



Legislative Update
October 5, 2020

Assembly Bill 685: Governor Newsom signed AB 685. This bill requires new COVID-19 reporting requirements on public entity employers, including cities, counties, school districts, law enforcement agencies, transit agencies, water districts, and other special districts. This action will be required on January 1, 2021. This action also expands the authority of the Division of Occupational Safety and Health of California (Cal/OSHA) with respect to workplace COVID-19 cases. This law will remain in effect for two years (through December 31, 2023).

AB 685 requires public employers that receive “a notice of potential exposure” to COVID-19 to take the following actions within one business day of receiving this notice:

- Provide a written notice to all employees, and the employers of any subcontracted employees, who were on the premises at the same “worksite” as the “qualifying individual” within the “infectious period” that they may have been exposed to COVID-19 in a manner that the public employer normally uses to communicate employment-related information.
- Provide a written notice to the exclusive representative (e.g. bargaining units and/or union representative), if any, of employees described above.
- Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws including, but not limited to, workers’ compensation, and options for exposed employees, including COVID-19-related leave, public employer-provided sick leave, state-mandated leave, supplemental sick leave, or negotiated leave provisions, as well as anti-retaliation and antidiscrimination protections of the employee.
- Notify all employees, the employers of subcontracted employees, and the exclusive representative, if any, on the disinfection and safety plan that the public employer plans to implement and complete per the guidelines of the federal Centers for Disease Control (“CDC”).

Assembly Bill 331: Gov. Newsom vetoed AB 331 late Wednesday night. In his memo he reiterated his support for ethnic studies, pointing out that he signed a similar bill last month adding an ethnic studies course as a graduation requirement for California State University. But he said continuing disagreements over a proposed model ethnic studies curriculum for high school should be resolved before imposing a high school mandate.

He stated “Last year, I expressed that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended. In my opinion, the latest draft, which is currently out for review, still needs revision.” He is directing his staff to work with State Board of Education President Linda Darling-Hammond and State Superintendent of Public Instruction Tony Thurmond to ensure the curriculum achieves “balance, fairness and is inclusive of all communities.”

The California Department of Education, under Thurmond’s direction, proposed the latest draft. After further revision and public comment, it will go to the state board, which under a 2016 law must approve the model curriculum by March. School districts in California already offer hundreds of ethnic studies courses as electives. Several districts, including Los Angeles, San Diego and Fresno, plan to require the course.

AB 331 would require the completion of a one-semester ethnic studies course starting with the graduating class of 2029-30; districts would have to begin offering a course in the 2025-26 school year.

Assembly Bill 1835: Gov. Newsom vetoed Assembly Bill 1835, which would have made the first significant change in the state’s K-12 funding formula, the Local Control Funding Formula, since its passage in 2013. The bill would have fixed what Newsom agrees is a shortcoming in the law. Districts can carry over funding they budgeted for low-income students, English learners, foster and homeless youths, and spend it the next year however they want.

Civil rights groups and children’s advocates say this practice violates the intent of the funding formula, which awards additional money for these groups of “vulnerable” students. Last year, State Auditor Elaine Howle condemned the practice, and Assemblywoman Shirley Weber, D-San Diego, and Sharon Quirk-Silva, D-Fullerton, based AB 1835 on Howle’s findings and recommendations. The big disagreement is over the bill’s requirement that districts track unspent funding and report it to the state, so that the Legislature can determine if districts follow the law. Newsom pledged to work with Weber.

Newsom stated “I deeply support the underlying goal of this bill,” in his veto message. But it has “fundamental flaws” that would prevent it being implemented in a “smooth or timely” manner”, he said.