

AMENDED IN ASSEMBLY SEPTEMBER 6, 2007

AMENDED IN ASSEMBLY JULY 3, 2007

AMENDED IN SENATE MAY 10, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 777

Introduced by Senator Kuehl

(Coauthor: Assembly Member Jones)

February 23, 2007

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, 66270, 66292, 66292.1, 66292.2, 69535, 72011, 72012, 72014, 82305.6, 89757, 92150, and 94600 of, to amend and renumber Sections 220.5 and 66270.5 of, to amend, renumber, and add Section 210.1 of, to add Sections 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.

(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; ~~and 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.”

(3) *This bill would incorporate additional changes in Section 44253.3 of the Education Code, proposed by SB 859, to be operative only if SB 859 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

(4) *This bill would incorporate additional changes in Section 66270 of the Education Code, proposed by AB 14, to be operative only if AB 14 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

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

5 200. It is the policy of the State of California to afford all
6 persons in public schools, regardless of their disability, gender,

1 nationality, race or ethnicity, religion, sexual orientation, or any
2 other characteristic that is contained in the definition of hate crimes
3 set forth in Section 422.55 of the Penal Code, equal rights and
4 opportunities in the educational institutions of the state. The
5 purpose of this chapter is to prohibit acts that are contrary to that
6 policy and to provide remedies therefor.

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

9 210.3. “Educational institution” means a public or private
10 preschool, elementary, or secondary school or institution; the
11 governing board of a school district; or any combination of school
12 districts or counties recognized as the administrative agency for
13 public elementary or secondary schools.

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

15 210.1. “Disability” includes mental and physical disability as
16 defined in Section 12926 of the Government Code.

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

18 210.7. “Gender” means sex, and includes a person’s gender
19 identity and gender related appearance and behavior whether or
20 not stereotypically associated with the person’s assigned sex at
21 birth.

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

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

24 212. “Nationality” includes citizenship, country of origin, and
25 national origin.

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

27 212.1. “Race or ethnicity” includes ancestry, color, ethnic
28 group identification, and ethnic background.

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

30 212.3. “Religion” includes all aspects of religious belief,
31 observance, and practice and includes agnosticism and atheism.

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

33 212.6. “Sexual orientation” means heterosexuality,
34 homosexuality, or bisexuality.

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

36 219. Disability, gender, nationality, race or ethnicity, religion,
37 sexual orientation, or any other characteristic contained in the
38 definition of hate crimes set forth in Section 422.55 of the Penal
39 Code includes a perception that the person has any of those

1 characteristics or that the person is associated with a person who
2 has, or is perceived to have, any of those characteristics.

3 SEC. 11. Section 220 of the Education Code is amended to
4 read:

5 220. No person shall be subjected to discrimination on the basis
6 of disability, gender, nationality, race or ethnicity, religion, sexual
7 orientation, or any other characteristic that is contained in the
8 definition of hate crimes set forth in Section 422.55 of the Penal
9 Code in any program or activity conducted by an educational
10 institution that receives, or benefits from, state financial assistance
11 or enrolls pupils who receive state student financial aid.

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

14 221. This article shall not apply to an educational institution
15 that is controlled by a religious organization if the application
16 would not be consistent with the religious tenets of that
17 organization.

18 SEC. 13. Section 235 of the Education Code is amended to
19 read:

20 235. There shall be no discrimination on the basis of the
21 characteristics listed in Section 220 in any aspect of the operation
22 of alternative schools or charter schools.

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

25 260. The governing board of a school district shall have the
26 primary responsibility for ensuring that school district programs
27 and activities are free from discrimination based on age and the
28 characteristics listed in Section 220 and for monitoring compliance
29 with any and all rules and regulations promulgated pursuant to
30 Section 11138 of the Government Code.

31 SEC. 15. Section 14058 of the Education Code is amended to
32 read:

33 14058. (a) For all adults with disabilities educated by the
34 county superintendent of schools, for all secondary schools
35 maintained in juvenile halls, juvenile homes, and juvenile camps
36 by the county superintendent of schools, and for all pupils enrolled
37 in grades 9 to 12, inclusive, in opportunity schools and classes and
38 all continuation schools and classes maintained by the county
39 superintendent of schools, the Superintendent shall allow the same

1 amount as he or she would compute for the foundation program
2 of a high school district under Section 41712.

3 (b) Notwithstanding subdivision (a), the total of allowances for
4 education of adults with disabilities in classes established by the
5 county superintendent of schools pursuant to Section 52570 or
6 78440 shall not exceed fifty thousand dollars (\$50,000) in any one
7 fiscal year. The Superintendent shall establish a system of priorities
8 that he or she shall by rule or regulation adopt that shall give
9 highest priority to those counties in which no program or an
10 insufficient program for the education of adults with disabilities
11 is provided by the school districts within the county, in order to
12 comply with the limitation prescribed by this section.

13 SEC. 16. Section 18701 of the Education Code is amended to
14 read:

15 18701. The Legislature finds and declares that it is in the
16 interest of the people of the state to insure that all people have free
17 and convenient access to all library resources and services that
18 might enrich their lives, regardless of where they live or of the tax
19 base of their local government.

20 This finding is based on the recognition that:

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

24 (b) The expansion of knowledge and the increasing complexity
25 of our society create needs for materials and information that go
26 beyond the ability of any one library to provide.

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

31 (d) Public libraries are unable to bear the greater costs of
32 meeting the exceptional needs of many residents, including people
33 with disabilities, non-English-speaking and
34 limited-English-speaking persons, those who are confined to home
35 or in an institution, and those who are economically disadvantaged.

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

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

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

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

(a) “Academic library” means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.

(b) “Act” means the California Library Services Act.

(c) “Cooperative library system” means a public library system that consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and which, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to such a library system.

(d) “Direct loan” means the lending of a book or other item directly to a borrower.

(e) “Equal access” means the right of the residents of jurisdictions that are members of a cooperative library system to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.

(f) “Independent public library” means a public library not a member of a system.

(g) “Interlibrary loan” means the lending of a book or other item from one library to another as the result of a user request for the item.

(h) “Interlibrary reference” means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.

(i) “Jurisdiction” means a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library.

(j) “Libraries for institutionalized persons” means libraries maintained by institutions for the purpose of serving their resident populations.

(k) “Net imbalance” means the disproportionate cost incurred under universal borrowing or equal access when a library directly lends a greater number of items to users from outside its

1 jurisdiction than its residents directly borrow from libraries of
2 other jurisdictions.

3 (l) “Public library” means a library, or two or more libraries,
4 that is operated by a single public jurisdiction and that serves its
5 residents free of charge.

6 (m) “School library” means an organized collection of printed
7 and audiovisual materials that satisfies all of the following criteria:

8 (1) Is administered as a unit.

9 (2) Is located in a designated place.

10 (3) Makes printed, audiovisual, and other materials as well as
11 necessary equipment and services of a staff accessible to
12 elementary and secondary school pupils and teachers.

13 (n) “Special library” means one maintained by an association,
14 government service, research institution, learned society,
15 professional association, museum, business firm, industrial
16 enterprise, chamber of commerce, or other organized group, the
17 greater part of their collections being in a specific field or subject,
18 e.g., natural sciences, economics, engineering, law, and history.

19 (o) “Special Services Programs” means a project establishing
20 or improving service to the underserved of all ages.

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

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

23 (r) “Underserved” means any population segment with
24 exceptional service needs not adequately met by traditional library
25 service patterns; including, but not limited to, those persons who
26 are geographically isolated, economically disadvantaged,
27 functionally illiterate, of non-English-speaking or
28 limited-English-speaking ability, shut-in, or institutionalized, or
29 who are persons with disabilities.

30 (s) “Universal borrowing” means the extension by a public
31 library of its direct loan privileges to the eligible borrowers of all
32 other public libraries.

33 SEC. 18. Section 18720 of the Education Code is amended to
34 read:

35 18720. (a) There is hereby established in the state government
36 the California Library Services Board, to consist of 13 members.
37 The Governor shall appoint nine members of the board. Three of
38 the Governor's appointments shall be representative of laypersons,
39 one of whom shall represent people with disabilities, one of whom

1 shall represent limited- and non-English-speaking persons, and
2 one of whom shall represent economically disadvantaged persons.

3 (b) The Governor shall also appoint six members of the board,
4 each of whom shall represent one of the following categories:
5 school libraries, libraries for institutionalized persons, public library
6 trustees or commissioners, public libraries, special libraries, and
7 academic libraries.

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

13 (d) The terms of office of members of the board shall be for
14 four years and shall begin on January 1 of the year in which the
15 respective terms are to start.

16 SEC. 19. Section 19323 of the Education Code is amended to
17 read:

18 19323. The State Librarian shall make available on a loan basis
19 to legally blind persons, or to persons with a disability that prevents
20 them from reading conventional printed materials, in the state tape
21 recordings of books and other related materials. The tape recordings
22 shall be selected by the State Library on the same basis as the State
23 Library's general program for providing library materials to legally
24 blind readers.

25 SEC. 20. Section 35316 of the Education Code is amended to
26 read:

27 35316. An applicant for a loan from the fund shall make
28 application therefor in accordance with reasonable rules and
29 regulations established by the governing board of the school
30 district, provided that the rules and regulations shall not include
31 any conditions limiting eligibility on account of the characteristics
32 listed in Section 220.

33 SEC. 21. Section 35351 of the Education Code is amended to
34 read:

35 35351. No public school pupil shall be assigned to or be
36 required to attend a particular school because of the characteristics
37 listed in Section 220.

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

1 39830. A schoolbus is any motor vehicle designed, used, or
2 maintained for the transportation of a school pupil at or below the
3 grade 12 level to or from a public or private school or to or from
4 public or private school activities, except the following:

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

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

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

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

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

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

1 SEC. 23. Section 44253.2 of the Education Code is amended
2 to read:

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

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

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

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

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

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

21 (1) The nature and content of culture.

22 (2) Cross cultural contact and interactions.

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

24 (4) Approaches to providing instruction responsive to the
25 diversity of the pupil population.

26 (5) Recognizing and responding to behavior related to bias based
27 on the characteristics listed in Section 220.

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

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

31 44253.3. (a) The commission shall issue a certificate that
32 authorizes the holder to provide all of the following services to
33 limited-English-proficient pupils:

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

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

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

14 (b) The minimum requirements for the certificate shall include
15 all of the following:

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

22 (A) Emergency credentials or permits.

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

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

25 (D) Sojourn certificated employee credentials as specified in
26 Section 44856.

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

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

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

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

- (1) The nature and content of culture.
- (2) Crosscultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Providing instruction responsive to the diversity of the pupil population.

(5) Recognizing and responding to behavior related to bias based on the characteristics listed in Section 220.

(6) Techniques for the peaceful resolution of conflict.

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

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

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

SEC. 24.5. Section 44253.3 of the Education Code is amended to read:

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

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children's center instructional permit pursuant to Sections 8363 and 44252.7, a children's center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children's center

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

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

12 (b) The minimum requirements for the certificate shall include
13 all of the following:

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

20 (A) Emergency credentials or permits.

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

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

23 (D) Sojourn certificated employee credentials as specified in
24 Section 44856.

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

27 (2) Passage of one or more examinations that the commission
28 determines are necessary for demonstrating the knowledge and
29 skills required for effective delivery of the services authorized by
30 the certificate.

31 (3) Completion of at least six semester units, or nine quarter
32 units, of coursework in a second language at a regionally accredited
33 institution of postsecondary education. The commission shall
34 establish minimum standards for scholarship in the required
35 coursework. The commission shall also establish alternative ways
36 in which the requirement can be satisfied by language-learning
37 experience that creates an awareness of the challenges of
38 second-language acquisition and development.

39 (c) Completion of coursework in human relations in accordance
40 with the commission's standards of program quality and

effectiveness that includes, at a minimum, instruction in the following:

- (1) The nature and content of culture.
- (2) Crosscultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Providing instruction responsive to the diversity of the pupil population.
- (5) Recognizing and responding to behavior related to bias based on ~~race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation~~ *the characteristics listed in Section 220.*

(6) Techniques for the peaceful resolution of conflict.

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

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

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

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

44866. The qualifications of a home instructor of pupils with physical disabilities shall be a valid teaching credential or a credential authorizing the teaching of exceptional children in an area of specialized preparation issued by the state board, or the Commission on Teacher Credentialing.

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

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

1 SEC. 27. Section 47605 of the Education Code is amended to
2 read:

3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within any school district
5 may be circulated by any one or more persons seeking to establish
6 the charter school. A petition for the establishment of a charter
7 school shall identify a single charter school that will operate within
8 the geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district,
10 as long as each location is identified in the charter school petition.
11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions are met:

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

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

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

29 (3) A petition shall include a prominent statement that a
30 signature on the petition means that the parent or legal guardian
31 is meaningfully interested in having his or her child or ward attend
32 the charter school, or in the case of a teacher's signature, means
33 that the teacher is meaningfully interested in teaching at the charter
34 school. The proposed charter shall be attached to the petition.

35 (4) After receiving approval of its petition, a charter school that
36 proposes to establish operations at one or more additional sites
37 shall request a material revision to its charter and shall notify the
38 authority that granted its charter of those additional locations. The
39 authority that granted its charter shall consider whether to approve
40 those additional locations at an open, public meeting. If the

1 additional locations are approved, they shall be a material revision
2 to the charter school's charter.

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

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

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

18 (6) Commencing January 1, 2003, a petition to establish a charter
19 school may not be approved to serve pupils in a grade level that
20 is not served by the school district of the governing board
21 considering the petition, unless the petition proposes to serve pupils
22 in all of the grade levels served by that school district.

23 (b) No later than 30 days after receiving a petition, in accordance
24 with subdivision (a), the governing board of the school district
25 shall hold a public hearing on the provisions of the charter, at
26 which time the governing board of the school district shall consider
27 the level of support for the petition by teachers employed by the
28 district, other employees of the district, and parents. Following
29 review of the petition and the public hearing, the governing board
30 of the school district shall either grant or deny the charter within
31 60 days of receipt of the petition, provided, however, that the date
32 may be extended by an additional 30 days if both parties agree to
33 the extension. In reviewing petitions for the establishment of
34 charter schools pursuant to this section, the chartering authority
35 shall be guided by the intent of the Legislature that charter schools
36 are and should become an integral part of the California educational
37 system and that establishment of charter schools should be
38 encouraged. The governing board of the school district shall grant
39 a charter for the operation of a school under this part if it is satisfied
40 that granting the charter is consistent with sound educational

1 practice. The governing board of the school district shall not deny
2 a petition for the establishment of a charter school unless it makes
3 written factual findings, specific to the particular petition, setting
4 forth specific facts to support one or more of the following
5 findings:

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

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

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

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

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

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

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

32 (B) The measurable pupil outcomes identified for use by the
33 charter school. “Pupil outcomes,” for purposes of this part, means
34 the extent to which all pupils of the school demonstrate that they
35 have attained the skills, knowledge, and attitudes specified as goals
36 in the school’s educational program.

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

1 (D) The governance structure of the school, including, but not
2 limited to, the process to be followed by the school to ensure
3 parental involvement.

4 (E) The qualifications to be met by individuals to be employed
5 by the school.

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

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

14 (H) Admission requirements, if applicable.

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

20 (J) The procedures by which pupils can be suspended or
21 expelled.

22 (K) The manner by which staff members of the charter schools
23 will be covered by the State Teachers' Retirement System, the
24 Public Employees' Retirement System, or federal social security.

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

27 (M) A description of the rights of any employee of the school
28 district upon leaving the employment of the school district to work
29 in a charter school, and of any rights of return to the school district
30 after employment at a charter school.

31 (N) The procedures to be followed by the charter school and
32 the entity granting the charter to resolve disputes relating to
33 provisions of the charter.

34 (O) A declaration whether or not the charter school shall be
35 deemed the exclusive public school employer of the employees of
36 the charter school for the purposes of the Educational Employment
37 Relations Act (Chapter 10.7 (commencing with Section 3540) of
38 Division 4 of Title 1 of the Government Code).

39 (P) A description of the procedures to be used if the charter
40 school closes. The procedures shall ensure a final audit of the

1 school to determine the disposition of all assets and liabilities of
2 the charter school, including plans for disposing of any net assets
3 and for the maintenance and transfer of pupil records.

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

9 (2) Charter schools shall, on a regular basis, consult with their
10 parents, legal guardians, and teachers regarding the school's
11 educational programs.

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

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

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

34 (C) In the event of a drawing, the chartering authority shall
35 make reasonable efforts to accommodate the growth of the charter
36 school and, in no event, shall take any action to impede the charter
37 school from expanding enrollment to meet pupil demand.

38 (3) If a pupil is expelled or leaves the charter school without
39 graduating or completing the school year for any reason, the charter
40 school shall notify the superintendent of the school district of the

1 pupil's last known address within 30 days, and shall, upon request,
2 provide that school district with a copy of the cumulative record
3 of the pupil, including a transcript of grades or report card, and
4 health information. This paragraph applies only to pupils subject
5 to compulsory full-time education pursuant to Section 48200.

6 (e) The governing board of a school district shall not require
7 any employee of the school district to be employed in a charter
8 school.

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

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

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

30 (i) Upon the approval of the petition by the governing board of
31 the school district, the petitioner or petitioners shall provide written
32 notice of that approval, including a copy of the petition, to the
33 applicable county superintendent of schools, the department, and
34 the state board.

35 (j) (1) If the governing board of a school district denies a
36 petition, the petitioner may elect to submit the petition for the
37 establishment of a charter school to the county board of education.
38 The county board of education shall review the petition pursuant
39 to subdivision (b). If the petitioner elects to submit a petition for
40 establishment of a charter school to the county board of education

1 and the county board of education denies the petition, the petitioner
2 may file a petition for establishment of a charter school with the
3 state board, and the state board may approve the petition, in
4 accordance with subdivision (b). Any charter school that receives
5 approval of its petition from a county board of education or from
6 the state board on appeal shall be subject to the same requirements
7 concerning geographic location that it would otherwise be subject
8 to if it receives approval from the entity to whom it originally
9 submits its petition. A charter petition that is submitted to either
10 a county board of education or to the state board shall meet all
11 otherwise applicable petition requirements, including the
12 identification of the proposed site or sites where the charter school
13 will operate.

14 (2) In assuming its role as a chartering agency, the state board
15 shall develop criteria to be used for the review and approval of
16 charter school petitions presented to the state board. The criteria
17 shall address all elements required for charter approval, as
18 identified in subdivision (b) and shall define “reasonably
19 comprehensive” as used in paragraph (5) of subdivision (b) in a
20 way that is consistent with the intent of this part. Upon satisfactory
21 completion of the criteria, the state board shall adopt the criteria
22 on or before June 30, 2001.

23 (3) A charter school for which a charter is granted by either the
24 county board of education or the state board based on an appeal
25 pursuant to this subdivision shall qualify fully as a charter school
26 for all funding and other purposes of this part.

27 (4) If either the county board of education or the state board
28 fails to act on a petition within 120 days of receipt, the decision
29 of the governing board of the school district, to deny a petition
30 shall, thereafter, be subject to judicial review.

31 (5) The state board shall adopt regulations implementing this
32 subdivision.

33 (6) Upon the approval of the petition by the county board of
34 education, the petitioner or petitioners shall provide written notice
35 of that approval, including a copy of the petition to the department
36 and the state board.

37 (k) (1) The state board may, by mutual agreement, designate
38 its supervisorial and oversight responsibilities for a charter school
39 approved by the state board to any local education agency in the

1 county in which the charter school is located or to the governing
2 board of the school district that first denied the petition.

3 (2) The designated local education agency shall have all
4 monitoring and supervising authority of a chartering agency,
5 including, but not limited to, powers and duties set forth in Section
6 47607, except the power of revocation, which shall remain with
7 the state board.

8 (3) A charter school that has been granted its charter through
9 an appeal to the state board and elects to seek renewal of its charter
10 shall, prior to expiration of the charter, submit its petition for
11 renewal to the governing board of the school district that initially
12 denied the charter. If the governing board of the school district
13 denies the school's petition for renewal, the school may petition
14 the state board for renewal of its charter.

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

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

33 SEC. 28. Section 51004 of the Education Code is amended to
34 read:

35 51004. The Legislature hereby recognizes that it is the policy
36 of the people of the State of California to provide an educational
37 opportunity to the end that every pupil leaving school shall have
38 the opportunity to be prepared to enter the world of work; that
39 every pupil who graduates from any state-supported educational
40 institution should have sufficient marketable skills for legitimate

1 remunerative employment; that every qualified and eligible adult
2 citizen shall be afforded an educational opportunity to become
3 suitably employed in some remunerative field of employment; and
4 that these opportunities are a right to be enjoyed without regard
5 to economic status or the characteristics listed in Section 220.

6 The Legislature further recognizes that all pupils need to be
7 provided with opportunities to explore and make career choices
8 and to seek appropriate instruction and training to support those
9 choices. The Legislature therefore finds that fairs as community
10 resource and youth leadership activities are integral to assisting
11 and guiding pupils in making choices and therefore encourage the
12 further expansion of cooperative activities between schools, youth
13 leadership activities, and community resources. Among community
14 resources of particular significance in providing information on
15 various career opportunities are vocational and occupational
16 exhibits, demonstrations and activities conducted at fairs.

17 SEC. 29. Section 51500 of the Education Code is amended to
18 read:

19 51500. No teacher shall give instruction nor shall a school
20 district sponsor any activity that promotes a discriminatory bias
21 because of a characteristic listed in Section 220.

22 ~~SEC. 30. Section 51501 of the Education Code is amended to~~
23 ~~read:~~

24 ~~51501. No textbook or other instructional materials shall be~~
25 ~~adopted by the state board or by any governing board for use in~~
26 ~~the public schools that promotes a discriminatory bias because of~~
27 ~~a characteristic listed in Section 220.~~

28 ~~SEC. 31.~~

29 SEC. 30. Section 51802 of the Education Code is amended to
30 read:

31 51802. (a) The governing board of a school district maintaining
32 a home teaching program, or providing home instruction as
33 authorized by law for pupils with disabilities, may provide home
34 teaching or instruction on Saturday.

35 (b) No pupil shall be required to attend a home teaching program
36 or home instruction on Saturday without the consent of his or her
37 parent or legal guardian.

38 ~~SEC. 32. Section 60044 of the Education Code is amended to~~
39 ~~read:~~

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

~~(a) Any matter that promotes a discriminatory bias because of occupation or a characteristic listed in Section 220.~~

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

~~SEC. 33.~~

SEC. 31. Section 60800 of the Education Code is amended to read:

60800. (a) During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board. Each pupil with a physical disability and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.

(b) Upon request of the department, a school district shall submit to the department, at least once every two years, the results of its physical performance testing.

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

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

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

~~SEC. 34.~~

SEC. 32. Section 66030 of the Education Code is amended to read:

66030. (a) It is the intent of the Legislature that public higher education in California strive to provide educationally equitable environments that give each Californian, regardless of age, economic circumstance, or the characteristics listed in Section

1 66270, a reasonable opportunity to develop fully his or her
2 potential.

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

7 ~~SEC. 35.~~

8 *SEC. 33.* Section 66210 of the Education Code is amended to
9 read:

10 66210. (a) The Office of Emergency Services shall develop
11 guidelines for campuses of the University of California and the
12 California State University to use in developing emergency
13 evacuation plans for all forms of student housing owned, operated,
14 and offered by the university, both on campus and off campus. In
15 developing the guidelines, the Office of Emergency Services shall
16 consider Sections 3.09 and 3.13 of Title 19 of the California Code
17 of Regulations. The guidelines shall address all of the following
18 issues:

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

21 (A) Specific evacuation routes that recognize the needs of
22 persons with special needs, such as persons with disabilities.

23 (B) The designation of a meeting place or places upon
24 evacuation.

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

26 (2) The implementation and maintenance of the evacuation plan
27 by the Director of Student Housing, or other appropriate officer,
28 at the individual campuses. The director, or other appropriate
29 officer, is responsible for scheduling periodic tests of the plan and
30 implementing changes as needed.

31 (b) Each campus of the University of California and the
32 California State University shall establish an emergency evacuation
33 plan for its postsecondary student housing and may consult with
34 the Office of Emergency Services for guidance in developing and
35 establishing the plan.

36 ~~SEC. 36.~~

37 *SEC. 34.* Section 66250 of the Education Code is amended to
38 read:

39 66250. This chapter shall be known, and may be cited, as the
40 Equity in Higher Education Act.

1 ~~SEC. 37.~~

2 *SEC. 35.* Section 66251 of the Education Code is amended to
3 read:

4 66251. It is the policy of the State of California to afford all
5 persons, regardless of disability, gender, nationality, race or
6 ethnicity, religion, sexual orientation, or any other basis that is
7 contained in the prohibition of hate crimes set forth in subdivision
8 (a) of Section 422.6 of the Penal Code, equal rights and
9 opportunities in the postsecondary institutions of the state. The
10 purpose of this chapter is to prohibit acts that are contrary to that
11 policy and to provide remedies therefor.

12 ~~SEC. 38.~~

13 *SEC. 36.* Section 66260.5 is added to the Education Code, to
14 read:

15 66260.5. “Disability” includes mental and physical disability
16 as defined in Section 12926 of the Government Code.

17 ~~SEC. 39.~~

18 *SEC. 37.* Section 66260.7 is added to the Education Code, to
19 read:

20 66260.7. “Gender” means sex, and includes a person’s gender
21 identity and gender related appearance and behavior whether or
22 not stereotypically associated with the person’s assigned sex at
23 birth.

24 ~~SEC. 40.~~

25 *SEC. 38.* Section 66261.5 is added to the Education Code, to
26 read:

27 66261.5. “Nationality” includes citizenship, country of origin,
28 and national origin.

29 ~~SEC. 41.~~

30 *SEC. 39.* Section 66261.7 is added to the Education Code, to
31 read:

32 66261.7. “Race or ethnicity” includes ancestry, color, ethnic
33 group identification, and ethnic background.

34 ~~SEC. 42.~~

35 *SEC. 40.* Section 66262 of the Education Code is repealed.

36 ~~SEC. 43.~~

37 *SEC. 41.* Section 66262 is added to the Education Code, to
38 read:

39 66262. “Religion” includes all aspects of religious belief,
40 observance, and practice and includes agnosticism and atheism.

~~SEC. 44.~~

SEC. 42. Section 66262.7 is added to the Education Code, to read:

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

~~SEC. 45.~~

SEC. 43. Section 66269 is added to the Education Code, to read:

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

~~SEC. 46.~~

SEC. 44. Section 66270 of the Education Code is amended to read:

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

SEC. 44.5. *Section 66270 of the Education Code is amended to read:*

66270. No person shall be subjected to discrimination on the basis of ~~sex, ethnic group identification, race, national origin, religion, color, or mental or physical disability, or any basis~~ *disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code or any other characteristic* that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

1 ~~SEC. 47.~~

2 *SEC. 45.* Section 66270.5 of the Education Code is amended
3 and renumbered to read:

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

8 ~~SEC. 48.~~

9 *SEC. 46.* Section 66292 of the Education Code is amended to
10 read:

11 66292. (a) The governing board of a community college district
12 shall have the primary responsibility for ensuring that community
13 college district programs and activities are free from discrimination
14 based on age and the characteristics listed in Section 66270.

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

19 ~~SEC. 49.~~

20 *SEC. 47.* Section 66292.1 of the Education Code is amended
21 to read:

22 66292.1. The Chancellor of the California State University and
23 the president of each California State University campus shall have
24 the primary responsibility for ensuring that campus programs and
25 activities are free from discrimination based on age and the
26 characteristics listed in Section 66270.

27 ~~SEC. 50.~~

28 *SEC. 48.* Section 66292.2 of the Education Code is amended
29 to read:

30 66292.2. The President of the University of California and the
31 chancellor of each University of California campus shall have
32 primary responsibility for ensuring that campus programs and
33 activities are free from discrimination based on age and the
34 characteristics listed in Section 66270.

35 ~~SEC. 51.~~

36 *SEC. 49.* Section 69535 of the Education Code is amended to
37 read:

38 69535. (a) Cal Grant Program awards shall be based upon the
39 financial need of the applicant. The level of financial need of each

1 applicant shall be determined by the commission pursuant to
2 Article 1.5 (commencing with Section 69503).

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

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

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

18 (e) Cal Grant Program awards shall be awarded without regard
19 to age or the characteristics listed in Section 66270.

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

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

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

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

34 (h) Commencing in 1999, the commission shall, for students
35 who accelerate college attendance, increase the amount of award
36 proportional to the period of additional attendance resulting from
37 attendance in classes that fulfill requirements or electives for
38 graduation during summer terms, sessions, or quarters. In the
39 aggregate, the total amount a student may receive in a four-year
40 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:~~

33 *SEC. 50.* Section 72011 of the Education Code is amended to
34 read:

35 72011. Every community college district shall provide access
36 to its services, classes, and programs without regard to the
37 characteristics listed in Section 66270.

38 ~~SEC. 53:~~

39 *SEC. 51.* Section 72012 of the Education Code is amended to
40 read:

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

5 ~~SEC. 54.~~

6 *SEC. 52.* Section 72013 of the Education Code is repealed.

7 ~~SEC. 55.~~

8 *SEC. 53.* Section 72014 of the Education Code is amended to
9 read:

10 72014. No funds under the control of a community college
11 district shall ever be used for membership or for any participation
12 involving a financial payment or contribution, on behalf of the
13 district or any individual employed by or associated therewith, in
14 any private organization whose membership practices are
15 discriminatory on the basis of the characteristics listed in Section
16 66270. This section does not apply to any public funds that have
17 been paid to an individual officer or employee of the district as
18 salary, or to any funds that are used directly or indirectly for the
19 benefit of student organizations.

20 ~~SEC. 56.~~

21 *SEC. 54.* Section 82305.6 of the Education Code is amended
22 to read:

23 82305.6. When the governing board of a community college
24 district provides for the transportation of students to and from
25 community colleges, the governing board of the district may require
26 the parents and legal guardians of all or some of the students
27 transported, to pay a portion of the cost of the transportation in an
28 amount determined by the governing board. The amount
29 determined by the board shall be no greater than that paid for
30 transportation on a common carrier or municipally owned transit
31 system by other students in the district who do not use the
32 transportation provided by the district. The governing board shall
33 exempt from the charges students of parents and legal guardians
34 who are indigent as set forth in rules and regulations adopted by
35 the board. No charge under this section shall be made for the
36 transportation of students with disabilities. Nothing in this section
37 shall be construed to sanction, perpetuate, or promote the racial
38 or ethnic segregation of students in the community colleges.

1 ~~SEC. 57.~~

2 *SEC. 55.* Section 89757 of the Education Code is amended to
3 read:

4 89757. None of the funds enumerated in Section 89756, nor
5 any of the funds of an auxiliary organization, shall ever be used
6 by any university or college for membership or for any participation
7 involving a financial payment or contribution, on behalf of the
8 institution, or any individual employed by or associated therewith,
9 in any private organization whose membership practices are
10 discriminatory on the basis of the characteristics listed in Section
11 66270. This section does not apply to any public funds that have
12 been paid to an individual employee or officer as salary, or to any
13 funds that are used directly or indirectly for the benefit of student
14 organizations.

15 ~~SEC. 58.~~

16 *SEC. 56.* Section 92150 of the Education Code is amended to
17 read:

18 92150. No state funds under the control of an officer or
19 employee of the University of California shall ever be used for
20 membership or for any participation involving a financial payment
21 or contribution, on behalf of the university, or any individual
22 employed by or associated therewith, in any private organization
23 whose membership practices are discriminatory on the basis of
24 the characteristics listed in Section 66270. This section does not
25 apply to any public funds that have been paid to an individual
26 employee or officer of the university as salary, or to any funds that
27 are used directly or indirectly for the benefit of student
28 organizations.

29 ~~SEC. 59.~~

30 *SEC. 57.* Section 94600 of the Education Code is amended to
31 read:

32 94600. (a) The Office of Emergency Services shall develop
33 guidelines for private colleges and universities to use in developing
34 emergency evacuation plans for all forms of student housing
35 owned, operated, and offered by private colleges and universities,
36 both on campus and off campus. In developing the guidelines, the
37 Office of Emergency Services shall consider Sections 3.09 and
38 3.13 of Title 19 of the California Code of Regulations. The
39 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 persons with disabilities.

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

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

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

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

17 *SEC. 58. Section 24.5 of this bill incorporates amendments to*
18 *Section 44253.3 of the Education Code proposed by both this bill*
19 *and SB 859. It shall only become operative if (1) both bills are*
20 *enacted and become effective on or before January 1, 2008, (2)*
21 *each bill amends Section 44253.3 of the Education Code, and (3)*
22 *this bill is enacted after SB 859, in which case Section 24 of this*
23 *bill shall not become operative.*

24 *SEC. 59. Section 44.5 of this bill incorporates amendments to*
25 *Section 66270 of the Education Code proposed by both this bill*
26 *and AB 14. It shall only become operative if (1) both bills are*
27 *enacted and become effective on or before January 1, 2008, (2)*
28 *each bill amends Section 66270 of the Education Code, and (3)*
29 *this bill is enacted after AB 14, in which case Section 44 of this*
30 *bill shall not become operative.*