

# **CALIFORNIA COLLABORATION FOR YOUTH**



## **PUBLIC POLICY HISTORY**

**1979 – 2015**

**12<sup>th</sup> Edition**

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# CALIFORNIA COLLABORATION FOR YOUTH



Working Together for the Benefit of California's Children and Youth

## PUBLIC POLICY HISTORY

Welcome to the 12<sup>th</sup> Edition of the California Collaboration for Youth Public Policy History, a compilation of the public policy and advocacy work undertaken by this organization. CCFY members have been meeting around the state on a regular basis for over 35 years in order to develop and sponsor the introduction of legislation and to review proposed legislation, existing statutes, regulations, agency policies, ballot initiatives and other public policy actions affecting member organizations and the children and families they serve.

In 1979, representatives from a number of youth serving organizations decided to come together to form a state version of the National Collaboration for Youth for the purpose of establishing a legislative presence in Sacramento. CCFY retained Catherine Barankin and her firm Sacramento Advocacy to lead this effort. CCFY has sponsored over 40 bills, and co-sponsored, supported and opposed dozens of other significant measures, as detailed in this document. This session CCFY is sponsoring SB 476 (Mendoza) adding day camps to the definition of organized camps.

In addition to legislative work, advocacy activities have included working on issues facing individual member organizations including camp meal tax exemptions, state grant compliance, state agency citation issues, childcare licensure, state reimbursements, transient occupancy tax and welfare exemption challenges, labor practices and other operating matters. There have also been a significant number of legal opinions that have been requested of the Legislative Counsel, the Legislature's legal unit, that have benefitted CCFY members.

CCFY members meet a minimum of four times a year. They meet in person in March to review new bill introductions, and again at an annual retreat in December. They also meet two or three times a year via conference call. The California Collaboration was invited to organize by the National Collaboration for Youth (NCY) and together are the two longest-standing coalitions of local and national organizations committed to advocating for children, youth and the organizations that serve them. Both organizations are committed to promoting positive youth development.

The following pages contain the highlights of our advocacy efforts. Bills that are underlined indicate that CCFY either sponsored the measure or took the lead in the passage or defeat of the measure.

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## TAX EXEMPT ORGANIZATIONS

### California Constitution Tax Exemptions

#### Property Tax Exemption

##### **ARTICLE 13, Section 4:**

*The Legislature may exempt from property taxation in whole or in part: Property used exclusively for religious, hospital, or charitable purposes and owned or held in trust by corporations or other entities (1) that are organized and operating for those purposes, (2) that are non-profit, and (3) no part of whose net earnings inures to the benefit of any private shareholder or individual.*

#### Exemption from Business License Taxes and Fees based on income or gross receipts

##### **ARTICLE 13, Section 26 (d):**

*A nonprofit organization that is exempted from taxation by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, is exempt from any business license tax or fee measured by income or gross receipts that is levied by a county or city, whether charter or general law, a city and county, a school district, a special district, or any other local agency.*

**AB 897 (Houston) 2007** This measure, supported by CCFY, permits specified organizations that are tax-exempt for federal tax purposes to be treated as tax-exempt organizations for California tax purposes without first receiving approval by the Franchise Tax Board. It also provides that a suspension or revocation of the organization's federal tax-exempt status shall result in the suspension or revocation of the tax-exempt status for California purposes.

**Existing Federal Law:** Exempts non-profit organizations from tax in specified circumstances and under specific provisions of the Internal Revenue Code (IRC). The most common of tax-exempt organizations are 501(c) (3) organizations, being identified by reference to the IRC section under which they are exempt. These include religious, charitable, scientific, literary, or educational purposes, or to promote sports activities, prevent cruelty to children or animals, etc.

Even though requirements for tax-exempt status are set forth in statute, tax-exempt status is not granted automatically. Most organizations must apply with the Internal Revenue Service (IRS) and provide information as required by statute. A federal application for 501(c)(3) tax-exempt status must provide evidence of the following: The organization is organized, and will be operated exclusively for one or more charitable purposes; no part of the net earnings inure to the benefit of any private shareholder or individual, no substantial part of its activities are carried on to influence legislation, and no participation in any political campaign on behalf of any candidate for public office. Documents that also must be provided include articles of incorporation or organization and financial statements.

**SB 1262 (Sher) 2004** This bill, known as the **Nonprofit Integrity Act (Act) of 2004**, revises the law regulating charitable organizations, commercial fundraisers and fundraising counsel. The bill requires charitable organizations, including commercial fundraisers, to include disclosures in written or oral solicitations, and to use contributions for the charitable purpose expressed in the articles of incorporation or other governing instrument of the charitable organization.

The bill requires charities that receive or accrue gross revenue of \$2,000,000 or more in any fiscal year, to prepare annual financial statements that are audited by an independent certified public accountant pursuant to standards for auditor independence, to appoint an audit committee, and make its annual audited financial statements available to the public, as specified. CCFY recommended and received amendments limiting the scope of this bill. The bill was signed by Governor Schwarzenegger.

**Government Code Section 12586(e)** *Every charitable corporation, unincorporated association, and trustee required to file reports with the Attorney General pursuant to this section that receives or accrues in any fiscal year gross revenue of two million dollars (\$2,000,000) or more, exclusive of grants from, and contracts for services with, governmental entities for which the governmental entity requires an accounting of the funds received, shall do the following:*

**(1) Prepare annual financial statements using generally accepted accounting principles** *that are audited by an independent certified public accountant in conformity with generally accepted auditing standards. For any non-audit services performed by the firm conducting the audit, the firm and its individual auditors shall adhere to the standards for auditor independence set forth in the latest revision of the **Government** Auditing Standards, issued by the Comptroller General of the United States (the Yellow Book). The Attorney General may, by regulation, prescribe standards for auditor independence in the performance of non-audit services, including standards different from those set forth in the Yellow Book. If a charitable corporation or unincorporated association that is required to prepare an annual financial statement pursuant to this subdivision is under the control of another organization, the controlling organization may prepare a consolidated financial statement. The audited financial statements shall be available for inspection by the Attorney General and by members of the public no later than nine months after the close of the fiscal year to which the statements relate. A charity shall make its annual audited financial statements available to the public in the same manner that is prescribed for IRS Form 990 by the latest revision of Section 6104 (d) of the Internal Revenue **Code** and associated regulations.*

**(2) If it is a corporation, have an audit committee appointed by the board of directors.** *The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the corporation has a finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; however, the chairperson of the audit committee may not be a member of the finance committee and members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors. The audit committee shall confer with the auditor to satisfy its members that the financial affairs of the corporation are in order, shall review and determine whether to accept the audit, shall assure that any non-audit services performed by the auditing firm conform with standards for auditor independence referred to in paragraph (1), and shall approve performance of non-audit services by the auditing firm.*

*Non-profit Integrity Act (Continued)*

*If the charitable corporation that is required to have an audit committee pursuant to this subdivision is under the control of another corporation, the audit committee may be part of the board of directors of the controlling corporation.*

**AB 2523 (Cunneen) 1996** This bill was introduced in response to an Attorney General opinion stating that under certain circumstances, cities and counties could impose a business fee, license fee or tax if it was measured by standards other than income or gross receipts as specified in previous legislation and a constitutional amendment. This bill prohibits these entities from charging such fees or taxes under any circumstances. Co-sponsored by CCFY, the bill was signed into law by Governor Wilson.

**California Revenue & Taxation Code, Section 7284.1 Section 1.**

*The Legislature finds and declares all of the following:*

*(a) California has specifically created certain requirements in order to be eligible for tax-exempt status under Article 1 (commencing with Section 23701) of Chapter 4 of Part 11.*

*(b) There are approximately 120,000 public benefit, mutual benefit, and religious benefit nonprofit organizations chartered by the Secretary of State.*

*(c) These nonprofit organizations provide a large variety of health, human, charitable, and religious services to the residents of this state, many of which are provided in the public interest so as to obviate the need for public agencies to provide those services.*

*(d) The voters of California adopted Proposition 176 in 1994, which amended Section 26 of Article XIII of the California Constitution to exempt nonprofit organizations from any business license tax or fee measured by income or gross receipts that is levied by a county or city, whether charter or general law, a city and county, a school district, a special district, or any other local agency.*

*(e) Section 7284.1 was enacted to implement the provisions of the constitutional amendment and was designed to prevent any business license fees from being imposed upon any tax exempt nonprofit organization, as well as upon any minister, clergyman, Christian Science practitioner, rabbi, or priest of any tax exempt religious organization.*

*(f) The Attorney General issued Opinion 94-1204 on August 23, 1995, which concluded that a city or county may impose a business license tax upon a nonprofit organization if the tax is not measured by the organization's income or gross receipts.*

***SEC. 2. Section 7284.1 of the Revenue and Taxation Code is amended to read:***

*(a) No license tax or fee levied by a charter or general law county, city and county, or city, or by a district or any other local agency, that is measured by the licensee's income or gross receipts, nor any flat business license tax or flat business license fee, shall apply to any minister, clergyman, Christian Science practitioner, rabbi, or priest of any religious organization that has been granted an exemption from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.*

*(b) No charter or general law county, city and county, or city, nor any district or any other local agency, may impose any business license tax or business license fee on any nonprofit organization that is exempted from taxes by Section 23701d and is an organization described in Section 501(c)(3) of the Internal Revenue Code or the successor to that section.*

*(c) Nothing in this section shall prohibit a charter or general law county, city and county, or city, or district or any other local agency from imposing a fee to cover the costs of a program or service.*

**Proposition 176 1994** This ballot measure was successfully passed by the voters and put the provisions of SB 626 (Roberti) into the State Constitution. Under the provisions of this proposition, no business license fee or tax may be imposed on non-profit organizations. This proposition became effective on Election Day, June 7, 1994.

**SB 626 (Roberti) 1993** This measure provided that no business license fee or tax could be imposed on non-profit organizations already exempt under state and federal statutes by local governments. This bill became effective when the voters at the General Election successfully approved Proposition 176 in 1994. Strongly supported by CCFY, this measure was signed.

**Business and Professions Code Section 16000.** *(b) No license fee levied pursuant to subdivision (a) that is measured by the licensee's income or gross receipts, whether levied by a charter or general law city, shall apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or priest of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501 (c)(3) of the Internal Revenue Code or a successor to that section.*

### **Nonprofit Filing Requirements**

#### **Revenue and Taxation Code Section 23701-23712**

**23701.** *Organizations which are organized and operated for nonprofit purposes within the provisions of a specific section of this article, are exempt from taxes imposed under this part, except as provided in this article or in Article 2 (commencing with Section 23731) of this chapter, if:*

- (a) An application for exemption is submitted in the form prescribed by the Franchise Tax Board; and*
- (b) A filing fee of twenty-five dollars (\$25) is paid with each application for exemption filed with the Franchise Tax Board after December 31, 1969; and*
- (c) The Franchise Tax Board issues a determination exempting the organization from tax.*

*This section shall not prevent a determination from having retroactive effect and does not prevent the issuance of a determination with respect to a domestic organization which was in existence prior to January 1, 1970, and exempt under prior law without the submission of a formal application or payment of a filing fee. For the purpose of this section, the term "domestic" means created or organized under the laws of this state. The Franchise Tax Board may issue rulings and regulations as are necessary and reasonable to carry out the provisions of this article.*



(c) (1) Notwithstanding subdivisions (a), (b), and (c) of Section 23701, an organization organized and operated for nonprofit purposes in accordance with this section shall be exempt from taxes imposed by this part, except as provided in this article or in Article 2 (commencing with Section 23731), **upon its submission to the Franchise Tax Board of a copy of the notification issued by the Internal Revenue Service approving the organization's tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code.** The effective date of an organization's tax-exempt status for state income tax purposes pursuant to this subdivision shall be no later than the effective date of the organization's tax-exempt status, under Section 501(c)(3) of the Internal Revenue Code, for federal income tax purposes.

(2) If, for federal income tax purposes, an organization's tax-exempt status under Section 501(c)(3) of the Internal Revenue Code is suspended or revoked, the organization shall notify the Franchise Tax Board of the suspension or revocation, in the form and manner prescribed by the Franchise Tax Board. Upon notification, the board shall suspend or revoke, whichever is applicable, for state income tax purposes, an organization's tax-exempt status granted pursuant to paragraph (1) of this subdivision.

(3) This subdivision shall not be construed to prevent the Franchise Tax Board from revoking the exemption of an organization that is not organized or operated in accordance with this chapter or Section 501(c)(3) of the Internal Revenue Code.

(d) The Franchise Tax Board may prescribe rules and regulations to implement this section. 23701z. Relates to an organization established pursuant to Section 5005.1 of the Corporations Code by three or more corporations as an arrangement for the pooling of self-insured claims or losses of those corporations.

**23703. (a) No exemption shall be allowed under this article to any charitable corporation as defined in Sections 12582.1 and 12583 of the Government Code for any year or years for which it fails to file with the Attorney General, on or before the due date, any registration or periodic report required by Article 7 (commencing with Section 12580) of Chapter 6, Part 2, Division 3, Title 2, of the Government Code.**

(b) The exemption shall be disallowed under this section only after the Attorney General has notified the Franchise Tax Board in writing that a charitable corporation subject to the provisions of subdivision (a) has failed to file any such registration or periodic report on or before the due date thereof.

(c) If an exemption is disallowed under this section, such exemption may be reinstated when the registration or periodic reports are filed; however, any such charitable corporation shall pay the minimum tax provided for by Section 23153 for any year or years for which its exemption was disallowed under this section.

(d) No exemption shall be disallowed under this section for taxable years commencing before January 1, 1962.

**Camp Meal Tax Deduction - State Board of Equalization 2010** – Following a number of hearings before the State Board of Equalization and meetings with individual members, the Board directed staff to develop regulations to insure that organized camps that meet the definition of an “educational institution” shall be exempt from paying taxes on camp meals. The three requirements to meet this definition include (1) holding regularly scheduled classes, (2) required attendance by campers, and (3) a requirement that classes are taught by a qualified instructor or a person working under a qualified instructor’s supervision.



CCFY recommended a number of changes to the proposed regulations and supported the final version. The Board adopted the regulations in September, 2010.

**State Board of Equalization 1983** Considered the issue of requiring taxation on meals sold at summer camps and during excursions. The Board subsequently took the position that non-profit youth-serving organizations should be exempt under the education exemption standard. That decision was not included in regulation and again became an issue in 2010 (see above).

## CHARITABLE DEDUCTIONS

**AB 53 (Klehs) 1987** This measure brings California into conformity with federal law by extending the personal income tax deduction for taxpayers who itemize. No sunset date was specified. Supported by CCFY and signed by the Governor.

**SB 172 (Maddy) 1985** Supported by CCFY and passed, this measure extended the personal income tax deduction for charitable contributions until 1990.

**SB 11 (Maddy) 1982** Supported by CCFY, this measure extended the personal income tax deduction for charitable contributions until 1985.

**SB 56 (Roberti) 1980** This bill, supported by CCFY, increased the income tax deduction for transportation expenses for volunteers to match the reimbursement rate of state employees for transportation expenses. Signed into law.

## RAFFLES

**SB 639 (McPherson) 2000** This bill specifies the implementation of SCA 4, the ballot proposition allowing nonprofit organizations to conduct raffles. SB 639 provides that a raffle is not prohibited if, among other requirements, each ticket is sold with a detachable coupon or stub with identifying numbers, the draw is conducted in California under the supervision of a person who is 18 years of age or older, and at least 90% of the gross receipts generated from the sale of raffle tickets are used to benefit or provide support for beneficial or charitable purposes, as defined. CCFY supported the bill after numerous amendments were proposed and accepted by the author. The bill was signed into law.

**SCA 4 (McPherson) 2000** This measure provided that the Legislature may authorize private, nonprofit, eligible organizations to conduct raffles as a funding mechanism to provide support for their charitable works, provided that at least 90% of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization. Supported by CCFY, the measure passed.

## CHARITABLE SOLICITATIONS

**AB 1900 (Friedman) 1994** This measure would have required minors 16 and under who were involved in door-to-door solicitations and the individuals who transported them, to register with the State Labor Commissioner. Registrants would have been required to submit door-to-door permit applications and to pay a fee or be subject to fines up to \$10,000.

In its original version, youth groups would have been required to meet the provisions of the bill. Amendments proposed by CCFY and adopted by the author completely exempted youth under 18 from provisions of this bill. With these amendments, CCFY withdrew their opposition and supported the measure. The bill was signed into law and became effective January 1, 1995.

**Business & Professions Code Section 17510.3** *(d) A volunteer who receives no compensation of any type from, or in connection with, a solicitation or sales solicitation by a charitable organization which has qualified for a tax exemption under Section 501(c)(3) of the Internal Revenue Code of 1954, and who is 18 years of age or younger, is not required to make any disclosures pursuant to this section.*

*(e) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.*

**AB 3443 (Connolly) 1994** This bill prohibits any individual or other entity who, for compensation, solicits funds for charitable purposes from retaining more than 50% of the money collected as a fee for fund raising services. Supported by CCFY, the bill was signed into law.

**AB 1866 (Caldera) 1993** This bill would have required any nonprofit organization that uses minors in product sales for fund raising purposes to implement a policy requiring minors to accept monetary donations and to earn a profit on those sales of at least 20%. CCFY opposed this bill and it was dropped by the author.

**AB 3014 (L. Stirling) 1982** A CCFY sponsored bill, this measure provided clarifying language to exempt nonprofit youth-serving organizations from permit and licensure requirements for door-to-door sales. This bill was signed into law.

**AB 1839 (Imbrecht) 1980** This bill imposed disclosure requirements and permits for door-to-door sales. At CCFY's request, an amendment was added to exempt 501(c)(3) nonprofit youth-serving organizations from these provisions. A drafting error placed that language in the wrong section of the bill necessitating a clean-up bill to be introduced in order to clarify the bill's intent

## CHARITABLE SOLICITATIONS/ENFORCEMENT

**SB 2015 (Sher) 2000** This bill authorized the Attorney General to refuse to register, or to revoke or suspend the registration of a charitable corporation or trustee, commercial fund raiser or fund raising counsel, whenever the Attorney General finds that the person has violated or is operating in violation of the Supervision of Trustees and Fundraisers for Charitable Purposes Act. Supported by CCFY, the measure was signed into law.

**AB 1916 (Harris) 1987** This measure requires that the fiscal burden for the investigation, enforcement and prosecution of bogus charities be paid by the organizations being prosecuted. Originally written to require all registered charities to pay a fee for this enforcement program, the measure was amended at the request of CCFY to exempt 501(c)3 charities from having to pay fees. Measure was signed by the Governor.

**AB 16 (Bradley) 1987** This measure would have required that no more than 40% of the proceeds from a fund raiser could be used for overhead, administrative costs and other miscellaneous expenses. In addition to requiring massive reporting and accounting systems to be established, failure to comply with the 40% limitation would have been punishable as a misdemeanor. CCFY opposed and the measure was defeated.

**AB 3130 (McAllister) 1986** This measure would have required all charitable corporations to register with the Attorney General and to pay a fee equal to one-tenth of one percent of their annual income. Money collected under this measure was to be deposited into a Charitable Trusts Special Account for supervision and enforcement over charitable groups. CCFY opposed the measure and it was dropped by the author.

**AB 3260 (McAllister) 1984** This bill would have required all nonprofit organizations to register with the Attorney General's office, fingerprint volunteers, follow mandated bookkeeping practices, pay a substantial yearly fee and a \$10,000 fine for any violation of these provisions. Opposed by CCFY and the YMCA, the bill was defeated.

## FOUNDATIONS - DIVERSITY

**AB 1503 (Coto) 2008** This bill would have required private, corporate, or public foundation with specified assets, to collect data pertaining to its governance and domestic grantmaking and submit it in a report. Requires this information to include racial and gender composition of the board of directors and staff, the number of grants and grant dollars awarded to organizations specifically serving specified communities and other underrepresented communities and where 50% or more of the board are ethnic minorities. Opposed by CCFY, this bill was dropped by the author after the affected foundations agreed to collect additional information and to make it available to policy makers.

## YMCA YOUTH & GOVERNMENT PROGRAM

**AB 233 (Hall) 2012** This measure allows tax payers to designate a contribution to the YMCA Youth and Government Program on their state income tax returns. Once the check-off is listed on the State income tax return it will remain on the form for five years. Supported by CCFY it was signed into law.

**SB 278 (Lowenthal) 2007****Excused Absence for participation in civic education -** This bill allows a student attending a civic education program offered by a non-profit to receive an excused absence for any school time missed. Supported by CCFY and signed into law.

## AFTER-SCHOOL PROGRAMS

**SB 949 (Jackson) 2014** This CCFY supported bill established the Distinguished After School Health (DASH) Recognition program which operates under the State Department of Education, and allows after-school programs which meet healthy eating and physical activity standards (HEPA) to receive certification as a distinguished program.

**SB 1087 (Walters) 2012** This CCFY sponsored bill extends the number of hours that an ASES after-school program can operate from 30 to 60 hours without being licensed by the Department of Social Services. The bill also adds the YMCA to the list of organizations that can operate recreation programs without childcare licensure. Signed by Governor Brown.

**SB 798 (DeSaulnier) 2010** Amended existing law which allocates funds in accordance with the 21st Century Community Learning Centers program. Requires for any fiscal year in which the total state appropriation exceeds the total state appropriation for the program, that the excess amount be allocated for direct grants to community learning centers in accordance with a prescribed schedule. Signed by Governor Schwarzenegger.

**AB 434 (Block) 2009** Amended the After School Education and Safety Program that requires a program participant receiving state funding to ensure that no less than a specified percentage of that funding is allocated to schoolsites for direct services to pupils. Authorizes the cost of a program site supervisor to be included as direct services, provided that at least a specified percentage of the site supervisor's time is spent at the program site. Signed by Governor Schwarzenegger.

**AB 86 (Lieu) 2008** This measure specifies that bullying includes acts that constitute sexual harassment, hate violence, or severe or pervasive intentional harassment, threats, or intimidation and that are committed personally or by means of an electronic communications device or system. Provides grounds for school officials to suspend or expel a pupil even if the harassment took place out of school. This measure was signed by Governor Schwarzenegger.

**AB 1685 (Garrick) 2007** Sponsored by the Administration, this bill corrected the provisions of SB 638 (Torlakson) which failed to include the before school component of ASES. As a result, before-school programs never received an increase in rate (from \$3.33 to \$5/ per student) nor an increase in the overall universal grant amount (for elementary from \$25,000 to \$37,500 and for middle schools from \$33,000 to \$49,000) as was intended. CDE set aside \$5.7 million for this purpose.

**SB 638 (Torlakson) 2006** Relates to the 21st Century High School After School Safety and Enrichment for Teens Program to provide after school activities and assist pupils in passing high school exit exams. Provides hours of operation per week for each program. Revises grant application procedures and requirements for schools and grant priorities for the Department of Education. Provides for local assistance funds to support program improvement and technical assistance. Supported by CCFY and signed by Governor Schwarzenegger.

**SB 854 (Ashburn) 2005** Sponsored by Governor Schwarzenegger, this bill allocated funds appropriated in the annual Budget Act for 21st Century Community Learning Center programs. It set the maximum per pupil rate and requires the Department of Education to allocate 15% of the grant amount for fixed program costs. Establishes the Advisory Committee on Before and After School Programs to provide information and advice on issues effecting such programs. Supported by CCFY, the bill was signed by the Governor.

**PROPOSITION 49 (ASES) 2002** Proposition 49 was passed by California voters in November 2002 and, among other things, expanded the existing state supported child care program, provided for a continuous allocation of \$550 million per year for before- and after-school programs, increased state grant funds available for before- and after-school programs that

provide tutoring, homework assistance, and educational enrichment, and established priorities for funding, including schools with low-income students. Proposition 49 provided a "trigger" mechanism so that, when state revenues reached a certain level, funding for these programs would increase to \$550 million annually. The trigger was pulled in the FY 2006-07 and increased state funding for before/after-school programs from \$122 million to \$550 million.

In anticipation of this trigger, the Administration formed a Proposition 49 implementation team to ensure that the initiative was appropriately and efficiently rolled out. After meeting with various stakeholders including CCFY, some policy decisions were made including, among others, to increase the rates for after/before school programs (similar to the Federal 21st grant) and the total maximum grant amounts.

**AB 1984 (Steinberg) 2002** This CCFY supported bill established the 21<sup>st</sup> Century High School After School Safety & Enrichment for Teens Program to create incentives for establishing locally driven after school enrichment programs for high school pupils in the hours after school. Signed by the Governor.

**SB 1478 (McPherson) 2002** This bill states the intent of the Legislature that federally-funded 21<sup>st</sup> Century Community Learning Centers complement the existing Before and After School Learning and Safe Neighborhoods Partnerships Program and to provide funding to 21<sup>st</sup> Century Community Learning Centers program through direct grants. Supported by CCFY and signed by the Governor.

## CHILD CARE

**AB 1279 (Budget Committee) 2008** Requires, commencing March 1, 2009, the regional market rate ceilings for child care alternative payment (AP) programs and licensed child care providers to be established at the 85th percentile of the 2007 regional market rate survey for that region, and would make other conforming changes. It prohibits a family eligible for CalWORKs cash aid from being charged a family fee. The bill also modifies the calculation upon which child care AP providers are reimbursed for administrative and support services. The new calculation eliminates periodic payments, which were driven by direct child care costs, in favor of a single upfront payment based on a designated percentage, not to be permitted to exceed 19 % of AP's total contract with the state. Signed by Governor Schwarzenegger.

**AB 617 (Benoit) 2005** Opposed by CCFY. This bill would have authorized any officer, employee or agent of the Department of Social Services to enter and inspect any place providing personal care, supervision and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, the Child Day Care Facilities Act or regulations adopted by the department. Requires the department to establish a workgroup of child care advocates and others to develop a proposal for a rating system for child care facilities. This bill died pursuant to Art. IV, Sec. 10 (c) of the constitution for failing to pass its assigned committee.

**SB 1897 (Burton) 2004** This was an omnibus childcare reform bill which among other provisions, allow for the organization of family day care providers for collective representation on group benefits and negotiations with entities administering publicly-funded child care. The measure was opposed by CCFY and was vetoed by the Governor.

**AB 690 (Morrow) 1997** This bill established a pilot program in Orange County to allow nonprofit youth-serving organizations that operate child care programs on school sites to be exempt from Department of Social Services licensing requirements. Co-sponsored by CCFY and the YMCA, it was signed by the Governor.

**SB 1678 (Hart) 1994** This measure, sponsored by CCFY, established more appropriate requirements for school-age daycare. Previous requirements, which were developed for preschool programs, did not meet the needs of school-age children or the agencies providing care. This new law specifies site director and teacher training and experience requirements, recognizes in-house training programs and facilitates the start-up of new programs. Signed into law. (Health & Safety Code Section 1597.21.

### **EDUCATION CODE: CHILD CARE EXEMPT FROM LICENSURE**

**8484.3.** (a) Programs established pursuant to this article shall not be required to comply with the requirements of other provisions of this chapter or requirements set forth in Chapter 19 of Division 1 of Title 5 of the California Code of Regulations.

(b) Notwithstanding any other provision of law or regulation, an After School Education and Safety Program (ASES) operated by a city, county, or nonprofit organization pursuant to this article may operate for up to 60 hours per week without obtaining a license or special permit under Chapter 3.4 (commencing with Section 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code, provided that a pupil shall not be allowed to attend the ASES program for more than 30 hours per week. An ASES program shall not receive any additional funding pursuant to this subdivision. *(Amended by Stats. 2012, Ch. 652, Sec. 1. Effective January 1, 2013.)*

**8484.5.** (a) All school-based before and after school programs established pursuant to Section 8481 that are in operation on the date of the enactment of the act adding this section shall elect one of the following options on or before July 1, 1999:

(1) Continuing operation as a schoolage community child care services program pursuant to the remaining operative provisions of Article 22 (commencing with Section 8460).

(2) Operating as an After School Learning and Safe Neighborhoods Partnerships Program pursuant to this article. (b) It is the intent of the Legislature that any appropriation for programs established pursuant to Section 8481 be redirected to the appropriation made for programs established pursuant to Article 22 (commencing with Section 8460) or to the appropriation made for programs established pursuant to this article.

The State Department of Education shall report the amounts that shall be redirected pursuant to this subdivision to the Department of Finance for approval and adjustment of the budget. The Controller shall adjust the appropriation amounts in accordance with budget revisions approved for this purpose by the Department of Finance.

**8484.6.** (a) Programs established pursuant to this article may be conducted upon the grounds of a community park, recreational facility, or other site as approved by the State Department of Education in the grant application process. Offsite programs shall align the educational and literacy component of the program with participating pupils' regular school programs. No program located off school grounds shall be approved unless safe transportation is provided to the pupils enrolled in the program. Any reference to schoolsite as a physical location in this article shall mean schoolsite or other site as provided by this section.

(b) An offsite program conducted pursuant to this section shall comply with all statutory and regulatory requirements that are applicable to similar programs conducted on the schoolsite.

### **EXEMPT RECREATION PROGRAMS**

**SB 1087 (Walters) 2012** Current law regulates the licensure and administration of day care centers and exempts specified recreation programs conducted for children from these regulations and licensure. This bill expanded the scope of this exemption to the YMCA and organized camps. Co-sponsored by CCFY and the YMCA, the bill was signed by Governor Brown.

**SB 2397 (Seymour) 1986 and SB 387 (Seymour) 1985** The original versions of these bills required all organizations providing recreational programs to be licensed by the Department of Social Services as day care providers. CCFY sought and gained amendments to exempt nonprofit youth organizations providing recreation and scouting activities from licensure unless regular childcare is provided. Signed into law.

**Health & Safety Code Section 1596.793** *This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) do not apply to recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Clubs, Girls Clubs, or Camp Fire, or similar organizations and the fees charged for that specific purpose are subject to the requirements of this chapter, Chapter 3.5 (commencing with Section 1596.90), and Chapter 3.6 (commencing with Section 1597.30).*

### **ATHLETIC/PERSONAL TRAINERS**

**SB 1043 (Calderon) 2010** This measure, opposed by CCFY, would have provided that a person could not hold himself or herself out as a personal trainer unless he or she either had a bachelor's degree in exercise science, kinesiology, fitness science, or another closely related field, or was certified by a national independent organization or an organization accredited by either the Council for Higher Education Accreditation or by the United States Department of Education. Attempted to amend the bill, which the author refused. **Failed in Committee.**

**SB 284 (Lowenthal) 2007** This bill would have prohibited a person from representing himself or herself as a "certified athletic trainer" unless he or she is registered as an athletic trainer by an athletic training organization, as defined, and would make a violation of this provision an unfair business practice, subject to specified penalties. The bill was vetoed by the Governor.

*I am returning Senate Bill 284 without my signature.*

*Last year, I vetoed a substantially similar bill (Senate Bill 1397). I continue to maintain that there is no evidence that the existing unregulated status of athletic trainers poses any threat to the public health and safety. While there may be a benefit to consumers by providing distinction for certified athletic trainers, this bill places unnecessary regulatory burdens on the athletic training profession.*

*For this reason, I am unable to sign this measure.*

*Sincerely,*

*Arnold Schwarzenegger*



**SB 1397 (Lowenthal) 2006** This bill would have prohibited individuals from representing themselves as athletic trainers after July 1, 2007, unless they had been certified by an athletic training organization and graduated from a college or university after completing an accredited athletic training program or, prior to January 1, 2004, completed requirements for certification eligibility. They would also have had to pass a certification examination administered by an athletic training certification program, been certified in emergency cardiac care and met continuing education requirements as defined by an athletic training organization. The bill was vetoed by Governor Schwarzenegger.

**AB 614 (Lowenthal) 2003** This bill would have required the Department of Consumer Affairs to review the need for the licensing of athletic trainers if an occupational analysis of persons providing athletic training services was provided to the department by July 1, 2005. The bill would have required the department to submit a recommendation to the Legislature as to whether the state should license and regulate all athletic trainers. The bill failed passage.

## **VOLUNTEER P.E. INSTRUCTORS**

**AB 774 (Houston) 2007** This measure authorizes a School District or a County Office of Education to establish a registry of volunteer after school physical recreation instructors and other before and after school program volunteers. Supported by CCFY, the bill was signed by Governor Schwarzenegger.

## **ORGANIZED CAMPS**

**Health and Safety Code Section 18897.** *(d) (1) The term "organized camp" also does not include any camp site in a county park in a county with a population of more than four million established pursuant to the provisions of this subdivision for the purpose of short-term group camping, which is hereby defined as camping by any group of people for a period of not more than 72 consecutive hours.*

*The certificate of the director of parks and recreation of such county shall be conclusive as to the fact that a camp site has been established for the purpose of short-term group camping. This subdivision shall remain operative only until January 1, 1981, and shall have no force or effect on or after such date, unless a later enacted statute which is chaptered before January 1, 1981, deletes or extends such date. (2) The exemption of a campsite for short-term group camping pursuant to this subdivision shall take effect upon adoption of a resolution of the board of supervisors delegating responsibility for the establishment and enforcement of appropriate health, safety, and fire protection and prevention standards for such campsites to appropriate county health, safety, and fire protection and prevention officials or agencies.*

**18897.2.** *(a) Except as provided in Section 18930, the Director of Health Services shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.*

*Organized camps shall also comply with the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of Health Services. The Director of Health Services shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section. The State Department of Health Services shall enforce building standards published in the State Building Standards Code relating to organized camps and such other rules and regulations adopted by such director pursuant to the provisions of this section as such director determines are necessary to protect the health and safety of campers. In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and in adopting such other rules and regulations pursuant to the provisions of this section, the Director of Health Services shall consider the Camp Standards of the American Camping Association.*

**18897.3.** *Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.*

## **CAMP EMPLOYEES' COMPENSATION**

**Legislative Counsel Opinion 2010** – Confirms that camp or program counselors are exempt from minimum wage (85% is allowable) and that the salary is based on a 40 hour week regardless of the number of hours worked. (*See opinions at back of history*).

**AB 644 (L. Stirling) 1987** This bill, sponsored by CCFY, exempts organized camps from paying unemployment insurance on full-time students who, by definition, are non-compensable. Signed into law.

**Labor Code Section 1182.4.** *(a) No student employee, camp counselor, or program counselor of an organized camp shall be subject to a minimum wage or maximum hour order of the commission if the student employee, camp counselor, or program counselor receives a weekly salary of at least 85% of the minimum wage for a 40-hour week, regardless of the number of hours per week the student employee, camp counselor, or program counselor might work at the organized camp. If the student employee, camp counselor, or program counselor works less than 40 hours per week, the student employee, camp counselor, or program counselor shall be paid at least 85% of the minimum hourly wage for each hour worked.*

*(b) An organized camp may deduct the value of meals and lodging from the salary of a student employee, camp counselor, or program counselor pursuant to appropriate orders of the commission.*

*(c) As used in this section, "organized camp" means an organized camp, as defined in Section 18897 of the Health and Safety Code, which meets the standards of the American Camping Association.*

## **CHILD ABUSE & NEGLECT - REPORTING**

### **PENAL CODE -**

#### **PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] (** *Part 4 added by Stats. 1953, Ch. 1385. )*

##### **ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3]** *( Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1. )*

##### **11164.**

(a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.

(b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

##### **11165.**

As used in this article “child” means a person under the age of 18 years.

*(Repealed and added by Stats. 1987, Ch. 1459, Sec. 2.)*

##### **11165.5.**

As used in this article, the term “abuse or neglect in out-of-home care” includes physical injury or death inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, where the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. “Abuse or neglect in out-of-home care” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

##### **11165.6.**

As used in this article, the term “child abuse or neglect” includes physical injury or death inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4.

“Child abuse or neglect” does not include a mutual affray between minors. “Child abuse or neglect” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

*(Amended by Stats. 2007, Ch. 393, Sec. 2. Effective January 1, 2008.)*

11165.7.

(a) As used in this article, “mandated reporter” is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher’s aide or teacher’s assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.

**(6) An administrator of a public or private day camp.**

**(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.**

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

**(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.**

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

**(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.**

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an

employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

#### 11165.9.

Reports of suspected child abuse or neglect shall be made by mandated reporters, or in the case of reports pursuant to Section 11166.05, may be made, to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction. Agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section, and shall maintain a record of all reports received.

#### 11165.11.

As used in this article, "licensing agency" means the State Department of Social Services office responsible for the licensing and enforcement of the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code), the California Child Day Care Act (Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code), and Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code), or the county licensing agency which has contracted with the state for performance of those duties.

*(Added by Stats. 1987, Ch. 1459, Sec. 18.)*

#### 11165.12.

As used in this article, the following definitions shall control:

(a) "Unfounded report" means a report that is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6.

(b) “Substantiated report” means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. A substantiated report shall not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve an accidental injury, or to not constitute child abuse or neglect as defined in Section 11165.6.

(c) “Inconclusive report” means a report that is determined by the investigator who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.

**AB 1133 (O’Connell) 1991** This bill originally called for volunteers to be included among those individuals required to report suspected or known incidents of child abuse to authorities. Failure to do so could have subjected the volunteer to criminal and civil penalties. CCFY recommended and received an amendment, which instead encourages volunteers to obtain training in the recognition of child abuse and to report instances of suspected abuse.

## PUPIL NUTRITION

**SB 949 (Jackson) 2015** This bill established the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Education. The bill requires the department to develop a process whereby an after school program, as defined, may self-certify on the department’s Internet Web site that they meet prescribed requirements, including staff training on healthy eating and physical activity, providing healthy food and drinks to participants, and providing participants with physical activity and limited screen time. Supported by CCFY the bill was signed into law by Governor Brown and is now in operation.

**SB 1413 (Leno) 2010** This bill requires a school district to provide access to free, fresh drinking water during meal times in school food service areas by a specified date, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement stating the reasons why it is unable to comply. Requires the resolution to be publicly noticed on at least two consecutive meeting agendas and approved by at least a majority of the governing board. Supported by CCFY, this measure was signed by Governor Schwarzenegger.

**SB 1420 (Padilla) 2008** This bill requires by January 1, 2011, every food facility in this state that operates under common ownership or control, with at least 19 other food facilities with the same name, that sell substantially the same menu items, to disclose to consumers specified nutritional information for all standard menu items.

**SB 965 (Escutia) 2005** (Chapter 237) created specific standards regarding the types of beverages sold in California schools. One of the allowable beverages under SB 965 is bottled water without added sweetener. According to the California Department of Education (CDE), SB 965 sets clear nutrition standards on what is sold by schools, and would not affect a district's ability to offer free tap water in their cafeterias.



**APPROVED BEVERAGES** Current law requires, commencing July 1, 2009, all beverages sold to a pupil from one-half hour before the start of the schoolday until one-half hour after the end of the schoolday to be on the following list, with specified exceptions:

- 1) Fruit-based drinks with at least 50% fruit juice and no added sweetener;
- 2) Vegetable-based drinks with at least 50% vegetable juice and no added sweetener;
- 3) Drinking water with no added sweetener;
- 4) 2% fat milk, 1% fat milk, non-fat milk, soy milk, rice milk, and other similar non-dairy milk;
- 5) An electrolyte replacement beverage with no more than 42 grams of added sweetener per 20-ounce serving. (Middle and High School only)

**SB 12 (Escutia) 2004** This bill, entitled School Food Nutrition, puts limits on elementary schools by prohibiting the sale of certain beverages and food items at schools. Prohibits the sale of certain beverages and food items at all middle, junior high and high schools commencing on a specified date. Authorizes the Superintendent of Public Instruction to monitor school district compliance with nutrition and activity requirements. Requires school districts to report on their compliance. Signed by the Governor.

### **AUTOMATIC EXTERNAL DEBRILLATORS (AEDs)**

**AB 2083 (Vargas) 2006** Extends the sunset date for another five years on the operative provisions of existing law which provide immunity from civil damages for persons or entities that acquire automatic external defibrillators (AEDs) and comply with maintenance, testing, and training requirements. Signed by Governor Schwarzenegger.

**AB 1507 (Payley) 2005** Requires every health club (which, as defined includes most YMCAs) to acquire an automatic external defibrillator.

Provides immunity for providing and using the devices, and establishes standards for the devices, including, but not limited to, maintenance and staff training regarding proper use. Requires each club that continues the installation after a specified date, to maintain and train personnel in the use of the equipment and to provide related immunity. Signed by the Governor.

**AED TRAINING AND USE STANDARDS** Existing law authorizes the Department of Health to establish minimum standards for the training and use of automatic external defibrillators and requires persons or entities that acquire the defibrillators to comply with maintenance, testing, and training requirements which were scheduled to change January 1, 2008. Until January 1, 2008, existing law provided immunity from civil damages for those persons or entities. This bill, commencing from July 1, 2007, and until July 1, 2012, would require every health club, as defined, to acquire an automatic external defibrillator, which would provide immunity for providing the devices, and would, notwithstanding existing law, establish standards for providing the devices, including, but not limited to, maintenance and staff training regarding proper use. The bill would require each health club that elects to continue the installation on or after July 1, 2012, to maintain and train personnel in the use of an automatic external defibrillator, and would provide for related immunity.

## CHILDREN'S SAFETY AND HEALTH

**SB 929 (Evans) 2012** This measure, supported by CCFY, increases the age a child must use a booster seat when riding in a motor vehicle from 6 to 8 years old. The bill also requires hospitals to disseminate information about restraint requirements upon the discharge of a child. Signed by Governor Brown.

**SB 1109 (Cox) 2010** Related to taxes imposed on the sale and distribution of cigarettes and tobacco products which benefitted children. Provides that those funds shall be transferred to the General Fund for appropriation by the Legislature for purposes of the Healthy Families Program and the Medi-Cal program; provides for the distribution of funds held by county children and families commissions and by the Children and Families Commission that remain unencumbered. Opposed by CCFY, the bill failed passage.

**SB 183 (Lowenthal) 2009** This bill requires owners of any dwelling unit intended for human occupancy to maintain carbon monoxide devices in that dwelling unit. Signed by Governor Schwarzenegger, it becomes effective in 2012.

**AB 881 (Mullin) 2008** Existing law prohibits a parent or guardian from allowing a child who is six years of age or younger or who weighs less than 60 pounds from being transported in a motor vehicle unless that child is in a federally-approved child safety seat in the rear seat of the vehicle with some exceptions. In no case may a child who is under one year of age, 20 pounds, or riding in a rear-facing child seat be seated in a front seat with an active passenger air bag. This bill would have increased, from a maximum of six years of age to a maximum of seven years of age, the children who must be secured in the vehicle's rear seat and in an appropriate CPRS.

**SB 562 (Torlakson) 2006** Extends the operation of existing laws that grants the State Department of Education the authority to exercise general supervision over courses of physical education and specified authority over interscholastic athletics indefinitely. Requires the state Interscholastic Federation to report to the Legislature with certain requirements. Signed by the Governor.

**SCR 4 (Torlakson) 2005** Encourages various government, community, school, and workplace activities in support of public health awareness and prevention of obesity and diabetes. Chaptered 05/03/2005 as Resolution Chapter No. 32.

**SB 1087 (Soto) 2004** This bill extends the January 1, 2005, sunset date on the Safe Routes to School Program until January 1, 2008, and also extends the grant program until January 1, 2008. CCFY supported this bill. The measure was signed into law.

**AB 3305 (Setencich/Speier) 1996** Co-Sponsored by CCFY, this measure enacts the Swimming Pool Safety Act which establishes safety requirements for newly constructed residential pools including the requirement for fences, powered safety pool covers, alarm systems or other barriers to prevent access to the pool by infants and toddlers. Signed into law by Governor Wilson.

**AB 2268 (Caldera) 1993** This bill, co-sponsored by CCFY, requires children under 18 to wear bicycle helmets when riding their bikes. Research shows that traumatic brain injuries are reduced by 85% among those wearing bicycle helmets. Signed by Governor Wilson.

**AB 1856 (Speier) 1993** Supported by CCFY, this measure requires children under the age of 6 to wear a flotation device whenever they are aboard a boat 26 feet or less when it is underway. Signed by Governor Wilson.

**SB 689 (Kopp) 1993** Prohibits anyone under 21 years of age from operating a motor vehicle with a blood alcohol level greater than 0.01%. Would impose a one-year suspension of the driver's license for violation of this law. Supported by CCFY, the bill was signed into law by Governor Wilson.

## DISCRIMINATION

**SB 225 (Kuehl) 2001** This bill would broaden the prohibition against discrimination in schools to include discrimination on the basis of religion, mental or physical disability, and any basis contained in the prohibition of hate crimes and would prescribe related matters. Supported by CCFY, Governor Davis signed this measure.

**SB 257 (Kuehl) 2001** Existing law requires the School/Law Enforcement Partnership to establish interagency safe school programs to address school safety and school crime. This bill specifies that for partnership purposes, school crime includes hate crimes. Supported by CCFY, the bill was signed into law.

**SINGLE SEX ORGANIZATION EXEMPTION- Ed. Code Sections 221.5, 21.7, 223, & 224 Section 221.5.** *(a) It is the policy of the state that elementary and secondary school classes and courses, including non-academic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.*

*(b) No school district shall prohibit any pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Section 51550.*

*(c) No school district shall require pupils of one sex to enroll in a particular class or course, unless the same class or course is also required of pupils of the opposite sex.*

*(d) No school counselor, teacher, instructor, administrator, or aide shall, on the basis of the sex of a pupil, offer vocational or school program guidance to pupils of one sex that is different from that offered to pupils of the opposite sex or, in counseling pupils, differentiate career, vocational, or higher opportunities on the basis of the sex of the pupil counseled.*

*Any school personnel acting in a career counseling or course selection capacity to any pupil shall affirmatively explore with the pupil the possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex.*

*The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.*

*(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.*

**Section 221.7.** (a) *The Legislature finds and declares that female pupils are not accorded opportunities for participation in school-sponsored athletic programs equal to those accorded male pupils. It is the intent of the Legislature that opportunities for participation in athletics are provided equally to male and female pupils.*

(b) *Notwithstanding any other provisions of law, no public funds shall be used in connection with any athletic program conducted under the auspices of a school district governing board or any student organization within the district, which does not provide equal opportunity to both sexes for participation and for use of facilities. Facilities and participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.*

(c) *Nothing in this section shall be construed to require a school district to require competition between male and female pupils in school-sponsored athletic programs.*

**Section 223.** *This chapter shall not apply to the membership practices of the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, Camp Fire, or voluntary youth service organizations which are exempt from taxation under subdivision (a) of Section 501 of the federal IRS Code of 1954, whose membership has traditionally been limited to persons of one sex, and principally to persons of less than 19 years of age.*

**Section 224.** *The sex discrimination provisions of this article shall not apply to any of the following, provided that these conferences comply with other nondiscrimination provisions of state and federal law:*

(a) *Any program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference.*

(b) *Any program or activity of any secondary educational institution specifically for any of the following purposes:*

(1) *The promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference.* (2) *The selection of students to attend conferences.*

## EMPLOYMENT

**SB 1809 (Dunn) 2004** Cleanup to SB 1809, this bill significantly amended the provisions of SB 796 by enacting specified procedural and administrative requirements that must be met prior to bringing a private action to recover civil penalties. Moreover, SB 1809 provides that no action shall be brought for a posting, notice, agency reporting, or filing requirement, except as specified. The provisions of SB 1809 also expand judicial review of SB 796 claims by requiring courts to review and approve any penalties sought as part of a proposed settlement agreement, and those portions of settlements concerning violations of health and safety laws.

In addition, courts are authorized to award a lesser amount if to do so otherwise would result in an award that is unjust, arbitrary and oppressive, or confiscatory. Finally, SB 1809 appropriates \$150,000 from the General Fund to LWDA for the purposes of implementing these provisions, and changes the existing penalty formula to provide that 75% of most civil penalties recovered pursuant to SB 796 shall go to LWDA for labor law enforcement and education. The bill was signed into law by Governor Schwarzenegger.

**SB 796 (Dunn) 2003** This bill allows employees to sue their employers for civil penalties law violations and is intended to augment the enforcement abilities of the Labor Commissioner by creating an alternative “private attorney general” system for labor law enforcement. The bill was signed into law by Governor Davis.

## **FAMILY LEAVE**

**SB 1661 (Kuehl) 2002** This bill established a family temporary disability insurance program to provide up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child and provide the additional benefits through additional employee contributions. The bill will also authorize employers to require that employees utilize up to 2 weeks of earned but unused vacation leave prior to that employee’s receipt of these additional benefits. Signed into law.

## **FINGERPRINTING & RECORD CHECKS**

**SB 970 (Ortiz) 2003** This bill requires the Attorney General to establish an electronic communication network to facilitate the transmission of requests from non-governmental and nonprofit organizations in California for criminal offender record information for employment, licensing, certification, or custodial child placement, as specified. CCFY co-sponsored this measure, along with the Attorney General. The bill was signed into law.

**SB 1078 (Lockyer) 1997** Current law requires the Department of Justice to compile and make available through a “900” telephone number, specified information concerning persons required to register as sex offenders. This bill extended the operation of the “900” telephone program until January 1, 2001.

**SB 527 (Alquist) 1996** Sponsored by the Attorney General and supported by CCFY, this measure would have implemented an expedited criminal record system to include state and federal checks to facilitate identification and criminal records checks. This measure also called for the establishment of an advisory committee, which would have included non-profits, to advise the Legislature on the implementation of the National Child Protection ACT. Failed in the Assembly.

**AB 3723 (Klehs) 1994** This measure, strongly opposed by CCFY, would have required the Department of Justice to charge for record checks. Currently youth-serving organizations are exempt from having to pay for criminal record checks. The measure was dropped by the author before its first hearing.

**SB 751 (Bergeson) 1986** This measure would have required nonprofit organizations to fingerprint and do a criminal record check on every volunteer. Opposed by CCFY, the measure was defeated.

**AB 1976 (N. Waters) 1985** This CCFY supported bill allows nonprofit youth-serving organizations to request criminal record checks, at no charge, on their employees or volunteers who have direct or unsupervised contact with youth. Signed by the Governor.

## HOMELESS YOUTH

**SB 1470 (Lowenthal)** This measure would have required the Dept. of Mental Health & the Dept. of Housing & Community Development to jointly develop and distribute a statewide strategic prevention and assistance plan to serve homeless youth. This measure called for the departments to consult with local governments, service providers, homeless youth and formerly homeless youth to produce a plan that includes information on available support, coordination of activities among levels of government, and recommendations on the use of funding from Prop 63 (Mental Health Services Act, 2004) & Proposition 1C (Housing & Emergency Trust Fund Act, 2006).

The bill's intent was to serve homeless youth in a more coordinated fashion. The author notes that homeless youth require targeted services because they avoid discovery and public services. California has between 80,000 and 95,000 homeless youth at great risk of victimization and violence. The bill is the result of research by the California Research Bureau and a series of public policy forums conducted which found the great majority of alienated youth do not choose homelessness and would welcome assistance that could help them become independent. The bill failed in Appropriations Committee due to the costs associated with its implementation.

**AB 2972 (Aroner) 2002** Existing law prohibits discrimination on the basis of age for any program or activity that is conducted, operated, or administered by the state. This bill specifies that the provision of housing for homeless youth, as defined, is authorized by the state, and shall not be considered age discrimination, notwithstanding any provision of state law or of local ordinances. Supported by CCFY, this bill was signed into law.

## INSURANCE LIABILITY

**AB 851 (Hoge) 1996** This measure would have recognized the inherent risks of equine activities and would have provided for an exemption from liability for an injury or death of a person participating in such activities. Failed passage due to Consumer Attorneys' opposition.

**SB 1677 (Kopp) 1994** This measure, opposed by CCFY, would have repealed the exemption from liability provided to directors and officers of nonprofit corporations as provided for in SB 1264 (Lockyer) in 1992. The measure was defeated in its first policy committee.

**SB 1264 (Lockyer) 1992** Prior law, which was repealed by its own sunset provisions, provided that persons serving without compensation as directors or officers of nonprofit organizations were exempt from personal liability. This measure extended that provision indefinitely. Strongly supported by CCFY, the bill was signed into law.

**California Insurance Code 10718.55.** *(a) Carriers may enter into contractual agreements with qualified associations, as defined in subdivision (b), under which these qualified associations may assume responsibility for performing specific administrative services, as defined in this section, for qualified association members. Carriers that enter into agreements with qualified associations for assumption of administrative services shall establish uniform definitions for the administrative services that may be provided by a qualified association or its third-party administrator. The carrier shall permit all qualified associations to assume one or more of these functions when the carrier determines the qualified association demonstrates that it has the administrative capacity to assume these functions.*

*For the purposes of this section, administrative services provided by qualified associations or their third-party administrators shall be services pertaining to eligibility determination, enrollment, premium collection, sales, or claims administration on a per-claim basis that would otherwise be provided directly by the carrier or through a third-party administrator on a commission basis or an agent or solicitor workforce on a commission basis. Each carrier that enters into an agreement with any qualified association for the provision of administrative services shall offer all qualified associations with which it contracts the same premium discounts for performing those services the carrier has permitted the qualified association or its third-party administrator to assume. The carrier shall apply these uniform discounts to the carrier's risk adjusted employee risk rates after the carrier has determined the qualified association's risk adjusted employee risk rates pursuant to Section 10714. The carrier shall report to the department its schedule of discounts for each administrative service. In no instance may a carrier provide discounts to qualified associations that are in any way intended to, or materially result in, a reduction in premium charges to the qualified association due to the health status of the membership of the qualified association. In addition to any other remedies available to the commissioner to enforce this chapter, the commissioner may declare a contract between a carrier and a qualified association for administrative services pursuant to this section null and void if the commissioner determines any discounts provided to the qualified association are intended to, or materially result in, a reduction in premium charges to the qualified association due to the health status of the membership of the qualified association. (b) For the purposes of this section, a qualified association is a nonprofit corporation comprised of a group of individuals or employers who associate based solely on participation in a specified profession or industry, that conforms to all of the following requirements: (1) It accepts for membership any individual or small employer meeting its membership criteria. (2) It does not condition membership, directly or indirectly, on the health or claims history of any person. (3) It uses membership dues solely for and in consideration of the membership and membership benefits, except that the amount of the dues shall not depend on whether the member applies for or purchases insurance offered by the association. (4) It is organized and maintained in good faith for purposes unrelated to insurance. (5) It existed on January 1, 1972, and has been in continuous existence since that date. (6) It has a constitution and bylaws or other analogous governing documents that provide for election of the governing board of the association by its members. (7) It offered, marketed, or sold health coverage to its members for 20 continuous years prior to January 1, 1993. (8) It agrees to offer any plan contract only to association members. (9) It agrees to include any member choosing to enroll in the plan contract offered by the association, provided that the member agrees to make required premium payments. (10) It complies with all provisions of this article. (11) It had at least 10,000 enrollees covered by association-sponsored plans immediately prior to enactment of Chapter 1128 of the Statutes of 1992. (12) It applies any administrative cost at an equal rate to all members purchasing coverage through the qualified association. (c) A qualified association shall comply with the requirements set forth in Section 10198.9.*

**SB 2154 (Presley) 1986** This CCFY supported bill protects non-paid directors and officers of nonprofit corporations from monetary liability during performance of their duties. Sunsets January 1, 1991. Signed into law.

**AB 3545 (Lancaster) 1986** CCFY supported this measure which allows nonprofit organizations to become self-insurers. Signed into law.



## LIFEGUARDS

**SB 793 (Harmon) 2007** This bill, requires lifeguards at public swimming pools to possess, as minimum qualifications, current certificates from an American Red Cross or YMCA of the United States lifeguard training program, or to have equivalent qualifications and to have been trained to administer first aid. This bill makes conforming changes to the provisions relating to persons providing aquatic instruction. Signed by the Governor.

## MINIMUM WAGE

**AB 2832 (Lieber) 2004** Under existing law, the Industrial Welfare Commission is authorized to determine minimum wages in accordance with a prescribed procedure that includes the selection of wage boards to consider and make recommendations regarding wage issues.

The current minimum wage for all industries is \$7.25 as of July 1, 2005, and \$7.75 as of July 1, 2006. This measure was vetoed by the Governor.

**AB 2484 (L.Stirling) 1980** This CCFY sponsored bill expanded the minimum wage exemption to include camp and program counselors. The wage may not be less than 85% of the required minimum wage. Signed into law.

### **Labor Code Section 1182.4.**

*(a) No student employee, camp counselor, or program counselor of an organized camp shall be subject to a minimum wage or maximum hour order of the commission if the student employee, camp counselor, or program counselor receives a weekly salary of at least 85% of the minimum wage for a 40-hour week, regardless of the number of hours per week the student employee, camp counselor, or program counselor might work at the organized camp. If the student employee, camp counselor, or program counselor works less than 40 hours per week, the student employee, camp counselor, or program counselor shall be paid at least 85% of the minimum hourly wage for each hour worked.*

*(b) An organized camp may deduct the value of meals and lodging from the salary of a student employee, camp counselor, or program counselor pursuant to appropriate orders of the commission.*

*(c) As used in this section, "organized camp" means an organized camp, as defined in Section 18897 of the Health and Safety Code, which meets the standards of the American Camping Association.*

**AB 832 (D. Stirling) 1979** A CCFY sponsored bill, this measure exempts organized camps from paying unemployment tax on student employees. Signed into law. Part 1. Chapter 3. Section 642.1.

## SCHOOL ATHLETIC PROGRAMS

**AB 2404 (Steinberg) 2004** Gender equity bill. This bill prohibits a city, county, city and county, or special district from discriminating against any person on the basis of gender in the operation, conduct, or administration of community youth athletics programs or in the allocation of parks and recreation facilities and resources that support or enable these programs. Signed into law.

**AB 2295 (Oropeza) 2002** This bill requires the State Department of Education and the California Postsecondary Education Commission jointly to contract with an independent evaluator for the preparation of a report on interscholastic athletics in this state to be submitted to the Legislature no later than January 1, 2004. Supported by CCFY.

### **SCHOOL USE (CIVIC CENTER ACT) BEACH/PARK USE**

**SB 1404 (Hancock) 2012** Expands, under the Civic Center Act, the definition of direct costs a school district governing board may charge an entity for the use of school grounds to include a specified share of the operating and maintenance costs, share of the costs for maintenance, repair, restoration and refurbishment of the grounds proportional to that entity's use of grounds. Requires the Department of Education to develop and adopt regulations to be used in determining the proportional share. Amended at the request of CCFY to exclude classrooms and playgrounds used for childcare programs.

#### **Civic Center Act Amended to Expand Definition of “Direct Costs” School Districts May Charge for Use of School Facilities and Grounds**

The Civic Center Act (Education Code section 38130 et seq.) was amended to expand the definition of direct costs that a school district governing board may charge for use of its school facilities or grounds when Governor Jerry Brown signed SB 1404 into law on September 29, 2012. The amendment also removed language that limited the requirement to allow use to “when an alternate location is not available.” By expanding the scope of direct costs and removing this limitation, the State Legislature seeks to “encourage all school districts to maximize opportunities to make available and accessible public facilities and grounds to their communities as civic centers.”

The Civic Center Act establishes a civic center at each school site to provide space for the community to engage in recreational, educational, political, economic, artistic and moral discussions and activities. School districts must make school facilities and grounds available to nonprofit organizations and clubs or associations organized to promote youth and school activities, such as the **Girl Scouts, Boy Scouts, Camp Fire USA, YMCA**, parent-teacher associations and school-community advisory councils and may charge an amount not to exceed the direct costs of the District for such use. Direct costs were previously limited to the “share of the costs of supplies, utilities, janitorial services, services of school district employees, and salaries paid to school district employees directly associated with the administration of this section to operate and maintain school facilities or grounds that is proportional to the entity's use of the school facilities or grounds.”

The amended Section 38134 of the Civic Center Act expands the definition of direct costs that a school district may charge, to include “the share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the school facilities or grounds” by the entity using them. **These charges are only applicable to the use of non-classroom space** and school grounds, which includes, but is not limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts. **It does not apply to classroom based programs that operate during after-school hours (e.g. tutoring or child care programs) or organizations retained by the school or school district to provide instruction or instructional activities during school hours.**

SB 1404 also requires that funds collected for maintenance, repair, restoration and refurbishment must be deposited into a special fund designated only for those purposes. In addition, SB 1404's amendment to the Civic Center Act will sunset on January 1, 2020, unless a statute is enacted prior to the expiration date that deletes or extends that date.

While the amendment to the Civic Center Act went into effect January 1, 2013, the amendment specifically gives the Superintendent of Public Instruction and State Board of Education until December 31, 2013 to develop and adopt regulations that school districts can use in calculating the proportionate share and how such direct costs are to be determined.

Accordingly, until such regulations are adopted, school districts remain with limited guidance as to what specific allowable costs may be included as direct costs and how to determine a proportionate share for use of its facilities and grounds. In light of these changes and the forthcoming adoption of regulations by the State Board of Education, school districts are encouraged to review and update their Civic Center Act policies and administrative regulations.

**AB 6 (Cardenas) 2001** Under the After School Learning and Safe Neighborhoods Partnership Program, this bill would permit schools to establish before and after school programs on a school site or on a site adjacent to a school, would establish maximum grants for before and after school programs, and would advise related funding priorities. Signed by Governor Davis.

**AB 485 (Papan) 1997** This bill specifies that school boards may grant the use of a school facility or grounds for a community youth center. Supported by CCFY and signed by the Governor.

**AB 153 (Baldwin) 1997** This measure was a reintroduction of AB 1953 (Baldwin 1996). It prohibits local, city or county governmental agencies from charging fees or imposing any other requirements on youth groups for using public beaches or parks that are not charged to other groups. The bill also specifies that transportation provided by camping groups is exempt from PUC registration. Additionally, this bill specifies minimum insurance requirements for vehicles used to provide transportation to camps (see transportation section). The bill was signed into law by Governor Wilson. CCFY co-sponsored this measure.

**AB 1953 (Baldwin) 1996** This measure was introduced in response to a policy adopted by the County of Los Angeles to charge "youth groups" permit fees, a percentage of program fees and insurance requirements in order to use public beaches. The bill was passed by the Legislature and vetoed by Governor Wilson. The Governor cited "liability concerns" in his veto message and indicated he would be willing to sign a future bill that addressed these concerns. CCFY co-sponsored this bill.

**SB 399 (Hart) 1993** Originally this measure did not contain language concerning the Civic Center Act. The bill was amended on the Senate Floor at the request of the Wilson Administration, however, to delete the prohibition of charging nonprofit youth groups the direct costs for using school facilities. Attempts to undo this last minute change were unsuccessful.

**AB 2725 (M. Waters) 1984** Sponsored by CCFY, this measure reintroduced the language contained in AB 1961 (M. Waters) allowing nonprofit youth groups to use school facilities free of charge, after it was vetoed by Governor Deukmejian. Following a threat by CCFY to seek an override, the Governor reconsidered his previous veto action and signed this urgency legislation.

**AB 1961 (M. Waters) 1983** This CCFY sponsored bill restated the purpose of the Civic Center Act by including language stating that youth organizations could use school facilities free of charge for after-school meetings and functions. Measure was vetoed by Governor Deukmejian.

**SB 1667 (Davis) 1982** This measure would have allowed schools to charge nonprofit organizations a fee for use of school facilities. The measure was opposed by CCFY and defeated in committee.

**AB 2634 (Farr) 1982** This bill allowed youth-serving organizations to use school facilities and pay only for direct costs associated with use. CCFY took a watch position on this measure, which passed.

## STATUS OFFENDERS

**AB 119 (Tucker) 1991** CCFY opposed this measure that called for the secure detention of status offenders. The bill, which was amended to be a pilot program limited to the author's own district, failed in policy committee.

**AB 2208 (Bentley) 1991** This bill, opposed by CCFY, also called for the secure detention of status offenders. The bill was defeated in the Assembly.

**AB 3075 (Chacon) 1985** This CCFY co-sponsored bill created the California Runaway Hotline to provide 24-hour crisis counseling for runaway, homeless and troubled youth. Signed into law.

**AB 1789 (Tucker), AB 1990 (Konnyu), SB 396 (Nielson) 1982** Each of these measures called for the secure detention of status offenders (youth who are charged with non-criminal violations of the law such as curfew, running away from home, etc.). Opposed by CCFY, all three measures were defeated.

## TAXATION ON SNACK FOODS

**Proposition 163 1992** Passed by voters on the November 1992 ballot, this proposition changed the Constitution to make taxation on snack foods illegal. Legislation introduced during the 1993 Legislative Session, SB 705 (Greene) removed from state statute outdated language pertaining to snack foods.

**SB 1473 (Kopp) and SB 30 (Boatwright) 1992** These measures proposed making nonprofit youth groups "retailers" for the purpose of charging them tax on their purchase of cookies, candy and other snack foods. Strongly opposed by CCFY, these bills were defeated in the Assembly Revenue and Taxation Committee.

**SB 5X (Boatwright), SB 2X (Deddeh) and AB 2181 (Vasconcellos) 1991** These measures would have allowed for taxation on cookies, candy and other snack foods in an effort to bridge the gap between state revenues and expenditures. CCFY was able to obtain an exemption for nonprofit youth-serving organizations in each of these measures. AB 2181 was signed into law.

**AB 1428 (W. Brown) and AB 105 (Moore) 1983** These tax loophole correction measures called for the taxation of candy and confectionery. CCFY opposition brought about specific amendments exempting nonprofit youth-serving organizations whose profits from such sales were used to provide programs for children and youth. Both of these measures were defeated.

## TRANSPORTATION

**AB 153 (Baldwin) 1997** The transportation portion of this bill (see beach use) provides that groups providing transportation to youth camps shall provide insurance in the following amounts: for vehicles capacity up to 8 passengers: \$500,000 general liability plus \$250,000 general umbrella policy; up to 15 passengers: \$1 million general liability plus \$500,000 umbrella; over 15 passengers: \$1.5 million general liability plus \$3.5 million umbrella coverage. The bill also reclassifies in statute that camp transportation is provided by private party carriers rather than charter-party carriers; requires employers to participate in the DMV pull notice program and have CHP conduct annual bus terminal inspections. Signed by the Governor.

**AB 2920 (Brewer) 1996** This bill, supported by CCFY, added to the definition of “youth bus” a vehicle that is used to transport children directly to and from a child’s residence for organized non-school related activities. Signed into law.

**Public Utilities Commission Opinion 1991** The Commission determined that transportation provided for children to camps operated by nonprofit organizations would be exempt from PUC oversight as charter party carriers. The decision was based on the determination that transportation provided by non-profits is not done on a commercial basis.

**AB 2284 (Filante) 1987** Co-sponsored by CCFY, this measure allows youth buses to transport youth to, as well as from, school sites. Signed into law.

## YOUTH CENTER & PARK BONDS ACTS

**AB 31 (De Leon) 2008** This measure amends the Urban Park Act and renames it the Statewide Park Development and Community Revitalization Act of 2008. It authorizes a city, regional park district, county and specified **nonprofit organizations** to apply for local assistance program grants. Provides technical assistance for grant preparation and project development and provides funding. Supported by CCFY, the bill was signed into law by Governor Schwarzenegger.

**AB 1481 (Frommer) 2001** This bill enacts the Urban Park Act of 2001, which would require the Department of Parks and Recreation to establish a local assistance program under which the department would offer grants, on a competitive basis, to various local entities and nonprofit organizations, for the acquisition or development, or both, of urban parks and recreational areas and facilities. Supported by CCFY, this bill was signed by Governor Davis.

**AB 2796 (Wright) 1998** This CCFY co-sponsored bill appropriated \$25,000,000 for allocation by the Department of the Youth Authority to nonprofit organizations for acquiring, renovating, or constructing defined youth centers.

**SB 1094 (Presley) 1990** A CCFY co-sponsored bill, this measure put \$25 million on the ballot for construction of additional youth centers and shelters. The measure was turned down by voters.

**AB 3172 (Baker) 1990, AB 472 (M. Waters) 1989** CCFY co-sponsored these bills which provided technical language necessary for the Youth Authority to award funds under the Youth Center/Shelter Bond Act and to cover administration costs. Signed into law.

**AB 2737 (M. Waters) and SB 1664 (Presley) 1988** Co-sponsored by CCFY, these bills established the Youth Center & Youth Shelter Bond Act as part of Proposition 86. The Act appropriated \$15 million to youth centers and \$10 million to youth shelters, including shelters for abused and neglected youth. CCFY staff served on the California Youth Authority Advisory Committee overseeing the implementation of the Act. Signed into law.

**Welfare & Institutions Code Section 2000** *This chapter shall be known and may be cited as the Youth Center and Youth Shelter Bond Act of 1988. 2001. For purposes of this chapter:*

(a) *“Acquiring” means obtaining ownership of an existing facility in fee simple for use as a youth center or youth shelter.*

(b) *“Altering” or “renovating” means making modifications to an existing facility which are necessary for cost-effective use as a youth center or youth shelter, including restoration, repair, expansion, and all related physical improvements.*

(c) *“Applicant” means any local agency or nonprofit private agency or organization, and any joint venture of public and nonprofit private agencies or organizations.*

(d) *“Constructing” means the purchase or building or building of a new facility, including the costs of land acquisition and architectural and engineering fees.*

(e) *“Department” means the Department of the Youth Authority.*

(f) *“Equipment” means tangible personal property having a useful life of more than one year and an acquisition cost of three hundred dollars (\$300) or more.*

(g) *“Fund” means the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund, created pursuant to Section 4496.10 of the Penal Code.*

(h) *“Nonprofit” means an institution or organization that is owned and operated by one or more corporations or associations with no part of the net earnings benefiting any private shareholder or individual.*

(i) *“Programs” means a variety of services and activities provided in a youth center, including, but not limited to, recreation, health and fitness, delinquency prevention such as anti-gang programs and how-to resistance to peer group pressures, counseling for such problems as drug and alcohol abuse and suicide, citizenship and leadership development, and employment.*

(j) *“Services” means those services provided in youth shelters, including, but not limited to, food, shelter, counseling, outreach, basic health screening, referral and linkage to other services offered by public and private agencies, and long-term planning for reunification with the family or in a suitable home where family reunification is not possible.*

(k) *“Youth center” means a facility where children, ages 6 to 17, inclusive, come together for programs and activities.*

(l) *“Youth shelter” means a facility that provides a variety of services to homeless minors living on the street to assist them with their immediate survival needs and to help reunite them with their parents or, as a last alternative, find a suitable home.*

## **LEGISLATIVE COUNSEL OPINIONS AVAILABLE:**

Camp Counselors Overtime/Wage Exemption  
Property and Business Improvement District Law  
On Duty Meals  
Union Wages on Non-profit Building Projects

NOTES: