

ASSEMBLY BILL

No. 589

**Introduced by Assembly Member Levine
(Principal coauthor: Assembly Member Ma)**

February 21, 2007

An act to amend Sections 32282, 46010.1, 48205, 48900, 48980, 51101, 51931, and 51933 of, to add Sections 38006, 44239.5, 46010.11, 48915.6, 49079.1, and 51210.5 to, to add Article 12 (commencing with Section 285) to Chapter 2 of Part 1 of Division 1 of Title 1 of, and to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of, the Education Code, and to add Section 11173 to the Penal Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 589, as introduced, Levine. Pupils: teen dating and sexual violence prevention.

(1) Existing law declares the intent of the Legislature that all California public schools that offer kindergarten and any of grades 1 to 12, inclusive, develop a comprehensive school safety plan. School districts and county offices of education are responsible for the overall development of the comprehensive school safety plans for their constituent schools. The comprehensive school safety plan for a school is required to include assessment of the current status of crime committed on school campuses and at school-related functions and identification of appropriate strategies and programs to provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety.

This bill would establish the Statewide Task Force on Teen Dating and Sexual Violence. The task force would be required, among other

things, to develop a culturally competent model policy and protocol for school response to teen dating and sexual violence and, by July 1, 2009, prepare and submit reports on the findings and recommendations of the task force to the department, the Attorney General’s office, and domestic, dating, and sexual violence organizations in the state. By August 31, 2010, a school district, in collaboration with local organizations that work in the areas of domestic violence, teen dating violence, and sexual violence, would be required to establish and implement a policy and protocol for responding to teen dating violence and sexual violence in middle and high schools. School districts would be required to have personnel who are specially trained on teen dating violence and sexual violence and the district’s policy and protocol. A fine of \$2,000 per month would be imposed on a school district that the State Department of Education finds is not in compliance with those provisions.

(2) This bill would also include a number of other revising, clarifying, and conforming statutory changes to assist school districts in identifying, preventing, and responding to teen dating violence and sexual violence.

(3) By requiring school districts to provide a higher level of service by performing additional duties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 12 (commencing with Section 285) is
 2 added to Chapter 2 of Part 1 of Division 1 of Title 1 of the
 3 Education Code, to read:

1 Article 12. Teen Dating Violence and Sexual Violence School
2 Employee Response Training
3

4 285. (a) A county office of education shall develop trainings
5 for school district employees on teen dating violence and sexual
6 violence in conjunction with advocates who work in the areas of
7 domestic violence, teen dating violence, and sexual violence and
8 the Statewide Task Force on Teen Dating Violence and Sexual
9 Violence established in Section 32230. At a minimum, the trainings
10 shall do all of the following:

11 (1) Instruct employees on definitions and identification of teen
12 dating violence and sexual violence.

13 (2) Instruct employees on intervention and response techniques
14 in cases of teen dating violence and sexual violence.

15 (3) Instruct employees on methods to identify and model good
16 relationships.

17 (4) Instruct employees on the policy and protocol for responding
18 to teen dating violence and sexual violence established by the
19 school district pursuant to Section 32232, including filing a claim,
20 confidentiality, and retaliation.

21 (b) Health and life skills teachers shall be trained in collaboration
22 with local advocates who work in the areas of domestic violence,
23 teen dating violence, and sexual violence. At a minimum, health
24 and life skills teacher training shall include all of the following:

25 (1) Methods of teaching the dynamics of power and control in
26 intimate relationships.

27 (2) Methods to identify and respond to teen dating violence.

28 (3) Strategies for effectively teaching teen dating violence
29 prevention and sexual violence prevention curriculum.

30 (4) Information on the barriers teenagers face in ending abusive
31 relationships.

32 (5) Information on resources from which teenagers can seek
33 help and services.

34 (c) All trainings pursuant to this section shall be approved by
35 the Statewide Task Force on Teen Dating Violence and Sexual
36 Violence.

37 (d) School districts are encouraged to provide voluntary
38 education for parents and guardians, including educational mailings
39 and workshops on identifying and responding to teen dating
40 violence and sexual violence.

1 SEC. 2. Article 3.7 (commencing with Section 32230) is added
2 to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education
3 Code, to read:

4

5 Article 3.7. Teen Dating Violence Prevention, Sexual Violence
6 Prevention, and School Response

7

8 32230. (a) The Legislature finds and declares all of the
9 following:

10 (1) Teen dating violence is a pattern of actual or threatened acts
11 of physical, sexual, and emotional abuse, perpetrated by an
12 individual against a current or former dating partner who is an
13 adolescent.

14 (2) Abuse may include insults, coercion, social sabotage, sexual
15 harassment, threats, and acts of physical or sexual abuse.

16 (3) Dating violence crosses racial, cultural, gender, sexual
17 orientation, and socioeconomic lines.

18 (4) Teen dating violence and sexual assault is one of the leading
19 causes of truancy and is associated with poor academic
20 performance.

21 (5) Victims of teen dating violence are more likely to bring a
22 weapon onto school grounds.

23 (6) Teen perpetrators of dating violence are more likely to batter
24 their intimate partners as adults.

25 (7) Teen dating violence and sexual assault are public health
26 issues that affect the quality of life of pupils and the safety of
27 school campuses.

28 (8) It is the public policy of this state that schools work to
29 prevent and respond to teen dating violence and sexual violence.

30 (b) For purposes of this article, the following definitions apply:

31 (1) "Teen dating violence" means a pattern of behavior where
32 a person uses threats of or actual physical abuse, sexual abuse,
33 verbal abuse, or emotional abuse to control his or her partner and
34 one or both of the partners is a teenager.

35 (2) "Sexual violence" means sexual assault, sexual abuse, or
36 sexual stalking of a minor child or teenager, including sexual
37 violence committed by perpetrators who are strangers to the victim
38 and by perpetrators who are known or related by blood or marriage
39 to the victim.

1 (3) Teen dating violence and sexual violence may include acts
2 of hate crimes punishable under Section 422.6, 422.7, or 422.75
3 of the Penal Code, sexual harassment as defined by Section 212.5,
4 and bullying.

5 32231. (a) The Statewide Task Force on Teen Dating Violence
6 and Sexual Violence (task force) is hereby established. The
7 department, in consultation with the state domestic violence
8 coalition designated by the National Coalition Against Domestic
9 Violence, shall appoint, at a minimum, the following members to
10 the task force:

- 11 (1) A representative of the department.
- 12 (2) Two domestic violence victim advocates.
- 13 (3) Two teen dating violence victim advocates.
- 14 (4) Two sexual assault victim advocates.
- 15 (5) A representative from the state domestic violence coalition,
16 as designated by the National Coalition Against Domestic
17 Violence.
- 18 (6) The superintendent or other administrative representative
19 of an urban school district.
- 20 (7) The superintendent or other administrative representative
21 of a rural school district.

22 (8) A representative of the Attorney General’s office.

23 (b) The members of the task force shall not receive a salary for
24 their services but shall be reimbursed for actual and necessary
25 travel and other expenses incurred in the performance of their
26 duties.

- 27 (c) The task force shall do all of the following:
- 28 (1) Collect and organize data on teen dating violence and sexual
29 violence.
 - 30 (2) Study the intersection between schools and both teen dating
31 violence and sexual violence.
 - 32 (3) Develop a culturally competent model policy and protocol
33 for school response to teen dating violence and sexual violence.
 - 34 (4) Review and approve school policies and protocols for school
35 response to teen dating violence and sexual violence.
 - 36 (5) Collect, organize, and develop trainings and educational
37 outreach tools for teachers, administrators, school employees,
38 pupils, and parents or guardians on teen dating violence and sexual
39 violence.

1 (6) Consult with governmental and nongovernmental
2 organizations in developing recommendations to strengthen school
3 and community prevention of and response to teen dating violence
4 and sexual violence.

5 (7) Meet at least once every two months. Subcommittees may
6 be formed and meet as necessary.

7 (8) By July 1, 2009, prepare and submit reports on the findings
8 and recommendations of the task force to the department, the
9 Attorney General’s office, and the domestic violence, dating
10 violence, and sexual violence organizations in the state.

11 32232. (a) By August 31, 2010, a school district, in
12 collaboration with local organizations that work in the areas of
13 domestic violence, teen dating violence, and sexual violence, shall
14 establish and implement a policy and protocol for responding to
15 teen dating violence and sexual violence in middle and high
16 schools. The policy and protocol, at a minimum, shall do all of the
17 following:

18 (1) Define the terms teen dating violence and sexual violence.

19 (2) Provide detailed procedures for training school employees,
20 filing complaints, recording incidents, and investigating complaints.

21 (3) Establish a districtwide confidentiality policy for victims.

22 (4) Provide the victim with the right to have a support person
23 present during all stages of the investigation.

24 (5) Provide for a complaint system for noncompliance with teen
25 dating violence and sexual violence response protocol and for
26 complaints about, and appeals of, school administrator decisions
27 or actions.

28 (6) Be distinct from the school district’s sexual harassment and
29 bullying protocols.

30 (7) Make reasonable accommodations for victims of teen dating
31 violence and sexual violence.

32 (8) Provide notice to parents, guardians, and pupils as follows:

33 (A) Mail the policy and protocol, a summary of the protocol,
34 and information on where complaints of teen dating violence and
35 sexual violence can be filed to parents and guardians pursuant to
36 subdivision (l) of Section 48980.

37 (B) Post notices targeting pupils on campus with information
38 about the school’s policy to respond to teen dating violence and
39 sexual violence and how pupils can file teen dating violence and
40 sexual violence claims.

1 (C) Include the teen dating violence and sexual violence policy
2 in the pupil, parent, and school district handbooks and in official
3 school policy reference materials.

4 (9) Provide for notification of the parents or guardians of pupils
5 involved in a complaint of teen dating violence or sexual violence,
6 unless notification is not in the best interests of the affected pupils.

7 (10) Provide for referrals for the victim to a community-based
8 domestic violence, teen dating violence, or sexual assault advocate
9 or services. A school district shall have a list of domestic violence,
10 teen dating violence, and sexual violence agencies and services in
11 the community to which victims can be referred. Pupil participation
12 in the referral program shall be voluntary.

13 (11) Not tolerate retaliation against a person because that person
14 filed a teen dating violence or sexual violence complaint or
15 participated in a compliant investigation.

16 (12) Require school administrators, teachers, and other
17 employees promptly to assist pupils in reporting a violation of a
18 restraining or other protective order to law enforcement.

19 (b) In developing its policy and protocol for response to teen
20 dating violence and sexual violence pursuant to this section, a
21 school district may adopt the model policy and protocol developed
22 by the task force pursuant to paragraph (3) of subdivision (c) of
23 Section 32231, or it may create its own. The task force shall review
24 and approve a school district's policy and protocol before
25 implementation to ensure it meets the requirements specified in
26 this section.

27 (c) Each complaint of teen dating violence or sexual violence
28 shall be documented. At a minimum, documentation shall include
29 all of the following:

30 (1) Description of incidents, including statements from the
31 parties involved, witness interviews, and documents collected by
32 school officials.

33 (2) Victim and perpetrator information, including class
34 schedules, group and club memberships, and school activities.

35 (3) Disciplinary and accommodation recommendations,
36 including changes to class schedules.

37 (4) Response actions taken, including safety planning, referrals
38 for services, and disciplinary actions.

1 (5) Incident updates, including response to disciplinary actions,
2 perpetrator compliance, reviews of safety plans, and status reports
3 from the victim, including further referrals for services.

4 (d) A school district shall track, record, and archive data on
5 incidence, types, and prevalence of teen dating violence or sexual
6 violence. This data shall not contain personal identifying
7 information of a pupil, including social security number, name, or
8 school identification number.

9 (1) A school district shall prepare, publish, and distribute,
10 through appropriate publications or mailings, to all current pupils
11 and employees, and to any applicant for enrollment or employment
12 upon request, an annual security report on teen dating violence
13 and sexual violence crime statistics.

14 (2) At a minimum, the data tracked pursuant to this subdivision
15 shall include all of the following:

16 (A) Gender of the victims.

17 (B) Gender of the perpetrators.

18 (C) Age of the victims.

19 (D) Age of the perpetrators.

20 (E) Weapons used.

21 (F) Location of incidents.

22 (G) Type of abuse involved.

23 (H) Number of witnesses.

24 (I) Number of prior incidents involving the same pupils.

25 (J) Injuries and damages resulting from the incidents.

26 (K) Disciplinary actions taken.

27 32233. A school district shall have personnel who are specially
28 trained on teen dating violence and sexual violence and the
29 district's policy and protocol pursuant to Section 32232. The
30 personnel shall serve as a resource on teen dating violence and
31 sexual violence for the district and help guide the complaint
32 process. The personnel shall complete at least eight hours of
33 training once a year in one or more of the following areas:

34 (a) Dating violence, including theories and dynamics of domestic
35 violence, including a definition of domestic violence and dating
36 violence; power, control, and cycles of violence; barriers to leaving
37 abusive relationships; aspects of healthy and unhealthy
38 relationships; effects of domestic violence on survivors; perpetrator
39 characteristics and accountability; legal advocacy including orders

1 of protection; crisis intervention, safety planning, and referrals;
2 and student confidentiality.

3 (b) Sexual violence, including theories and history of sexual
4 violence and oppression; types of sexual violence including
5 stranger rape, acquaintance or campus rape, child sexual abuse
6 and incest, multiple assailants and gang rape, and same sex rape;
7 medical and legal advocacy with sexual violence victims including
8 criminal and civil legal options, and consent by minors to medical
9 procedures, and information about drugs facilitating rape; crisis
10 intervention, safety planning and referrals; and pupil
11 confidentiality.

12 (c) Information on reporting incidents of teen dating violence
13 and sexual violence that may constitute crimes, such as vandalism
14 and terrorist threats.

15 32234. (a) Failure to comply with this article shall result in a
16 fine of two thousand dollars (\$2,000) per month the school district
17 is out of compliance. The department or its designee shall make a
18 finding of noncompliance for purposes of this section.

19 (b) Failure to comply or retaliation against pupils or employees
20 who comply with this article shall give rise to a private cause of
21 action against the school district.

22 SEC. 3. Section 32282 of the Education Code is amended to
23 read:

24 32282. (a) The comprehensive school safety plan shall include,
25 but not be limited to, both of the following:

26 (1) ~~Assessing~~ *Assessment of* the current status of school crime
27 committed on school campuses and at school-related functions.

28 (2) ~~Identifying~~ *Identification of* appropriate strategies and
29 programs that will provide or maintain a high level of school safety
30 and address the school's procedures for complying with existing
31 laws related to school safety, which shall include the development
32 of all of the following:

33 (A) Child abuse reporting procedures consistent with Article
34 2.5 (commencing with Section 11164) of *Chapter 2 of* Title 1 of
35 Part 4 of the Penal Code.

36 (B) Disaster procedures, routine and emergency, including
37 adaptations for pupils with disabilities in accordance with the
38 *federal* Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
39 12101 et seq.). The disaster procedures shall also include, but not
40 be limited to, both of the following:

- 1 (i) Establishing an earthquake emergency procedure system in
2 every public school building having an occupant capacity of 50
3 or more pupils or more than one classroom. A district or county
4 office may work with the Office of Emergency Services and the
5 Seismic Safety Commission to develop and establish the earthquake
6 emergency procedure system. The system shall include, but not
7 be limited to, all of the following:
- 8 (I) A school building disaster plan, ready for implementation
9 at any time, for maintaining the safety and care of pupils and staff.
- 10 (II) A drop procedure whereby each pupil and staff member
11 takes cover under a table or desk, dropping to his or her knees,
12 with the head protected by the arms, and the back to the windows.
13 A drop procedure practice shall be held at least once each school
14 quarter in elementary schools and at least once a semester in
15 secondary schools.
- 16 (III) Protective measures to be taken before, during, and
17 following an earthquake.
- 18 (IV) A program to ensure that pupils and both the certificated
19 and classified staff are aware of, and properly trained in, the
20 earthquake emergency procedure system.
- 21 (ii) Establishing a procedure to allow a public agency, including
22 the American Red Cross, to use school buildings, grounds, and
23 equipment for mass care and welfare shelters during disasters or
24 other emergencies affecting the public health and welfare. The
25 district or county office shall cooperate with the public agency in
26 furnishing and maintaining the services as the district or county
27 office may deem necessary to meet the needs of the community.
- 28 (C) Policies pursuant to subdivision (d) of Section 48915 for
29 pupils who committed an act listed in subdivision (c) of Section
30 48915 and other school-designated serious acts ~~which~~ *that* would
31 lead to suspension, expulsion, or mandatory expulsion
32 recommendations pursuant to Article 1 (commencing with Section
33 48900) of Chapter 6 of Part 27.
- 34 (D) Procedures to notify teachers of dangerous pupils pursuant
35 to Section 49079.
- 36 (E) A discrimination and harassment policy consistent with the
37 prohibition against discrimination contained in Chapter 2
38 (commencing with Section 200) of Part 1.
- 39 (F) The provisions of ~~any~~ a schoolwide dress code, pursuant to
40 Section 35183, that prohibits pupils from wearing “gang-related

1 apparel,” if the school has adopted that type of a dress code. For
2 those purposes, the comprehensive school safety plan shall define
3 “gang-related apparel.” The definition shall be limited to apparel
4 that, if worn or displayed on a school campus, reasonably could
5 be determined to threaten the health and safety of the school
6 environment. ~~Any~~ A schoolwide dress code established pursuant
7 to this section and Section 35183 shall be enforced on the school
8 campus and at any school-sponsored activity by the principal of
9 the school or the person designated by the principal. For ~~the~~
10 purposes of this paragraph, “gang-related apparel” shall not be
11 considered a protected form of speech pursuant to Section 48950.

12 (G) Procedures for safe ingress and egress of pupils, parents,
13 and school employees to and from school.

14 (H) A safe and orderly environment conducive to learning at
15 the school.

16 (I) The rules and procedures on school discipline adopted
17 pursuant to Sections 35291 and 35291.5.

18 ~~(J) Hate crime reporting procedures pursuant to Chapter 1.2~~
19 ~~(commencing with Section 628) of Title 15 of Part 1 of the Penal~~
20 ~~Code.~~

21 *(J) Teen dating violence and sexual violence reporting*
22 *procedures and response requirements pursuant to Article 3.7*
23 *(commencing with Section 32230) of Chapter 2 of Part 19.*

24 (b) It is the intent of the Legislature that schools develop
25 comprehensive school safety plans using existing resources,
26 including the materials and services of the partnership, pursuant
27 to this chapter. It is also the intent of the Legislature that schools
28 use the handbook developed and distributed by the School/Law
29 Enforcement Partnership Program entitled “Safe Schools: A
30 Planning Guide for Action” in conjunction with developing their
31 plan for school safety.

32 (c) Grants to assist schools in implementing their comprehensive
33 school safety plan shall be made available through the partnership
34 as authorized by Section 32285.

35 (d) Each schoolsite council or school safety planning committee
36 in developing and updating a comprehensive school safety plan
37 shall, where practical, *shall* consult, cooperate, and coordinate
38 with other schoolsite councils or school safety planning
39 committees.

1 (e) The comprehensive school safety plan may be evaluated and
 2 amended, as needed, by the school safety planning committee, but
 3 shall be evaluated at least once a year, to ensure that the
 4 comprehensive school safety plan is properly implemented. An
 5 updated file of all safety-related plans and materials shall be readily
 6 available for inspection by the public.

7 (f) The comprehensive school safety plan, as written and updated
 8 by the schoolsite council or school safety planning committee,
 9 shall be submitted for approval under subdivision (a) of Section
 10 32288.

11 SEC. 4. Section 38006 is added to the Education Code, to read:

12 38006. School district police officers and security officers shall
 13 respond to claims of a violation of a restraining or protective order.
 14 Responding to a violation of a restraining or protective order may
 15 include, but is not limited to, assisting victims in contacting law
 16 enforcement.

17 SEC. 5. Section 44239.5 is added to the Education Code, to
 18 read:

19 44239.5. The commission shall work in collaboration with
 20 state advocates who work in the areas of domestic violence, teen
 21 dating violence, and sexual violence to establish a teacher
 22 credential requirement concerning those areas. At a minimum, the
 23 credential requirement shall include knowledge of all of the
 24 following:

25 (a) Definitions and identification of domestic violence, teen
 26 dating violence, and sexual violence.

27 (b) The intersection of teen dating violence and sexual violence
 28 with safety on and off campus, risk behaviors, child development,
 29 and academic success.

30 (c) Resources for teen dating violence and sexual violence
 31 victims.

32 SEC. 6. Section 46010.1 of the Education Code is amended to
 33 read:

34 46010.1. ~~Commencing in the fall of the 1986–87 academic~~
 35 ~~year, the~~ *The* governing board of ~~each~~ *a* school district shall, each
 36 academic year, notify pupils in grades 7 to 12, inclusive, and the
 37 parents or guardians of all pupils enrolled in the district, that school
 38 authorities ~~may will excuse any~~ *will excuse any* a pupil from the school for the
 39 purpose of obtaining confidential medical services without the
 40 consent *or notification* of the pupil’s parent or guardian.

1 The notice required pursuant to this section may be included
2 with any other notice given pursuant to this code.

3 SEC. 7. Section 46010.11 is added to the Education Code, to
4 read:

5 46010.11. Failure to comply with Section 46010.1 shall give
6 rise to a private cause of action in addition to potential fines of up
7 to two thousand dollars (\$2,000) per incident against the school
8 district.

9 SEC. 8. Section 48205 of the Education Code is amended to
10 read:

11 48205. (a) Notwithstanding Section 48200, a pupil shall be
12 excused from school when the absence is:

13 (1) Due to his or her illness.

14 (2) Due to quarantine under the direction of a county or city
15 health officer.

16 (3) For the purpose of having medical, dental, optometrical, or
17 chiropractic services rendered.

18 (4) For the purpose of attending the funeral services of a member
19 of his or her immediate family, so long as the absence is not more
20 than one day if the service is conducted in California and not more
21 than three days if the service is conducted outside California.

22 (5) For the purpose of jury duty in the manner provided for by
23 law.

24 (6) Due to the illness or medical appointment during school
25 hours of a child of whom the pupil is the custodial parent.

26 (7) For justifiable personal reasons, including, but not limited
27 to, an appearance in court, attendance at a funeral service,
28 observance of a holiday or ceremony of his or her religion,
29 attendance at religious retreats, or attendance at an employment
30 conference, when the pupil's absence has been requested in writing
31 by the parent or guardian and approved by the principal or a
32 designated representative pursuant to uniform standards established
33 by the governing board.

34 (8) For the purpose of serving as a member of a precinct board
35 for an election pursuant to Section 12302 of the Elections Code.

36 (9) *Due to domestic violence, teen dating violence, or sexual*
37 *violence.*

38 (b) A pupil absent from school under this section shall be
39 allowed to complete all assignments and tests missed during the
40 absence that can be reasonably provided and, upon satisfactory

1 completion within a reasonable period of time, shall be given full
2 credit ~~therefor~~ *for those assignments and tests*. The teacher of any
3 class from which a pupil is absent shall determine the tests and
4 assignments shall be reasonably equivalent to, but not necessarily
5 identical to, the tests and assignments that the pupil missed during
6 the absence.

7 (c) For purposes of this section, attendance at religious retreats
8 shall not exceed four hours per semester.

9 (d) Absences pursuant to this section are deemed to be absences
10 in computing average daily attendance and shall not generate state
11 apportionment payments.

12 (e) “Immediate family,” as used in this section, has the same
13 meaning as that set forth in Section 45194, except that references
14 ~~therein in that section~~ to “employee” shall be deemed to be
15 references to “pupil.”

16 SEC. 9. Section 48900 of the Education Code is amended to
17 read:

18 48900. A pupil may not be suspended from school or
19 recommended for expulsion, unless the superintendent or the
20 principal of the school in which the pupil is enrolled determines
21 that the pupil has committed an act as defined pursuant to any of
22 subdivisions (a) to ~~(q)~~ (r), inclusive:

23 (a) (1) Caused, attempted to cause, or threatened to cause
24 physical injury to another person.

25 (2) Willfully used force or violence upon the person of another,
26 except in self-defense.

27 (b) Possessed, sold, or otherwise furnished ~~any a~~ firearm, knife,
28 explosive, or other dangerous object, unless, in the case of
29 possession of ~~any an~~ object of this type, the pupil had obtained
30 written permission to possess the item from a certificated school
31 employee, which is concurred in by the principal or the designee
32 of the principal.

33 (c) Unlawfully possessed, used, sold, or otherwise furnished,
34 or been under the influence of, ~~any a~~ controlled substance listed
35 in Chapter 2 (commencing with Section 11053) of Division 10 of
36 the Health and Safety Code, an alcoholic beverage, or an intoxicant
37 of any kind.

38 (d) Unlawfully offered, arranged, or negotiated to sell ~~any a~~
39 controlled substance listed in Chapter 2 (commencing with Section
40 11053) of Division 10 of the Health and Safety Code, an alcoholic

- 1 beverage, or an intoxicant of any kind, and either sold, delivered,
2 or otherwise furnished to ~~any~~ a person another liquid, substance,
3 or material and represented the liquid, substance, or material as a
4 controlled substance, alcoholic beverage, or intoxicant.
- 5 (e) Committed or attempted to commit robbery or extortion.
- 6 (f) Caused or attempted to cause damage to school property or
7 private property.
- 8 (g) ~~Stolen~~ *Stole* or attempted to steal school property or private
9 property.
- 10 (h) Possessed or used tobacco, or ~~any products~~ *a product*
11 containing tobacco or nicotine products, including, but not limited
12 to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless
13 tobacco, snuff, chew packets, and betel. However, this section
14 does not prohibit use or possession by a pupil of his or her own
15 prescription products.
- 16 (i) Committed an obscene act or engaged in habitual profanity
17 or vulgarity.
- 18 (j) Unlawfully possessed or unlawfully offered, arranged, or
19 negotiated to sell ~~any~~ drug paraphernalia, as defined in Section
20 11014.5 of the Health and Safety Code.
- 21 (k) Disrupted school activities or otherwise willfully defied the
22 valid authority of supervisors, teachers, administrators, school
23 officials, or other school personnel engaged in the performance of
24 their duties.
- 25 (l) Knowingly received stolen school property or private
26 property.
- 27 (m) Possessed an imitation firearm. As used in this section,
28 “imitation firearm” means a replica of a firearm that is so
29 substantially similar in physical properties to an existing firearm
30 as to lead a reasonable person to conclude that the replica is a
31 firearm.
- 32 (n) Committed or attempted to commit a sexual assault as
33 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal
34 Code or committed a sexual battery as defined in Section 243.4
35 of the Penal Code.
- 36 (o) Harassed, threatened, or intimidated a pupil who is a
37 complaining witness or a witness in a school disciplinary
38 proceeding for the purpose of either preventing that pupil from
39 being a witness or retaliating against that pupil for being a witness,
40 or both.

1 (p) Unlawfully offered, arranged to sell, negotiated to sell, or
2 sold the prescription drug Soma.

3 (q) Engaged in, or attempted to engage in, hazing as defined in
4 subdivision (b) of Section 245.6 of the Penal Code.

5 (r) (1) *Committed teen dating violence, as defined in paragraph*
6 *(1) of subdivision (b) of Section 32230, or sexual violence, as*
7 *defined in paragraph (2) of subdivision (b) of Section 32230.*

8 (2) *For purposes of suspending or recommending a pupil for*
9 *expulsion pursuant to this subdivision, the alleged conduct shall*
10 *be considered by a reasonable person of the same gender as the*
11 *victim to be sufficiently severe or pervasive as to have a negative*
12 *impact upon the victim's academic performance or to create an*
13 *intimidating, hostile, or offensive educational environment. This*
14 *subdivision does not apply to pupils enrolled in kindergarten or*
15 *any of grades 1 to 3, inclusive.*

16 ~~(r)~~

17 (s) A pupil may not be suspended or expelled for any of the acts
18 enumerated in this section, unless that act is related to school
19 activity or school attendance occurring within a school under the
20 jurisdiction of the superintendent or principal or occurring within
21 any other school district. A pupil may be suspended or expelled
22 for acts that are enumerated in this section and related to school
23 activity or attendance that occur at any time, including, but not
24 limited to, any of the following:

25 (1) While on school grounds.

26 (2) While going to or coming from school.

27 (3) During the lunch period whether on or off the campus.

28 (4) During, or while going to or coming from, a school
29 sponsored activity.

30 ~~(s)~~

31 (t) A pupil who aids or abets, as defined in Section 31 of the
32 Penal Code, the infliction or attempted infliction of physical injury
33 to another person may suffer suspension, but not expulsion,
34 pursuant to this section, except that a pupil who has been adjudged
35 by a juvenile court to have committed, as an aider and abettor, a
36 crime of physical violence in which the victim suffered great bodily
37 injury or serious bodily injury shall be subject to discipline pursuant
38 to subdivision (a).

39 ~~(t)~~

1 (u) As used in this section, “school property” includes, but is
2 not limited to, electronic files and databases.

3 ~~(t)~~

4 (v) A superintendent or principal may use his or her discretion
5 to provide alternatives to suspension or expulsion, including, but
6 not limited to, counseling and an anger management program, for
7 a pupil subject to discipline under this section.

8 ~~(v)~~

9 (w) It is the intent of the Legislature that alternatives to
10 suspension or expulsion be imposed against any pupil who is truant,
11 tardy, or otherwise absent from school activities.

12 SEC. 10. Section 48915.6 is added to the Education Code, to
13 read:

14 48915.6. (a) A pupil’s status as a victim of domestic violence,
15 teen dating violence, or sexual violence shall be included as a
16 mitigating factor throughout all disciplinary decisionmaking and
17 proceedings pursuant to this article, including suspension and
18 expulsion proceedings.

19 (b) A pupil’s status as a perpetrator of domestic violence, teen
20 dating violence, or sexual violence shall be included as an
21 aggravating factor throughout all disciplinary decisionmaking and
22 proceedings pursuant to this article, including suspension or
23 expulsion proceedings.

24 SEC. 11. Section 48980 of the Education Code is amended to
25 read:

26 48980. (a) At the beginning of the first semester or quarter of
27 the regular school term, the governing board of each school district
28 shall notify the parent or guardian of a minor pupil regarding the
29 right or responsibility of the parent or guardian under Sections
30 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472,
31 and 51938 and Chapter 2.3 (commencing with Section 32255) of
32 Part 19.

33 (b) The notification also shall advise the parent or guardian of
34 the availability of individualized instruction as prescribed by
35 Section 48206.3, and of the program prescribed by Article 9
36 (commencing with Section 49510) of Chapter 9.

37 (c) The notification shall also advise the parents and guardians
38 of all pupils attending a school within the district of the schedule
39 of minimum days and pupil-free staff development days, and if
40 any minimum or pupil-free staff development days are scheduled

1 thereafter, the governing board shall notify parents and guardians
2 of the affected pupils as early as possible, but not later than one
3 month before the scheduled minimum or pupil-free day.

4 (d) The notification also may advise the parent or guardian of
5 the importance of investing for future college or university
6 education for their children and of considering appropriate
7 investment options including, but not limited to, United States
8 Savings Bonds.

9 ~~(e) Commencing with the 2000-01 school year, and each school~~
10 ~~year thereafter, the~~ *The* notification shall advise the parent or
11 guardian of the pupil that, ~~commencing with the 2003-04 school~~
12 ~~year, and each school year thereafter,~~ each pupil completing 12th
13 grade will be required to successfully pass the high school exit
14 examination administered pursuant to Chapter 8 9 (commencing
15 with Section 60850) of Part 33. The notification shall include, at
16 a minimum, the date of the examination, the requirements for
17 passing the examination, and shall inform the parents and guardians
18 regarding the consequences of not passing the examination and
19 shall inform parents and guardians that passing the examination
20 is a condition of graduation.

21 (f) Each school district that elects to provide a fingerprinting
22 program pursuant to Article 10 (commencing with Section 32390)
23 *of Chapter 3 of Part 19* shall inform parents or guardians of the
24 program as specified in Section 32390.

25 (g) The notification shall also include a copy of the district's
26 written policy on sexual harassment established pursuant to Section
27 ~~212.6~~ 231.5, as it relates to pupils.

28 (h) The notification shall advise the parent or guardian of all
29 existing statutory attendance options and local attendance options
30 available in the school district. That notification shall include all
31 options for meeting residency requirements for school attendance,
32 programmatic options offered within the local attendance areas,
33 and any special programmatic options available on both an
34 interdistrict and intradistrict basis. That notification shall also
35 include a description of all options, a description of the procedure
36 for application for alternative attendance areas or programs, an
37 application form from the district for requesting a change of
38 attendance, and a description of the appeals process available, if
39 any, for a parent or guardian denied a change of attendance. The
40 notification shall also include an explanation of the existing

1 statutory attendance options including, but not limited to, those
2 available under ~~Section~~ *Sections 35160.5 and 48204*, Chapter 5
3 (commencing with Section 46600) of Part 26, ~~subdivision (f) of~~
4 ~~Section 48204~~, and Article 1.5 (commencing with Section 48209)
5 of Chapter 2 of Part 27. The department shall produce this portion
6 of the notification and shall distribute it to all school districts.

7 (i) It is the intent of the Legislature that the governing board of
8 each school district annually review the enrollment options
9 available to the pupils within their districts and that the school
10 districts strive to make available enrollment options that meet the
11 diverse needs, potential, and interests of California’s pupils.

12 (j) The notification shall advise the parent or guardian that ~~no~~
13 ~~a pupil may~~ *shall not* have his or her grade reduced or lose
14 academic credit for ~~any~~ *an* absence or absences excused pursuant
15 to Section 48205 if missed assignments and tests that can
16 reasonably be provided are satisfactorily completed within a
17 reasonable period of time, and shall include the full text of Section
18 48205.

19 (k) The notification shall advise the parent or guardian of the
20 availability of state funds to cover the costs of advanced placement
21 examination fees pursuant to Section 52244.

22 (l) *The notification shall advise the parent or guardian of the*
23 *policy and protocol for responding to teen dating violence and*
24 *sexual violence developed by the school district pursuant to Section*
25 *32232, provide a summary of the policy and protocol, and inform*
26 *the parent or guardian about how and where complaints of teen*
27 *dating violence or sexual violence can be filed.*

28 SEC. 12. Section 49079.1 is added to the Education Code, to
29 read:

30 49079.1. (a) Information that identifies a pupil as a victim of
31 teen dating violence or sexual violence, including personal
32 identifying information, a statement of the pupil, investigation
33 records, and the fact that the pupil has requested or obtained
34 assistance, accommodations, or services, that is provided to the
35 school district or its employees shall be retained in the strictest
36 confidence by the school district or its employees, except to the
37 extent that disclosure is required by applicable federal or state law,
38 or requested or consented to in writing by the pupil.

39 (b) For purposes of this section, “personal identifying
40 information” means:

- 1 (1) First and last name or last name only.
- 2 (2) Home or other physical address, including, but not limited
- 3 to, a street name or ZIP Code, other than an address obtained
- 4 pursuant to the Safe At Home Program administered by the
- 5 Secretary of State or a business mailing address for the victim
- 6 service provider.
- 7 (3) Electronic mail address or other online contact information,
- 8 including an instant messaging user identifier or a screen name
- 9 that reveals an individual’s electronic mail address.
- 10 (4) Telephone number, other than a business telephone number
- 11 for the victim’s telephone service provider.
- 12 (5) Social security number.
- 13 (6) Date of birth, with the exception of the year of birth.
- 14 (7) Internet protocol address or host name that identifies an
- 15 individual.
- 16 (8) Any other information, including, but not limited to, the first
- 17 and last names of children and relatives, racial or ethnic
- 18 background, or religious affiliation, that, in combination with any
- 19 other nonpersonal identifying information, would serve to identify
- 20 an individual.

21 SEC. 13. Section 51101 of the Education Code is amended to
 22 read:

23 51101. (a) Except as provided in subdivision (d), the parents
 24 and guardians of pupils enrolled in public schools have the right
 25 and should have the opportunity, as mutually supportive and
 26 respectful partners in the education of their children within the
 27 public schools, to be informed by the school, and to participate in
 28 the education of their children, as follows:

- 29 (1) Within a reasonable period of time following making the
- 30 request, to observe the classroom or classrooms in which their
- 31 child is enrolled or for the purpose of selecting the school in which
- 32 their child will be enrolled in accordance with the requirements
- 33 of ~~any~~ *an* intradistrict or interdistrict pupil attendance policies or
- 34 programs.
- 35 (2) Within a reasonable time of their request, to meet with their
- 36 child’s teacher or teachers and the principal of the school in which
- 37 their child is enrolled.
- 38 (3) To volunteer their time and resources for the improvement
- 39 of school facilities and school programs under the supervision of
- 40 district employees, including, but not limited to, providing

1 assistance in the classroom with the approval, and under the direct
2 supervision, of the teacher. Although volunteer parents may assist
3 with instruction, primary instructional responsibility shall remain
4 with the teacher.

5 (4) To be notified on a timely basis if their child is absent from
6 school without permission.

7 (5) To receive the results of their child's performance on
8 standardized tests and statewide tests and information on the
9 performance of the school that their child attends on standardized
10 statewide tests.

11 (6) To request a particular school for their child, and to receive
12 a response from the school district. This paragraph does not
13 obligate the school district to grant the parent's request.

14 (7) To have a school environment for their child that is safe and
15 supportive of learning.

16 (8) To examine the curriculum materials of the class or classes
17 in which their child is enrolled.

18 (9) To be informed of their child's progress in school and of
19 the appropriate school personnel whom they should contact if
20 problems arise with their child.

21 (10) To have access to the school records of their child.

22 (11) To receive information concerning the academic
23 performance standards, proficiencies, or skills their child is
24 expected to accomplish.

25 (12) To be informed in advance about school rules, including
26 disciplinary rules and procedures in accordance with Section
27 48980, attendance policies, dress codes, and procedures for visiting
28 the school.

29 (13) To receive information about any psychological testing the
30 school does involving their child and to deny permission to give
31 the test.

32 (14) To participate as a member of a parent advisory committee,
33 schoolsite council, or site-based management leadership team, in
34 accordance with ~~any~~ *the* rules and regulations governing
35 membership in these organizations. In order to facilitate parental
36 participation, schoolsite councils are encouraged to schedule a
37 biannual open forum for the purpose of informing parents about
38 current school issues and activities and answering parents'
39 questions. The meetings should be scheduled on weekends, and
40 prior notice should be provided to parents.

1 (15) To question anything in their child's record that the parent
2 feels is inaccurate or misleading or is an invasion of privacy and
3 to receive a response from the school.

4 (16) To be notified, as early in the school year as practicable
5 pursuant to Section 48070.5, if their child is identified as being at
6 risk of retention and of their right to consult with school personnel
7 responsible for a decision to promote or retain their child and to
8 appeal a decision to retain or promote their child.

9 (b) In addition to the rights described in subdivision (a), parents
10 and guardians of pupils, including those parents and guardians
11 whose primary language is not English, shall have the opportunity
12 to work together in a mutually supportive and respectful partnership
13 with schools, and to help their children succeed in school. Each
14 governing board of a school district shall develop jointly with
15 parents and guardians, and shall adopt, a policy that outlines the
16 manner in which parents or guardians of pupils, school staff, and
17 pupils may share the responsibility for continuing the intellectual,
18 physical, emotional, and social development and well-being of
19 pupils at each schoolsite. The policy shall include, but is not
20 necessarily limited to, the following:

21 (1) The means by which the school and parents or guardians of
22 pupils may help pupils to achieve academic and other standards
23 of the school.

24 (2) A description of the school's responsibility to provide a high
25 quality curriculum and instructional program in a supportive and
26 effective learning environment that enables all pupils to meet the
27 academic expectations of the school.

28 (3) The manner in which the parents and guardians of pupils
29 may support the learning environment of their children, including,
30 but not limited to, the following:

31 (A) Monitoring attendance of their children.

32 (B) Ensuring that homework is completed and turned in on a
33 timely basis.

34 (C) Participation of the children in extracurricular activities.

35 (D) Monitoring and regulating the television viewed by their
36 children.

37 (E) Working with their children at home in learning activities
38 that extend learning in the classroom.

39 (F) Volunteering in their children's classrooms, or for other
40 activities at the school.

1 (G) Participating, as appropriate, in decisions relating to the
2 education of their own child or the total school program.

3 (c) All schools that participate in the High Priority Schools
4 Grant Program established pursuant to Article 3.5 (commencing
5 with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain
6 kindergarten or any of grades 1 to 5, inclusive, *jointly* shall ~~jointly~~
7 develop with parents or guardians for all children enrolled at that
8 schoolsite, a school-parent compact pursuant to Section ~~6319~~ 6318
9 of Title 20 of the United States Code.

10 (d) This section does not authorize a school to inform a parent
11 or guardian, as provided in this section, or to permit participation
12 by a parent or guardian in the education of a child, if it conflicts
13 with a valid restraining order, protective order, or order for custody
14 or visitation issued by a court of competent jurisdiction.

15 (e) *Records relating to complaints and investigations of teen*
16 *dating violence or sexual violence shall be kept separate from*
17 *academic records and shall not be accessible to parents or*
18 *guardians pursuant to this section if access would threaten the*
19 *safety of the pupil.*

20 SEC. 14. Section 51210.5 is added to the Education Code, to
21 read:

22 51210.5. (a) The department shall incorporate curriculum on
23 teen dating violence and sexual violence into the health curriculum
24 framework at its next revision. The curriculum shall focus on
25 educating pupils regarding teen dating violence and sexual
26 violence, as defined in paragraphs (1) and (2) of subdivision (b)
27 of Section 32230. The curriculum shall be developed through
28 interagency collaborations with advocates who work in the areas
29 of domestic violence, teen dating violence, and sexual violence.

30 (b) Teen dating violence and sexual violence shall be an
31 independent section in the health curriculum.

32 SEC. 15. Section 51931 of the Education Code is amended to
33 read:

34 51931. For the purposes of this chapter, the following
35 definitions apply:

36 (a) "Age appropriate" refers to topics, messages, and teaching
37 methods suitable to particular ages or age groups of children and
38 adolescents, based on developing cognitive, emotional, and
39 behavioral capacity typical for the age or age group.

1 (b) “Comprehensive sexual health education” means education
2 regarding human development and sexuality, including education
3 on pregnancy, family planning, ~~and~~ sexually transmitted diseases,
4 *and teen dating violence and sexual violence*.

5 (c) “English learner” means a pupil as described in subdivision
6 (a) of Section 306.

7 (d) “HIV/AIDS prevention education” means instruction on the
8 nature of HIV/AIDS, methods of transmission, strategies to reduce
9 the risk of human immunodeficiency virus (HIV) infection, and
10 social and public health issues related to HIV/AIDS. For ~~the~~
11 purposes of this chapter, “HIV/AIDS prevention education” is not
12 comprehensive sexual health education.

13 (e) “Instructors trained in the appropriate courses” means
14 instructors with knowledge of the most recent medically accurate
15 research on human sexuality, pregnancy, and sexually transmitted
16 diseases.

17 (f) “Medically accurate” means verified or supported by research
18 conducted in compliance with scientific methods and published
19 in peer-reviewed journals, where appropriate, and recognized as
20 accurate and objective by professional organizations and agencies
21 with expertise in the relevant field, such as the federal Centers for
22 Disease Control and Prevention, the American Public Health
23 Association, the American Academy of Pediatrics, and the
24 American College of Obstetricians and Gynecologists.

25 (g) “School district” includes county boards of education, county
26 superintendents of schools, the California School for the Deaf, and
27 the California School for the Blind.

28 SEC. 16. Section 51933 of the Education Code is amended to
29 read:

30 51933. (a) School districts may provide comprehensive sexual
31 health education, consisting of age-appropriate instruction, in ~~any~~
32 kindergarten ~~to grade~~ *or any of grades 1 to 12*, inclusive, using
33 instructors trained in the appropriate courses.

34 (b) A school district that elects to offer comprehensive sexual
35 health education pursuant to subdivision (a), whether taught by
36 school district personnel or outside consultants, shall satisfy all of
37 the following criteria:

38 (1) Instruction and materials shall be age appropriate.

39 (2) All factual information presented shall be medically accurate
40 and objective.

1 (3) Instruction shall be made available on an equal basis to a
2 pupil who is an English learner, consistent with the existing
3 curriculum and alternative options for an English learner pupil as
4 otherwise provided in this code.

5 (4) Instruction and materials shall be appropriate for use with
6 pupils of all races, genders, sexual orientations, ethnic and cultural
7 backgrounds, and pupils with disabilities.

8 (5) Instruction and materials shall be accessible to pupils with
9 disabilities, including, but not limited to, the provision of a
10 modified curriculum, materials and instruction in alternative
11 formats, and auxiliary aids.

12 (6) Instruction and materials shall encourage a pupil to
13 communicate with his or her parents or guardians about human
14 sexuality.

15 (7) Instruction and materials shall teach respect for marriage
16 and committed relationships.

17 (8) Commencing in grade 7, instruction and materials shall teach
18 that abstinence from sexual intercourse is the only certain way to
19 prevent unintended pregnancy, teach that abstinence from sexual
20 activity is the only certain way to prevent sexually transmitted
21 diseases, and provide information about the value of abstinence
22 while also providing medically accurate information on other
23 methods of preventing pregnancy and sexually transmitted diseases.

24 (9) Commencing in grade 7, instruction and materials shall
25 provide information about sexually transmitted diseases. This
26 instruction shall include how sexually transmitted diseases are and
27 are not transmitted, the effectiveness and safety of all federal Food
28 and Drug Administration (FDA) approved methods of reducing
29 the risk of contracting sexually transmitted diseases, and
30 information on local resources for testing and medical care for
31 sexually transmitted diseases.

32 (10) Commencing in grade 7, instruction and materials shall
33 provide information about the effectiveness and safety of all
34 FDA-approved contraceptive methods in preventing pregnancy,
35 including, but not limited to, emergency contraception.

36 (11) Commencing in grade 7, instruction and materials shall
37 provide pupils with skills for making and implementing responsible
38 decisions about sexuality.

39 (12) Commencing in grade 7, instruction and materials shall
40 provide pupils with information on the law on surrendering

1 physical custody of a minor child 72 hours or younger, pursuant
2 to Section 1255.7 of the Health and Safety Code and Section 271.5
3 of the Penal Code.

4 *(13) Commencing in grade 7, instruction and materials shall*
5 *provide information about teen dating violence and sexual violence,*
6 *as defined in paragraphs (1) and (2) of subdivision (b) of Section*
7 *32230. Instruction and materials pursuant to this paragraph shall*
8 *include methods to recognize abuse, what constitutes a healthy*
9 *relationship, and where to find legal, medical, and mental health*
10 *services.*

11 (c) A school district that elects to offer comprehensive sexual
12 health education pursuant to subdivision (a) earlier than grade 7
13 may provide age appropriate and medically accurate information
14 on any of the general topics contained in paragraphs (8) to ~~(12)~~
15 *(13)*, inclusive, of subdivision (b).

16 (d) If a school district elects to offer comprehensive sexual
17 health education pursuant to subdivision (a), whether taught by
18 school district personnel or outside consultants, the school district
19 shall comply with the following:

20 (1) Instruction and materials may not teach or promote religious
21 doctrine.

22 (2) Instruction and materials may not reflect or promote bias
23 against any person on the basis of any category protected by
24 Section 220.

25 SEC. 17. Section 11173 is added to the Penal Code, to read:

26 11173. (a) Teen dating violence may qualify as child abuse
27 that requires mandatory reporting pursuant to this article.

28 (b) When a mandatory reporter has a reasonable suspicion of
29 teen dating violence, such as a current or past dating relationship
30 between the victim and perpetrator, the reporter shall conduct a
31 further investigation to determine whether the incidents of abuse
32 were a mutual affray among minors or whether there was a
33 dominant aggressor.

34 (c) A school employee who is a mandatory reporter shall inform
35 victims of teen dating violence of the possibility of filing a child
36 abuse report before law enforcement or child protective services
37 are contacted.

38 (d) For purposes of this section, “teen dating violence” means
39 a pattern of behavior where one person uses threats of, or actually

1 uses, physical, sexual, verbal, or emotional abuse to control his or
2 her partners, where one or both of the partners is a teenager.
3 SEC. 18. If the Commission on State Mandates determines
4 that this act contains costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

O