

AMENDED IN SENATE JUNE 6, 2016
AMENDED IN ASSEMBLY JANUARY 4, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1084

Introduced by Assembly Member Bonilla

February 27, 2015

An act to ~~amend Section 4996.18 of the Business and Professions Code~~ add Section 47604.2 to the Education Code, relating to ~~social workers~~ charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1084, as amended, Bonilla. ~~Social workers: examination. Charter schools: for-profit entities.~~

Existing law, the Charter Schools Act of 1992, authorizes a charter school to elect to operate as, or be operated by, a nonprofit public benefit corporation, as specified.

This bill, commencing with the 2017–18 school year and each school year thereafter, would do both of the following: (1) prohibit a virtual or online charter school, as defined, from being owned or operated by, or operated as, a for-profit entity; and (2) prohibit a nonprofit online charter school, nonprofit charter virtual academy, and a nonprofit entity that operates an online or virtual charter school from contracting with a for-profit entity for the provision of instructional services.

~~The Clinical Social Worker Practice Act provides for the licensure and regulation of clinical social workers by the Board of Behavioral Sciences within the Department of Consumer Affairs. The act requires an applicant for licensure to, among other things, have at least 3,200 hours of post-master's degree supervised experience providing social~~

~~work services. The act requires an applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by a specified accrediting body, to register with the board as an associate clinical social worker in order to gain the required experience in social work services; however, the act prohibits that applicant from being eligible for examination for licensure until the school or department of social work receives accreditation. On and after January 1, 2016, an applicant for licensure under the act is required to pass 2 examinations, a California law and ethics examination and a clinical examination.~~

~~This bill would, instead, prohibit an applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation, from taking only the clinical examination until the school or department receives the accreditation.~~

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

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

- 1 SECTION 1. Section 47604.2 is added to the Education Code,
- 2 to read:
- 3 47604.2. Notwithstanding any other law, commencing with the
- 4 2017–18 school year, and each school year thereafter:
- 5 (a) A virtual or online charter school shall not be owned or
- 6 operated by, or operated as, a for-profit entity. For purposes of
- 7 this section, “virtual or online charter school” means a charter
- 8 school in which at least 80 percent of teaching and pupil
- 9 interaction occurs via the Internet.
- 10 (b) A nonprofit online charter school, nonprofit charter virtual
- 11 academy, or a nonprofit entity that operates an online or virtual
- 12 charter school shall not contract with a for-profit entity for the
- 13 provision of instructional services.
- 14 SECTION 1. ~~Section 4996.18 of the Business and Professions~~
- 15 Code is amended to read:
- 16 4996.18. ~~(a) A person who wishes to be credited with~~
- 17 ~~experience toward licensure requirements shall register with the~~
- 18 ~~board as an associate clinical social worker prior to obtaining that~~
- 19 ~~experience. The application shall be made on a form prescribed~~
- 20 ~~by the board.~~

1 ~~(b) An applicant for registration shall satisfy the following~~
2 ~~requirements:~~

3 ~~(1) Possess a master's degree from an accredited school or~~
4 ~~department of social work.~~

5 ~~(2) Have committed no crimes or acts constituting grounds for~~
6 ~~denial of licensure under Section 480.~~

7 ~~(3) Commencing January 1, 2014, have completed training or~~
8 ~~coursework, which may be embedded within more than one course,~~
9 ~~in California law and professional ethics for clinical social workers,~~
10 ~~including instruction in all of the following areas of study:~~

11 ~~(A) Contemporary professional ethics and statutes, regulations,~~
12 ~~and court decisions that delineate the scope of practice of clinical~~
13 ~~social work.~~

14 ~~(B) The therapeutic, clinical, and practical considerations~~
15 ~~involved in the legal and ethical practice of clinical social work,~~
16 ~~including, but not limited to, family law.~~

17 ~~(C) The current legal patterns and trends in the mental health~~
18 ~~professions.~~

19 ~~(D) The psychotherapist-patient privilege, confidentiality,~~
20 ~~dangerous patients, and the treatment of minors with and without~~
21 ~~parental consent.~~

22 ~~(E) A recognition and exploration of the relationship between~~
23 ~~a practitioner's sense of self and human values, and his or her~~
24 ~~professional behavior and ethics.~~

25 ~~(F) Differences in legal and ethical standards for different types~~
26 ~~of work settings.~~

27 ~~(G) Licensing law and process.~~

28 ~~(e) An applicant who possesses a master's degree from a school~~
29 ~~or department of social work that is a candidate for accreditation~~
30 ~~by the Commission on Accreditation of the Council on Social~~
31 ~~Work Education shall be eligible, and shall be required, to register~~
32 ~~as an associate clinical social worker in order to gain experience~~
33 ~~toward licensure if the applicant has not committed any crimes or~~
34 ~~acts that constitute grounds for denial of licensure under Section~~
35 ~~480. That applicant shall not, however, be eligible to take the~~
36 ~~clinical examination until the school or department of social work~~
37 ~~has received accreditation by the Commission on Accreditation~~
38 ~~of the Council on Social Work Education.~~

39 ~~(d) All applicants and registrants shall be at all times under the~~
40 ~~supervision of a supervisor who shall be responsible for ensuring~~

1 that the extent, kind, and quality of counseling performed is
2 consistent with the training and experience of the person being
3 supervised, and who shall be responsible to the board for
4 compliance with all laws, rules, and regulations governing the
5 practice of clinical social work.

6 (e) Any experience obtained under the supervision of a spouse
7 or relative by blood or marriage shall not be credited toward the
8 required hours of supervised experience. Any experience obtained
9 under the supervision of a supervisor with whom the applicant has
10 a personal relationship that undermines the authority or
11 effectiveness of the supervision shall not be credited toward the
12 required hours of supervised experience.

13 (f) An applicant who possesses a master's degree from an
14 accredited school or department of social work shall be able to
15 apply experience the applicant obtained during the time the
16 accredited school or department was in candidacy status by the
17 Commission on Accreditation of the Council on Social Work
18 Education toward the licensure requirements, if the experience
19 meets the requirements of Section 4996.23. This subdivision shall
20 apply retroactively to persons who possess a master's degree from
21 an accredited school or department of social work and who
22 obtained experience during the time the accredited school or
23 department was in candidacy status by the Commission on
24 Accreditation of the Council on Social Work Education.

25 (g) An applicant for registration or licensure trained in an
26 educational institution outside the United States shall demonstrate
27 to the satisfaction of the board that he or she possesses a master's
28 of social work degree that is equivalent to a master's degree issued
29 from a school or department of social work that is accredited by
30 the Commission on Accreditation of the Council on Social Work
31 Education. These applicants shall provide the board with a
32 comprehensive evaluation of the degree and shall provide any
33 other documentation the board deems necessary. The board has
34 the authority to make the final determination as to whether a degree
35 meets all requirements, including, but not limited to, course
36 requirements regardless of evaluation or accreditation.

37 (h) A registrant shall not provide clinical social work services
38 to the public for a fee, monetary or otherwise, except as an
39 employee.

- 1 ~~(i) A registrant shall inform each client or patient prior to~~
- 2 ~~performing any professional services that he or she is unlicensed~~
- 3 ~~and is under the supervision of a licensed professional.~~

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