests of the plan and  
13 implementing changes as needed.

14 (b) Each private college or university shall establish an  
15 emergency evacuation plan for its postsecondary student housing  
16 and may consult with the Office of Emergency Services for  
17 guidance in developing and establishing the plan.