

California schoolnews

Weekly Update

March 29, 2023

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CSBA Legislative Committee takes positions on key 2023 bills



CSBA's Legislative Committee met in March and April to consider and take positions on new education legislation. As bill hearings begin, **the committee has taken positions on 34 key education bills, including voting to Support two proposals that would place education facility funding bonds on the 2024 ballot.**

Assembly Bill 247 (Muratsuchi, D-Torrance):
Would place the Kindergarten Through

Community Colleges Public Education Facilities Bond Act of 2024 on the ballot to **provide unspecified funding to construct and modernize education facilities.** *The bill is awaiting consideration by the Assembly Education Committee.* **Senate Bill 28**

(Glazer, D-Orinda): Would place a **\$15.5 billion bond for the construction and modernization of public preschool, K-12, community college, UC and CSU facilities** on the March 2024 statewide ballot. *It was passed by the Senate Education Committee and awaiting consideration by the Senate Governance & Finance Committee.*

Other actions included:

- Taking a **Support** position on **SB 234** (Portantino, D-Burbank), which would **require schools to maintain unexpired doses of naloxone hydrochloride** or another opioid antagonist onsite. *Passed by the Senate Education Committee and awaiting consideration by the Senate Health Committee.*
- Voting to **Oppose AB 1699** (McCarty, D-Sacramento), which would apply a “one size fits all” approach to district administration and personnel decision making by **requiring local educational agencies to offer open classified staff positions to existing staff first**. It would include a requirement to provide on-the-job training if an interested existing classified staff person is unqualified for the position before making the position open to the general public. *Awaiting consideration by the Assembly Public Employment & Retirement Committee.*
- Taking an **Oppose** position on **SB 433** (Cortese, D-San Jose), which would **delete a school district’s authority to take the ultimate disciplinary action against a classified staff person** by placing it into the hands of an impartial third-party hearing officer and require districts to fund the associated costs of obtaining that ruling. *Awaiting consideration by the Senate Labor, Public Employment & Retirement Committee.*

[See a full list of CSBA’s positions on current legislation »](#)

Register for CSBA webinar on school safety



Join CSBA on **April 18 for an informative webinar on school safety planning and the impacts of traumatic incidents, “Safety First: Expert tips for supporting effective school safety plans and student mental health.”** Join **experts** from the California Department of Education, school districts and the mental health field as they **discuss the requirements and timelines for comprehensive school safety**

plans, highlight practical examples from Poway and San Bernardino school districts, and examine the impact of school safety threats on students’ well-being and academic success. A Q&A session with the panelists will follow the discussion.

[Register for the webinar »](#)

Supreme Court rules in favor of student seeking monetary compensation under ADA

The U.S. Supreme Court on March 21 **issued a**





unanimous opinion, holding that students receiving special education services who file suit under the Americans with Disabilities Act (ADA) seeking monetary compensation do not first have to exhaust administrative procedures under the Individuals with Disabilities Education Act (IDEA). (*Perez v. Sturgis Public Schools* (2023) 2023 WL

2575928.) The Court’s relatively short opinion rests on an analysis of the plain language of IDEA, specifically that IDEA by its terms allows plaintiffs to seek relief under other federal laws protecting the rights of children with disabilities. However, IDEA also provides that if a civil action under ADA or such other federal laws seeks “relief” that is also available under the IDEA, a plaintiff must exhaust administrative procedures of the IDEA before initiating a lawsuit. **The Court adopted the plaintiff’s reading of the law and held that, since compensatory (monetary) damages are not available under IDEA, a plaintiff need not exhaust administrative procedures under IDEA in order to file an ADA suit seeking such damages**, even if the underlying harm (e.g., failure to provide a free appropriate public education, or FAPE) is the same.

The Ninth Circuit, with jurisdiction over California, has previously held that a plaintiff must exhaust administrative procedures under IDEA before filing a suit for compensatory damages under ADA, where the gravamen of the complaint is to remedy a loss of educational opportunity. Thus, **the Court’s opinion represents a change to the legal landscape in California. The removal of the requirement to exhaust administrative procedures for special education claims may increase the number of legal claims filed by plaintiffs’ attorneys under ADA, including claims duplicative of due process complaints under IDEA.** Local educational agencies should be prepared for this potential onslaught of new claims by plaintiffs’ attorneys, even in some cases where they have settled previous special education claims by providing non-monetary remedies.

[Read the details on the CSBA blog »](#)

March newsletter available online



The March edition of *California School News* features information on **CSBA’s budget and legislative advocacy initiatives, research from a new report evaluating 2022 summer programs** from the first full year of Expanded Learning Opportunities Program implementation, the consequences of **underfunding K-12 infrastructure, and how boards can prioritize student mental health.** Also in the issue, CSBA

recaps recent Commission on Teacher Credentialing and California Collaborative for Educational Excellence meetings and provides information on **continuing efforts to expand broadband access.** [Read the March issue »](#)

CSBA Roadshow: Next stop — Orange County



Join CSBA's leadership team on **April 17 for the next roadshow stop at Huntington Beach Union High School District's Board Room from 4-6 p.m.**

Come voice your opinions, ask questions, share your experiences, acquire knowledge that can improve your governance practice,

and learn about the association's strategy, advocacy and member service initiatives.

Board members, superintendents and executive assistants can gain valuable and practical knowledge at this free event. Food and beverages will be provided. [Register now »](#)

Federal update: Proposed school meal eligibility changes



To improve the reach of free school meals, **the U.S. Department of Agriculture has proposed a rule** to lower the minimum identified student percentage participation threshold, known as the **Community Eligibility Provision, from 40 percent to 25 percent**, "which would give states and schools greater flexibility to choose to invest non-federal funds to offer no-cost meals to all enrolled students." **California has recognized**

the necessity and benefits of universal meals — which can help narrow racial and socioeconomic disparities, improve attendance and academic performance, and enhance overall health — with the Free School Meals for All Act and CSBA will be submitting comments in favor of the proposed change.

In other federal news:

- The Department of Education sent a **Dear Colleague letter** to members of **Congress with a renewed push on supporting career and technical education (CTE) advocating for a "comprehensive strategy at the state and local levels"** to address the challenges of our future workforce. A companion **fact sheet describes allowable activities and strategies for which the \$1.43 billion appropriated each year through the Carl D. Perkins Career and Technical Education Act of 2006 may be used** to improve the recruitment and preparation of future CTE educators as well as educators that teach other subjects.

Custom-designed PPE products, document management and printing services



The PPE and Scanning program is a partnership with Crisp Imaging, which **offers scanning and archiving of documents and design, print,**



fabrication and installation for physical protection. Scanning physical documents creates a digital barrier that is essential in promoting a touch-less environment. **This affords quick access to documents whether physically**

working in the office or remotely. The program provides local educational agencies with affordable, customizable options to support the safety of district staff, student and visitors alike. [Learn more »](#)

Stay up to date with the latest news and resources on the [CSBA blog](#).

Virtual events

MIG Course 5: Community Relations & Advocacy/ Governance Integration

April 11-12 | [Register](#)

The Brown Act

April 13 | [Register](#)

MIG 1: Foundations of Effective Governance/Setting Direction

April 26-27 | [Register](#)

In-person events

CSBA Roadshow

April 17 | Huntington Beach | [Register](#)

MIG 3: School Finance

April 19 | Santa Cruz | [Register](#)

MIG 4: Human Resources/Collective Bargaining

April 20 | Santa Cruz | [Register](#)

2023 Coast2Coast Federal Advocacy Trip

April 24-26 | Washington, D.C. | [Register](#)

MIG Course 5: Community Relations & Advocacy/ Governance Integration

April May 2 | Santa Cruz | [Register](#)

Sponsors



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