



## MEMBER ALERT 2020 New California Laws

### [AB 1 \(Cooper\) - Youth athletics: California Youth Football Act](#)

The bill, on and after January 1, 2021, requires a youth sports organization that conducts a tackle football program to comply with certain requirements.

Chapter 158, Statutes of 2019

### [AB 9 \(Reyes\) - Employment discrimination: limitation of actions.](#)

This bill extends the deadline by which victims of workplace harassment, discrimination, or civil rights-related retaliation must file their allegation with the Department of Fair Employment and Housing (DFEH) or forever forgo redress on those grounds.

Currently, a victim must ordinarily file within one year of the most recent incident giving rise to the claim. This bill gives victims three years to file instead.

Chapter 709, Statutes of 2019 (AR 4030)

### [AB 34 \(Ramos\) - Pupils: bullying and harassment prevention information](#)

This bill requires local educational agencies (LEAs), commencing with the 2020-21 school year, to provide specified bullying and harassment prevention information in a prominent location on their existing website. **(AB 1127)** requires a district to approve and intradistrict transfer request for a victim of bullying and, if the district does not have another school with the same grade level, allows the victim of bullying to transfer out of the district.

Chapter 282, Statutes of 2019 (AR 5131.2/ BP 5131.2)

### [AB 51 \(Gonzalez\) - Employment discrimination: enforcement.](#)

This bill prohibits an employer from requiring any applicant for employment or prospective employment, or any employee, to waive any right, forum, or procedure for a violation of any provision of the California Fair Employment and Housing Act or the Labor Code, as a condition of employment, continued employment, or the receipt of any employment-related benefit. An employee may seek injunctive relief to enforce the provisions of this bill. Nothing in the bill, however, is intended to invalidate a written arbitration agreement that is otherwise enforceable under the Federal Arbitration Act. Additionally, this bill does not apply to post-dispute settlement agreements or negotiated severance agreements. This measure applies only to contracts for employment entered into, modified, or extended on or after January 1, 2020.

Chapter 711, Statutes of 2019

### [AB 218 \(Gonzalez\) - Damages: childhood sexual assault: statute of limitations.](#)

This bill extends the time for commencing an action for recovery of damages suffered as a result of childhood sexual assault from 26 years of age to 40 years of age, or from 3 years from discovery of the injury to 5 years from discovery of the injury.

This bill also provides a three-year window in which expired childhood sexual assault claims can be revived, updates the terminology from sexual abuse to sexual assault, and provides enhanced damages when there is an effort to cover up the sexual assault of a child. Finally, the bill changes the standard for claims against employers of an accused employee brought after the victim has reached 40 years of age, from requiring that the employer both knew of the unlawful conduct and failed to implement reasonable safeguards to prevent the abuse, to instead only require that one of those two criteria are met in order to commence an action.

Chapter 861, Statutes of 2019

### [AB 379 \(Maienschein\) - Youth athletics: concussion and sudden cardiac arrest prevention protocols](#)

Current law requires a youth sports organization, as defined to include an organization, business, nonprofit entity, or local governmental agency that sponsors or conducts amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate in any of 27 designated sports, if it offers an athletic program, to follow specified protocols with respect to concussions and other head injuries. This bill would delete the designation of the 27 sports from the definition of youth sports organization for purposes of this provision, thus expanding the scope of this definition to any amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate.

Chapter 174, Statutes of 2019

### [AB 272 \(Muratsuchi\) - Pupils: use of smartphones](#)

This bill explicitly authorizes the governing body of a school district, a county office of education (COE), or a charter school to adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, COE, or charter school. The bill also specifies circumstances in which a pupil could not be prohibited from possessing or using a smartphone, including in the case of an emergency or in response to a perceived threat of danger or when the possession or use of a smartphone is required in a pupil's individualized education program (IEP).

Chapter 42, Statutes of 2019

### [AB 493 \(Gloria\) - Teachers: lesbian, gay, bisexual, transgender, queer, and questioning pupil resources and training.](#)

This bill encourages each school operated by a school district or county office of education (COE) and each charter school to use resources developed by CDE to provide training at least once every 2 years to teachers of pupils in grades 7 to 12 and to other certificated employees at that school, schoolsite and community resources for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils and strategies to increase support for LGBTQ pupils and thereby improve overall school climate.

Chapter 775, Statutes of 2019

### [AB 543 \(Smith\) - Education: sexual harassment: written policy: posters](#)

This bill requires each educational institution to provide their written policy on sexual harassment as part of an orientation program for continuing students, and requires each schoolsite in a school district, COE, or charter school, serving pupils in any of grades 9 through 12, to create a poster that notifies pupils of that policy and to prominently and conspicuously display the poster in each bathroom and locker room.

Chapter 428, Statutes of 2019

### [AB 711 \(Chiu\) - Pupil records: name and gender changes](#)

AB 711 requires a school district, charter school, or COE to update a former pupil's records to include the pupil's updated legal name or gender if the school district, charter school, or COE receives government-issued documentation, as described, demonstrating that the former pupil's legal name or gender has been changed.

Chapter 179, Statutes of 2019 (AR 5125)

### [AB 743 \(Garcia, Eduardo\) - Pupil health: self-administration of prescribed asthma medication](#)

This bill requires a school district to accept a written statement relating to a pupil carrying and self-administering inhaled asthma medication, from a physician or surgeon who is contracted with a prepaid health plan operating lawfully under the laws of Mexico that is licensed as a health care service plan in California. The bill would require that written statement to be provided in both English and Spanish and to include the name and contact information for the physician or surgeon.

Chapter 101, Statutes of 2019 (BP 5141.21/AR 5141.21)

### [AB-749 \(Stone\) -Settlement agreements: restraints in trade](#)

AB 749 applies to any settlement agreement between an employer and an "aggrieved person" entered into to resolve an employment dispute. An "aggrieved person" is defined as a "person who has filed a claim against the person's employer in court, before an administrative agency, in an alternative dispute resolution forum, or through the employer's internal complaint process." Beginning January 1, 2020, California employers-including public agencies-will be prohibited from including no-rehire language in any settlement agreement to resolve a claim filed by such aggrieved persons against their employer. Existing agreements regarding an employment dispute containing a no-rehire clause will be void (as to that provision) as of January 1, 2020.

Under AB 749, no-rehire clauses can only be included where there is a good faith determination by the employer that the person entering into the settlement agreement engaged in sexual harassment or sexual assault. The bill further clarifies that employers are not required to continue employing or rehire a person if there is a legitimate nondiscriminatory or non-retaliatory reason for terminating or refusing to rehire the person. In addition, the settlement agreement can contain resignation or termination of employment language.

### [AB 1303 \(O'Donnell\) - School facilities: Civic Center Act: direct costs sunset extension](#)

This bill extends for five years, or until January 1, 2025, the authorization or requirement for the governing board of a school district to charge a fee for the use of the school's facilities or grounds.

Chapter 541, Statutes of 2019

### [AB 1767 \(Ramos\) - Pupil suicide prevention policies](#)

This bill requires the governing body of an LEA that serves pupils in kindergarten and grades 1 to 6 to, before the beginning of the 2020–21 school year, adopt and update a policy on pupil suicide prevention that specifically addresses the needs of high risk groups. The bill requires this policy to be age appropriate and delivered and discussed in a manner that is sensitive to the needs of young pupils.

Chapter 694, Statutes of 2019

### [SB 142 \(Wiener\) - Employees: lactation accommodation](#)

This bill requires an employer to provide a lactation room or location that is safe, clean, and free of hazardous materials, contains a surface to place a breast pump, a place to sit, has access to electricity and a sink and refrigerator that is located in close proximity to the employee’s workspace. The bill would deem denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. The bill prohibits an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and establishes remedies that include filing a complaint with the Labor Commissioner.

Chapter 720, Statutes of 2019 (BP 4033)

### [SB 223 \(Hill\) - Pupil health: administration of medicinal cannabis: schoolsites](#)

This bill enacts Jojo’s Act, which authorizes the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades 1 to 12, to adopt a policy that allows a parent or guardian of a pupil to possess and administer medicinal cannabis at a schoolsite. The bill specifies that the policy must be adopted at a regularly scheduled meeting of the board/body and defines “Medical cannabis” to exclude smokeable or vapeable forms.

Chapter 699, Statutes of 2019 (BP 5141.21/ AR 5141.21)

### [SB 316 \(Rubio\) - Pupil and student safety: identification cards: domestic violence hotline telephone number](#)

SB 316 requires, commencing October 1, 2020, public schools, including charter schools, and private schools, that serve pupils in any of grades 7 to 12 that issue pupil identification cards to print the telephone number for the National Domestic Violence Hotline on the cards. The bill also requires, commencing October 1, 2020, that public or private institutions of higher education that issue student identification cards have printed the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline on the identification cards.

Chapter 270, Statutes of 2019

### [SB 390 \(Umberg\) - School safety: school security officers and security guards](#)

Existing law requires every security guard working on the property of a public school or community college district pursuant to a contract with a private licensed security agency working more than 20 hours per week, to complete a course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs. This bill requires all security guards working on school and community college district campuses to complete the latest training developed by the Department of Consumer Affairs and specifies that LEAs must provide the training to all security guards during their regular work hours.

Chapter 475, Statutes of 2019

[SB 541 \(Bates\) - School safety: lockdown drills and multioption response drills: report](#)

This bill requires CDE to collect, and LEAs to provide, data pertaining to lockdown or multi-option response drills conducted at schoolsites within school districts, COEs, and charter schools providing instructional services to pupils in kindergarten or in any of grades 1 to 12, inclusive. The bill additionally requires CDE to submit a report to the Legislature relative to that data.

Chapter 786, Statutes of 2019

[SB 778 \(Committee on Labor, Public Employment and Retirement\) - Employers: sexual harassment training: requirements.](#)

SB 778 extends the deadline for specified employers to provide sexual harassment prevention training and education, clarifies when such training and education must be provided to new employees, and outlines when refresher training must be provided. Last year, California passed new sexual harassment prevention training and education requirements for nonsupervisory employees as part of SB 1343 (Mitchell). Following the signing of SB 1343, some in the employer community raised concerns about how the new requirements would affect employers who were already providing sexual harassment prevention training to their nonsupervisory employees. Specifically, due to the deadline imposed by the new law, some employees would have to participate in training twice in a two-year period. This bill sought to address those concerns.

Chapter 215, Statutes of 2019 (AR 4030)

[HR 24 \(O'Donnell\) - Relative to Schoolbus Driver Day](#)

The Assembly recognizes April 23, 2019, as Schoolbus Driver Day, and commends schoolbus drivers for their continued and excellent services to the youth of the State of California.

Adopted

**Bills signed by the Governor take effect on January 1, 2020, unless the bill specifically states otherwise.**