



Attorneys at Law

# LEGISLATION AND CASE LAW HIGHLIGHTS

# 2021 Legal Developments of Interest for K-12 School Districts

## INSIDE THE NOVEMBER 2021 EDITION

Board Ethics, Transparency & Accountability	p. 4
Labor, Employment & Personnel	p. 5
Charter Schools	p. 8
Business, Property & Construction	p. 9
Litigation Legislation	p. 11
Students & Special Education	p. 12
Glossary of Terms	p. 18

# WORDS



By Gregory J. Dannis  
DWK President

The past twenty months have taken a toll  
On our bodies, our hearts and emotional health.  
One might say a collective wound to our souls,  
Inflicted by a SARS of fearsome stealth.

No one could foresee (but now everyone knows),  
That the impact would be so sudden and harsh.  
That our towns, our stores and our schools would all close  
In the blink of an eye on a weekend in March.

But that was last year, and now we are open  
Perhaps because many were up-front and vocal;  
Expressing their losses and fervently hoping  
Their schools and their children could once more be "normal."

So too have our governing bodies returned  
To assess all the impacts and analyze flaws  
Revealed by the difficult lessons we've learned,  
And then, but of course, to establish more laws!

This year is no different, as soon you will see.  
They don't always act out of wisdom or prudence.  
But at least our fine Senate and good Assembly  
Focused on needs and the health of our students.

Grants for more peer supports, counselors and coaches  
CDE model protocols that will address  
Increased mental health needs through several approaches  
Including more classes and MTSS.

Training to serve "unaccompanied youth,"  
A new ethnic studies course to reach graduation  
(Why not just teach history and tell them the truth?).  
This begins soon with appropriation.

A grade of "pass/no pass" for all Fs and Ds  
Or possibly getting a year of retention.  
Coursework exemptions and credit recovery  
Or a fifth year of high school with real intervention.

A new independent study to learn  
Where live synchronicity is essential.  
Absences approved without legal concern,  
For "illness" can now be behavioral or mental.

Cultural events will now qualify.  
How many absences? There are no boundaries.  
As long as a "group" has beliefs that apply  
And has distinct habits and ceremonies.

Some new laws were passed that affect our school boards  
Remote is okay if we speak in "real time."  
Counties and charters will have students aboard.  
The CPRA? It will be hard to find!

You now will be able to keep those subs long.  
Merit Districts – new rules if you do or don't like.  
And members who think management will do wrong,  
Will keep all their benefits while they're on strike.

Classified layoffs – just what can I say?  
Discovery, hearings and prove cause, oh my!  
Now it's 15 of March and 15 of May.  
There aren't enough judges to make this thing fly!

Now PERB can mete out penalties if they choose.  
Seriously – We are talking 10 G's!  
If you take it to hearing and then you lose,  
You must pay all the union's attorneys' fees!

If you bargain a salary CalPERS won't count  
They won't let you do this to circumvent.  
You'll pay the overage, and then your costs mount  
When they levy the penalty – 20 percent!

You can make it to court on the Google or Zoom  
Or still show up in person if you make a fuss.  
Our U.S. Supreme Court said we can't assume  
By suspending a cheerleader who liked to cuss!

Now workforce housing is exempt from the Field;  
DSA approval, it will not take.  
But then will the buildings all sway and yield  
When next we have the big earthquake?

Contract employees must give fingerprints  
If they work around pupils, if you please.  
You'd better have better proof now, since  
More scrutiny will be on developer fees.

So many new laws; the eyes start to blur.  
And one wonders how this happens each year.  
But there are phrases and other words  
I hope soon to neither see nor hear.

Like MERV 13, HEPA, tiers and ventilation,  
Cohorts and variants, contacts and masking.  
Multiple layers of safety mitigation  
Isolate, aerosol droplets and vaxing.

Testing, antigen, rapid, PCR  
Sanitize, disinfect or do deep cleaning?  
Three feet? Six Feet? Too close or too far?  
Symptomatic, ethyl alcohol and quarantining.

The few words and phrases I most want to hear  
(Not shouting and crying about rules that chafe),  
Are: Schools are now thriving and open this year  
And our children and all those who serve them are safe.

*Enjoy the summaries.*



## BOARD ETHICS, TRANSPARENCY AND ACCOUNTABILITY LEGISLATION

### AB No. 361

#### Establishes Requirements for Remote Board Meetings During Emergencies

Assembly Bill No. 361 (Rivas) allows, but does not require, remote board meetings during a state of emergency until January 1, 2024, if social distancing is imposed or recommended or if a board determines that meeting in person would present imminent risks to the health or safety of attendees. Boards must make findings every thirty days to continue to meet remotely. Agencies must give notice of how members of the public may access such remote meetings and offer comment, the public must be able to attend via a call-in option or an internet-based service option, and must be able to provide real-time comment. (Stats. 2021, ch. 165, effective September 16, 2021.)

More information about these cases and Legal Developments are available on the News and Resources page at [DWKesq.com](https://www.dwkesq.com).

### AB Nos. 473 and 474

#### Recodify California Public Records Act

Assembly Bill Nos. 473 and 474 (Chau) together recodify, without substantive amendment, the California Public Records Act, moving it to Government Code section 7290.000 et seq. beginning January 1, 2023. (Stats. 2021, ch. 614, effective January 1, 2022.)

### AB No. 824

#### Allows for Student Members on County Boards of Education and Charter School Boards

Assembly Bill No. 824 (Bennett) expands provisions for student board members to join county boards of education and charter school governing boards. The bill sets the process to require student board members and selection of members. It also specifies what information student board members should receive, what matters they may participate in, and when they may cast preferential votes. (Stats. 2021, ch. 669, effective January 1, 2022.)

### SB No. 274

#### Requires Emailing Board Agenda Materials Upon Request

Senate Bill No. 274 (Wieckowski) requires local agencies to provide a copy of governing board agendas and agenda packets by email upon request. If the local agency determines that the electronic method is not feasible, the local agency must send a copy of the materials by mail. (Stats. 2021, ch. 763, effective January 1, 2022.)

### SB No. 442

#### Eliminates Vote Requirement for Election Systems Transition

Senate Bill No. 442 (Newman) allows a county committee on school district organization to waive the requirement that any request from a school district to convert from at-large elections to by-trustee area elections be approved by voters. This election requirement had regularly been waived upon request by the State Board of Education, the bill will eliminate the need to seek a waiver from the State Board of Education going forward. It also allows county committees to approve changes to governing boards provided for in the charter of a city or city and county. (Stats. 2021, ch. 139, effective January 1, 2022.)





## LABOR, EMPLOYMENT AND PERSONNEL LEGISLATION

### AB No. 26

#### Requires Changes to Use of Force Policies and Prohibits Retaliation

Assembly Bill No. 26 (Holden) amends the law regarding use of force policies to additionally require in part that officers utilize de-escalation techniques, crisis intervention tactics, and immediately report potential excessive force. Under current law, law enforcement agencies, including school district police departments, are required to maintain a policy that provides a minimum standard on the use of force. AB No. 26 requires that use of force policies contain a requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance and explicitly prohibits retaliation against officers that report violations of law or regulation by another officer to a supervisor. Policies must also require that an officer who fails to intercede be disciplined up to and including in the same manner as the officer who used excessive force. (Stats. 2021, ch. 403, effective January 1, 2022.)

### AB No. 167

#### Extends Time a Substitute May Serve in One Assignment

Assembly Bill No. 167 (Committee on Budget) is the education trailer bill that includes, among multiple provisions, an extension of the time a substitute teacher may serve in one assignment to a total of sixty cumulative days until July 1, 2022. Specifically, AB No. 167 authorizes any holder of a credential or permit issued by the Commission on Teacher Credentialing to substitute teach in a general, special, or career technical education assignment, for any one assignment for up to sixty cumulative days. (Stats. 2021, ch. 252, effective September 23, 2021.)

### AB No. 237

#### Creates the Public Employee Health Protection Act and Makes it an Unfair Practice to Modify Employer Health Care During an Authorized Strike

Assembly Bill No. 237 (Gray) creates the Public Employee Health Protection Act, which makes it a PERB unfair practice for a covered employer to fail or refuse to maintain or pay for, or remit an employee's contribution for continued health care for the duration of the enrolled employee's participation in an authorized strike. The act requires the restoration of health or other medical care premiums, contributions, or out-of-pocket expenses actually paid as a result of an employer's violation of this

provision. The act defines "covered employer" to include any public employer (such as school districts or county offices of education) that offers health care or other medical coverage for nonoccupational injuries or illness to its employees. (Stats. 2021, ch. 740, effective January 1, 2022.)

### AB No. 289

#### Modifies Election Procedures for Creating and Terminating Merit Systems in School Districts

Assembly Bill No. 289 (Calderon) requires at least one member of the committee tasked with canvassing ballots and presenting the results of elections to create or terminate merit systems to be a classified employee designated by the largest classified union within the district. The district must also ensure ballot secrecy and that district representatives are prohibited from marking any ballots; however, to ensure an accurate count, the committee may uniformly stamp ballots in a consistent manner and in the same location. AB No. 289 also requires districts to provide equal time and access to any classified union if the district communicates to employees its opposition to creating, or its support for terminating, a merit system. All election procedures not specified in AB No. 289 are deemed to be within the scope of representation for Educational Employment Relations Act purposes, such as campaigning rules, the election date, time, and place, ballot translation, electioneering near polls, and balloting methods. (Stats. 2021, ch. 88, effective January 1, 2022.)

## Implements Prescriptive Layoff Process for Permanent Classified Employees

Assembly Bill No. 438 (Reyes) implements a new statutory layoff process for permanent classified employees similar to the process applicable to certificated employees. The bill creates the following process:

- **March 15 Notice.** No later than March 15, the employee shall be given written notice by the superintendent or designee stating the reasons that the employee's services will not be required for the ensuing year. That same notice shall inform the employee of displacement rights, if any, and reemployment rights.
- **Right to a Hearing.** A classified employee may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The deadline to request a hearing is at least seven days after the date the preliminary March 15 notice is served upon the employee. Failure to timely request a hearing constitutes a waiver of the employee's right to a hearing.
- **ALJ Renders Proposed Decision.** The hearing will be conducted by an ALJ. After the hearing, the ALJ must prepare a proposed decision; however, the governing board shall make the final determination as to the sufficiency of the cause and disposition. The ALJ's proposed decision must be sent to the governing board and the classified employees not later than May 7.
- **Final Notices Must be Served Before May 15.** Unless continuances were granted by the ALJ, the district must provide notice of termination to the classified employees before May 15.
- **Sixty Day Notice Still Applies to Classified Layoffs Due to Expiration of a Specially Funded Program.** The new law provides that when classified positions must be eliminated as a result of the expiration of a specially funded program, the employees to be laid off must be given written notice not less than sixty days prior to the effective date of their layoff. (Stats. 2021, ch. 665, effective January 1, 2022.)

### SB No. 2

#### Increases Police Accountability and Requires Reporting to POST Commission

Senate Bill No. 2 (Bradford), also known as the "Kenneth Ross Jr. Police Decertification Act of 2021," amends the Government and Penal Codes to increase police accountability. SB No. 2 requires that, beginning January 1, 2022, law enforcement agencies investigate and report all complaints, claims, allegations, and findings of serious misconduct regardless of the officer's employment status. Public agencies employing peace officers are also required to report to the Commission on Peace Officer Standards and Training (POST) the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to suspension or revocation, findings by civil oversight entities, and civil judgments that could affect the officer's certification. (Stats. 2021, ch. 409, effective January 1, 2022.)

### SB No. 270

#### Authorizes Monetary Penalties for Failing to Timely Provide Accurate List of Names and Contact Information of Bargaining Unit Employees to Unions

Senate Bill No. 270 (Durazo) enforces a public employer's current obligation to provide its unions with names, job titles, departments, work locations, and contact information of newly hired employees within thirty days of hire and all bargaining unit employees every one hundred twenty days. Beginning July 1,

2022, a union may file an unfair practice charge with PERB if an employer fails to timely provide its list of employees within the applicable timelines, and fails to provide an accurate and complete list and does not cure the deficiency within twenty days of receiving written notice from the union. The employer is only entitled to three opportunities to cure within any twelve-month period. SB No. 270 authorizes PERB to impose a civil penalty against noncompliant employers of up to \$10,000, and shall award a prevailing party's attorney's fees and costs arising out of unfair practice charge proceedings. (Stats. 2021, ch. 330, operative July 1, 2022.)





## **Requires Public Employers to Reimburse CalPERS and Pay a Penalty Regarding Pension Payments that are Based on Disallowed Compensation**

Senate Bill No. 278 (Leyva) provides that when a California Public Employees' Retirement System (CalPERS) retiree's pension is reduced post-retirement due to the inclusion of compensation agreed to under a collective bargaining agreement that is later determined to be disallowed compensation, the public employer must cover the overpayment amount and pay a penalty. Specifically, this bill provides:

- If CalPERS determines that compensation reported for a member by a public employer is disallowed compensation, CalPERS shall require such employer to discontinue reporting the disallowed compensation.
- CalPERS shall permanently reduce the CalPERS retiree's pension benefits to exclude the disallowed compensation.
- CalPERS shall provide notice to the public employer and affected CalPERS retiree regarding the overpayment, the actuarial equivalent present amount owed to the CalPERS retiree, and written disclosures of the public employer's obligations to the CalPERS retiree under this bill.
- This bill applies if all of the following conditions are met: the compensation reported to CalPERS and contributions were made on such compensation while the member was actively employed; the compensation was agreed upon in a collective bargaining agreement or memorandum of understanding between the employer and the union as compensation for pension purposes and the parties did not knowingly agree to compensation that was disallowed; CalPERS' determination that the compensation was disallowed was made after the member's date of retirement; and the member was not aware that the compensation was disallowed at the time it was reported.
- If the above conditions are met, the public employer shall do all of the following: pay to CalPERS the full cost of the overpayment that was previously made to the CalPERS retiree resulting from the disallowed compensation; pay a penalty equal to 20% of the amount calculated as a lump sum of the actuarial equivalent present value representing the difference between the monthly allowance that was based on the disallowed compensation and the adjusted monthly allowance calculated for the duration that allowance is projected to be paid by CalPERS to the retiree; and 90% of such penalty shall be paid to the affected retiree, and the remaining 10% shall be paid to CalPERS.
- Public employers may submit to CalPERS for review any compensation item proposed to be included or contained in a memorandum of understanding or collective bargaining agreement on and after January 1, 2022, to determine whether such compensation is reportable for pension purposes in compliance with CalPERS.
- For educational entities, the final responsibility for funding payments to the system and to retired members, survivors, and beneficiaries would belong to the educational entity that is the actual employer of the employee. (Stats. 2021, ch. 331, effective January 1, 2022.)

### **SB No. 411**

#### **Amends the Consequences for Violations of CalPERS' Post-Retirement Employment Rules**

Senate Bill No. 411 (Cortese) revises the California Public Employees' Pension Reform Act of 2013 mandate that the CalPERS reinstate to active membership those retired annuitants who violate the 960-hour limit, and instead, makes it permissive to allow CalPERS discretion to address violations in a manner that does not impose harsh financial terms on retirees. This bill also provides that, if CalPERS chooses not to reinstate the retired annuitant into membership



for violating the post-retirement employment rules, then the requirements regarding the retired annuitant and the employer paying contributions to CalPERS that would have been due during the employment period are eliminated. (Stats. 2021, ch. 136, effective January 1, 2022.)

### **SB No. 807**

#### **Changes Fair Employment and Housing Act Requirements for Civil Rights Actions**

Senate Bill No. 807 (Wieckowski) amends various provisions of the FEHA regarding the retention period for employers to preserve records related to FEHA complaints, the time limits for complainants to file actions, and related matters. (Stats. 2021, ch. 278, effective January 1, 2022.)

**Extends Charter Terms by Two Years and Non-Classroom-Based Charter School Moratorium for Three Years**

Assembly Bill No. 130 (Ting, et al.) is the education omnibus budget trailer bill which, in part, extends by two years the terms of any existing charter school whose term expires on or between January 1, 2022, and June 30, 2025. This bill further extends the existing moratorium on non-classroom-based charter schools by three years, until January 1, 2025. While this bill compels school districts and county offices of education to provide independent study to any student whose health would be put at risk by in-person instruction as determined by the student's parent or guardian, this requirement was not extended to charter schools. (Stats. 2021, ch. 44, effective July 9, 2021.)

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**Other New Laws Applicable to Charter Schools**

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One of the challenges that charter authorizers face is determining exactly which Education Code Sections do and do not apply to charter schools, in light of the Education Code waiver. This legislative session, new laws were enacted outside of the Charter Schools Act that apply to charter schools as well as school districts. Please see summaries elsewhere in this bulletin for a complete description of the following bills that apply in whole or in part to charter schools:

AB No. 27	Mandates Identification of Homeless and Unaccompanied Youth
AB No. 86	Funds COVID-19 Relief Grants and Establishes Standards for School Reopening
AB No. 101	Adds an Ethnic Studies Course and Graduation Requirement
AB No. 104	Creates New Pupil Retention, Grade Change and Graduation Requirements to Address COVID-19's Effects on Student Academic Performance
AB No. 130	Requires Districts to Offer Independent Study and Expands Eligibility for Transitional Kindergarten (some provisions)
AB No. 136	Mandates Individualized Family Service Plans by Remote Communications if Requested
AB No. 167	Clarifies and Corrects COVID-Related Legislative Actions Concerning Grade Changes and Independent Study
AB No. 272	Authorizes Students to Disaffirm Waiver of Legal Rights in Enrollment Agreements
AB No. 309	Requires CDE to Develop Model Protocols to Address Student Mental Health
AB No. 361	Establishes Requirements for Remote Board Meetings During Emergencies
AB No. 367	Mandates Supply of Menstrual Products in Restrooms
AB No. 469	Requires LEAs to Offer Additional Support to Students in Completing Financial Aid Applications
AB No. 486	Requires Speech and Language Pathologist to Assess Speech or Language Disorders for Special Education Eligibility
AB No. 643	Mandates Inclusion of Apprenticeship Programs in College and Career Fairs
AB No. 824	Allows for Student Members on County Boards of Education and Charter School Boards
AB No. 856	Requires CDE to Provide Information about Return of Students for In-Person Instruction Following Positive COVID-19 Test
AB No. 1055	Expands Definition of Foster Youth
AB No. 1352	Authorizes LEAs to Request an Independent Security Assessment
SB No. 14	Expands Definition of Illness for Excused Absences, and Requires CDE Recommendations to Address Student Behavioral Health
SB No. 24	Imposes Restrictions on Access to Records in Domestic Violence Protective Orders
SB No. 97	Requires Type 1 Diabetes Information be Provided to Parents and Guardians
SB No. 224	Requires Health Education Courses to Include Mental Health Instruction
SB No. 274	Requires Emailing Board Agenda Materials Upon Request
SB No. 400	Mandates Training of Staff Providing Services to Homeless Students



## BUSINESS, PROPERTY AND CONSTRUCTION LEGISLATION

### AB No. 130

#### Imposes Stricter Requirements for Fingerprinting/Background Checks on Contracting Entities

Assembly Bill No. 130 (Committee on Budget) is one of several education omnibus budget trailer bills that makes numerous changes to existing law necessary to implement legislative budget priorities. In the area of business operations, AB No. 130 implements important changes to fingerprint and background check procedures applicable to entities providing services to districts under contracts. As of January 1, 2022, a valid criminal records summary must be provided for all employees of entities under contract with a district, county office of education or charter school who “interact with pupils outside the immediate supervision and control of the pupil’s parent/guardian or a school employee.” The concept of evaluating fingerprinting requirements based on contract type and whether such entities will have only limited contact with pupils has been eliminated. When the contracting entity performs the criminal background check, it must immediately provide to the LEA any subsequent arrest and conviction information it receives. The exception for emergency or exceptional situations, such as when pupil health and safety is endangered or when repairs are needed to make facilities safe and habitable remains in the law, as do the additional options to ensure pupil safety on construction sites. (Stats. 2021, ch. 44, effective July 9, 2021.)

### AB No. 306

#### Clarifies that Residential Housing Developments for School and/ or Community College District Employees are Exempt from the Field Act and Division of State Architect Review

Assembly Bill No. 306 (O’Donnell) provides that buildings used or intended to be used by a school district or community college district as residential housing for its workforce are exempt from the requirements of the Field Act, as well as from review and approval of plans and specifications by the Division of State Architect. This bill clarifies that, unlike most other types of “school buildings” used by school and community college districts, workforce housing projects are not subject to state oversight, but rather to local land use regulation. (Stats. 2021, ch. 49, effective January 1, 2022.)

### AB No. 602

#### Imposes New Content Standards on Developer Fee Justification Studies

Assembly Bill No. 602 (Grayson) imposes new content standards on developer fee justification (“nexus”) studies. Specifically, fee studies (a) must identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is appropriate; (b) if the study supports an increase in the existing fee, the agency must review the assumptions of the fee study supporting the original fee and evaluate the amount of fees collected under the original fee; (c) must calculate a fee imposed on a housing development project proportionately to the square footage of proposed units

of the development unless findings are made to explain why square footage is not an appropriate metric; (d) must be adopted at a public hearing with at least thirty days’ notice. Although the bill imposes some new requirements, it remains to be seen how much content of a customary school fee justification study will need to change as a result. The bill directs the Department of Housing and Community Development to develop a template nexus study that meets these content requirements which may be used by local agencies as a model. Finally, developer fee studies will now be required to be updated at least every eight years, from the period beginning on January 1, 2022. (Stats. 2021, ch. 347, effective January 1, 2022.)

### AB No. 819

#### Requires Lead Agencies Submitting CEQA Documents and Notices to Submit Specified Documents Electronically and to Post Such Documents and Notices on the Their Websites

Assembly Bill No. 819 (Levine) represents a step toward modernizing the California Environmental Quality Act (CEQA) by increasing electronic availability of CEQA documents for the general public and providing electronic filing options for lead agencies. The bill codifies the electronic public access requirements established by Governor Gavin Newsom via Executive Order N-54-20, which was issued early in the COVID-19 pandemic, by formally amending nine statutory sections that are part of CEQA. Under the changes implemented by AB No. 819, lead agencies are now required to submit specified CEQA documents and notices electronically and to post such documents on their websites. (Stats. 2021, ch. 397, effective January 1, 2022.)



#### AB No. 846

### Extends the Sunset Provision for Job Order Contracting by School Districts

Assembly Bill No. 846 (Low) extends, until January 1, 2027, the ability of school districts that have entered into project labor agreements the option of using job order contracting for public works projects. Under this bill, contractors awarded a job order contract in excess of \$25,000 are required to provide an enforceable commitment to the awarding entity that work will be performed by a skilled and trained workforce (unless the existing project labor agreement includes that requirement). (Stats. 2021, ch. 303, effective January 1, 2022.)

#### AB No. 1023

### Expands Certified Payroll Reporting Requirements and Provides Penalties for Noncompliance

Assembly Bill No. 1023 (Flora) expands the definition of “monthly” submission of certified payroll records to the Labor Commissioner and requires electronic submission in the manner as prescribed on the Department of Industrial Relations’ website. The bill limits noncompliance penalties to the actual contractor or subcontractor that fails to furnish the required certified payroll records, with such penalties in the amounts of \$100 per day of violation, but not to exceed \$5,000 per project. (Stats. 2021, ch. 326, effective January 1, 2022.)

#### SB No. 319

### Expands the Scope of Fee Audits Local Agencies Must Prepare if They Fail to Comply with Reporting Provisions of the Mitigation Fee Act

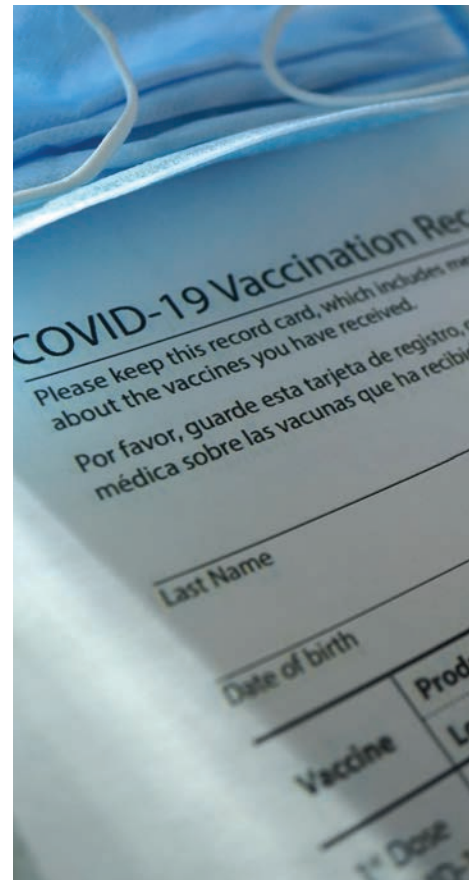
Senate Bill No. 319 (Melendez) expands the scope of the audit that a member of the public may request of a local agency regarding developer fee collections. Under existing law, a person may request an audit of a local agency, including a

school district, in order to determine whether the fee levied exceeded the amount reasonably necessary to cover the cost of any public facility, product or service, but the person must cover the cost of the audit unless the agency has failed to comply with annual reports for three consecutive years. Per SB No. 319, if the agency has failed to comply with annual reports for three consecutive years, the audit must cover each consecutive year that the local agency failed to comply with annual reporting. (Stats. 2021, ch. 385, effective January 1, 2022.)

#### SB No. 791

### Creates California Surplus Land Unit for Development and Construction of Housing on Local Agency Surplus Property

Senate Bill No. 791 (Cortese) establishes, upon appropriation by the Legislature, the California Surplus Land Unit within the Department of Housing and Community Development to facilitate the development and construction of residential housing on land owned and declared surplus by a local agency, including a school district. The Surplus Land Unit is authorized, among other things, to (i) facilitate agreements between housing developers and local agencies that seek to dispose of surplus land, (ii) provide related consultation, advice and technical assistance/services to local agencies, (iii) collaborate with other state agencies (e.g., California Housing Finance Agency, California Tax Credit Allocation Committee, or California Debt Limit Allocation Committee) to assist local agencies with obtaining grants, loans, tax credits, credit enhancements, and other types of financing that facilitate the construction of housing on surplus land. The Surplus Land Unit may not regulate or enforce local land use decisions, or acquire property by eminent domain. Finally, the new law makes clear that a local agency is not relieved by virtue of this statute from otherwise complying with legal requirements or conditions applicable to disposal of its real property. (Stats. 2021, ch. 366, effective January 1, 2022.)



### Other Legal Developments: CDPH Order Requires Vaccination Verification of Contractors/Vendors

On August 11, 2021, the California Department of Public Health issued a State Public Health Officer Order (Order) requiring K-12 school districts to verify the vaccination status of all K-12 school workers and conduct weekly COVID-19 testing of “workers” who are not fully vaccinated. The Order requires districts to comply with its terms by October 15, 2021. By its terms, the Order applies to “workers,” which we believe includes contractors and vendors who are not employed by the district but nevertheless work or perform services on district property. Thus, districts should require contractors and vendors coming onto district property to comply with the Order by verifying their workers’ vaccination status and conducting weekly testing of unvaccinated workers.

**More information about these cases and Legal Developments are available on the News and Resources page at [DWKesq.com](https://www.DWKesq.com).**



## LITIGATION LEGISLATION

### AB No. 1578

#### Limits Immunity for Peace Officers

Assembly Bill No. 1578 (Stone) limits the scope of immunities applicable to peace officers or custodial officers, and the public agencies who employ them, for claims seeking civil damages under the Tom Bane Civil Rights Act, which prohibits interference with Constitutional rights. The limits apply to officers exercising prosecutorial or investigative discretion as well as for injury to prisoners or persons in custody, including the failure to furnish or obtain medical care. (Stats. 2021, ch. 401, effective January 1, 2022.)



### SB No. 241

#### Permits Remote Appearances in Civil Proceedings and E-Service Requirements

Senate Bill No. 241 (Umberg) extends availability of remote appearances in civil proceedings. Audio-visual appearances will be permitted in civil proceedings, however, parties cannot be compelled to appear remotely. This bill further compels a court's electronic service of documents after July 1, 2024, when an e-service agreement or order is in place. (Stats. 2021, ch. 214, effective January 1, 2022.)

### SB No. 501

#### Expands Exceptions for Late Claims Under Government Claims Act

Senate Bill No. 501 (Wieckowski) expands grounds for allowing a late claim under the Government Claims Act. A late claim must be granted if the applicant was a minor, or physically or mentally incapacitated, for any part of the claim period so long as the claim is presented within six months after turning eighteen or one year after the claim accrues, whichever occurs first. (Stats. 2021, ch. 218, effective January 1, 2022.)





## STUDENTS AND SPECIAL EDUCATION LEGISLATION

### AB No. 27

#### Mandates Identification of Homeless and Unaccompanied Youth

Assembly Bill No. 27 (Rivas) requires LEAs and charter schools to ensure that all homeless and unaccompanied youths—as those terms are defined by the McKinney-Vento Homeless Education Assistance Act—are identified. Schools are required to develop and annually administer a housing questionnaire in the primary language of the student or the student's parent or guardian. This bill also requires CDE to develop a model housing questionnaire, as well as informational and training materials regarding the educational rights of homeless and unaccompanied youths. (Stats. 2021, ch. 394, effective September 29, 2021.)

### AB No. 86

#### Funds COVID-19 Relief Grants and Establishes Standards for School Reopening

Assembly Bill No. 86 (Committee on Budget) outlined the much-awaited school reopening plan for in-person instruction. This plan allowed school districts and classroom-based charter schools to reopen for in-person instruction on or before April 1, 2021, for all students with disabilities, foster youth, homeless pupils, English language learners, students without access to distance learning, students who did not participate in distance learning, and students at risk of abuse, neglect or exploitation. Schools located in counties in the Purple Tier with twenty-five or fewer new daily cases of COVID-19 per 100,000 residents could also reopen for in-person instruction for all students in grades transitional kindergarten through second. Schools located in counties in the Red Tier could reopen for in-person

instruction for all students in grades transitional kindergarten through the highest elementary school grade level and one full grade for both middle and high school. In order to be eligible for continued funding, schools that reopened had to remain reopen unless public health officials ordered otherwise.

For schools reopening for in-person instruction, this bill mandated regular COVID-19 testing on state-supported cadences, the reporting of positive COVID-19 testing results, and the twice monthly reporting on the nature of in-person instruction and activities to local health officials. Finally, districts and charter schools were required to post a COVID-19 safety plan for in-person instruction on their website at least five days before the start of in-person instruction. For schools located in counties in the Purple Tier, the local health department had to approve this plan at least five days before posting. (Stats. 2021, ch. 10, effective March 5, 2021.)

### AB No. 101

#### Adds an Ethnic Studies Course as Graduation Requirement

Assembly Bill No. 101 adds a requirement for students graduating in 2029-2030 and thereafter that they complete a one-semester course in ethnic studies, although LEAs and charter schools may require that students complete a full-year course instead. Starting with the 2025-2026 school year, high schools must offer at least a one-semester course in ethnic studies which uses ethnic studies content as the primary content. These additions to the Education Code are a state-mandated local program, and become operative only upon an appropriation of funds by the Legislature for purposes of these amendments in the annual Budget Act or another statute. (Stats. 2021, ch. 661, effective January 1, 2022.)





#### AB No. 104

### **Creates New Pupil Retention, Grade Change and Graduation Requirements to Address COVID-19's Effects on Student Academic Performance**

Assembly Bill No. 104 (Gonzalez) makes several changes to the Education Code to allow school districts, county offices of education (COE) and charter schools to assist students whose school performance was negatively affected by the COVID-19 pandemic during the 2020-2021 school year. The bill contains the following changes:

- Districts, COEs, and charter schools are required to implement a policy allowing a parent to request a consultation regarding possible retention when their student received deficient grades (defined as a D, F, No Pass or equivalent) in at least one-half of their classes in 2020-2021. This requirement does not apply to students in 12th grade in 2020-2021. The consultation must include a discussion of all available learning recovery options, research on the effects of retention and the benefits of particular interventions and supports, and consideration of all relevant data to determine if retention is in the student's best interests. Regardless of whether or not the decision is to retain the student, the school must offer specific interventions and supports. If the decision is to not retain, the student must be offered access to courses in which they received a D or F in 2020-2021, some other form of credit recovery, or other specific supports.
- Districts, COEs, and charter schools are required to exempt a student who was in their third or fourth year of high school during the 2020-2021 school year, and was not on track to graduate in four years, from all coursework and other requirements that it adopted in addition to statewide coursework requirements specified in the Education Code. Such students must be offered the opportunity to complete statewide coursework requirements for graduation, including through a fifth year of instruction, credit recovery, or other means.
- A parent, guardian, educational rights holder or student over 18 who was enrolled in high school in 2020-2021 may request to change a letter grade in a particular course to Pass or No Pass. CDE is required to post an application template on its website, along with a list of California postsecondary educational institutions that will accept transcripts with Pass/No Pass grades for admission purposes without prejudice, from the 2020-2021 through the 2023-2024 school years. LEAs and charter schools serving high school students are required to post notice of this grade change process on their websites, and send written notice to parents. Although this bill required students to submit an application within 15 days of this notice, AB No. 167 (discussed below) extended that deadline. (Stats. 2021, ch. 41, effective July 1, 2021.)



## AB No. 130

### Requires Districts to Offer Independent Study and Expands Eligibility for Transitional Kindergarten

Assembly Bill No. 130 (Committee on Budget, Education Finance) requires school districts and county offices of education to offer independent study to students for the 2021-2022 school year when the parent or guardian determines that the student's health would be put at risk by in-person instruction, and sets out several new requirements for that program.

- A school district may provide independent study itself, or by contracting with a county office of education or entering into an inter-district transfer agreement. The LEA must ensure that pupils have access to connectivity and LEA-owned devices adequate to participate in their educational program.
- Independent study must include "synchronous instruction," with varying frequency by grade level, and "daily live interaction" for students in grades 4-8. Pupils with exceptional needs may not participate in independent study unless their individualized education program specifically provides for that participation.
- An independent study written agreement must be signed by the student, parent or guardian, supervising teacher, and other persons with direct responsibility for assisting the student. The agreement must outline the course of study for each pupil and include the manner, time, frequency, and place for submitting the pupil's assignments, for reporting the pupil's academic progress, and for communicating with the parent or guardian regarding academic progress. For the 2021-2022 school year only, the written agreement may be signed within thirty days of the commencement of independent study (and prior to commencing instruction in subsequent years).
- LEAs must notify all parents, guardians, or caregivers of the option to enroll their pupil in independent study during the 2021-2022 school year. The notification must include information on the right to request a pupil-parent-educator conference prior to enrollment.
- Additionally, AB No. 130 expands availability of transitional kindergarten by extending the cut-off for enrollment two months each year for four years, beginning in the 2022-2023 school year. Beginning in the 2025-2026 school year, all students who will reach age four after September 1 of that school year shall be eligible to enroll in transitional kindergarten. AB No. 130's independent study requirements were revised somewhat by a subsequent clean-up bill, AB No. 167. (Stats. 2021, ch. 44, effective July 9, 2021.) Link to AB No. 167: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=20210220AB167](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220AB167)

## AB No. 131

### Clarifies State Level Responsibility for Preschool, Childcare and Transitional Kindergarten

Assembly Bill No. 131 (Committee on Budget, Health) continues the transfer of certain responsibilities for child care programs from CDE to the Department of Social Services. This bill creates the Early Education Act, which emphasizes CDE's authority over quality, inclusive preschool programs, the California State Preschool Program, and transitional kindergarten. The Early Childhood Development Act now puts all other child care programs under the Department of Social Services. This bill also allows transitional kindergarten eligible four year olds to maintain eligibility for child care and preschool programs, and adds a definition of dual language learner as a child whose first language is a language other than English or who is developing

two or more languages, one of which may be English. (Stats. 2021, ch. 116, effective July 23, 2021.)

## AB No. 133

### Establishes an Initiative to Expand Behavioral Health Services

Assembly Bill No. 133 (Committee on Budget, Health) authorizes grants to expand the supply of behavioral health counselors, coaches, peer supports, and other allied health care providers serving children and youth, including those at school sites. Subject to appropriation, it also provides grants for behavioral health services in schools and school-linked settings, and incentive payments to qualifying Medi-Cal plans to implement interventions for children in publicly funded childcare, preschool, and public schools. (Stats. 2021, ch. 143, effective July 27, 2021.)



## AB No. 136

### Mandates Individualized Family Service Plans by Remote Communications if Requested

Assembly Bill No. 136 (Committee on Budget) requires that, at the request of a parent or guardian, an IFSP meeting, and IFSP services, be handled by remote electronic communications. This bill is in effect until June 30, 2022, and imposes a state-mandated local program. (Stats. 2021, ch. 76, effective July 16, 2021.)



**Clarifies and Corrects COVID-Related Legislative Actions Concerning Grade Changes and Independent Study**

Assembly Bill No. 167 (Committee on Budget) is a COVID-19 related clean-up bill that includes clarifications and technical corrections to AB No. 104, which provides relief to students who suffered academic impacts from COVID-19, and to AB No. 130, which made changes to the independent study laws. Assembly Bill No. 167 implements the following:

- Extends the deadline for high school students to request grade changes from a letter grade to a Pass/No Pass for the 2020-2021 school year. Students now have until October 1, 2021 to request a grade change, and this bill also permits LEAs to accept grade change requests after that date.
- Authorizes independent study for a student who is unable to attend in-person instruction due to a quarantine from exposure to, or infection with, COVID-19.
- Revises the definition of “synchronous instruction” under Education Code section 51745.5(d), stating that such instruction shall be provided by the teacher of record for a student or the certificated employee of the LEA assigned to provide instruction for course-based independent study.
- Clarifies that for the 2021-2022 school year, signatures on the written independent study agreement can be obtained up to thirty days after a student begins instruction in an independent study program, or by October 15, whichever comes first.
- Clarifies that LEAs may receive apportionment for independent study students who are quarantined for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, or when a student cannot participate in classroom-based instruction due to COVID-19 school closures.
- Clarifies that written independent study procedures must include revised tiered reengagement strategies which are triggered for 1) students who are absent for more than three school days or sixty percent of the instructional days in a school week, 2) students who have not generated ten percent of the required minimum instructional time over four continuous weeks, and 3) students who have not participated for more than three schooldays or sixty percent of the scheduled days of synchronous instruction in a month. (Stats. 2021, ch. 252, effective September 23, 2021.)

**AB No. 272****Authorizes Students to Disaffirm Waiver of Legal Rights in Enrollment Agreements**

Assembly Bill No. 272 (Kiley) authorizes a minor student in grades kindergarten through twelve to disaffirm a provision in a public or private school's enrollment agreement that is construed to require the minor to waive a legal right, remedy, forum, proceeding or procedure arising out of a criminal sexual assault or sexual battery on the minor. The minor may disaffirm the provision regardless of whether a parent or legal guardian has signed the enrollment agreement on the minor's behalf. (Stats. 2021, ch. 146, effective January 1, 2022.)

**AB No. 309****Requires CDE to Develop Model Protocols to Address Student Mental Health**

Assembly Bill No. 309 (Gabriel) requires CDE to develop model referral protocols for addressing student mental health concerns for use by, among other entities, school sites, school districts, county offices of education, and charter schools. The protocols must meet specific requirements, including for timely referrals, a multi-tiered system of support, evidence-based and culturally appropriate approaches to mental health, the inclusion of parents and guardians in the referral process, and differentiated referral processes for students with disabilities and other populations. (Stats. 2021, ch. 662, effective January 1, 2022.)

**AB No. 367****Mandates Supply of Menstrual Products in Restrooms**

Assembly Bill No. 367 (Garcia), implements the Menstrual Equity for All Act of 2021, which requires all public schools (including schools operated by a school district, COE or charter school) that serve students in grades six to twelve, to stock restrooms with an adequate supply of free menstrual products. Schools are required to stock menstrual products (defined as “menstrual pads and tampons for use in connection with the menstrual cycle”) in all women's restrooms and all-gender restrooms, and in at least one men's restroom on or before the start of the 2022-23 school year. (Stats. 2021, ch. 664, effective January 1, 2022.)

#### AB No. 469

### Requires LEAs to Offer Additional Support to Students in Completing Financial Aid Applications

Assembly Bill No. 469 (Reyes) expands existing law that requires LEAs to ensure that students in grade twelve complete and submit the FAFSA and the California Dream Act Application (CDAA). The bill requires that, on or before September 1, 2022, and each year thereafter, the California Student Aid Commission and the CDE facilitate student submission of the FAFSA and the CDAA by sharing data regarding their completion of financial aid forms. (Stats. 2021, ch. 560, effective January 1, 2022.)

#### AB No. 486

### Requires Speech and Language Pathologist to Assess Speech or Language Disorders for Special Education Eligibility

Assembly Bill No. 486 (Committee on Education) was an omnibus education bill that made changes to various programs, including nutrition programs and school gardens. This bill also amended Education Code 56333 to require a speech and language pathologist, rather than a "language, speech and hearing specialist" assess a child for special education eligibility based on a language or speech disorder. (Stats. 2021, ch. 666, effective January 1, 2022.)

#### AB No. 516

### Allows Participation in Cultural Ceremonies or Events as Excused Absence

Assembly Bill No. 516 (Megan Dahle) adds participation in a "cultural ceremony or event" to the list of excused absences from school. "Cultural" is defined as "relating to the habits, practices, beliefs, and traditions of a certain group." The bill does not contain a limit on the amount of time that may be considered excused. (Stats. 2021, ch. 281, effective January 1, 2022.)



#### AB No. 643

### Mandates Inclusion of Apprenticeship Programs in College and Career Fairs

Assembly Bill No. 643 (Ramos) requires LEAs that hold a college or career fair to notify each apprenticeship program in the same county of the planned date, time and location of the fair. In determining the county location of an apprenticeship program, the LEA is to rely on the database of approved apprenticeship programs published by the Division of Apprenticeship Standards on its website. This bill encourages schools to host apprenticeship fair events, focused on local apprenticeship programs and career technical education opportunities. By imposing specified requirements on school districts, AB No. 643 creates a state-mandated local program. (Stats. 2021, ch. 324, effective January 1, 2022.)

#### AB No. 856

### Requires CDE to Provide Information about Return of Students for In-Person Instruction Following Positive COVID-19 Test

Assembly Bill No. 856 (Maienschein) requires CDE to post on its website guidance regarding students who test positive for COVID-19, including a recommendation for these students to receive medical clearance prior to engaging in physical exercise at school. Schools, including charter schools, are also encouraged to provide students and parents with similar information on their websites. (Stats. 2021, ch. 123, effective July 23, 2021.)

#### AB No. 1055

### Expands Definition of Foster Youth

Assembly Bill No. 1055 (Ramos) expands the definition of foster youth, for purposes of the local control funding formula, to include a dependent tribal child (regardless of whether the child would also meet state law standards for becoming a dependent child of a juvenile court), and a child who is the subject of a voluntary placement agreement. AB No. 1055 also requires LEAs and charter schools to extend the rights and supports provided to students in foster care to dependent tribal children and children subject to voluntary placement agreements, including, among others, the right to remain in the school of origin, the right to remain in school for a fifth year to complete graduation requirements, and procedural protections for disciplinary hearings. (Stats. 2021, ch. 287, effective January 1, 2022.)

#### AB No. 1352

### Authorizes LEAs to Request an Independent Security Assessment

Assembly Bill No. 1352 (Chau) authorizes the Military Department, at the request of an LEA, including a charter school, in consultation with the California Cybersecurity Integration Center (CCIC), to perform an Independent Security Assessment (ISA) of the LEA, or an individual school site within the LEA. To reduce costs, the criteria for the ISA shall be established by the Military Department in coordination with the LEA. The results of the ISA shall be disclosed to the LEA and the CCIC. Whether the results are subject to further disclosure is governed by applicable state law, including the California Public Records Act. (Stats. 2021, ch. 593, effective January 1, 2022.)

**AB No. 1363****Provides Supports for Dual Language Learners in the State Preschool Program**

Assembly Bill No. 1363 (Luz Rivas) requires CDE to develop procedures to identify and report data on dual language learners enrolled in the California State Preschool Program. The bill also requires CDE to develop standards that include activities to support dual language learners in the development of their home language and English. (Stats. 2021, ch. 498, effective January 1, 2022.)

**SB No. 14****Expands Definition of Illness for Excused Absences, and Requires CDE Recommendations to Address Student Behavioral Health**

Senate Bill No. 14 (Portantino) includes absences for the benefit of a pupil's mental or behavioral health within the definition of illness for which a pupil's absence must be excused from school. This bill also requires, contingent upon appropriation, that CDE recommend best practices and identify evidence-based and evidence-informed training programs (including for staff and pupils) to address youth behavioral health. (Stats. 2021, ch. 672, effective January 1, 2022.)

**SB No. 24****Imposes Restrictions on Access to Records in Domestic Violence Protective Orders**

Senate Bill No. 24 (Caballero) provides that a court, when making a restraining order in a domestic violence case, may include a provision preventing the restrained party from accessing records and information pertaining to the health care, education, daycare, recreational activities and employment of a minor child of the parties. Public and private schools and other essential care providers must develop protocols, as defined, to comply with such orders before February 1, 2023, and upon receiving such an order must not release information or records pertaining to the child to the restrained party, regardless of whether the required protocols have been finalized. (Stats. 2021, ch. 129, effective January 1, 2022.)

**SB No. 97****Requires Type 1 Diabetes Information be Provided to Parents and Guardians**

Senate Bill No. 97 (Roth) requires CDE to develop Type 1 diabetes informational materials for parents, and to make that information available on its website. Beginning January 1, 2023, school districts, county boards of education, and charter schools must make these informational materials available to parents and guardians. (Stats. 2021, ch. 674, effective January 1, 2022.)

**SB No. 224****Requires Health Education Courses to Include Mental Health Instruction**

Senate Bill No. 224 (Portantino) requires school districts, county offices of education, state special schools, and charter schools that offer one or more courses in health education in middle or high school to include instruction on mental health in those courses. Instruction and materials must be appropriate for students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. CDE must develop a plan to expand mental health instruction in public schools by January 1, 2024. (Stats. 2021, ch. 675, effective January 1, 2022.)

**SB No. 254****Designates September 11 as Remembrance Day**

Senate Bill No. 254 (Borgeas) designates September 11 of each year as September 11 Remembrance Day, a day having special significance, and encourages, but does not require, each public elementary and secondary school to observe a moment of silence at an appropriate time while school is in session. (Stats. 2021, ch. 102, effective January 1, 2022.)

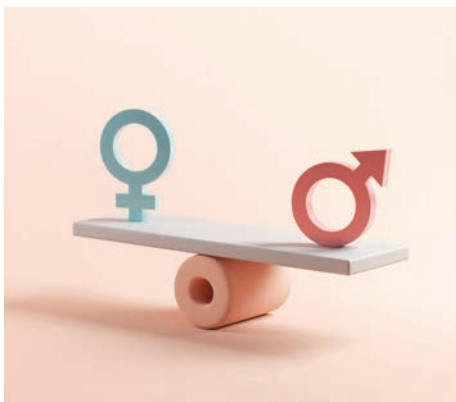




### SB No. 363

#### Conditions the Continuing Exemption for Boys' State and Girls' State Conferences from Sex Discrimination Law on the Provision of Substantially Similar Access and Opportunities to All Participants, Regardless of Gender or Gender Identity

Senate Bill No. 363 (Leyva) amends the Sex Equity in Education Act to ensure an equal number of opportunities are provided to participate in the boys' and girls' state conferences and substantially similar access for all participants to government officials, facilities, and programming. The bill additionally ensures that students who do not identify as either male or female, or who do not identify with their assigned birth gender, are allowed to participate in either conference. (Stats. 2021, ch. 676, effective January 1, 2022.)



### SB No. 400

#### Requires Training of Staff Providing Services to Homeless Students

Senate Bill No. 400 (Jones) requires LEAs and charter schools to ensure school personnel identify homeless children and youth through outreach and coordination activities with other organizations. SB No. 400 also requires annual federally required training of school personnel providing services to youth experiencing homelessness, and requires CDE to develop and implement a system to verify the training. (Stats. 2021, ch. 400, effective January 1, 2022.)

## STUDENTS AND SPECIAL EDUCATION CASES

*Guilfoyle v. Beautner*, No. 2:21-cv-05009-VAP (MRWx), 2021 WL 4594780 (C.D. Cal. Sept. 14, 2021)

A federal court denied parents a preliminary injunction to halt all of the COVID-19 pandemic protocols implemented by Los Angeles Unified School District (LAUSD), which included regular mandatory polymerase chain reaction testing, the use of a digital system that collects and manages student health data including via a confidential health survey, and the requirement that students cover their noses and mouths with masks at all times while on school grounds. Plaintiffs made claims based on the violation of substantive due process under the Fourteenth Amendment, violation of the equal protection clause of the Fourteenth Amendment, violation of the Fourth Amendment, and violation of Article I, § 1 of the California Constitution. The court found in favor of LAUSD on all claims, holding that LAUSD had a legitimate interest in abating the COVID-19 pandemic and protecting the health of the student body and staff. The court also noted that LAUSD provided medical and age exemptions, and provided students with educational instruction through an independent study program for students or parents who did not consent to complying with the COVID-19 mitigation measures.

More information about these cases and Legal Developments are available on the News and Resources page at [DWKesq.com](https://www.DWKesq.com).



*Mahanoy Area Sch. Dist. v. B.L.*, 141 S.Ct. 2038 (2021)

The United States Supreme Court held that a public school may not punish a student for her off-campus social media post which did not cause a "substantial disruption" of a school activity or threaten harm to the rights of others. When a student did not make the high school varsity cheerleading squad, the following Saturday she and a friend took a picture of themselves holding up their middle fingers off-campus with captioned expletives directed towards "school," "softball," "cheer," and "everything," and uploaded it onto Snapchat. This picture eventually became widely circulated, leading to the student's suspension from the junior varsity cheerleading team. The Supreme Court found that in this particular scenario, punishment of the student for her use of profanity in a social media post, off campus and on a Saturday, violated her First Amendment right to free speech. However, the Supreme Court contemplated there would be instances where a school would be justified in regulating students' off-campus speech during non-school hours, such as serious or severe bullying, or harassment or threats aimed at individuals.

## GLOSSARY OF TERMS

- ALJ:** Administrative Law Judge
- CDE:** California Department of Education
- FAFSA:** Free Application for Federal Student Aid
- FEHA:** Fair Employment and Housing Act
- IFSP:** Individualized Family Service Plan
- LEA:** Local Educational Agency
- PERB:** Public Employment Relations Board

## ABOUT THE FIRM

Dannis Woliver Kelley (DWK) is a full-service education law firm focused on serving the needs of California public school districts, county offices of education, community colleges and other educational organizations. Established in 1976, DWK was one of the first California law firms to devote its practice to governing boards, public schools and education. With more than 50 attorneys and multiple offices across the state, DWK is one of the largest women-owned law firms in the country. From board ethics to students' rights, collective bargaining to charter oversight, litigation to construction, bond finance to business and technology, DWK provides outstanding legal representation and preventive and practical counsel on key issues surrounding your core mission—the education of students.

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