CHILDREN’S LEGISLATIVE REPORT CARD

LEGISLATIVE SESSION: 2013–14
REPORT CARD TERM: 2014

Dear Californians,

This Report Card reflects the grades attributed to California legislators for their votes on child-related legislation during the second year of the 2013–14 legislative session. The grades you will see reflect each legislator’s votes on 38 child-friendly bills that ran through policy and fiscal committees and achieved votes on both the Assembly and Senate floors. This Report Card also includes two additional bills—an Assembly bill that was killed in the Suspense File of the Assembly Appropriations Committee, and a Senate bill that was killed in the Suspense File of the Senate Appropriations Committee. For those measures, all legislators in the house of origin received “no” votes, reflecting the fact that they allowed the bill to die in the Suspense File without an affirmative vote. Thus, this Report Card reflects each legislator’s actions on 39 total measures.

For reasons set forth in the Methodology section, we are also indicating each legislator’s “aye” vote percentage excluding the legislator’s excused absences on bills where the floor vote was not close (i.e., the bill passed with a margin of at least 5 votes in the Senate and 10 votes in the Assembly). This percentage is provided to the extent the reader feels that personal factors necessitating an excused absence properly influence a judgment on the performance of legislators.

This Report Card is intended to educate and inform you of your legislators’ actions on a selection of bills that would have benefited children if enacted. This Report Card cannot tell you all there is to know about your elected officials. Accordingly, we urge you to communicate frequently with them so they know your expectations of them for California’s children.

Sincerely,

Robert C. Fellmeth
Executive Director, Children’s Advocacy Institute
A Primer

THE LEGISLATIVE PROCESS

After introduction by a legislator, a bill is heard in the appropriate policy committee(s), and if it has a fiscal impact is then heard in the Appropriations Committee in the house of origin (either the Assembly or Senate). If a bill passes those committees, it is next voted upon by all members of that house (the “floor vote”). If the bill passes a floor vote in the house of origin, it then goes to the other house and begins the process all over again (policy committee(s), Appropriations Committee, and floor vote). At any of these points, the bill may be amended. If the bill is amended in the second house, it must return for a second vote on the floor of the house of original (the “concurrence vote”).

Once a bill passes both houses of the Legislature (and, if necessary, passes a concurrence vote in the house of origin), the Governor may sign it into law, veto it, or take no action within the constitutionally-prescribed time limit, thereby allowing it to become law without his/her signature. The only change a Governor may make in a bill, without sending it back to the Legislature, is to reduce or eliminate the money allocated in the bill.
2014 YEAR IN REVIEW

When it came to what is by far the single most important issue confronting California’s 70,000 abused and neglected foster children, 2014 can be summed up in two pictures.

But, first, some background.

Every major decision involving the life of a foster child is made in a courtroom, with the judge deciding with whom the child will live — what medications the child will be forced to take over their objections, whether they will ever see cherished relatives or siblings ever again.

The lawyers who represent foster children in these legal proceedings are the only adult in their lives who have the legal duty to make sure the laws legislators pass actually benefit them and are implemented and contoured to their ever-changing needs. Their lawyer is the only adult in their lives with a duty not to a system but just to that one child.

But, the case loads of these lawyers are grotesque. The average lawyer in Los Angeles during 2014 and in prior years had a case load of over 300 children, more than twice what the Judicial Council says is the maximum possible case load. In some counties the caseload soars far above that, upwards of 500 children per lawyer.

The first picture that summarizes 2014 is what such a case load looks like.

A child’s whole life and future is somewhere in these files. When the State by the blunt and emotionally violent force of law has separated a child from her parents and family, she ends up being raised, instead, within a government program; a bureaucracy. Children in families have very little influence over the direction of their lives. Children in a vast and sprawling bureaucracy run by adults who have no emotional, first-person connection to them have none.

While in that bureaucracy, the child is being solicited by pimps; about half of sexually trafficked girls are right now in foster care.

There is a good chance the child will be homeless when she ages out. She is far more likely to end up in prison than other youth. Odds are, the child will not graduate from a four-year college.

In 2014, child advocates — with CAI and the Children’s Law Center of Los Angeles in the lead — made it their overarching, first-tier priority to fix this. And, after an enormous amount of work, they had success within their grasp.
Both Budget Committees of the Legislature had passed budgets with identical language to help these children: $11 million per year for three years to bring the caseloads down to the still-too high maximums recommended by the Judicial Council. As far as the Legislature’s budget to be presented to the Governor, this was a “done deal.” Identical language in both house’s budgets means that the committee that meets to resolve differences between the Assembly’s and Senate’s budget -- the Budget Conference Committee -- had nothing to confer about when it came to this appropriation.

There was, quite literally, no more lobbying to be done in the Legislature.

The second picture that exemplifies 2014 illustrates what happened when the most deserving but most politically powerless group of Californians apparently succeeds in getting money at the expense of other, far more powerful interests:

At 10:00pm on the second-to-last day to pass a budget, the Chair of the Conference Committee announced at the end of a hearing that she regretted the Legislature was unable to reduce the case loads of lawyers for foster children in the budget the Committee passed.

Which was strange, as the item to reduce caseloads was not a conference item at all. The Conference Committee is only supposed to consider so-called “conference items;” those appropriations where the houses have not acted identically.

“I wasn’t even watching it,” said CAI Senior Counsel and lobbyist Ed Howard, referring to the Conference Committee hearing. “But, at around 10pm, my phone exploded. The messages were all basically the same. Wait, what the [expletive omitted] just happened? I didn’t find out until late that night that something I’d never heard of before happened: Conference Committee stripped from the budget the non-conference item of reducing the case loads of lawyers for foster kids.”

The Legislature blamed the Governor. The Governor pointed a finger at the Legislature.

And, another year of State-sanctioned child abuse was endorsed, by omission, by California.

“I’ve been in politics since I was 17. I’ve been a public interest litigator, staffer in the Capitol, and lobbyist for 25 years,” Howard said. “That night is the only time I’ve cried when I’ve lost something as an advocate.”

Many good and important bills aiming to improve the lives of California’s children and foster youth were passed and signed by the Governor this year. Among the most noteworthy:

**AB 388 (Chesbro)** will help protect children and youth in foster care from being arrested and having charges filed against them due to minor incidents at group homes.
AB 1658 (Jones-Sawyer) requires counties to take steps to check on the credit reports of foster youth before they age out to ensure they have not been victims of identity theft, a common occurrence given how many adults have access to their SSN and other personal information.

AB 1761 (Hall) permits a social worker to place a child who has been removed from the custody of his/her parents in the home of a relative or non-relative extended family member after the detention hearing and pending the dispositional hearing.

AB 1978 (Jones-Sawyer) enacts the Child Welfare Social Worker Empowerment and Foster Child Protection Act which, among other things, requires DSS to receive voluntary and anonymous whistleblowing disclosures from social workers, if a social worker has reasonable cause to believe that a policy, procedure, or practice related to the provision of child welfare services by a county child welfare agency endangers the health or well-being of a child or children. (CAI co-sponsored with SEIU State Council)

AB 2632 (Maienschein) prohibits DSS from providing a criminal record clearance for a person applying for employment in a community care facility, residential care facility for the elderly, and child day care facilities with a record of an arrest for a non-exemptible crime, as specified, prior to the completion of an evaluation of the person’s arrest record for employment. (CAI sponsored)

SB 977 (Liu) requires social workers to include a factual discussion of whether a child can be returned to the custody of his/her parent who is enrolled in a substance abuse treatment facility that allows a dependent child to reside with his/her parent. This bill requires courts to consider whether a child can

AB 2099 (Frazier) establishes minimum requirements for postsecondary institutions approved by the California State Approving Agency for Veterans Education (CSAAVE) to participate in federal veteran's education benefits (Title 38). By doing so, this bill will help protect students from colleges that often leave students with high debt and without a degree or certificate of any value. (CAI co-sponsored)

SB 1247 (Leiu) changes the protections provided to students at for-profit colleges and the requirements placed on private postsecondary educational institutions. (CAI co-sponsored)

AB 2607 (Skinner) requires that a person be released from juvenile detention upon an out-of-home placement order unless the court determines that a delay in the release from detention is reasonable, and enumerates specific circumstances where such a delay is not reasonable. (CAI co-sponsored)

But, when it came to the single most important issue affecting the single least powerful group of children, where everyone agreed that a gross and life-distorting injustice was being done and needed urgent correction, the result was:

Nothing. Come back next year.

This morality play is a useful reductio ad absurdum reminder, and a bitterly painful one, that, as John Rawls observed, “[i]n constant pursuit of money to finance campaigns, the political system is simply unable to function.”
AB 388 (Chesbro) will help protect children and youth in foster care from being arrested and having charges filed against them due to minor incidents at group homes, and from being needlessly detained in juvenile halls solely due to their foster care status. For example, this bill requires a group home, transitional housing placement provider, community treatment facility, or runaway and homeless youth shelter to report to the Community Care Licensing Division of the Department of Social Services (DSS) upon the occurrence of any incident concerning a child in the facility involving contact with law enforcement, and requires DSS to inspect a facility at least once a year if it determines that a facility has reported a greater than average number of law enforcement contacts involving an alleged violation of specified crimes by a child residing in the facility.

This bill authorizes, if alleged conduct that appears to bring a dependent minor within the description of a ward of the court occurs in, or under the supervision of, a foster home, group home, or other licensed facility that provides residential care for minors, the county probation department and the child welfare services department to consider, in making their determination and recommendation to the court, whether the alleged conduct was within the scope of behaviors to be managed or treated by the facility, as specified. The bill also authorizes, among other things, a requirement for immediate notification of the child welfare service department and the minor’s dependency attorney upon referral of a dependent minor to probation, to be included in the protocols developed by the county probation department and the child welfare services department.

This bill requires that the court’s decision to detain, if a minor is a dependant of the court, not be based on the minor’s status as a dependent of the court or the child welfare services department’s inability to provide a placement for the minor. The bill requires, in certain circumstances, the court to order the child welfare services department to place the minor in another licensed or approved placement.

Existing law requires DSS, in consultation with specified entities, to develop performance standards and outcome measures for determining the effectiveness of the care and supervision provided by group homes under the Aid to Families with Dependent Children-Foster Care program. This bill requires, by January 1, 2016, DSS, in consultation with specified entities and persons, to develop additional performance standards and outcome measures that require group homes to implement programs and services to minimize law enforcement contacts and delinquency petition filings arising in group homes, as specified. This bill was signed by the Governor on September 29, 2014 (Chapter 760, Statutes of 2014).

AB 1089 (Calderon) establishes requirements and procedures related to the transfer of a consumer from one regional center to another if the consumer has an order for foster care placement, is awaiting foster care placement, or is placed in out-of-home care through voluntary placement. Among other things, the bill requires a social worker or county probation officer to immediately send a notice of relocation to the consumer’s regional center of origin; requires the regional center of origin to, upon receipt of the notice of relocation, immediately send a notice of transfer, and records needed for the planning process, as specified, to the regional center to which the child is transferring; requires the receiving regional center to provide the regional center of origin with information regarding appropriate vendors and services within 14 days of the notice of transfer and sets forth other procedures to be completed prior to the transfer of case management for the consumer, as specified; requires the regional center of origin, in advance of an individual program plan (IPP) or Individualized Family Services
Plan (IFSP) meeting, to make every reasonable effort to initiate services, as provided for in the consumer’s current IPP or IFSP, as soon as possible following the notice of transfer to a new catchment area, but no later than 30 days from the date of notice of transfer; requires the regional center to report to the court of jurisdiction, as specified, the county social worker or probation officer, as applicable, and the developmental services decisionmaker or educational rights holder, as applicable, all services that are being provided to the consumer, and the process to secure any additional services that have been identified in the consumer’s IPP or IFSP but not yet initiated; requires that if all services identified in the consumer’s IPP or IFSP have not been initiated within 30 days, the regional center shall report in writing to the court, county social worker, probation officer, as applicable, and the developmental services decisionmaker or educational rights holder, as applicable, at 30-day intervals until all services are initiated. This bill was signed by the Governor on September 29, 2014 (Chapter 761, Statutes of 2014).

AB 1171 (Levine) would have authorized a three-year pilot program in three counties to provide foster youth, age 16 and older, with access to an online electronic record keeping repository of personal documents and records that are provided to foster youth upon their transition to independence. This bill was killed in the Senate Appropriations Committee’s suspense file.

AB 1432 (Gatto) requires local education agencies to annually train employees on their duties regarding the mandated reporting of child abuse and neglect. This bill was signed by the Governor on September 29, 2014 (Chapter 797, Statutes of 2014).

AB 1441 (Stone) would have established requirements related to the transfer of credits for foster youth who transfer from one local education agency to another. This bill was killed in the Assembly Appropriations Committee’s suspense file.

AB 1658 (Jones-Sawyer) requires a county child welfare agency (CWA), county probation department, or DSS to inquire of each of the three major credit reporting agencies as to whether a child who is 16 years of age or older and in foster care has any consumer credit history, as specified; requires DSS to notify the county welfare department or the county probation department in the county having jurisdiction over the child of the results of that inquiry; requires DSS to provide that if an inquiry performed pursuant to these provisions indicates that a child has a consumer credit history with any major credit reporting agency, the responsible county CWA or county probation department is required to request a consumer credit report from that agency; and requires DSS to provide specified information related to the implementation of these provisions to the Assembly Budget Committee, the Senate Budget and Fiscal Review Committee. This bill was signed by the Governor on September 29, 2014 (Chapter 762, Statutes of 2014).

AB 1761 (Hall) permits a social worker to place a child who has been removed from the custody of his/her parents in the home of a relative or non-relative extended family member (NREFM) after the detention hearing and pending the dispositional hearing. Additionally, this bill clarifies legislative intent that a social worker may place a child in the home of an appropriate relative or NREFM pending the consideration of other relatives who request preferential consideration. This bill was signed by the Governor on September 29, 2014 (Chapter 765, Statutes of 2014).

AB 1978 (Jones-Sawyer) enacts the Child Welfare Social Worker Empowerment and Foster Child Protection Act which, among other things, requires DSS, in consultation with counties and labor organizations, to establish a process, no later than January 1, 2016, to receive voluntary disclosures from social workers, if a social worker has reasonable cause to believe that a policy, procedure, or practice related to the provision of child welfare services by a county child welfare agency, as defined, endangers the health or well-being of a child or children, as specified; prohibits DSS from disclosing to any person or entity the identity of a social worker making a disclosure pursuant to these provisions, unless the
social worker has consented to the disclosure or there is an immediate risk to the health and safety of a child; requires DSS, no later than January 1, 2018, to report to the Legislature, and post on its Internet Web site, the total number of relevant disclosures received and a summary description of the issues raised in those disclosures and of the actions taken by the department in response to those disclosures; and provides that a county social worker may comment publicly on a child death review if the county child welfare agency comments publicly about the case within the scope of the release of information, as specified.  This bill was signed by the Governor on September 29, 2014 (Chapter 768, Statutes of 2014).

**AB 2236 (Maienschein)** revises existing law that authorizes DSS to impose various civil penalties for licensing violations by community care facilities, residential care facilities for persons with chronic life-threatening illnesses, residential care facilities for the elderly, child day care centers, and family day care homes. Commencing July 1, 2015, the bill increases the amount of civil penalties that may be imposed for a violation that DSS determines results in the death of, or serious bodily injury or physical injury to, a resident or child at the care facility. In those cases, the bill requires that the decision to issue the citation be approved by the Director prior to the issuance of the citation. This bill also requires DSS to adopt regulations setting forth the appeal procedures for deficiencies.  This bill was signed by the Governor on September 29, 2014 (Chapter 813, Statutes of 2014).

**AB 2454 (Quirk-Silva)** permits a former nonminor dependent (NMD) who was receiving Kinship Guardianship Assistance Payment (Kin-GAP) Program or Adoption Assistance Payment (AAP) Program assistance after they turned 18 years of age and whose guardian(s) or adoptive parent(s) are failing to provide ongoing support for the NMD, as conditioned upon the receipt of Kin-GAP or AAP services, to voluntarily re-enter extended foster care upon the approval of the juvenile court.  This bill was signed by the Governor on September 29, 2014 (Chapter 769, Statutes of 2014).

**AB 2632 (Maienschein)** prohibits DSS from providing a criminal record clearance for a person applying for employment in a community care facility, residential care facility for the elderly, and child day care facilities with a record of an arrest for a non-exemptible crime, as specified, prior to the completion of an evaluation of the person’s arrest record for employment.  This bill was signed by the Governor on September 29, 2014 (Chapter 824, Statutes of 2014).

**AB 2668 (Quirk-Silva)** authorizes the development of a parenting support plan between a nonminor dependent (NMD) parent who resides in a supervised independent living placement (SILP), an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county child welfare agency or probation department; requires an NMD who develops a parenting support plan to provide a copy of the plan to the county child welfare agency or probation department and inform these entities of subsequent changes to the plan; and requires that, after completion and approval of the plan and a determination by the county agency, the payment to the NMD parent be increased by an additional $200 per month. Also, requires DSS to convene a working group to develop and issue an all-county letter specifying the minimum criteria a person must meet in order to serve as an identified responsible adult to an NMD parent, as specified.  This bill was signed by the Governor on September 29, 2014 (Chapter 770, Statutes of 2014).

**SB 855 (Committee on Budget & Fiscal Review)**, the Human Services Omnibus Trailer Bill for the 2014–15 Budget, makes various statutory changes to implement the 2014–15 budget. Among other things, this bill:

- requires the report that DSS is required to submit annually on outcome and expenditure data that allows for monitoring the changes of the 2011 realignment of child welfare services, foster care, adoptions, and adult protective services programs to contain specified information, including the child welfare services social worker caseloads per county;
- establishes the Commercially Sexually Exploited Children Program to be administered by DSS in order to adequately serve children who have been sexually exploited, and requires DSS, in consultation with the County Welfare Directors Association of California, to develop an allocation methodology to distribute funding for the program;
- establishes the Approved Relative Caregiver Funding Option Program and requires counties who opt to participate in the program to, effective January 1, 2015, pay an approved relative caregiver a per child per month rate in return for the care and supervision of an Aid to Families with Dependent Children-Foster Care (AFDC-FC) ineligible child placed with the relative caregiver that is equal to the basic rate paid to foster care providers for an AFDC-FC child if the county has notified DSS of its decision to participate in the program and the related child placed in the home meets certain requirements, including that the child resides in the state;
- requires a foster family agency to conduct an announced inspection of a certified family home during the annual recertification and an unannounced inspection when certain circumstances are present, including when a certified family home is on probation; and
- authorizes a foster family agency to inspect a certified family home more frequently than annually in order to ensure the quality of care provided and clarifies that certain provisions relating to regulation and licensing of community care facilities generally are applicable to certified family homes approved by a foster family agency.

This bill was signed by the Governor on June 20, 2014 (Chapter 29, Statutes of 2014).

SB 977 (Liu) requires social workers to include in each social study, evaluation, and supplemental report to the courts a factual discussion of whether a child can be returned to the custody of his/her parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his/her parent. This bill requires courts to consider whether a child can be returned to the custody of his/her parent in these situations, as specified. This bill was signed by the Governor on August 21, 2014 (Chapter 219, Statutes of 2014).

SB 996 (Evans) would have, among other things, required a county welfare agency (CWA), at a dependent child’s first regularly scheduled court hearing after he or she turns 16 years of age, to submit a report verifying that the following information, documents, and services have been provided to the minor: Social Security card; certified copy of the birth certificate; driver’s license, as specified; assistance in obtaining employment; assistance in preparing and applying for admission to a postsecondary educational institution or vocational training program; information notifying the minor of his or her right to be granted preference for a student assistant or internship position with state agencies; and information notifying the minor of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings. This bill was vetoed by the Governor on September 28, 2014.

SB 1099 (Steinberg) encourages visitation with siblings for children in the dependency and juvenile justice system. This bill was signed by the Governor on September 29, 2014 (Chapter 773, Statutes of 2014).

SB 1136 (Huff) requires DSS to provide, upon the request of a county child welfare agency, a list of each person who has received a criminal records exemption related to a licensed or certified foster home, so that the county may assess the appropriateness of placing a child in the foster home with which the individual is associated, as specified. This bill was signed by the Governor on August 21, 2014 (Chapter 222, Statutes of 2014).
**SB 1252 (Torres)** authorizes a county, at its option, to extend the Transitional Housing Placement Program-Plus (THP-Plus) to former foster youth not more than 25 years of age, and for a total of 36 cumulative months, if the former foster youth is completing secondary education or is enrolled in an institution that provides postsecondary education. *This bill was signed by the Governor on September 29, 2014 (Chapter 774, Statutes of 2014).*

**Child Health and Safety**

**AB 1559 (Pan)** requires the Department of Public Health to expand statewide screening of newborns to include screening for adrenoleukodystrophy (ALD) as soon as the addition is approved by the federal Recommended Uniform Screening Panel. *This bill was signed by the Governor on September 25, 2014 (Chapter 565, Statutes of 2014).*

**SB 508 (Hernandez)** makes changes to the eligibility requirements for the Medi-Cal program, to codify existing eligibility levels or clarify changes made to the program’s eligibility requirements when the state expanded eligibility under the federal Patient Protection and Affordable Care Act, in particular conforming existing law to the federal requirement to use modified adjusted gross income for eligibility determination. Among other things, the bill clarifies that a former foster youth is eligible for Medi-Cal coverage up to age 26 if the individual was in foster care on his/her 18th birthday or such higher age the state has elected under federal law. *This bill was signed by the Governor on September 29, 2014 (Chapter 831, Statutes of 2014).*

**SB 1172 (Steinberg)** deletes the existing vision screening requirements and instead requires, during the kindergarten year or upon first enrollment or entry in a California school district of a pupil at an elementary school, and in grades 2, 5, and 8, the pupil’s vision to be appraised by the school nurse or other authorized person. *This bill was signed by the Governor on September 30, 2014 (Chapter 925, Statutes of 2014).*

**Education**

**AB 1455 (Campos)** authorizes the superintendent of a school district, the principal of a school, or the principal’s designee to refer a victim of, witness to, or other pupil affected by an act of bullying, committed on or after January 1, 2015, to the school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program. *This bill was signed by the Governor on August 21, 2014 (Chapter 229, Statutes of 2014).*

**AB 1590 (Wieckowski)** requires the California Student Aid Commission, in administering the Cal Grant Program, to certify cohort default rate and graduation rate data for institutions seeking to participate by November 1 and to use the most recent publically available data, and also revises the federal loan program participation requirements for private Cal Grant qualifying institutions. *This bill was signed by the Governor on September 27, 2014 (Chapter 667, Statutes of 2014).*

**AB 2099 (Frazier)** establishes minimum requirements for postsecondary institutions approved by the California State Approving Agency for Veterans Education (CSAAVE) to participate in federal veteran's education benefits (Title 38). By doing so, this bill will help protect students from colleges that often leave students with high debt and without a degree or certificate of any value. *This bill was signed by the Governor on September 27, 2014 (Chapter 676, Statutes of 2014).*

**AB 2247 (Williams)** requires all campuses serving California students of public and private postsecondary educational institutions that receive state or federal financial aid funding to post
institutional accreditation documents on the institution’s website.  This bill was signed by the Governor on September 17, 2014 (Chapter 388, Statutes of 2014).

**AB 2382 (Bradford).** Families receiving California Work Opportunity and Responsibility to Kids (CalWORKs) aid must meet state compulsory education requirements and CalWORKs school attendance requirements — both of which result in penalties for noncompliance. When a child in a CalWORKs family does not meet school attendance requirements, the family’s minimal CalWORKs grant amount is reduced and civil penalties are imposed against the parent; this double penalty for truancy does not exist for any other group of children. Thus, this bill eliminates the overlapping penalty for truancy assessed against CalWORKs recipient families. This bill was signed by the Governor on September 30, 2014 (Chapter 905, Statutes of 2014).

**SB 1023 (Liu)** authorizes the California Community Colleges (CCC) Chancellor’s Office to enter into agreements with up to 10 CCC districts to establish the Cooperating Agencies Foster Youth Educational Support program in order to provide additional funds for services in support of postsecondary education for foster youth. This bill was signed by the Governor on September 29 (Chapter 771, Statutes of 2014).

**SB 1177 (Steinberg)** establishes the Student Online Personal Information Protection Act (Act) to restrict the use and disclosure of information about K–12 students. Among other things, the bill prohibits an operator of an Internet Web site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K–12 school purposes and was designed and marketed for K–12 school purposes from knowingly engaging in targeted advertising on the operator’s site, service, or application; targeting advertising on any other site, service, or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that Operator’s site, service, or application; using information, including persistent unique identifiers, created or gathered by the operator’s site, service, or application, to amass a profile about a K–12 student except in furtherance of K–12 school purposes; selling or disclosing a student’s information; and disclosing covered information, unless a specified disclosure is made. This bill was signed by the Governor on September 29, 2014 (Chapter 839, Statutes of 2014).

**SB 1247 (Leiu)** extends the sunset date for the Bureau for Private Postsecondary Education, under the California Private Postsecondary Education Act, from January 1, 2015, until January 1, 2017, and provides for statutory changes to the protections provided to students and the requirements placed on private postsecondary educational institutions. This bill was signed by the Governor on September 29, 2014 (Chapter 480, Statutes of 2014).

**Child Care / Child Development**

**AB 2386 (Mullin)** requires all community care facilities, including child care facilities, to have one or more carbon monoxide detectors installed in the facility. This bill was signed by the Governor on September 30, 2014 (Chapter 503, Statutes of 2014).

**Sexually Exploited Minors / Trafficked Youth**

**AB 1585 (Alejo)** provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his/her status as a victim of human trafficking. This bill was signed by the Governor on September 28, 2014 (Chapter 708, Statutes of 2014).
AB 2035 (Chesbro) would have clarified that a juvenile who is determined to be a victim of commercial or sexual exploitation may be rendered a dependent of the court and would have increased training requirements on individuals required to provide assistance and support to commercially and sexually exploited children who are rendered a dependent or delinquent of the court. This bill was vetoed by the Governor on September 29, 2014.

SB 473 (Block) would have added human trafficking to the list of offenses that may be used to establish a pattern of criminal activity for the purpose of enhancing the sentence of any person who commits a crime for the benefit of a criminal street gang. This bill was vetoed by the Governor on September 28, 2014.

SB 955 (Mitchell) adds human trafficking to the list of offenses for which interception of electronic communications may be ordered. This bill was signed by the Governor on September 28, 2014 (Chapter 712, Statutes of 2014).

Homeless Youth

AB 1806 (Bloom) extends policies and procedures for suspension, expulsion, graduation requirements and completed coursework to students who are homeless that are currently provided to students who are in foster care. This bill was signed by the Governor on September 29, 2014 (Chapter 767, Statutes of 2014).

Juvenile Justice

AB 2276 (Bocanegra) makes a number of changes regarding the transfer of pupils from juvenile court schools to district schools. Among other things, this bill requires a pupil who has had contact with the juvenile justice system to be immediately enrolled in a public school; encourages local educational agencies (LEAs) to enter into memoranda of understanding and create joint policies, systems, including data sharing systems, transition centers, and other joint structures, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court schools; specifies that as part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education (COE) and county probation department shall have a joint transition planning policy that includes collaboration with relevant LEAs to improve communication regarding dates of release and the educational needs for pupils who have had contact with the juvenile justice system, to coordinate immediate school placement, and to ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities; specifies that the proper and timely transfer between schools of pupils in foster care is the responsibility of both the LEA, including the COE for pupils in foster care who are enrolled in juvenile court schools, and the county placing agency, which includes the county probation department; requires a county placing agency or a COE to contact the appropriate person at the LEA of the pupil as soon as the county placing agency or COE becomes aware of the need to transfer a pupil in foster care out of his or her current school; and specifies that upon receiving a transfer request from a county placing agency or notification of enrollment from the new LEA, the LEA receiving the transfer request or notification shall, within two business days, transfer the pupil out of school and deliver the educational information and records of the pupil to the next educational placement. This bill was signed by the Governor on September 30, 2014 (Chapter 901, Statutes of 2014).

AB 2607 (Skinner) requires that a person be released from juvenile detention upon an out-of-home placement order unless the court determines that a delay in the release from detention is reasonable, as
specified, and enumerates specific circumstances where such a delay is not reasonable. *This bill was signed by the Governor on September 26, 2014 (Chapter 615, Statutes of 2014).*

**SB 1038 (Leno)** provides for the automatic dismissal of juvenile petitions and the sealing of records if a person satisfactorily completes an informal program of supervision, as specified; probation, as specified; or a term of probation for any offense other than a specified serious, sexual, or violent offense. *This bill was signed by the Governor on August 22, 2014 (Chapter 249, Statutes of 2014).*

**SB 1111 (Lara)** requires parental consent for referrals to a county community school by a school attendance review board, school district, or probation department, except for situations where a student is expelled or pursuant to a court order. This bill also establishes the right of a student to reenroll in his/her former school or another school upon completion of the term of involuntary transfer to a county community school. *This bill was signed by the Governor on September 29, 2014 (Chapter 837, Statutes of 2014).*

**SB 1296 (Leno)** prohibits secured detention as a sanction for truants who are found in contempt of court solely on the grounds of failing to comply with a court order relating to the truancy. *This bill was signed by the Governor on June 28, 2014 (Chapter 70, Statutes of 2014).*
How Legislators Were Graded

METHODOLOGY

All the bills included in this Report Card would improve current law for children. An “AYE” vote on these measures represents a vote for children and is indicated by a “★.”

Legislators are elected to do many important things but far and away the most important is the simplest: vote on bills. This is reflected in the very way our system is constituted. In our system, when a legislator is absent, the required vote threshold to enact legislation does not go down; a majority of all of those eligible to vote is needed to enact legislation. Thus, a failure to vote on a measure (even because of an absence that has been permitted by legislative leadership) has the identical effect of a “no” vote. Thus, on our Report Card grid, the first percentage column reflects the raw, unadjusted grade of members when it comes to voting on all of the selected bills.

On the other hand, when, as here, we are seeking to hold elected officials publicly accountable for their comparative commitment to children through the process of issuing a Report Card, it is important that the mechanics of this effort not result in portraits of legislators we know subjectively to be erroneous. Moreover, not all votes in reality are do-or-die for the passage of a bill. Sometimes the critical vote is in committee, and not at the floor vote stage. Sometimes the floor vote is not close and a member knows a bill will pass without his/her vote and can take care of personal or other business without imperiling the fate of the bill.

Finally, it is important to acknowledge — even stress — that elected officials do not place their personal lives into a blind trust when elected. Sometimes members have personal travails that amply warrant their absence. These range from the deaths of parents, spouses and children, to childbirth and other critical child-rearing issues, illnesses, or addressing true personal emergencies.

At the federal level, this problem has been resolved with a “courtesy pairing,” where a member of Congress who would vote “aye” on a bill does not vote “aye” to provide a constructive “no” vote for a colleague who would vote “no” but cannot be present. At the state level, “excused absences” partially reflect what appears to be a legitimate personal reason for not voting.

As noted above, the final votes and the obligation to vote remain prime concerns of those who will be bound by the work product of these officials. But the second percentage column of our grid reflects each legislator’s “aye” vote percentage excluding excused absences where the vote was not close (i.e., the bill passed with a margin of at least 5 votes in the Senate and 10 votes in the Assembly).¹ This modified “AYE” vote percentage is provided to the extent the reader feels the personal factors noted above properly influence a judgment on the performance of legislators.

¹ Because the floor votes were deemed to be close under this definition, excused absences will not be discounted as part of the modified “AYE” vote percentage for the Senate floor votes on AB 1978, AB 2382, SB 1038, and SB 1111, and the Assembly floor vote on SB 1038.
The 2014 Children’s Legislative Report Card evaluates final floor votes on selected bills affecting children. When bills were amended in the second house, the concurrence vote in the house of origin was used to compute those legislators’ scores, so that comparing Senate and Assembly votes on the same bills will reflect votes on the same version of the bill. Exception: where a bill was held in the suspense file of the house of origin, legislators in that house receive the equivalent of a “NO” vote for failing to pull the pull from suspense for a public vote; legislators in the other house are not graded on that bill. This Report Card includes one bill that was held in suspense in the Assembly (AB 1441), and one bill that was held in suspense in the Senate (AB 1171). We include these bills to symbolize all of the worthy child-related measures that were not given priority status by legislators.

Legislators’ overall scores indicate the percentage of affirmatively cast votes for children on the legislation presented. Votes and attendance were tallied from the Assembly and Senate Daily Journals and the Legislative Counsel’s website (www.leginfo.ca.gov).

**VOTING GRID LEGEND**

<table>
<thead>
<tr>
<th></th>
<th>A VOTE FOR CHILDREN</th>
</tr>
</thead>
<tbody>
<tr>
<td>★</td>
<td>The Legislator recorded a “YES” vote.</td>
</tr>
<tr>
<td>★</td>
<td>The Legislator recorded a “NO” vote.</td>
</tr>
<tr>
<td>★</td>
<td>The Legislator did not record a vote for this bill and (1) he/she did not have an excused absence or (2) he/she did an excused absence but the vote was close as defined in the Methodology.</td>
</tr>
<tr>
<td>★</td>
<td>The Legislator did not record a vote for this bill and (1) he/she had an excused absence at the time of the vote and (2) the vote was not close as defined in the Methodology.</td>
</tr>
<tr>
<td>★</td>
<td>The bill was killed in the chamber’s Appropriations suspense file without a public vote. Each legislator in that chamber is charged with having cast a “NO” vote.</td>
</tr>
</tbody>
</table>
Senator Hancock missed several votes during Summer 2014 due to medical reasons.

1 Assembly and Senate membership as of August 30, 2014.

* The raw "aye" vote is calculated by dividing the number of "aye" votes by 39. Although 40 bills are displayed, only 39 bills are applicable to each legislator.

** The modified "aye" vote percentage is calculated by dividing the number of "aye" votes by the number of votes that took place on days when the legislator did not have an excused absence, except with regard to bills for which the floor vote was close (see Methodology).
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The Children’s Advocacy Institute is part of the
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