

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 1661

Introduced by Assembly Member Limón

February 17, 2017

An act to ~~add Section 52053 to~~ amend Sections 1240, 8238.4, 11500, 11501, 11502, 11503, 12030, 12032, 32289, 33126, 33126.2, 33318.5, 33370, 35036, 47606.5, 47607, 47612.5, 49558, 51749.5, 52052.3, 52060, 52063, 52064, 52066, 52069, 60604.5, 69612.5, 69613, and 69613.1 of, to amend the heading of Article 2 (commencing with Section 52051.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, to repeal Sections 52052.1, 52052.5, 52052.6, and 52052.9 of, to repeal Article 1 (commencing with Section 51700) of Chapter 5 of, to repeal Article 3.1 (commencing with Section 52055.57) and Article 4.1 (commencing with Section 52058.1) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 8.9 (commencing with Section 52295.10) of Part 28 of Division 4 of Title 2 of, and to repeal and add Section 52052 of, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as amended, Limón. School accountability: multiple measures accountability system.

Existing law ~~required, on or before July 1, 2014, requires~~ the governing boards of school districts and county boards of education to adopt a local control and accountability plan using a state template adopted by the State Board of ~~Education. Education and requires the~~ local control and accountability plan to be updated before July 1 of each year. Existing law requires the local control and accountability plan to include, among other things, a description of annual goals for

all pupils and specified subgroups of pupils to be achieved for each state priority, as specified, and a description of the specific actions the school district or county superintendent of schools will take to achieve those goals.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index to measure the performance of schools and school districts, especially the academic performance of pupils.

This bill would *repeal the Academic Performance Index and instead require the Superintendent to develop, subject to approval by the state board, a multiple measures public school accountability system, based on the specified state priorities, to measure the performance of schools and school districts, especially the academic performance of pupils. priorities, for school districts, county offices of education, charter schools, and individual schoolsites. The bill would require the multiple measures accountability system to be based on specified performance standards and to address the accountability requirements in the federal Elementary and Secondary Education Act, as specified. The bill would revise reporting requirements in that connection and would make conforming and other related changes and update cross-references. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.*

Existing law establishes the Reading First Plan to provide reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in kindergarten and grades 1 to 12, inclusive, and provides funding for the program from moneys allocated from the former federal No child Left Behind Act of 2001. Existing law establishes the Early Warning Program for purposes of implementing provisions of the former federal No Child Left Behind Act of 2001. Existing law establishes the Education Technology Grant Act of 2002 for purposes of implementing specified provisions of the former federal No Child Left Behind Act of 2001. Existing law also establishes the No Child Left Behind Liaison Team to advise the Superintendent and the state board on matters related to the former federal No Child Left Behind Act of 2001.

This bill would repeal the Reading First Plan, the Early Warning Program, the Education Technology Grant Act of 2002, and the No Child Left Behind Liaison Team. The bill would make various conforming changes and would update cross-references to the federal

Elementary and Secondary Education Act as amended by the federal Every Student Succeeds Act.

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 the statutory provisions noted above.

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

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

1 SECTION 1. Section 1240 of the Education Code is amended
2 to read:

3 1240. The county superintendent of schools shall do all of the
4 following:

5 (a) Superintend the schools of his or her county.

6 (b) Maintain responsibility for the fiscal oversight of each school
7 district in his or her county pursuant to the authority granted by
8 this code.

9 (c) (1) Visit and examine each school in his or her county at
10 reasonable intervals to observe its operation and to learn of its
11 problems. He or she annually may present a report of the state of
12 the schools in his or her county, and of his or her office, including,
13 but not limited to, his or her observations while visiting the schools,
14 to the board of education and the board of supervisors of his or
15 her county.

16 ~~(2) (A) For fiscal years 2004-05 to 2006-07, inclusive, to the~~
17 ~~extent that funds are appropriated for purposes of this paragraph,~~
18 ~~the county superintendent, or his or her designee, annually shall~~
19 ~~submit a report, at a regularly scheduled November board meeting,~~
20 ~~to the governing board of each school district under his or her~~
21 ~~jurisdiction, the county board of education of his or her county,~~
22 ~~and the board of supervisors of his or her county describing the~~
23 ~~state of the schools in the county or of his or her office that are~~
24 ~~ranked in deciles 1 to 3, inclusive, of the 2003 base Academic~~
25 ~~Performance Index (API), as described in subdivision (b) of Section~~

1 17592.70, and shall include, among other things, his or her
 2 observations while visiting the schools and his or her
 3 determinations for each school regarding the status of all of the
 4 circumstances listed in subparagraph (I) and teacher
 5 misassignments and teacher vacancies. As a condition for receipt
 6 of funds, the county superintendent, or his or her designee, shall
 7 use a standardized template to report the circumstances listed in
 8 subparagraph (I) and teacher misassignments and teacher vacancies,
 9 unless the current annual report being used by the county
 10 superintendent, or his or her designee, already includes those details
 11 for each school.

12 ~~(B) Commencing with the 2007-08 fiscal year, the county~~
 13 ~~superintendent, or his or her designee, annually shall submit a~~
 14 ~~report, at a regularly scheduled November board meeting, to the~~
 15 ~~governing board of each school district under his or her jurisdiction,~~
 16 ~~the county board of education of his or her county, and the board~~
 17 ~~of supervisors of his or her county describing the state of the~~
 18 ~~schools in the county or of his or her office that are ranked in~~
 19 ~~deciles 1 to 3, inclusive, of the 2006 base API, pursuant to former~~
 20 ~~Section 52056, as that section read on June 30, 2013. The annual~~
 21 ~~report shall include the determinations for each school made by~~
 22 ~~the county superintendent, or his or her designee, regarding the~~
 23 ~~status of all of the circumstances listed in subparagraph (I) and~~
 24 ~~teacher misassignments and teacher vacancies, and the county~~
 25 ~~superintendent, or his or her designee, shall use a standardized~~
 26 ~~template to report the circumstances listed in subparagraph (I) and~~
 27 ~~teacher misassignments and teacher vacancies, unless the current~~
 28 ~~annual report being used by the county superintendent, or his or~~
 29 ~~her designee, already includes those details with the same level of~~
 30 ~~specificity that is otherwise required by this subdivision. For~~
 31 ~~purposes of this section, schools ranked in deciles 1 to 3, inclusive,~~
 32 ~~on the 2006 base API shall include schools determined by the~~
 33 ~~department to meet either of the following:~~

- 34 (i) ~~The school meets all of the following criteria:~~
- 35 (I) ~~Does not have a valid base API score for 2006.~~
- 36 (II) ~~Is operating in fiscal year 2007-08 and was operating in~~
 37 ~~fiscal year 2006-07 during the Standardized Testing and Reporting~~
 38 ~~(STAR) Program testing period.~~
- 39 (III) ~~Has a valid base API score for 2005 that was ranked in~~
 40 ~~deciles 1 to 3, inclusive, in that year.~~

1 ~~(ii) The school has an estimated base API score for 2006 that~~
2 ~~would be in deciles 1 to 3, inclusive.~~

3 ~~(C) The department shall estimate an API score for any school~~
4 ~~meeting the criteria of subclauses (I) and (II) of clause (i) of~~
5 ~~subparagraph (B) and not meeting the criteria of subclause (III)~~
6 ~~of clause (i) of subparagraph (B), using available test scores and~~
7 ~~weighting or corrective factors it deems appropriate. The~~
8 ~~department shall post the API scores on its Internet Web site on~~
9 ~~or before May 1.~~

10 ~~(D) For purposes of this section, references to schools ranked~~
11 ~~in deciles 1 to 3, inclusive, on the 2006 base API shall exclude~~
12 ~~schools operated by county offices of education pursuant to Section~~
13 ~~56140, as determined by the department.~~

14 ~~(E) (i) Commencing~~

15 ~~(2) (A) (i) Commencing with the 2010–11 2017–18 fiscal year~~
16 ~~and every third year thereafter, the Superintendent shall identify~~
17 ~~pursuant to paragraph (2) of subdivision (a) of Section 52052 a~~
18 ~~list of schools ranked in deciles 1 to 3, inclusive, of the API at or~~
19 ~~below the 30th percentile of schools that do not meet the definition~~
20 ~~of alternative schools, as defined in subdivision (b) of Section~~
21 ~~52052, for which the county superintendent, or his or her designee,~~
22 ~~annually shall submit a report, at a regularly scheduled November~~
23 ~~board meeting, to the governing board of each school district under~~
24 ~~his or her jurisdiction, the county board of education of his or her~~
25 ~~county, and the board of supervisors of his or her county that~~
26 ~~describes the state of the schools in the county or of his or her~~
27 ~~office that are ranked in deciles 1 to 3, inclusive, of the base API~~
28 ~~as defined in clause (ii). at or below the 30th percentile of~~
29 ~~nonalternative schools and updated every third year.~~

30 ~~(ii) For the 2010–11 fiscal year, the list of schools ranked in~~
31 ~~deciles 1 to 3, inclusive, of the base API shall be updated using~~
32 ~~the criteria set forth in clauses (i) and (ii) of subparagraph (B),~~
33 ~~subparagraph (C), and subparagraph (D), as applied to the 2009~~
34 ~~base API and thereafter shall be updated every third year using~~
35 ~~the criteria set forth in clauses (i) and (ii) of subparagraph (B),~~
36 ~~subparagraph (C), and subparagraph (D), as applied to the base~~
37 ~~API of the year preceding the third year consistent with clause (i).~~

38 ~~(iii)~~

39 ~~(ii) The annual report shall include the determinations for each~~
40 ~~school made by the county superintendent, or his or her designee,~~

1 regarding the status of all of the circumstances listed in
 2 subparagraph ~~(F)~~ (E) and teacher misassignments and teacher
 3 vacancies, and the county superintendent, or his or her designee,
 4 shall use a standardized template to report the circumstances listed
 5 in subparagraph ~~(F)~~ (E) and teacher misassignments and teacher
 6 vacancies, unless the current annual report being used by the county
 7 superintendent, or his or her designee, already includes those details
 8 with the same level of specificity that is otherwise required by this
 9 subdivision.

10 ~~(F)~~

11 (B) The county superintendent of the Counties of Alpine,
 12 Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City
 13 and County of San Francisco shall contract with another county
 14 office of education or an independent auditor to conduct the
 15 required visits and make all reports required by this paragraph.

16 ~~(G)~~

17 (C) On a quarterly basis, the county superintendent, or his or
 18 her designee, shall report the results of the visits and reviews
 19 conducted that quarter to the governing board of the school district
 20 at a regularly scheduled meeting held in accordance with public
 21 notification requirements. The results of the visits and reviews
 22 shall include the determinations of the county superintendent, or
 23 his or her designee, for each school regarding the status of all of
 24 the circumstances listed in subparagraph ~~(F)~~ (E) and teacher
 25 misassignments and teacher vacancies. If the county
 26 superintendent, or his or her designee, conducts no visits or reviews
 27 in a quarter, the quarterly report shall report that fact.

28 ~~(H)~~

29 (D) The visits made pursuant to this paragraph shall be
 30 conducted at least annually and shall meet the following criteria:

- 31 (i) Minimize disruption to the operation of the school.
- 32 (ii) Be performed by individuals who meet the requirements of
- 33 Section 45125.1.
- 34 (iii) Consist of not less than 25 percent unannounced visits in
- 35 each county. During unannounced visits in each county, the county
- 36 superintendent shall not demand access to documents or specific
- 37 school personnel. Unannounced visits shall only be used to observe
- 38 the condition of school repair and maintenance, and the sufficiency
- 39 of instructional materials, as defined by Section 60119.

40 ~~(I)~~

1 (E) The priority objective of the visits made pursuant to this
2 paragraph shall be to determine the status of all of the following
3 circumstances:

4 (i) Sufficient textbooks as defined in Section 60119 and as
5 specified in subdivision (i).

6 (ii) The condition of a facility that poses an emergency or urgent
7 threat to the health or safety of pupils or staff, as described in
8 school district policy or paragraph (1) of subdivision (c) of Section
9 17592.72.

10 (iii) The accuracy of data reported on the school accountability
11 report card with respect to the availability of sufficient textbooks
12 and instructional materials, as defined by Section 60119, and the
13 safety, cleanliness, and adequacy of school facilities, including
14 good repair, as required by Sections 17014, 17032.5, 17070.75,
15 and 17089.

16 ~~(F)~~

17 (F) The county superintendent may make the status
18 determinations described in subparagraph ~~(F)~~ (E) during a single
19 visit or multiple visits. In determining whether to make a single
20 visit or multiple visits for this purpose, the county superintendent
21 shall take into consideration factors such as cost-effectiveness,
22 disruption to the schoolsite, deadlines, and the availability of
23 qualified reviewers.

24 ~~(K)~~

25 (G) If the county superintendent determines that the condition
26 of a facility poses an emergency or urgent threat to the health or
27 safety of pupils or staff as described in school district policy or
28 paragraph (1) of subdivision (c) of Section 17592.72, or is not in
29 good repair, as specified in subdivision (d) of Section 17002 and
30 required by Sections 17014, 17032.5, 17070.75, and 17089, the
31 county superintendent, among other things, may do any of the
32 following:

33 (i) Return to the school to verify repairs.

34 (ii) Prepare a report that specifically identifies and documents
35 the areas or instances of noncompliance if the school district has
36 not provided evidence of successful repairs within 30 days of the
37 visit of the county superintendent or, for major projects, has not
38 provided evidence that the repairs will be conducted in a timely
39 manner. The report may be provided to the governing board of the
40 school district. If the report is provided to the school district, it

1 shall be presented at a regularly scheduled meeting held in
2 accordance with public notification requirements. The county
3 superintendent shall post the report on his or her Internet Web site.
4 The report shall be removed from the Internet Web site when the
5 county superintendent verifies the repairs have been completed.

6 (d) Distribute all laws, reports, circulars, instructions, and blanks
7 that he or she may receive for the use of the school officers.

8 (e) Annually, on or before September 15, present a report to the
9 governing board of the school district and the Superintendent
10 regarding the fiscal solvency of a school district with a disapproved
11 budget, qualified interim certification, or a negative interim
12 certification, or that is determined to be in a position of fiscal
13 uncertainty pursuant to Section 42127.6.

14 (f) Keep in his or her office the reports of the Superintendent.

15 (g) Keep a record of his or her official acts, and of all the
16 proceedings of the county board of education, including a record
17 of the standing, in each study, of all applicants for certificates who
18 have been examined, which shall be open to the inspection of an
19 applicant or his or her authorized agent.

20 (h) Enforce the course of study.

21 (i) (1) Enforce the use of state textbooks and instructional
22 materials and of high school textbooks and instructional materials
23 regularly adopted by the proper authority in accordance with
24 Section 51050.

25 (2) For purposes of this subdivision, sufficient textbooks or
26 instructional materials has the same meaning as in subdivision (c)
27 of Section 60119.

28 (3) (A) Commencing with the ~~2005–06~~ 2017–18 school year,
29 if a school is ~~ranked in any of deciles 1 to 3, inclusive, of the base~~
30 ~~API, at or below the 30th percentile of nonalternative schools,~~ as
31 specified in *subparagraph (A) of paragraph (2) of subdivision (c)*,
32 and not currently under review pursuant to a state or federal
33 intervention program, the county superintendent specifically shall
34 review that school at least annually as a priority school. A review
35 conducted for purposes of this paragraph shall be completed by
36 the fourth week of the school year. ~~For the 2004–05 fiscal year~~
37 ~~only, the county superintendent shall make a diligent effort to~~
38 ~~conduct a visit to each school pursuant to this paragraph within~~
39 ~~120 days of receipt of funds for this purpose.~~

1 (B) In order to facilitate the review of instructional materials
2 before the fourth week of the school year, the county superintendent
3 in a county with 200 or more schools that are ~~ranked in any of~~
4 ~~deciles 1 to 3, inclusive, of the base API, at or below the 30th~~
5 ~~percentile of schools~~, as specified in *subparagraph (A) of paragraph*
6 *(2) of subdivision (c)*, may utilize a combination of visits and
7 written surveys of teachers for the purpose of determining
8 sufficiency of textbooks and instructional materials in accordance
9 with *subparagraph (A) of paragraph (1) of subdivision (a) of*
10 *Section 60119* and as defined in *subdivision (c) of Section 60119*.
11 If a county superintendent elects to conduct written surveys of
12 teachers, the county superintendent shall visit the schools surveyed
13 within the same academic year to verify the accuracy of the
14 information reported on the surveys. If a county superintendent
15 surveys teachers at a school in which the county superintendent
16 has found sufficient textbooks and instructional materials for the
17 previous two consecutive years and determines that the school
18 does not have sufficient textbooks or instructional materials, the
19 county superintendent shall within 10 business days provide a copy
20 of the insufficiency report to the school district as set forth in
21 paragraph (4).

22 (C) For purposes of this paragraph, “written surveys” may
23 include paper and electronic or online surveys.

24 (4) If the county superintendent of schools determines that a
25 school does not have sufficient textbooks or instructional materials
26 in accordance with *subparagraph (A) of paragraph (1) of*
27 *subdivision (a) of Section 60119* and as defined by *subdivision (c)*
28 *of Section 60119*, the county superintendent shall do all of the
29 following:

30 (A) Prepare a report that specifically identifies and documents
31 the areas or instances of noncompliance.

32 (B) Provide within five business days of the review, a copy of
33 the report to the school district, as provided in *subdivision (c)*, or,
34 if applicable, provide a copy of the report to the school district
35 within 10 business days pursuant to *subparagraph (B) of paragraph*
36 *(3)*.

37 (C) Provide the school district with the opportunity to remedy
38 the deficiency. The county superintendent shall ensure remediation
39 of the deficiency no later than the second month of the school term.

1 (D) If the deficiency is not remedied as required pursuant to
 2 subparagraph (C), the county superintendent shall request the
 3 department to purchase the textbooks or instructional materials
 4 necessary to comply with the sufficiency requirement of this
 5 subdivision. If the department purchases textbooks or instructional
 6 materials for the school district, the department shall issue a public
 7 statement at the first regularly scheduled meeting of the state board
 8 occurring immediately after the department receives the request
 9 of the county superintendent and that meets the applicable public
 10 notice requirements, indicating that the district superintendent and
 11 the governing board of the school district failed to provide pupils
 12 with sufficient textbooks or instructional materials as required by
 13 this subdivision. Before purchasing the textbooks or instructional
 14 materials, the department shall consult with the school district to
 15 determine which textbooks or instructional materials to purchase.
 16 The amount of funds necessary for the purchase of the textbooks
 17 and materials is a loan to the school district receiving the textbooks
 18 or instructional materials. Unless the school district repays the
 19 amount owed based upon an agreed-upon repayment schedule with
 20 the Superintendent, the Superintendent shall notify the Controller
 21 and the Controller shall deduct an amount equal to the total amount
 22 used to purchase the textbooks and materials from the next
 23 principal apportionment of the school district or from another
 24 apportionment of state funds.

25 (j) Preserve carefully all reports of school officers and teachers.

26 (k) Deliver to his or her successor, at the close of his or her
 27 official term, all records, books, documents, and papers belonging
 28 to the office, taking a receipt for them, which shall be filed with
 29 the department.

30 (l) (1) Submit two reports during the fiscal year to the county
 31 board of education in accordance with the following:

32 (A) The first report shall cover the financial and budgetary status
 33 of the county office of education for the period ending October
 34 31. The second report shall cover the period ending January 31.
 35 Both reports shall be reviewed by the county board of education
 36 and approved by the county superintendent no later than 45 days
 37 after the close of the period being reported.

38 (B) As part of each report, the county superintendent shall certify
 39 in writing whether or not the county office of education is able to
 40 meet its financial obligations for the remainder of the fiscal year

1 and, based on current forecasts, for two subsequent fiscal years.
2 The certifications shall be classified as positive, qualified, or
3 negative, pursuant to standards prescribed by the Superintendent,
4 for the purposes of determining subsequent state agency actions
5 pursuant to Section 1240.1. For purposes of this subdivision, a
6 negative certification shall be assigned to a county office of
7 education that, based upon current projections, will not meet its
8 financial obligations for the remainder of the fiscal year or for the
9 subsequent fiscal year. A qualified certification shall be assigned
10 to a county office of education that may not meet its financial
11 obligations for the current fiscal year or two subsequent fiscal
12 years. A positive certification shall be assigned to a county office
13 of education that will meet its financial obligations for the current
14 fiscal year and subsequent two fiscal years. In accordance with
15 those standards, the Superintendent may reclassify a certification.
16 If a county office of education receives a negative certification,
17 the Superintendent, or his or her designee, may exercise the
18 authority set forth in subdivision (c) of Section 1630. Copies of
19 each certification, and of the report containing that certification,
20 shall be sent to the Superintendent at the time the certification is
21 submitted to the county board of education. Copies of each
22 qualified or negative certification and the report containing that
23 certification shall be sent to the Controller at the time the
24 certification is submitted to the county board of education.

25 (i) For the 2011–12 fiscal year, notwithstanding any of the
26 standards and criteria adopted by the state board pursuant to Section
27 33127, each county office of education budget shall project the
28 same level of revenue per unit of average daily attendance as it
29 received in the 2010–11 fiscal year and shall maintain staffing and
30 program levels commensurate with that level.

31 (ii) For the 2011–12 fiscal year, the county superintendent shall
32 not be required to certify in writing whether or not the county
33 office of education is able to meet its financial obligations for the
34 two subsequent fiscal years.

35 (iii) For the 2011–12 fiscal year, notwithstanding any of the
36 standards and criteria adopted by the state board pursuant to Section
37 33127, the Superintendent, as a condition on approval of a county
38 office of education budget, shall not require a county office of
39 education to project a lower level of revenue per unit of average
40 daily attendance than it received in the 2010–11 fiscal year nor

1 require the county superintendent to certify in writing whether or
2 not the county office of education is able to meet its financial
3 obligations for the two subsequent fiscal years.

4 (2) All reports and certifications required under this subdivision
5 shall be in a format or on forms prescribed by the Superintendent,
6 and shall be based on standards and criteria for fiscal stability
7 adopted by the state board pursuant to Section 33127. The reports
8 and supporting data shall be made available by the county
9 superintendent to an interested party upon request.

10 (3) This subdivision does not preclude the submission of
11 additional budgetary or financial reports by the county
12 superintendent to the county board of education or to the
13 Superintendent.

14 (4) The county superintendent is not responsible for the fiscal
15 oversight of the community colleges in the county, however, he
16 or she may perform financial services on behalf of those
17 community colleges.

18 (m) If requested, act as agent for the purchase of supplies for
19 the city and high school districts of his or her county.

20 (n) For purposes of Section 44421.5, report to the Commission
21 on Teacher Credentialing the identity of a certificated person who
22 knowingly and willingly reports false fiscal expenditure data
23 relative to the conduct of an educational program. This requirement
24 applies only if, in the course of his or her normal duties, the county
25 superintendent discovers information that gives him or her
26 reasonable cause to believe that false fiscal expenditure data
27 relative to the conduct of an educational program has been reported.

28 (o) If any activities authorized pursuant to this section are found
29 to be a state reimbursable mandate pursuant to Section 6 of Article
30 XIII B of the California Constitution, funding provided for school
31 districts and county offices of education pursuant to Sections 2574,
32 2575, 42238.02, and 42238.03 shall be used to directly offset any
33 mandated costs.

34 *SEC. 2. Section 8238.4 of the Education Code is amended to*
35 *read:*

36 8238.4. (a) A family literacy supplemental grant shall be made
37 available and distributed to qualifying California state preschool
38 classrooms, as determined by the Superintendent, at a rate of two
39 thousand five hundred dollars (\$2,500) per class. The

1 Superintendent shall distribute the family literacy supplemental
2 grant funds according to the following priorities:

3 (1) First priority shall be assigned to California state preschool
4 programs that contract to receive this funding before July 1, 2012.
5 These programs shall receive this funding until their contract is
6 terminated or the California state preschool program no longer
7 provides family literacy services.

8 (2) Second priority shall be assigned to California state
9 preschool programs operating classrooms located in the attendance
10 area of elementary schools ~~in deciles 1 to 3, inclusive, based on~~
11 ~~the most recently published Academic Performance Index pursuant~~
12 ~~to Section 52056. at or below the 30th percentile of nonalternative~~
13 ~~schools pursuant to paragraph (2) of subdivision (a) of Section~~
14 ~~52052.~~ The Superintendent shall use a lottery process in
15 implementing this paragraph.

16 (b) A family literacy supplemental grant distributed pursuant
17 to this section shall be used for purposes specified in Section 8238.

18 (c) Implementation of this section is contingent upon funding
19 being provided for family literacy supplemental grants for
20 California state preschool programs in the annual Budget Act or
21 other statute.

22 *SEC. 3. Section 11500 of the Education Code is amended to*
23 *read:*

24 11500. The Legislature hereby finds and declares all of the
25 following:

26 (a) Despite a substantial increase in school funding over the last
27 five years, a significant percentage of the school-aged population,
28 particularly in large urban areas, is learning well below the
29 statewide average and is making only marginal progress at best.

30 (b) Parental involvement and support in the education of children
31 is an integral part of improving academic achievement. Educational
32 research has established that properly constructed parent
33 involvement programs can play an important and effective role in
34 the participation of parents in their children's schools and in raising
35 pupil achievement levels.

36 (c) The federal government has recognized the critical role of
37 parents in the educational process and ~~now mandates parental~~
38 ~~involvement~~ *requires parental and family engagement* programs
39 as a condition of eligibility for funds under the ~~Augustus F.~~
40 ~~Hawkins-Robert T. Stafford Elementary and Secondary School~~

1 ~~Improvement Amendments of 1988 (P.L. 100-297). federal~~
2 ~~Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et~~
3 ~~seq.).~~

4 (d) ~~The State Board of Education~~ *state board* has also adopted
5 a policy urging the creation of parent involvement programs in all
6 schools.

7 ~~(e) California's School Improvement Program has historically~~
8 ~~maintained parent involvement as one of its component parts.~~

9 *(e) The local control funding formula legislation adopts parental*
10 *involvement as one of its key components.*

11 (f) Research and experience have demonstrated that these
12 programs succeed only when certain components are made part
13 of the program.

14 *SEC. 4. Section 11501 of the Education Code is amended to*
15 *read:*

16 11501. It is the intent of the Legislature in enacting this chapter
17 to ensure that parent ~~involvement~~ *and family engagement* programs
18 are properly designed and implemented and to provide a focus and
19 structure for these programs based on prior experience and research
20 while maintaining sufficient local flexibility to design a program
21 that best meets the needs of the local community.

22 *SEC. 5. Section 11502 of the Education Code is amended to*
23 *read:*

24 11502. It is the purpose and goal of this chapter to do all of the
25 following:

26 (a) To engage parents *and family members* positively in their
27 children's education by ~~helping parents to develop skills to use at~~
28 ~~home that~~ *providing assistance and training on topics such as*
29 *state academic standards and assessments to develop knowledge*
30 *and skills to use at home* to support their children's academic
31 efforts at school and their children's development as responsible
32 future members of our society.

33 (b) To inform parents that they can directly affect the success
34 of their children's learning, by providing parents with techniques
35 and strategies that they may utilize to improve their children's
36 academic success and to assist their children in learning at home.

37 (c) To build consistent and effective *two-way* communication
38 ~~between the home~~ *family members* and the school so that parents
39 *and family members* may know when and how to assist their
40 children in support of classroom learning activities.

1 (d) To train ~~teachers and administrators~~ *teachers, school*
2 *administrators, specialized instructional support personnel, and*
3 *other staff* to communicate effectively with ~~parents~~. *parents as*
4 *equal partners.*

5 (e) To integrate ~~parent involvement programs, including~~
6 ~~compliance with this chapter, into the school's master plan for~~
7 ~~academic accountability~~. *and coordinate parent and family*
8 *engagement activities with the local control and accountability*
9 *plan adopted pursuant to Section 47606.5, 52060, or 52066, as*
10 *applicable, with other programs.*

11 SEC. 6. Section 11503 of the Education Code is amended to
12 read:

13 11503. The governing board of each school district *and county*
14 *office of education* shall establish a ~~parent involvement~~ *written*
15 *parent and family engagement* program for each school in the
16 district that receives funds under ~~Chapter 1~~ of the federal
17 Elementary and Secondary Education Act of 1965, (20 U.S.C. Sec.
18 6301 *et seq.*), as amended by the ~~Augustus F. Hawkins-Robert T.~~
19 ~~Stafford Elementary and Secondary School Improvement~~
20 ~~Amendments of 1988 (P.L. 100-290)~~. *federal Every Student*
21 *Succeeds Act (Public Law 114-95)*. That program shall contain at
22 least the following elements:

23 (a) Procedures to ensure that parents *and family members* are
24 consulted and participate in the planning, design, implementation,
25 and evaluation of the program.

26 (b) *Procedures to involve parents and family members in*
27 *developing the Local Educational Agency Plan and school support*
28 *and improvement plans under Section 6312 of Title 20 of the United*
29 *States Code.*

30 (c) *Procedures to provide assistance and support necessary to*
31 *build schools' capacity to plan and implement effective parent and*
32 *family engagement activities.*

33 (d) *Procedures to train teachers, school administrators, and*
34 *other staff on outreach and effective communication with parents*
35 *and family members as equal partners.*

36 ~~(b)~~
37 (e) Regular and periodic programs throughout the school year
38 that provide for training, instruction, and information on all of the
39 following:

1 (1) Parental *and family member* ability to directly affect the
2 success of their children’s learning through the support they give
3 their children at home and at school.

4 (2) *Explanation of curriculum, state academic achievement*
5 *standards, and state and local assessments.*

6 ~~(2)~~

7 (3) Home activities, strategies, and materials that can be used
8 to assist and enhance the learning of children both at home and at
9 school.

10 ~~(3) Parenting skills that~~

11 (4) *Skills to assist parents and family members* in understanding
12 the development needs of their children and in understanding how
13 to provide positive discipline for, and build healthy relationships
14 with, their children.

15 ~~(4) Parental ability to develop~~

16 (5) *Developing* consistent and effective communications between
17 the school and the parents *and family members* concerning the
18 progress of the children in school and concerning school programs.

19 ~~(e)~~

20 (f) An annual statement identifying specific objectives of the
21 ~~program.~~ *program consistent with the requirements of this section.*

22 ~~(d)~~

23 (g) An annual review and assessment of the program’s progress
24 in meeting those objectives. Parents shall be made aware of the
25 existence of this review and assessment through regular school
26 communications mechanisms and shall be given a copy upon the
27 parent’s request.

28 *SEC. 7. Section 12030 of the Education Code is amended to*
29 *read:*

30 12030. The people of the State of California accept the
31 provisions of, and each of the funds provided by, the act of
32 Congress ~~entitled~~ *titled* “An act to strengthen the national defense
33 and to encourage and assist in the expansion and improvement of
34 educational programs to meet critical national needs; and for other
35 purposes” (National Defense Education Act of 1958), approved
36 September 2, 1958, and the ~~act of Congress entitled~~ “*Elementary*
37 *and Secondary Education Act of 1965.*” *federal Elementary and*
38 *Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), as amended*
39 *by the federal Every Student Succeeds Act (Public Law 114–95).*

1 *SEC. 8. Section 12032 of the Education Code is amended to*
2 *read:*

3 12032. ~~The State Board of Education~~ *state board* is designated
4 as the state educational agency to carry out the purposes and the
5 provisions of these acts of Congress. ~~The State Board of Education~~
6 *state board* is hereby vested with authority to prepare and submit
7 to the United States ~~Commissioner~~ *Secretary* of Education any
8 state plan required by these acts of Congress, to prepare and submit
9 amendments to the state plans, and to administer the state plans
10 or amendments thereto, in accordance with these acts of Congress
11 and any rules and regulations adopted thereunder. ~~The State Board~~
12 ~~of Education~~ *state board* is hereby vested with all necessary power
13 and authority to cooperate with the government of the United
14 States, or any agency or agencies thereof in the administration of
15 these acts of Congress and the rules and regulations adopted
16 thereunder.

17 *SEC. 9. Section 32289 of the Education Code is amended to*
18 *read:*

19 32289. A complaint of noncompliance with the school safety
20 planning requirements ~~of Title IV of the federal No Child Left~~
21 ~~Behind Act of 2001 (20 U.S.C. Sec. 7114 (d)(7))~~ may be filed with
22 the department under the Uniform Complaint Procedures as set
23 forth in Chapter 5.1 (commencing with Section 4600) of Title 5
24 of the California Code of Regulations.

25 *SEC. 10. Section 33126 of the Education Code is amended to*
26 *read:*

27 33126. (a) The school accountability report card shall provide
28 data by which a parent can make meaningful comparisons between
29 public schools that will enable him or her to make informed
30 decisions on the school in which to enroll his or her children.

31 (b) The school accountability report card shall include, but is
32 not limited to, assessment of the following school conditions:

33 (1) (A) Pupil achievement by grade level, as measured by the
34 standardized testing and reporting programs pursuant to Article 4
35 (commencing with Section 60640) of Chapter 5 of Part 33.

36 (B) After the state develops a statewide assessment system
37 pursuant to Chapter 5 (commencing with Section 60600) and
38 Chapter 6 (commencing with Section 60800) of Part 33, pupil
39 achievement by grade level, as measured by the results of the
40 statewide assessment.

1 (2) Progress toward reducing dropout rates, including the
 2 one-year dropout rate listed in the California Basic Educational
 3 Data System or a successor data system for the schoolsite over the
 4 most recent three-year period, and the graduation rate, as defined
 5 by the state board, over the most recent three-year period when
 6 available pursuant to Section 52052.

7 (3) Estimated expenditures per pupil and types of services
 8 funded. The assessment of estimated expenditures per pupil shall
 9 reflect the actual salaries of personnel assigned to the schoolsite.
 10 The assessment of estimated expenditures per pupil shall be
 11 reported in total, shall be reported in subtotal by restricted and by
 12 unrestricted source, and shall include a reporting of the average
 13 of actual salaries paid to certificated instructional personnel at that
 14 schoolsite.

15 (4) Progress toward reducing class sizes and teaching loads,
 16 including the distribution of class sizes at the schoolsite by grade
 17 level and the average class size, using the California Basic
 18 Educational Data System or a successor data system information
 19 for the most recent three-year period.

20 (5) The total number of the school’s fully credentialed teachers,
 21 the number of teachers relying upon emergency credentials, the
 22 number of teachers working without credentials, any assignment
 23 of teachers outside their subject areas of competence,
 24 misassignments, including misassignments of teachers of English
 25 learners, and the number of vacant teacher positions for the most
 26 recent three-year period.

27 (A) For purposes of this paragraph, “vacant teacher position”
 28 means a position to which a single-designated certificated employee
 29 has not been assigned at the beginning of the year for an entire
 30 year or, if the position is for a one-semester course, a position of
 31 which a single-designated certificated employee has not been
 32 assigned at the beginning of a semester for an entire semester.

33 (B) For purposes of this paragraph, “misassignment” means the
 34 placement of a certificated employee in a teaching or services
 35 position for which the employee does not hold a legally recognized
 36 certificate or credential or the placement of a certificated employee
 37 in a teaching or services position that the employee is not otherwise
 38 authorized by statute to hold.

39 (6) (A) Quality and currency of textbooks and other
 40 instructional materials, including whether textbooks and other

1 materials meet state standards and are adopted by the state board
2 for kindergarten and grades 1 to 8, inclusive, and adopted by the
3 governing boards of school districts for grades 9 to 12, inclusive,
4 and the ratio of textbooks per pupil and the year the textbooks
5 were adopted.

6 (B) The availability of sufficient textbooks and other
7 instructional materials, as determined pursuant to Section 60119,
8 for each pupil, including English learners, in each of the areas
9 enumerated in clauses (i) to (iv), inclusive. If the governing board
10 determines, pursuant to Section 60119 that there are insufficient
11 textbooks or instructional materials, or both, it shall include
12 information for each school in which an insufficiency exists,
13 identifying the percentage of pupils who lack sufficient
14 standards-aligned textbooks or instructional materials in each
15 subject area. The subject areas to be included are all of the
16 following:

17 (i) The core curriculum areas of reading/language arts,
18 mathematics, science, and history/social science.

19 (ii) Foreign language and health.

20 (iii) Science laboratory equipment for grades 9 to 12, inclusive,
21 as appropriate.

22 (iv) Visual and performing arts.

23 (7) The availability of qualified personnel to provide counseling
24 and other pupil support services, including the ratio of academic
25 counselors per pupil.

26 (8) Safety, cleanliness, and adequacy of school facilities,
27 including any needed maintenance to ensure good repair as
28 specified in Section 17014, Section 17032.5, subdivision (a) of
29 Section 17070.75, and subdivision (b) of Section 17089.

30 (9) The annual number of schooldays dedicated to staff
31 development for the most recent three-year period.

32 (10) Suspension and expulsion rates for the most recent
33 three-year period.

34 (11) For secondary schools, the percentage of graduates who
35 have passed course requirements for entrance to the University of
36 California and the California State University, including the course
37 requirements for high school graduation pursuant to Section
38 51225.3, and the percentage of pupils enrolled in those courses,
39 as reported by the California Basic Educational Data System or
40 any successor data system.

- 1 (12) The number of advanced placement courses offered, by
- 2 subject.
- 3 ~~(13) The Academic Performance Index, including the~~
- 4 ~~disaggregation of subgroups as set forth in Section 52052 and the~~
- 5 ~~decile rankings and a comparison of schools.~~
- 6 ~~(14) When available, the percentage of pupils, including the~~
- 7 ~~disaggregation of subgroups, as set forth in Section 52052,~~
- 8 ~~completing grade 12 who successfully complete the high school~~
- 9 ~~exit examination, as set forth in Sections 60850 and 60851, as~~
- 10 ~~compared to the percentage of pupils in the district and statewide~~
- 11 ~~completing grade 12 who successfully complete the examination.~~
- 12 ~~(15)~~
- 13 (13) Contact information pertaining to organized opportunities
- 14 for parental involvement.
- 15 ~~(16)~~
- 16 (14) Career technical education data measures, including all of
- 17 the following:
- 18 (A) A list of programs offered by the school district in which
- 19 pupils at the school may participate and that are aligned to the
- 20 model curriculum standards adopted pursuant to Section 51226,
- 21 and program sequences offered by the school district. The list
- 22 should identify courses conducted by a regional occupational center
- 23 or program, and those conducted directly by the school district.
- 24 (B) A listing of the primary representative of the career technical
- 25 advisory committee of the school district and the industries
- 26 represented.
- 27 (C) The number of pupils participating in career technical
- 28 education.
- 29 (D) The percentage of pupils that complete a career technical
- 30 education program and earn a high school diploma.
- 31 (E) The percentage of career technical education courses that
- 32 are sequenced or articulated between a school and institutions of
- 33 postsecondary education.
- 34 (c) If the Commission on State Mandates finds a school district
- 35 is eligible for a reimbursement of costs incurred complying with
- 36 this section, the school district shall be reimbursed only if the
- 37 information provided in the school accountability report card is
- 38 accurate, as determined by the annual audit performed pursuant
- 39 to Section 41020. If the information is determined to be inaccurate,

1 the school district remains eligible for reimbursement if the
2 information is corrected by May 15.

3 (d) It is the intent of the Legislature that schools make a
4 concerted effort to notify parents of the purpose of the school
5 accountability report cards, as described in this section, and ensure
6 that all parents receive a copy of the report card; to ensure that the
7 report cards are easy to read and understandable by parents; to
8 ensure that local educational agencies with access to the Internet
9 make available current copies of the report cards through the
10 Internet; and to ensure that administrators and teachers are available
11 to answer any questions regarding the report cards.

12 *SEC. 11. Section 33126.2 of the Education Code is amended*
13 *to read:*

14 33126.2. (a) The Superintendent may recommend additional
15 data elements for inclusion in the ~~Academic Performance Index~~
16 *accountability system established pursuant to Section 52052. Data*
17 *elements may be incorporated in the ~~Academic Performance Index~~*
18 *accountability system only after those elements have been*
19 *determined by the state board to be valid and reliable for the*
20 *purpose of measuring school performance, and only if their*
21 *inclusion would not be likely to result in a valid claim against the*
22 *state for reimbursement pursuant to Section 6 of Article XIII B of*
23 *the California Constitution.*

24 (b) The Superintendent shall additionally review, and the state
25 board shall consider, any empirical research data that becomes
26 available concerning barriers to equal opportunities to succeed
27 educationally for all California pupils, regardless of socioeconomic
28 background. Upon obtaining this information, the state board shall
29 evaluate whether there is any need to revise the school
30 accountability report card.

31 *SEC. 12. Section 33318.5 of the Education Code is amended*
32 *to read:*

33 33318.5. (a) In addition to the dropout rate the department
34 compiles pursuant to the federal ~~No Child Left Behind Act of 2001~~
35 *(20 U.S.C. Sec. 6301 et seq.), Every Student Succeeds Act (Public*
36 *Law 114–95), the department shall compile an attrition rate for*
37 *high school pupils in the state pursuant to the formula specified*
38 *in subdivision (b).*

39 (b) The attrition rate is the difference between the number of
40 pupils who enrolled in grade 9 in a particular year and the number

1 of pupils who, four years later, receive a diploma of graduation
2 from high school, divided by the number of pupils who enrolled
3 in grade 9 in the particular year.

4 *SEC. 13. Section 33370 of the Education Code is amended to*
5 *read:*

6 33370. (a) There is hereby created within the department an
7 American Indian Education Unit, which shall provide technical
8 support to, and proper administrative oversight of, American Indian
9 education programs established by the state in order to ensure that
10 American Indian pupils in California public schools are able to
11 meet the challenging academic standards of the federal ~~No Child~~
12 ~~Left Behind Act of 2001~~ *Elementary and Secondary Education*
13 *Act* (20 U.S.C. Sec. 6301 et seq.) and that those programs reflect
14 the cultural and educational standards stated in Executive Order
15 No. 13336, 69 Federal Register 25295 (May 5, 2004), relating to
16 American Indian and Alaska Native Education.

17 (b) The Superintendent shall appoint an American Indian
18 Education Unit Manager who shall oversee the American Indian
19 Education Unit.

20 (c) The duties of the American Indian Education Unit shall
21 include the development of clear, consistent, and effective
22 operating policies and procedures that include measures to ensure
23 that the learning needs of American Indian pupils are being
24 adequately addressed.

25 (d) The department shall ensure that staff are properly trained
26 in the application of the policies adopted pursuant to subdivision
27 (c) and that the policies are consistent with the legislative intent
28 relating to the California American Indian Education Program and
29 with Section 11019.6 of, subdivisions (d) and (f) of Section 11340
30 of, and Section 11342.2 of, the Government Code.

31 (e) The department shall prescribe the following:

32 (1) The data that California American Indian education centers
33 shall report on an annual basis in order to measure program
34 performance.

35 (2) On or before January 1, 2011, and again on or before January
36 1, 2016, the department shall conduct an evaluation of the centers
37 to determine whether to renew the application of each existing
38 center or instead to approve an application to establish a new
39 center.

1 (3) A description of the consequences for failing to submit the
2 data.

3 (f) The department shall adopt policies that include:

4 (1) An equitable process that will be used to select centers that
5 will receive grant awards and determine their respective funding
6 amounts.

7 (2) Establish a prompt timeframe for disbursing approved
8 payments to the centers.

9 (3) A monitoring process and plan to ensure that fiscal and
10 program information reported by the centers is accurate and
11 complete, including a process for corrective action and
12 investigation by the department for noncompliance. The process
13 shall be based upon consistent and equitable principles.

14 (4) The incorporation of culturally responsive methodologies
15 in order to ensure that an optimal educational program for
16 American Indian pupils is supported and maintained.

17 (5) Ensuring respect for the federal trust and sovereign nation
18 status of California American Indian tribes.

19 (g) The Superintendent, with input from existing California
20 American Indian education center directors, shall appoint an
21 American Indian Education Oversight Committee by January 30,
22 2007, composed of at least seven educators, four of whom shall
23 be California American Indian education center directors. If the
24 Superintendent is unable to find a qualified individual to fill a
25 vacancy in one of the four positions for center directors within 30
26 days of the vacancy arising, he or she may fill the vacancy with
27 an educator who is not a center director. All members shall possess
28 proven knowledge of current educational policies relating to, and
29 issues faced by, American Indian communities in California. This
30 committee shall provide input and advice to the Superintendent
31 on all aspects of American Indian education programs established
32 by the state.

33 *SEC. 14. Section 35036 of the Education Code is amended to*
34 *read:*

35 35036. (a) Notwithstanding subdivision (d) of Section 35035,
36 the superintendent of a school district may not transfer a teacher
37 who requests to be transferred to a school offering kindergarten
38 or any of grades 1 to 12, inclusive, that is ~~ranked in deciles 1 to 3,~~
39 ~~inclusive, on the Academic Performance Index at or below the~~
40 *30th percentile of schools that do not meet the definition of*

1 *alternative schools as defined in subdivision (b) of Section 52052*
 2 *pursuant to paragraph (2) of subdivision (a) of Section 52052 if*
 3 *the principal of the school refuses to accept the transfer.*

4 (b) The governing board of a school district may not adopt a
 5 policy or regulation, or enter into a collective bargaining
 6 agreement, that assigns, after April 15 of the school year prior to
 7 the school year in which the transfer would become effective,
 8 priority to a teacher who requests to be transferred to another school
 9 over other qualified applicants who have applied for positions
 10 requiring certification qualification at the school.

11 (c) The prohibitions in this section shall become operative on
 12 January 1, 2007. If the prohibitions in this section are in direct
 13 conflict with the terms of a collective bargaining agreement in
 14 effect on January 1, 2007, the prohibitions of this section shall
 15 become operative on the employees governed by that agreement
 16 upon its expiration.

17 *SEC. 15. Section 47606.5 of the Education Code is amended*
 18 *to read:*

19 47606.5. (a) On or before July 1, 2015, and each year
 20 thereafter, a charter school shall update the goals and annual actions
 21 to achieve those goals identified in the charter pursuant to
 22 subparagraph (A) of paragraph (5) of subdivision (b) of Section
 23 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of
 24 Section 47605.6. The local control and accountability plan and
 25 annual update to the local control and accountability plan shall be
 26 developed using the template adopted pursuant to Section 52064
 27 and shall include all of the following:

28 (1) A review of the progress toward the goals included in the
 29 charter, an assessment of the effectiveness of the specific actions
 30 described in the charter toward achieving the goals, and a
 31 description of changes to the specific actions the charter school
 32 will make as a result of the review and assessment.

33 (2) A listing and description of the expenditures for the fiscal
 34 year implementing the specific actions included in the charter as
 35 a result of the reviews and assessment required by paragraph (1).

36 (b) The expenditures identified in subdivision (a) shall be
 37 classified using the California School Accounting Manual pursuant
 38 to Section 41010.

39 (c) For purposes of the review required by subdivision (a), a
 40 governing body of a charter school may consider qualitative

1 information, including, but not limited to, findings that result from
2 school quality reviews conducted pursuant to ~~subparagraph (J) or~~
3 ~~paragraph (4)~~ *paragraph (5)* of subdivision (a) of Section 52052
4 or any other reviews.

5 (d) To the extent practicable, data reported pursuant to this
6 section shall be reported in a manner consistent with how
7 information is reported on a school accountability report card.

8 (e) The charter school shall consult with teachers, principals,
9 administrators, other school personnel, parents, and pupils in
10 developing the local control and accountability plan and annual
11 update to the local control and accountability plan.

12 *SEC. 16. Section 47607 of the Education Code is amended to*
13 *read:*

14 47607. (a) (1) A charter may be granted pursuant to Sections
15 47605, 47605.5, and 47606 for a period not to exceed five years.
16 A charter granted by a school district governing board, a county
17 board of education, or the state board may be granted one or more
18 subsequent renewals by that entity. Each renewal shall be for a
19 period of five years. A material revision of the provisions of a
20 charter petition may be made only with the approval of the
21 authority that granted the charter. The authority that granted the
22 charter may inspect or observe any part of the charter school at
23 any time.

24 (2) Renewals and material revisions of charters are governed
25 by the standards and criteria in Section 47605, and shall include,
26 but not be limited to, a reasonably comprehensive description of
27 any new requirement of charter schools enacted into law after the
28 charter was originally granted or last renewed.

29 (3) (A) The authority that granted the charter shall consider
30 increases in pupil academic achievement for all groups of pupils
31 served by the charter school as *one as* the most important ~~factor~~
32 *factors* in determining whether to grant a charter renewal.

33 (B) For purposes of this section, “all groups of pupils served
34 by the charter school” means a numerically significant pupil
35 subgroup, as defined by ~~paragraph (3)~~ (4) of subdivision (a) of
36 Section 52052, served by the charter school.

37 (b) Commencing on January 1, 2005, or after a charter school
38 has been in operation for four years, whichever date occurs later,
39 a charter school shall meet at least one of the following criteria

1 before receiving a charter renewal pursuant to paragraph (1) of
2 subdivision (a):

3 ~~(1) Attained its Academic Performance Index (API) growth~~
4 ~~target in the prior year or in two of the last three years both~~
5 ~~schoolwide and for all groups of pupils served by the charter~~
6 ~~school.~~

7 ~~(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior~~
8 ~~year or in two of the last three years.~~

9 ~~(3) Ranked in deciles 4 to 10, inclusive, on the API for a~~
10 ~~demographically comparable school in the prior year or in two of~~
11 ~~the last three years.~~

12 *(1) Ranked in the top 60 percent of schools that do not meet the*
13 *definition of alternative schools, as defined in subdivision (b) of*
14 *Section 52052, pursuant to paragraph (2) of subdivision (a) of*
15 *Section 52052 in the prior year or in two of the last three years.*

16 *(2) Ranked in the top 60 percent of schools that do not meet the*
17 *definition of alternative schools for a demographically comparable*
18 *school in the prior year or in two of the last three years.*

19 *(3) Ranked in the top 60 percent of alternative schools, as*
20 *defined in subdivision (b) of Section 52052, pursuant to paragraph*
21 *(2) of subdivision (a) of Section 52052.*

22 *(4) Ranked in the top 60 percent of alternative schools, as*
23 *defined in subdivision (b) of Section 52052, pursuant to paragraph*
24 *(2) of subdivision (a) of Section 52052 for a demographically*
25 *comparable school.*

26 ~~(4)~~

27 (5) (A) The entity that granted the charter determines that the
28 academic performance of the charter school is at least equal to the
29 academic performance of the public schools that the charter school
30 pupils would otherwise have been required to attend, as well as
31 the academic performance of the schools in the school district in
32 which the charter school is located, taking into account the
33 composition of the pupil population that is served at the charter
34 school.

35 (B) The determination made pursuant to this paragraph shall be
36 based upon all of the following:

37 (i) Documented and clear and convincing data.

38 (ii) Pupil achievement data from assessments, including, but
39 not limited to, the Standardized Testing and Reporting Program
40 established by Article 4 (commencing with Section 60640) of

1 Chapter 5 of Part 33 for demographically similar pupil populations
2 in the comparison schools.

3 (iii) Information submitted by the charter school.

4 (C) A chartering authority shall submit to the Superintendent
5 copies of supporting documentation and a written summary of the
6 basis for any determination made pursuant to this paragraph. The
7 Superintendent shall review the materials and make
8 recommendations to the chartering authority based on that review.
9 The review may be the basis for a recommendation made pursuant
10 to Section 47604.5.

11 (D) A charter renewal may not be granted to a charter school
12 prior to 30 days after that charter school submits materials pursuant
13 to this paragraph.

14 ~~(5)~~

15 (6) Qualified for an alternative accountability system pursuant
16 to subdivision ~~(h)~~ (b) of Section 52052.

17 (c) (1) A charter may be revoked by the authority that granted
18 the charter under this chapter if the authority finds, through a
19 showing of substantial evidence, that the charter school did any
20 of the following:

21 (A) Committed a material violation of any of the conditions,
22 standards, or procedures set forth in the charter.

23 (B) Failed to meet or pursue any of the pupil outcomes identified
24 in the charter.

25 (C) Failed to meet generally accepted accounting principles, or
26 engaged in fiscal mismanagement.

27 (D) Violated any provision of law.

28 (2) The authority that granted the charter shall consider increases
29 in pupil academic achievement for all groups of pupils served by
30 the charter school as *one of* the most important ~~factor~~ *factors* in
31 determining whether to revoke a charter.

32 (d) Before revocation, the authority that granted the charter shall
33 notify the charter school of any violation of this section and give
34 the school a reasonable opportunity to remedy the violation, unless
35 the authority determines, in writing, that the violation constitutes
36 a severe and imminent threat to the health or safety of the pupils.

37 (e) Before revoking a charter for failure to remedy a violation
38 pursuant to subdivision (d), and after expiration of the school's
39 reasonable opportunity to remedy without successfully remedying
40 the violation, the chartering authority shall provide a written notice

1 of intent to revoke and notice of facts in support of revocation to
2 the charter school. No later than 30 days after providing the notice
3 of intent to revoke a charter, the chartering authority shall hold a
4 public hearing, in the normal course of business, on the issue of
5 whether evidence exists to revoke the charter. No later than 30
6 days after the public hearing, the chartering authority shall issue
7 a final decision to revoke or decline to revoke the charter, unless
8 the chartering authority and the charter school agree to extend the
9 issuance of the decision by an additional 30 days. The chartering
10 authority shall not revoke a charter, unless it makes written factual
11 findings supported by substantial evidence, specific to the charter
12 school, that support its findings.

13 (f) (1) If a school district is the chartering authority and it
14 revokes a charter pursuant to this section, the charter school may
15 appeal the revocation to the county board of education within 30
16 days following the final decision of the chartering authority.

17 (2) The county board of education may reverse the revocation
18 decision if the county board of education determines that the
19 findings made by the chartering authority under subdivision (e)
20 are not supported by substantial evidence. The school district may
21 appeal the reversal to the state board.

22 (3) If the county board of education does not issue a decision
23 on the appeal within 90 days of receipt, or the county board of
24 education upholds the revocation, the charter school may appeal
25 the revocation to the state board.

26 (4) The state board may reverse the revocation decision if the
27 state board determines that the findings made by the chartering
28 authority under subdivision (e) are not supported by substantial
29 evidence. The state board may uphold the revocation decision of
30 the school district if the state board determines that the findings
31 made by the chartering authority under subdivision (e) are
32 supported by substantial evidence.

33 (g) (1) If a county office of education is the chartering authority
34 and the county board of education revokes a charter pursuant to
35 this section, the charter school may appeal the revocation to the
36 state board within 30 days following the decision of the chartering
37 authority.

38 (2) The state board may reverse the revocation decision if the
39 state board determines that the findings made by the chartering

1 authority under subdivision (e) are not supported by substantial
2 evidence.

3 (h) If the revocation decision of the chartering authority is
4 reversed on appeal, the agency that granted the charter shall
5 continue to be regarded as the chartering authority.

6 (i) During the pendency of an appeal filed under this section, a
7 charter school, whose revocation proceedings are based on
8 subparagraph (A) or (B) of paragraph (1) of subdivision (c), shall
9 continue to qualify as a charter school for funding and for all other
10 purposes of this part, and may continue to hold all existing grants,
11 resources, and facilities, in order to ensure that the education of
12 pupils enrolled in the school is not disrupted.

13 (j) Immediately following the decision of a county board of
14 education to reverse a decision of a school district to revoke a
15 charter, the following shall apply:

16 (1) The charter school shall qualify as a charter school for
17 funding and for all other purposes of this part.

18 (2) The charter school may continue to hold all existing grants,
19 resources, and facilities.

20 (3) Any funding, grants, resources, and facilities that had been
21 withheld from the charter school, or that the charter school had
22 otherwise been deprived of use, as a result of the revocation of the
23 charter shall be immediately reinstated or returned.

24 (k) A final decision of a revocation or appeal of a revocation
25 pursuant to subdivision (c) shall be reported to the chartering
26 authority, the county board of education, and the department.

27 *SEC. 17. Section 47612.5 of the Education Code is amended*
28 *to read:*

29 47612.5. (a) Notwithstanding any other ~~provision~~ of law and
30 as a condition of apportionment, a charter school shall do all of
31 the following:

32 (1) For each fiscal year, offer, at a minimum, the following
33 number of minutes of instruction:

34 (A) To pupils in kindergarten, 36,000 minutes.

35 (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

36 (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

37 (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

38 (2) Maintain written contemporaneous records that document
39 all pupil attendance and make these records available for audit and
40 inspection.

1 (3) Certify that its pupils have participated in the state testing
2 programs specified in Chapter 5 (commencing with Section 60600)
3 of Part 33 in the same manner as other pupils attending public
4 schools as a condition of apportionment of state funding.

5 (b) Notwithstanding any other ~~provision of law~~ and except to
6 the extent inconsistent with this section and Section 47634.2, a
7 charter school that provides independent study shall comply with
8 Article 5.5 (commencing with Section 51745) of Chapter 5 of Part
9 28 and implementing regulations adopted thereunder. ~~The State~~
10 ~~Board of Education~~ *state board* shall adopt regulations that apply
11 this article to charter schools. To the extent that these regulations
12 concern the qualifications of instructional personnel, ~~the State~~
13 ~~Board of Education~~ *state board* shall be guided by subdivision (l)
14 of Section 47605.

15 (c) A reduction in apportionment made pursuant to subdivision
16 (a) shall be proportional to the magnitude of the exception that
17 causes the reduction. For purposes of paragraph (1) of subdivision
18 (a), for each charter school that fails to offer pupils the minimum
19 number of minutes of instruction specified in that paragraph, the
20 Superintendent shall withhold from the charter school's
21 apportionment for average daily attendance of the affected pupils,
22 by grade level, the sum of that apportionment multiplied by the
23 percentage of the minimum number of minutes of instruction at
24 each grade level that the charter school failed to offer.

25 (d) (1) Notwithstanding any other ~~provision of law~~ and except
26 as provided in paragraph (1) of subdivision (e), a charter school
27 that has an approved charter may receive funding for
28 nonclassroom-based instruction only if a determination for funding
29 is made pursuant to Section 47634.2 by ~~the State Board of~~
30 ~~Education~~ *state board*. The determination for funding shall be
31 subject to any conditions or limitations ~~the State Board of~~
32 ~~Education~~ *state board* may prescribe. ~~The State Board of Education~~
33 *state board* shall adopt regulations on or before February 1, 2002,
34 that define and establish general rules governing
35 nonclassroom-based instruction that apply to all charter schools
36 and to the process for determining funding of nonclassroom-based
37 instruction by charter schools offering nonclassroom-based
38 instruction other than the nonclassroom-based instruction allowed
39 by paragraph (1) of subdivision (e). Nonclassroom-based
40 instruction includes, but is not limited to, independent study, home

1 study, work study, and distance and computer-based education. In
2 prescribing any conditions or limitations relating to the
3 qualifications of instructional personnel, the ~~State Board of~~
4 ~~Education~~ *state board* shall be guided by subdivision (l) of Section
5 47605.

6 (2) Except as provided in paragraph (2) of subdivision (b) of
7 Section 47634.2, a charter school that receives a determination
8 pursuant to subdivision (b) of Section 47634.2 is not required to
9 reapply annually for a funding determination of its
10 nonclassroom-based instruction program if an update of the
11 information the ~~State Board of Education~~ *state board* reviewed
12 when initially determining funding would not require material
13 revision, as that term is defined in regulations adopted by the board.
14 A charter school that ~~has achieved a rank of 6 or greater on the~~
15 ~~Academic Performance Index~~ *is in the top 60 percent of schools*
16 *pursuant to paragraph (2) of subdivision (a) of Section 52052* for
17 the two years immediately prior to receiving a funding
18 determination pursuant to subdivision (b) of Section 47634.2 shall
19 receive a five-year determination and is not required to annually
20 reapply for a funding determination of its nonclassroom-based
21 instruction program if an update of the information the ~~State Board~~
22 ~~of Education~~ *state board* reviewed when initially determining
23 funding would not require material revision, as that term is defined
24 in regulations adopted by the ~~board.~~ *state board.* Notwithstanding
25 any ~~provision of other law,~~ the ~~State Board of Education~~ *state*
26 *board* may require a charter school to provide updated information
27 at any time it determines that a review of that information is
28 necessary. The ~~State Board of Education~~ *state board* may terminate
29 a determination for funding if updated or additional information
30 requested by the *state board* is not made available to the *state board*
31 by the charter school within a reasonable amount of time or if the
32 information otherwise supports termination. A determination for
33 funding pursuant to Section 47634.2 may not exceed five years.

34 (3) A charter school that offers nonclassroom-based instruction
35 in excess of the amount authorized by paragraph (1) of subdivision
36 (e) is subject to the determination for funding requirement of
37 Section 47634.2 to receive funding each time its charter is renewed
38 or materially revised pursuant to Section 47607. A charter school
39 that materially revises its charter to offer nonclassroom-based
40 instruction in excess of the amount authorized by paragraph (1)

1 of subdivision (e) is subject to the determination for funding
 2 requirement of Section 47634.2.

3 (e) (1) Notwithstanding any other ~~provision of law~~, and as a
 4 condition of apportionment, “classroom-based instruction” in a
 5 charter school, for the purposes of this part, occurs only when
 6 charter school pupils are engaged in educational activities required
 7 of those pupils and are under the immediate supervision and control
 8 of an employee of the charter school who possesses a valid teaching
 9 certification in accordance with subdivision (l) of Section 47605.
 10 For purposes of calculating average daily attendance for
 11 classroom-based instruction apportionments, at least 80 percent
 12 of the instructional time offered by the charter school shall be at
 13 the schoolsite, and the charter school shall require the attendance
 14 of all pupils for whom a classroom-based apportionment is claimed
 15 at the schoolsite for at least 80 percent of the minimum
 16 instructional time required to be offered pursuant to paragraph (1)
 17 of subdivision (a) of Section 47612.5.

18 (2) For the purposes of this part, “nonclassroom instruction” or
 19 “nonclassroom-based instruction” means instruction that does not
 20 meet the requirements specified in paragraph (1). ~~The State Board~~
 21 ~~of Education~~ *state board* may adopt regulations pursuant to
 22 paragraph (1) of subdivision (d) specifying other conditions or
 23 limitations on what constitutes nonclassroom-based instruction,
 24 as it deems appropriate and consistent with this part.

25 (3) For purposes of this part, a schoolsite is a facility that is used
 26 principally for classroom instruction.

27 (4) Notwithstanding any other ~~provision of law~~, neither the ~~State~~
 28 ~~Board of Education~~, *state board* nor the Superintendent may waive
 29 the requirements of paragraph (1) of subdivision (a).

30 *SEC. 18. Section 49558 of the Education Code is amended to*
 31 *read:*

32 49558. (a) All applications and records concerning any
 33 individual made or kept by any public officer or agency in
 34 connection with the administration of any provision of this code
 35 relating to free or reduced-price meal eligibility shall be
 36 confidential, and may not be open to examination for any purpose
 37 not directly connected with the administration of any free or
 38 reduced-price meal program, or any investigation, prosecution, or
 39 criminal or civil proceeding conducted in connection with the
 40 administration of any free or reduced-price meal program.

1 (b) Notwithstanding subdivision (a), a public officer or agency
2 may allow school district employees, who are authorized by the
3 governing board of the school district, to disclose from the
4 individual meal records only the pupil's name and school meal
5 eligibility status, solely for purposes of disaggregation of academic
6 achievement data or to identify pupils eligible for public school
7 choice and ~~supplemental educational~~ *direct pupil* services pursuant
8 to the federal ~~No Child Left Behind Act of 2001 (Public Law~~
9 ~~107-110)~~, *Elementary and Secondary Education Act (20 U.S.C.*
10 *Sec. 6301 et seq.*), if the public agency ensures the following:

11 (1) The public agency has adopted a policy that allows for the
12 use of individual records for these purposes.

13 (2) No individual indicators of participation in any free or
14 reduced-price meal program are maintained in the permanent record
15 of any pupil, unless otherwise allowed by law.

16 (3) No public release of information regarding individual pupil
17 participation in any free or reduced-price meal program is
18 permitted.

19 (4) All other confidentiality provisions required by law are met.

20 (5) The information collected regarding individual pupils
21 certified to participate in the free or reduced-price meal program
22 is destroyed when it is no longer needed for its intended purpose.

23 (c) Notwithstanding subdivision (a), the school districts and
24 county superintendents of schools may release information on the
25 School Lunch Program application to the local agency that
26 determines eligibility under the Medi-Cal program if the child is
27 approved for free meals and if the applicant consents to the sharing
28 of information pursuant to Section 49557.2.

29 (d) Notwithstanding subdivision (a), the school districts and
30 county superintendents of schools may release information on the
31 School Lunch Program application to the local agency that
32 determines eligibility under the CalFresh program or to an agency
33 that determines eligibility for nutrition assistance programs
34 authorized by Chapter 2 (commencing with Section 210.1) of
35 Subtitle B of Title 7 of the Code of Federal Regulations, if the
36 child is approved for free or reduced-price meals and if the
37 applicant consents to the sharing of information pursuant to Section
38 49557.3.

39 (e) Notwithstanding subdivision (a), a school district, charter
40 school, or county office of education may release the name and

1 eligibility status of a pupil participating in the free or reduced-price
2 meal program as follows:

3 (1) To the Superintendent for purposes of determining funding
4 allocations under the local control funding formula and for
5 assessing the accountability of that funding.

6 (2) Upon request, to another school district, charter school, or
7 county office of education that is serving a pupil living in the same
8 household as an enrolled pupil for purposes related to free or
9 reduced-price meal program eligibility and for data used in local
10 control funding formula calculations.

11 (f) Information released pursuant to subdivision (c), (d), or (e)
12 shall adhere to all of the following requirements:

13 (1) Individual indicators of participation in a free or
14 reduced-price meal program shall not be maintained in the
15 permanent record of any pupil, unless otherwise authorized by
16 law.

17 (2) The public release of information regarding individual pupil
18 participation in a free or reduced-price meal program is not
19 permitted.

20 (3) All other confidentiality requirements imposed by law or
21 regulation are met.

22 *SEC. 19. Article 1 (commencing with Section 51700) of Chapter*
23 *5 of Part 28 of Division 4 of Title 2 of the Education Code is*
24 *repealed.*

25 *SEC. 20. Section 51749.5 of the Education Code is amended*
26 *to read:*

27 51749.5. (a) Notwithstanding any other law, and commencing
28 with the 2015–16 school year, a school district, charter school, or
29 county office of education may, for pupils enrolled in kindergarten
30 and grades 1 to 12, inclusive, provide independent study courses
31 pursuant to the following conditions:

32 (1) The governing board or body of a participating school
33 district, charter school, or county office of education adopts
34 policies, at a public meeting, that comply with the requirements
35 of this section and any applicable regulations adopted by the state
36 board.

37 (2) A signed learning agreement is completed and on file
38 pursuant to Section 51749.6.

39 (3) Courses are taught under the general supervision of
40 certificated employees who hold the appropriate subject matter

1 credential pursuant to Section 44300 or 44865, or subdivision (I)
2 of Section 47605, ~~meet the requirements for highly qualified~~
3 ~~teachers pursuant to the federal No Child Left Behind Act of 2001~~
4 ~~(20 U.S.C. Sec. 6301 et seq.)~~; and are employed by the school
5 district, charter school, or county office of education at which the
6 pupil is enrolled, or by a school district, charter school, or county
7 office of education that has a memorandum of understanding to
8 provide the instruction in coordination with the school district,
9 charter school, or county office of education at which the pupil is
10 enrolled.

11 (4) (A) Courses are annually certified, by school district, charter
12 school, or county office of education governing board or body
13 resolution, to be of the same rigor and educational quality as
14 equivalent classroom-based courses, and shall be aligned to all
15 relevant local and state content standards.

16 (B) This certification shall, at a minimum, include the duration,
17 number of equivalent daily instructional minutes for each schoolday
18 that a pupil is enrolled, number of equivalent total instructional
19 minutes, and number of course credits for each course. This
20 information shall be consistent with that of equivalent
21 classroom-based courses.

22 (5) Pupils enrolled in courses authorized by this section shall
23 meet the applicable age requirements established pursuant to
24 Sections 46300.1, 46300.4, 47612, and 47612.1.

25 (6) Pupils enrolled in courses authorized by this section shall
26 meet the applicable residency and enrollment requirements
27 established pursuant to Sections 46300.2, 47612, 48204, and
28 51747.3.

29 (7) (A) Certificated employees and each pupil shall
30 communicate in person, by telephone, or by any other live visual
31 or audio connection no less than twice per calendar month to assess
32 whether each pupil is making satisfactory educational progress.

33 (B) For purposes of this section, satisfactory educational
34 progress includes, but is not limited to, applicable statewide
35 accountability measures and the completion of assignments,
36 examinations, or other indicators that evidence that the pupil is
37 working on assignments, learning required concepts, and
38 progressing toward successful completion of the course, as
39 determined by certificated employees providing instruction.

1 (C) If satisfactory educational progress is not being made,
2 certificated employees providing instruction shall notify the pupil
3 and, if the pupil is less than 18 years of age, the pupil's parent or
4 legal guardian, and conduct an evaluation to determine whether it
5 is in the best interest of the pupil to remain in the course or whether
6 he or she should be referred to an alternative program, which may
7 include, but is not limited to, a regular school program. A written
8 record of the findings of an evaluation made pursuant to this
9 subdivision shall be treated as a mandatory interim pupil record.
10 The record shall be maintained for a period of three years from
11 the date of the evaluation and, if the pupil transfers to another
12 California public school, the record shall be forwarded to that
13 school.

14 (D) Written or computer-based evidence of satisfactory
15 educational progress, as defined in subparagraph (B), shall be
16 retained for each course and pupil. At a minimum, this evidence
17 shall include a grade book or summary document that, for each
18 course, lists all assignments, examinations, and associated grades.

19 (8) A proctor shall administer examinations.

20 (9) (A) Statewide testing results for pupils enrolled in any
21 course authorized pursuant to this section shall be reported and
22 assigned to the school or charter school at which the pupil is
23 enrolled, and to any school district, charter school, or county office
24 of education within which that school's or charter school's testing
25 results are aggregated.

26 (B) Statewide testing results for pupils enrolled in a course or
27 courses pursuant to this section shall be disaggregated for purposes
28 of comparing the testing results of those pupils to the testing results
29 of pupils enrolled in classroom-based courses.

30 (10) A pupil shall not be required to enroll in courses authorized
31 by this section.

32 (11) The pupil-to-certificated-employee ratio limitations
33 established pursuant to Section 51745.6 are applicable to courses
34 authorized by this section.

35 (12) For each pupil, the combined equivalent daily instructional
36 minutes for enrolled courses authorized by this section and enrolled
37 courses authorized by all other laws and regulations shall meet the
38 minimum instructional day requirements applicable to the local
39 educational agency. Pupils enrolled in courses authorized by this
40 section shall be offered the minimum annual total equivalent

1 instructional minutes pursuant to Sections 46200 to 46208,
2 inclusive, and Section 47612.5.

3 (13) Courses required for high school graduation or for
4 admission to the University of California or California State
5 University shall not be offered exclusively through independent
6 study.

7 (14) A pupil participating in independent study shall not be
8 assessed a fee prohibited by Section 49011.

9 (15) A pupil shall not be prohibited from participating in
10 independent study solely on the basis that he or she does not have
11 the materials, equipment, or Internet access that are necessary to
12 participate in the independent study course.

13 (b) For purposes of computing average daily attendance for
14 each pupil enrolled in one or more courses authorized by this
15 section, the following computations shall apply:

16 (1) (A) For each schoolday, add the combined equivalent daily
17 instructional minutes, as certified in paragraph (4) of subdivision
18 (a), for courses authorized by this section in which the pupil is
19 enrolled.

20 (B) For each schoolday, add the combined daily instructional
21 minutes of courses authorized by all other laws and regulations in
22 which the pupil is enrolled and for which the pupil meets applicable
23 attendance requirements.

24 (C) For each schoolday, add the sum of subparagraphs (A) and
25 (B).

26 (2) If subparagraph (C) of paragraph (1) meets applicable
27 minimum schoolday requirements for each schoolday, and all other
28 requirements in this section have been met, credit each schoolday
29 that the pupil is demonstrating satisfactory educational progress
30 pursuant to the requirements of this section, with up to one school
31 day of attendance.

32 (3) (A) Using credited schoolday attendance pursuant to
33 paragraph (2), calculate average daily attendance pursuant to
34 Section 41601 or 47612, whichever is applicable, for each pupil.

35 (B) The average daily attendance computed pursuant to this
36 subdivision shall not result in more than one unit of average daily
37 attendance per pupil.

38 (4) Notwithstanding any other law, average daily attendance
39 computed for pupils enrolled in courses authorized by this section

1 shall not be credited with average daily attendance other than what
2 is specified in this section.

3 (5) If more than 10 percent of the total average daily attendance
4 of a school district, charter school, or county office of education
5 is claimed pursuant to this section, then the amount of average
6 daily attendance for all pupils enrolled by that school district,
7 charter school, or county office of education in courses authorized
8 pursuant to this section that is in excess of 10 percent of the total
9 average daily attendance for the school district, charter school, or
10 county office of education shall be reduced by either (A) the
11 statewide average rate of absence for elementary school districts
12 for kindergarten and grades 1 to 8, inclusive, or (B) the statewide
13 average rate of absence for high school districts for grades 9 to
14 12, inclusive, as applicable, as calculated by the department for
15 the prior fiscal year, with the resultant figures and ranges rounded
16 to the nearest 10th.

17 (c) For purposes of this section, “equivalent total instructional
18 minutes” means the same number of minutes as required for an
19 equivalent classroom-based course.

20 (d) Nothing in this section shall be deemed to prohibit the right
21 to collectively bargain any subject within the scope of
22 representation pursuant to Section 3543.2 of the Government Code.

23 (e) (1) The Superintendent shall conduct an evaluation of
24 independent study courses offered pursuant to this section and
25 report the findings to the Legislature and the Director of Finance
26 no later than September 1, 2019. The report shall, at a minimum,
27 compare the academic performance of pupils in independent study
28 with demographically similar pupils enrolled in equivalent
29 classroom-based courses.

30 (2) The requirement for submitting a report imposed under
31 paragraph (1) is inoperative on September 1, 2023, pursuant to
32 Section 10231.5 of the Government Code.

33 (3) A report to be submitted pursuant to paragraph (1) shall be
34 submitted in compliance with Section 9795 of the Government
35 Code.

36 *SEC. 21. The heading of Article 2 (commencing with Section*
37 *52051.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the*
38 *Education Code is amended to read:*

1 Article 2. Public School Performance Accountability Program
2 System

3
4 *SEC. 22. Section 52052 of the Education Code is repealed.*

5 ~~52052. (a) (1) The Superintendent, with the approval of the~~
6 ~~state board, shall develop an Academic Performance Index (API),~~
7 ~~to measure the performance of schools and school districts,~~
8 ~~especially the academic performance of pupils.~~

9 ~~(2) A school or school district shall demonstrate comparable~~
10 ~~improvement in academic achievement as measured by the API~~
11 ~~by all numerically significant pupil subgroups at the school or~~
12 ~~school district, including:~~

13 ~~(A) Ethnic subgroups.~~

14 ~~(B) Socioeconomically disadvantaged pupils.~~

15 ~~(C) English learners.~~

16 ~~(D) Pupils with disabilities.~~

17 ~~(E) Foster youth.~~

18 ~~(F) Homeless youth.~~

19 ~~(3) (A) For purposes of this section, a numerically significant~~
20 ~~pupil subgroup is one that consists of at least 30 pupils, each of~~
21 ~~whom has a valid test score.~~

22 ~~(B) Notwithstanding subparagraph (A), for a subgroup of pupils~~
23 ~~who are foster youth or homeless youth, a numerically significant~~
24 ~~pupil subgroup is one that consists of at least 15 pupils.~~

25 ~~(C) For a school or school district with an API score that is~~
26 ~~based on no fewer than 11 and no more than 99 pupils with valid~~
27 ~~test scores, numerically significant pupil subgroups shall be defined~~
28 ~~by the Superintendent, with approval by the state board.~~

29 ~~(4) (A) The API shall consist of a variety of indicators currently~~
30 ~~reported to the department, including, but not limited to, the results~~
31 ~~of the achievement test administered pursuant to Section 60640,~~
32 ~~attendance rates for pupils in elementary schools, middle schools,~~
33 ~~and secondary schools, and the graduation rates for pupils in~~
34 ~~secondary schools.~~

35 ~~(B) The Superintendent, with the approval of the state board,~~
36 ~~may also incorporate into the API the rates at which pupils~~
37 ~~successfully promote from one grade to the next in middle school~~
38 ~~and high school, and successfully matriculate from middle school~~
39 ~~to high school.~~

- 1 ~~(C) Graduation rates for pupils in secondary schools shall be~~
2 ~~calculated for the API as follows:~~
- 3 ~~(i) Four-year graduation rates shall be calculated by taking the~~
4 ~~number of pupils who graduated on time for the current school~~
5 ~~year, which is considered to be three school years after the pupils~~
6 ~~entered grade 9 for the first time, and dividing that number by the~~
7 ~~total calculated in clause (ii).~~
- 8 ~~(ii) The number of pupils entering grade 9 for the first time in~~
9 ~~the school year three school years before the current school year,~~
10 ~~plus the number of pupils who transferred into the class graduating~~
11 ~~at the end of the current school year between the school year that~~
12 ~~was three school years before the current school year and the date~~
13 ~~of graduation, less the number of pupils who transferred out of the~~
14 ~~school between the school year that was three school years before~~
15 ~~the current school year and the date of graduation who were~~
16 ~~members of the class that is graduating at the end of the current~~
17 ~~school year.~~
- 18 ~~(iii) Five-year graduation rates shall be calculated by taking the~~
19 ~~number of pupils who graduated on time for the current school~~
20 ~~year, which is considered to be four school years after the pupils~~
21 ~~entered grade 9 for the first time, and dividing that number by the~~
22 ~~total calculated in clause (iv).~~
- 23 ~~(iv) The number of pupils entering grade 9 for the first time in~~
24 ~~the school year four years before the current school year, plus the~~
25 ~~number of pupils who transferred into the class graduating at the~~
26 ~~end of the current school year between the school year that was~~
27 ~~four school years before the current school year and the date of~~
28 ~~graduation, less the number of pupils who transferred out of the~~
29 ~~school between the school year that was four years before the~~
30 ~~current school year and the date of graduation who were members~~
31 ~~of the class that is graduating at the end of the current school year.~~
- 32 ~~(v) Six-year graduation rates shall be calculated by taking the~~
33 ~~number of pupils who graduated on time for the current school~~
34 ~~year, which is considered to be five school years after the pupils~~
35 ~~entered grade 9 for the first time, and dividing that number by the~~
36 ~~total calculated in clause (vi).~~
- 37 ~~(vi) The number of pupils entering grade 9 for the first time in~~
38 ~~the school year five years before the current school year, plus the~~
39 ~~number of pupils who transferred into the class graduating at the~~
40 ~~end of the current school year between the school year that was~~

1 ~~five school years before the current school year and the date of~~
2 ~~graduation, less the number of pupils who transferred out of the~~
3 ~~school between the school year that was five years before the~~
4 ~~current school year and the date of graduation who were members~~
5 ~~of the class that is graduating at the end of the current school year.~~

6 ~~(D) The inclusion of five- and six-year graduation rates for~~
7 ~~pupils in secondary schools shall meet the following requirements:~~

8 ~~(i) Schools and school districts shall be granted one-half the~~
9 ~~credit in their API scores for graduating pupils in five years that~~
10 ~~they are granted for graduating pupils in four years.~~

11 ~~(ii) Schools and school districts shall be granted one-quarter the~~
12 ~~credit in their API scores for graduating pupils in six years that~~
13 ~~they are granted for graduating pupils in four years.~~

14 ~~(iii) Notwithstanding clauses (i) and (ii), schools and school~~
15 ~~districts shall be granted full credit in their API scores for~~
16 ~~graduating in five or six years a pupil with disabilities who~~
17 ~~graduates in accordance with his or her individualized education~~
18 ~~program.~~

19 ~~(E) The pupil data collected for the API that comes from the~~
20 ~~achievement test administered pursuant to Section 60640 and the~~
21 ~~high school exit examination administered pursuant to Section~~
22 ~~60851, when fully implemented, shall be disaggregated by special~~
23 ~~education status, English learners, socioeconomic status, gender,~~
24 ~~and ethnic group. Only the test scores of pupils who were counted~~
25 ~~as part of the enrollment in the annual data collection of the~~
26 ~~California Basic Educational Data System for the current fiscal~~
27 ~~year and who were continuously enrolled during that year may be~~
28 ~~included in the test result reports in the API score of the school.~~

29 ~~(F) (i) Commencing with the baseline API calculation in 2016,~~
30 ~~and for each year thereafter, results of the achievement test and~~
31 ~~other tests specified in subdivision (b) shall constitute no more~~
32 ~~than 60 percent of the value of the index for secondary schools.~~

33 ~~(ii) In addition to the elements required by this paragraph, the~~
34 ~~Superintendent, with the approval of the state board, may~~
35 ~~incorporate into the index for secondary schools valid, reliable,~~
36 ~~and stable measures of pupil preparedness for postsecondary~~
37 ~~education and career.~~

38 ~~(G) Results of the achievement test and other tests specified in~~
39 ~~subdivision (b) shall constitute at least 60 percent of the value of~~
40 ~~the index for primary schools and middle schools.~~

1 (H) It is the intent of the Legislature that the state's system of
2 public school accountability be more closely aligned with both the
3 public's expectations for public education and the workforce needs
4 of the state's economy. It is therefore necessary that the
5 accountability system evolve beyond its narrow focus on pupil test
6 scores to encompass other valuable information about school
7 performance, including, but not limited to, pupil preparedness for
8 college and career, as well as the high school graduation rates
9 already required by law.

10 (I) The Superintendent shall annually determine the accuracy
11 of the graduation rate data. Notwithstanding any other law,
12 graduation rates for pupils in dropout recovery high schools shall
13 not be included in the API. For purposes of this subparagraph,
14 "dropout recovery high school" means a high school in which 50
15 percent or more of its pupils have been designated as dropouts
16 pursuant to the exit/withdrawal codes developed by the department
17 or left a school and were not otherwise enrolled in a school for a
18 period of at least 180 days.

19 (J) To complement the API, the Superintendent, with the
20 approval of the state board, may develop and implement a program
21 of school quality review that features locally convened panels to
22 visit schools, observe teachers, interview pupils, and examine pupil
23 work, if an appropriation for this purpose is made in the annual
24 Budget Act.

25 (K) The Superintendent shall annually provide to local
26 educational agencies and the public a transparent and
27 understandable explanation of the individual components of the
28 API and their relative values within the API.

29 (L) An additional element chosen by the Superintendent and
30 the state board for inclusion in the API pursuant to this paragraph
31 shall not be incorporated into the API until at least one full school
32 year after the state board's decision to include the element into the
33 API.

34 (b) Pupil scores from the following tests, when available and
35 when found to be valid and reliable for this purpose, shall be
36 incorporated into the API:

37 (1) The standards-based achievement tests provided for in
38 Section 60642.5.

39 (2) The high school exit examination.

1 ~~(e) Based on the API, the Superintendent shall develop, and the~~
2 ~~state board shall adopt, expected annual percentage growth targets~~
3 ~~for all schools based on their API baseline score from the previous~~
4 ~~year. Schools are expected to meet these growth targets through~~
5 ~~effective allocation of available resources. For schools below the~~
6 ~~statewide API performance target adopted by the state board~~
7 ~~pursuant to subdivision (d), the minimum annual percentage growth~~
8 ~~target shall be 5 percent of the difference between the actual API~~
9 ~~score of a school and the statewide API performance target, or one~~
10 ~~API point, whichever is greater. Schools at or above the statewide~~
11 ~~API performance target shall have, as their growth target,~~
12 ~~maintenance of their API score above the statewide API~~
13 ~~performance target. However, the state board may set differential~~
14 ~~growth targets based on grade level of instruction and may set~~
15 ~~higher growth targets for the lowest performing schools because~~
16 ~~they have the greatest room for improvement. To meet its growth~~
17 ~~target, a school shall demonstrate that the annual growth in its API~~
18 ~~is equal to or more than its schoolwide annual percentage growth~~
19 ~~target and that all numerically significant pupil subgroups, as~~
20 ~~defined in subdivision (a), are making comparable improvement.~~

21 ~~(d) Upon adoption of state performance standards by the state~~
22 ~~board, the Superintendent shall recommend, and the state board~~
23 ~~shall adopt, a statewide API performance target that includes~~
24 ~~consideration of performance standards and represents the~~
25 ~~proficiency level required to meet the state performance target.~~

26 ~~(e) (1) A school or school district with 11 to 99 pupils with~~
27 ~~valid test scores shall receive an API score with an asterisk that~~
28 ~~indicates less statistical certainty than API scores based on 100 or~~
29 ~~more test scores.~~

30 ~~(2) A school or school district annually shall receive an API~~
31 ~~score, unless the Superintendent determines that an API score~~
32 ~~would be an invalid measure of the performance of the school or~~
33 ~~school district for one or more of the following reasons:~~

34 ~~(A) Irregularities in testing procedures occurred.~~

35 ~~(B) The data used to calculate the API score of the school or~~
36 ~~school district are not representative of the pupil population at the~~
37 ~~school or school district.~~

38 ~~(C) Significant demographic changes in the pupil population~~
39 ~~render year-to-year comparisons of pupil performance invalid.~~

- 1 ~~(D) The department discovers or receives information indicating~~
2 ~~that the integrity of the API score has been compromised.~~
- 3 ~~(E) Insufficient pupil participation in the assessments included~~
4 ~~in the API.~~
- 5 ~~(F) A transition to new standards-based assessments~~
6 ~~compromises comparability of results across schools or school~~
7 ~~districts. The Superintendent may use the authority in this~~
8 ~~subparagraph in the 2013–14, 2014–15, and 2015–16 school years~~
9 ~~only, with the approval of the state board.~~
- 10 ~~(3) If a school or school district has fewer than 100 pupils with~~
11 ~~valid test scores, the calculation of the API or adequate yearly~~
12 ~~progress pursuant to the federal No Child Left Behind Act of 2001~~
13 ~~(20 U.S.C. Sec. 6301 et seq.) and federal regulations may be~~
14 ~~calculated over more than one annual administration of the tests~~
15 ~~administered pursuant to Section 60640 and the high school exit~~
16 ~~examination administered pursuant to Section 60851, consistent~~
17 ~~with regulations adopted by the state board.~~
- 18 ~~(4) Any school or school district that does not receive an API~~
19 ~~calculated pursuant to subparagraph (F) of paragraph (2) shall not~~
20 ~~receive an API growth target pursuant to subdivision (c). Schools~~
21 ~~and school districts that do not have an API calculated pursuant~~
22 ~~to subparagraph (F) of paragraph (2) shall use one of the following:~~
- 23 ~~(A) The most recent API calculation.~~
- 24 ~~(B) An average of the three most recent annual API calculations.~~
- 25 ~~(C) Alternative measures that show increases in pupil academic~~
26 ~~achievement for all groups of pupils schoolwide and among~~
27 ~~significant subgroups.~~
- 28 ~~(f) Only schools with 100 or more test scores contributing to~~
29 ~~the API may be included in the API rankings.~~
- 30 ~~(g) The Superintendent, with the approval of the state board,~~
31 ~~shall develop an alternative accountability system for schools under~~
32 ~~the jurisdiction of a county board of education or a county~~
33 ~~superintendent of schools, community day schools, nonpublic,~~
34 ~~nonsectarian schools pursuant to Section 56366, and alternative~~
35 ~~schools serving high-risk pupils, including continuation high~~
36 ~~schools and opportunity schools. Schools in the alternative~~
37 ~~accountability system may receive an API score, but shall not be~~
38 ~~included in the API rankings.~~
- 39 ~~(h) For purposes of this section, county offices of education~~
40 ~~shall be considered school districts.~~

1 (i) For purposes of this section, “homeless youth” has the same
2 meaning as in Section 11434a(2) of Title 42 of the United States
3 Code.

4 SEC. 23. Section 52052 is added to the Education Code, to
5 read:

6 52052. (a) (1) The Superintendent, with the approval of the
7 state board, shall develop a multiple measures public school
8 accountability system, based on the state priorities as referenced
9 in subdivision (d) of Section 52060, for school districts, county
10 offices of education, and charter schools and individual schoolsites.

11 (2) The multiple measures accountability system shall be based
12 on the performance standards for school district and individual
13 schoolsite performance and expectations for improvement included
14 in the evaluation rubrics adopted by the state board pursuant to
15 Section 52064.5 and shall address the accountability requirements
16 in the federal Elementary and Secondary Education Act (20 U.S.C.
17 Sec. 6301 et seq.).

18 (3) Each measure shall apply to all numerically significant pupil
19 subgroups at the school or school district or county office of
20 education, including all of the following:

21 (A) Ethnic subgroups.

22 (B) Socioeconomically disadvantaged pupils.

23 (C) English learners.

24 (D) Pupils with disabilities.

25 (E) Foster youth.

26 (F) Homeless youth.

27 (4) (A) For purposes of this section, a numerically significant
28 pupil subgroup is one that consists of at least 30 pupils.

29 (B) Notwithstanding subparagraph (A), for a subgroup of pupils
30 who are foster youth or homeless youth, a numerically significant
31 pupil subgroup is one that consists of at least 15 pupils. To the
32 extent federal law requires the same definition of numerically
33 significant for all pupil subgroups, the definition in subparagraph
34 (A) shall control for all pupil subgroups for purposes of that federal
35 requirement.

36 (5) The Superintendent, with the approval of the state board,
37 may develop and implement a program of school quality review
38 that features locally convened panels to visit schools, observe
39 teachers, interview pupils, and examine pupil work, if an
40 appropriation for this purpose is made in the annual Budget Act.

1 (b) The Superintendent, with the approval of the state board,
 2 shall develop an alternative accountability system for schools
 3 under the jurisdiction of a county board of education or a county
 4 superintendent of schools, community day schools, nonpublic,
 5 nonsectarian schools pursuant to Section 56366, and alternative
 6 schools serving high-risk pupils, including continuation high
 7 schools and opportunity schools.

8 (c) For purposes of this section, “homeless youth” has the same
 9 meaning as in Section 11434(a)(2) of Title 42 of the United States
 10 Code.

11 SEC. 24. Section 52052.1 of the Education Code is repealed.

12 ~~52052.1. (a) Beginning July 1, 2011, in addition to the test~~
 13 ~~scores specified in subparagraph (B) of paragraph (4) of subdivision~~
 14 ~~(a) of Section 52052, the Academic Performance Index (API) for~~
 15 ~~a school or school district shall do all of the following:~~

16 ~~(1) Include the test scores and other accountability data of~~
 17 ~~enrolled pupils who were referred by the school or school district~~
 18 ~~of residence to an alternative education program, including~~
 19 ~~community, community day, and continuation high schools and~~
 20 ~~independent study, and be calculated by assigning all accountability~~
 21 ~~data on pupils in alternative education programs, including~~
 22 ~~community, community day, and continuation high schools and~~
 23 ~~independent study, to the school and school district of residence~~
 24 ~~to ensure that placement decisions are in the best interests of~~
 25 ~~affected pupils. If a pupil is referred to an alternative education~~
 26 ~~program by a juvenile court judge or other correctional or judicial~~
 27 ~~official, or if the pupil is expelled pursuant to subdivision (a) or~~
 28 ~~(e) of Section 48915, the test scores of that pupil shall remain with~~
 29 ~~the alternative education program and with the school district or~~
 30 ~~county office of education serving that pupil. This section does~~
 31 ~~not prohibit the alternative education program from counting the~~
 32 ~~test scores of those pupils served in their alternative education~~
 33 ~~program. It is the intent of the Legislature that these alternative~~
 34 ~~education programs remain accountable to the pupils they serve.~~

35 ~~(2) Exclude the test scores or other data of those pupils exempt~~
 36 ~~pursuant to federal statute or federal regulation.~~

37 ~~(3) Include school and school district dropout rates for pupils~~
 38 ~~who drop out of school while enrolled in grade 8 or 9. If reliable~~
 39 ~~data is not available by July 1, 2011, the Superintendent, on or~~
 40 ~~before that date, shall report to the Legislature the reasons for the~~

1 ~~delay and date he or she anticipates the specified dropout rates~~
2 ~~will be included in the API.~~

3 ~~(b) The advisory committee established pursuant to Section~~
4 ~~52052.5 shall recommend to the Superintendent and the state board~~
5 ~~all of the following:~~

6 ~~(1) The length of time for which the accountability data on~~
7 ~~pupils in alternative education programs shall be assigned to the~~
8 ~~school and school district of residence pursuant to paragraph (1)~~
9 ~~of subdivision (a).~~

10 ~~(2) Whether it is appropriate to assign accountability data to the~~
11 ~~school or the school district, pursuant to paragraph (1) of~~
12 ~~subdivision (a), if the pupil never attended the school of residence~~
13 ~~or has been absent for more than one year from the school district~~
14 ~~of residence due to placement in another school or school district~~
15 ~~or out of state.~~

16 ~~(e) Before January 30, 2014, the advisory committee established~~
17 ~~pursuant to Section 52052.5 shall review, and recommend to the~~
18 ~~Superintendent and the state board any changes proposed for, the~~
19 ~~assignment of accountability data to the school district of residence~~
20 ~~pursuant to paragraph (1) of subdivision (a) based on the addition~~
21 ~~of Sections 2574, 2575, 42238.02, and 42238.03, and Article 4.5~~
22 ~~(commencing with Section 52060) by the act adding this~~
23 ~~subdivision.~~

24 *SEC. 25. Section 52052.3 of the Education Code is amended*
25 *to read:*

26 52052.3. (a) As part of the alternative accountability system
27 for schools developed pursuant to subdivision ~~(g)~~ (b) of Section
28 52052, or any successor system, the Superintendent and the state
29 board shall allow no more than 10 dropout recovery high schools,
30 as defined in subdivision (b), to report, in lieu of other indicators,
31 the results of an individual pupil growth model that is proposed
32 by the school and certified by the Superintendent pursuant to
33 subdivision (c).

34 (b) For purposes of this section, “dropout recovery high school”
35 means a school offering instruction in any of grades 9 to 12,
36 inclusive, in which 50 percent or more of its pupils are either
37 designated as dropouts pursuant to the exit and withdrawal codes
38 developed by the department or left a school and were not
39 otherwise enrolled in a school for a period of at least 180 days and

1 the school provides instruction in partnership with any of the
 2 following:

3 (1) The federal Workforce Innovation and Opportunity Act
 4 (Public Law 113-128).

5 (2) Federally affiliated Youthbuild programs (29 U.S.C. 3226
 6 et seq.).

7 (3) Federal job corps training or instruction provided pursuant
 8 to a memorandum of understanding with the federal provider.

9 (4) The California Conservation Corps or local conservation
 10 corps certified by the California Conservation Corps pursuant to
 11 Section 14406 or 14507.5 of the Public Resources Code.

12 (c) A dropout recovery high school shall submit to the
 13 Superintendent a certification that the high school meets the criteria
 14 specified in subdivision (b) and provide a summary of data derived
 15 from the California Longitudinal Pupil Achievement Data System
 16 pursuant to Chapter 10 (commencing with Section 60900) of Part
 17 33 to support that designation. A dropout recovery high school
 18 shall also submit a proposed individual pupil growth model, and
 19 the Superintendent shall review and certify that model if it meets
 20 all of the following criteria:

21 (1) The model measures learning based on valid and reliable
 22 nationally normed or criterion-referenced reading and mathematics
 23 tests.

24 (2) The model measures skills and knowledge aligned with state
 25 standards.

26 (3) The model measures the extent to which a pupil scored above
 27 an expected amount of growth based on the individual pupil's
 28 initial achievement score.

29 (4) The model demonstrates the extent to which a school is able
 30 to accelerate learning on an annual basis.

31 (d) This section shall remain in effect only until January 1, 2020,
 32 and as of that date is repealed, unless a later enacted statute, that
 33 is enacted before January 1, 2020, deletes or extends that date.

34 *SEC. 26. Section 52052.5 of the Education Code is repealed.*

35 ~~52052.5. (a) The Superintendent shall establish a broadly
 36 representative and diverse advisory committee to advise the
 37 Superintendent and the state board on all appropriate matters
 38 relative to the creation of the Academic Performance Index.
 39 Members of the advisory committee shall serve without~~

1 compensation for terms not to exceed two years. The department
2 shall provide staff to the advisory panel.

3 (b) ~~By July 1, 2005, the advisory committee established pursuant~~
4 ~~to this section shall make recommendations to the Superintendent~~
5 ~~on the appropriateness and feasibility of a methodology for~~
6 ~~generating a measurement of academic performance by using~~
7 ~~unique pupil identifiers for pupils in kindergarten and any of grades~~
8 ~~1 to 12, inclusive, and annual academic achievement growth to~~
9 ~~provide a more accurate measure of a school's growth over time.~~
10 ~~If appropriate and feasible, the Superintendent, with the approval~~
11 ~~of the state board, shall thereafter implement this measurement of~~
12 ~~academic performance.~~

13 (c) ~~By January 1, 2011, the Superintendent and the state board,~~
14 ~~in consultation with the advisory committee established pursuant~~
15 ~~to subdivision (a), shall make recommendations to the Legislature~~
16 ~~and the Governor on each of the following:~~

17 (1) ~~Approaches to increasing the emphasis of science and~~
18 ~~mathematics in the calculation of the Academic Performance Index~~
19 ~~or any successor measure.~~

20 (2) ~~Methods to incorporate into the Academic Performance~~
21 ~~Index, or into other aspects of the state's accountability system, a~~
22 ~~measure of the degree to which pupils graduate from high school~~
23 ~~with the skills and knowledge necessary to attain entry-level~~
24 ~~employment in business or industry, as set forth in subdivision (b)~~
25 ~~of Section 51228.~~

26 (3) ~~Methods to incorporate into the Academic Performance~~
27 ~~Index, or into other aspects of the state's accountability system, a~~
28 ~~measure of the degree to which pupils graduate from high school~~
29 ~~with the skills and knowledge necessary to succeed in~~
30 ~~postsecondary education.~~

31 (d) ~~By July 1, 2013, the Superintendent and the state board, in~~
32 ~~consultation with the advisory committee established pursuant to~~
33 ~~subdivision (a), shall make recommendations to the Legislature~~
34 ~~and the Governor on the establishment of a methodology for~~
35 ~~generating a measurement of group and individual academic~~
36 ~~performance growth by utilizing individual pupil results from a~~
37 ~~longitudinally valid achievement assessment system. These~~
38 ~~recommendations should also address any interactions between~~
39 ~~the Academic Performance Index, or any successor measure, and~~
40 ~~individual test scores from the state's tests, as well as implications~~

1 for the reauthorization of the state's assessment system. This
2 paragraph shall not be construed to supersede the provisions of
3 Chapter 273 of the Statutes of 2009.

4 *SEC. 27. Section 52052.6 of the Education Code is repealed.*

5 52052.6. (a) It is the intent of the Legislature that, in
6 conducting its responsibilities pursuant to subdivision (b) of Section
7 52052.5, the advisory committee take into consideration the
8 recommendations of the California pilot study conducted pursuant
9 to Provision 10 of Item 6110-113-0890 of the Budget Act of 2007,
10 the statutory and regulatory requirements and related guidance
11 pursuant to the federal Elementary and Secondary Education Act
12 of 1965 (20 U.S.C. Sec. 6301 et seq.), and waivers for cohort
13 growth measures approved for other states by the United States
14 Secretary of Education.

15 (b) It is the intent of the Legislature that the advisory committee
16 established pursuant to Section 52052.5 also consider measures
17 already in use by other states to facilitate the identification of
18 various performance levels of cohort growth, including, but not
19 limited to, whether each pupil, subgroup, school, and school district
20 made at least one year's academic growth in one year's time and
21 whether the amount of academic growth is adequate to reach a
22 performance level of proficient within a timeframe specified in
23 the state's approved accountability plan required pursuant to the
24 federal Elementary and Secondary Education Act of 1965 (20
25 U.S.C. Sec. 6301 et seq.), and to provide the ability to determine
26 the following with reasonable statistical confidence:

27 (1) High achievement with a growth rate indicating ability to
28 remain at proficiency or to move into the highest range of
29 achievement.

30 (2) High achievement with a growth rate indicating ability to
31 remain at least at proficiency.

32 (3) Low achievement with a growth rate indicating ability to
33 reach proficiency within a specified timeframe.

34 (4) Low achievement with a growth rate indicating significant
35 inability to reach proficiency within a specified timeframe.

36 (c) If the advisory committee established pursuant to Section
37 52052.5 considers a measure of annual academic achievement
38 growth pursuant to Section 52052.5, any measure of annual
39 academic achievement growth by cohort approved in connection
40 with requirements of Section 52052.5 or adopted through a state

1 plan approved by the State Educational Agency pursuant to any
2 provision, or waiver of, the federal Elementary and Secondary
3 Education Act of 1965 (20 U.S.C. Sec. 6301 et seq.), or any other
4 plan submitted by the state as a requirement of receiving or
5 allocating federal funds shall:

6 (1) Utilize a growth model in the public domain that is not
7 proprietary.

8 (2) Be able to be replicated by an independent statistician.

9 (3) Be able to be fully and accurately explained, including the
10 generation of all results, the specification of the standard error,
11 and the stringency of the confidence interval used to determine
12 whether the annual change in test scores is statistically significant,
13 in a document available to the public.

14 (d) The Legislature finds and declares the importance of
15 transparency and full disclosure of the activities and
16 recommendations of the advisory committee established pursuant
17 to Section 52052.5. Therefore, the Legislature requests the advisory
18 committee, in making any notification required by Article 9
19 (commencing with Section 11120) of Division 3 of Title 2 of the
20 Government Code, to additionally notify in writing the chairpersons
21 of the Committees on Education and on Appropriations of the
22 Senate and Assembly, including, but not limited to, any activities
23 that may be conducted pursuant to subdivision (c).

24 *SEC. 28. Section 52052.9 of the Education Code is repealed.*

25 52052.9. (a) On or before October 1, 2013, the Superintendent
26 shall report to the Legislature and recommend to the state board
27 for adoption a method or methods for increasing the emphasis on
28 pupil mastery of standards in science and social science through
29 the system of public school accountability or by other means.

30 (b) On or before October 1, 2013, the Superintendent, in
31 consultation with the advisory committee established pursuant to
32 Section 52052.5, shall report to the Legislature an alternative
33 method or methods, in place of decile rank, for determining
34 eligibility, preferences, or priorities for any statutory program that
35 currently uses decile rank as a determining factor.

36 *SEC. 29. Article 3.1 (commencing with Section 52055.57) of*
37 *Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education*
38 *Code is repealed.*

1 SEC. 30. Article 4.1 (commencing with Section 52058.1) of
2 Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education
3 Code is repealed.

4 SEC. 31. Section 52060 of the Education Code is amended to
5 read:

6 52060. (a) On or before July 1, 2014, the governing board of
7 each school district shall adopt a local control and accountability
8 plan using a template adopted by the state board.

9 (b) A local control and accountability plan adopted by the
10 governing board of a school district shall be effective for a period
11 of three years, and shall be updated on or before July 1 of each
12 year.

13 (c) A local control and accountability plan adopted by the
14 governing board of a school district shall include, for the school
15 district and each school within the school district, both of the
16 following:

17 (1) A description of the annual goals, for all pupils and each
18 subgroup of pupils identified pursuant to Section 52052, to be
19 achieved for each of the state priorities identified in subdivision
20 (d) and for any additional local priorities identified by the
21 governing board of the school district. For purposes of this article,
22 a subgroup of pupils identified pursuant to Section 52052 shall be
23 a numerically significant pupil subgroup as specified in paragraphs
24 (2) and (3) of subdivision (a) of Section 52052.

25 (2) A description of the specific actions the school district will
26 take during each year of the local control and accountability plan
27 to achieve the goals identified in paragraph (1), including the
28 enumeration of any specific actions necessary for that year to
29 correct any deficiencies in regard to the state priorities listed in
30 paragraph (1) of subdivision (d). The specific actions shall not
31 supersede the provisions of existing local collective bargaining
32 agreements within the jurisdiction of the school district.

33 (d) All of the following are state priorities:

34 (1) The degree to which the teachers of the school district are
35 appropriately assigned in accordance with Section 44258.9, and
36 fully credentialed in the subject areas, and, for the pupils they are
37 teaching, every pupil in the school district has sufficient access to
38 the standards-aligned instructional materials as determined pursuant
39 to Section 60119, and school facilities are maintained in good
40 repair, as defined in subdivision (d) of Section 17002.

1 (2) Implementation of the academic content and performance
2 standards adopted by the state board, including how the programs
3 and services will enable English learners to access the common
4 core academic content standards adopted pursuant to Section
5 60605.8 and the English language development standards adopted
6 pursuant to former Section 60811.3, as that section read on June
7 30, 2013, or Section 60811.4, for purposes of gaining academic
8 content knowledge and English language proficiency.

9 (3) Parental involvement, including efforts the school district
10 makes to seek parent input in making decisions for the school
11 district and each individual schoolsite, and including how the
12 school district will promote parental participation in programs for
13 unduplicated pupils and individuals with exceptional needs.

14 (4) Pupil achievement, as measured by all of the following, as
15 applicable:

16 (A) Statewide assessments administered pursuant to Article 4
17 (commencing with Section 60640) of Chapter 5 of Part 33 or any
18 subsequent assessment, as certified by the state board.

19 ~~(B) The Academic Performance Index, as described in Section~~
20 ~~52052.~~

21 ~~(C)~~

22 (B) The percentage of pupils who have successfully completed
23 courses that satisfy the requirements for entrance to the University
24 of California and the California State University, or career technical
25 education sequences or programs of study that align with state
26 board-approved career technical education standards and
27 frameworks, including, but not limited to, those described in
28 subdivision (a) of Section 52302, subdivision (a) of Section
29 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

30 ~~(D)~~

31 (C) The percentage of English learner pupils who make progress
32 toward English proficiency as measured by the California English
33 Language Development Test or any subsequent assessment of
34 English proficiency, as certified by the state board.

35 ~~(E)~~

36 (D) The English learner reclassification rate.

37 ~~(F)~~

38 (E) The percentage of pupils who have passed an advanced
39 placement examination with a score of 3 or higher.

40 ~~(G)~~

1 (F) The percentage of pupils who participate in, and demonstrate
2 college preparedness pursuant to, the Early Assessment Program,
3 as described in Chapter 6 (commencing with Section 99300) of
4 Part 65 of Division 14 of Title 3, or any subsequent assessment of
5 college preparedness.

6 (5) Pupil engagement, as measured by all of the following, as
7 applicable:

8 (A) School attendance rates.

9 (B) Chronic absenteeism rates.

10 (C) Middle school dropout rates, ~~as described in paragraph (3)~~
11 ~~of subdivision (a) of Section 52052.1. rates.~~

12 (D) High school dropout rates.

13 (E) High school graduation rates.

14 (6) School climate, as measured by all of the following, as
15 applicable:

16 (A) Pupil suspension rates.

17 (B) Pupil expulsion rates.

18 (C) Other local measures, including surveys of pupils, parents,
19 and teachers on the sense of safety and school connectedness.

20 (7) The extent to which pupils have access to, and are enrolled
21 in, a broad course of study that includes all of the subject areas
22 described in Section 51210 and subdivisions (a) to (i), inclusive,
23 of Section 51220, as applicable, including the programs and
24 services developed and provided to unduplicated pupils and
25 individuals with exceptional needs, and the programs and services
26 that are provided to benefit these pupils as a result of the funding
27 received pursuant to Section 42238.02, as implemented by Section
28 42238.03.

29 (8) Pupil outcomes, if available, in the subject areas described
30 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
31 51220, as applicable.

32 (e) For purposes of the descriptions required by subdivision (c),
33 the governing board of a school district may consider qualitative
34 information, including, but not limited to, findings that result from
35 school quality reviews conducted pursuant to subparagraph (J) of
36 paragraph (4) of subdivision (a) of Section 52052 or any other
37 reviews.

38 (f) To the extent practicable, data reported in a local control and
39 accountability plan shall be reported in a manner consistent with
40 how information is reported on a school accountability report card.

1 (g) The governing board of a school district shall consult with
2 teachers, principals, administrators, other school personnel, local
3 bargaining units of the school district, parents, and pupils in
4 developing a local control and accountability plan.

5 (h) A school district may identify local priorities, goals in regard
6 to the local priorities, and the method for measuring the school
7 district's progress toward achieving those goals.

8 *SEC. 32. Section 52063 of the Education Code is amended to*
9 *read:*

10 52063. (a) (1) The governing board of a school district shall
11 establish a parent advisory committee to provide advice to the
12 governing board of the school district and the superintendent of
13 the school district regarding the requirements of this article.

14 (2) A parent advisory committee shall include parents or legal
15 guardians of pupils to whom one or more of the definitions in
16 Section 42238.01 apply.

17 (3) This subdivision shall not require the governing board of
18 the school district to establish a new parent advisory committee if
19 the governing board of the school district already has established
20 a parent advisory committee that meets the requirements of this
21 subdivision, including any committee established to meet the
22 requirements of the federal ~~No Child Left Behind Act of 2001~~
23 ~~(Public Law 107-110) Elementary and Secondary Education Act~~
24 ~~(20 U.S.C. Sec. 6301 et seq.) pursuant to Section 1112 of Subpart~~
25 ~~1 of Part A of Title I 6312 of that act.~~

26 (b) (1) The governing board of a school district shall establish
27 an English learner parent advisory committee if the enrollment of
28 the school district includes at least 15 percent English learners and
29 the school district enrolls at least 50 pupils who are English
30 learners.

31 (2) This subdivision shall not require the governing board of
32 the school district to establish a new English learner parent advisory
33 committee if the governing board of the school district already has
34 established a committee that meets the requirements of this
35 subdivision.

36 *SEC. 33. Section 52064 of the Education Code is amended to*
37 *read:*

38 52064. (a) On or before March 31, 2014, the state board shall
39 adopt templates for the following purposes:

1 (1) For use by school districts to meet the requirements of
 2 Sections 52060 to 52063, inclusive.

3 (2) For use by county superintendents of schools to meet the
 4 requirements of Sections 52066 to 52069, inclusive.

5 (3) For use by charter schools to meet the requirements of
 6 Section 47606.5.

7 (b) The templates developed by the state board shall allow a
 8 school district, county superintendent of schools, or charter school
 9 to complete a single local control and accountability plan to meet
 10 the requirements of this article and the requirements of the federal
 11 ~~No Child Left Behind Act of 2001~~ *Elementary and Secondary*
 12 *Education Act (20 U.S.C. Sec. 6301 et seq.)* related to local
 13 educational agency plans pursuant to ~~Section 1112 of Subpart 1~~
 14 ~~of Part A of Title I of Public Law 107-110: 6312 of that act.~~ The
 15 state board shall also take steps to minimize duplication of effort
 16 at the local level to the greatest extent possible. The template shall
 17 include guidance for school districts, county superintendents of
 18 schools, and charter schools to report both of the following:

19 (1) A listing and description of expenditures for the 2014–15
 20 fiscal year, and each fiscal year thereafter, implementing the
 21 specific actions included in the local control and accountability
 22 plan.

23 (2) A listing and description of expenditures for the 2014–15
 24 fiscal year, and each fiscal year thereafter, that will serve the pupils
 25 to whom one or more of the definitions in Section 42238.01 apply
 26 and pupils redesignated as fluent English proficient.

27 (c) If possible, the templates identified in paragraph (2) of
 28 subdivision (a) for use by county superintendents of schools shall
 29 allow a county superintendent of schools to develop a single local
 30 control and accountability plan that would also satisfy the
 31 requirements of Section 48926.

32 (d) The state board shall adopt the template pursuant to the
 33 requirements of the Administrative Procedure Act (Chapter 3.5
 34 (commencing with Section 11340) of Part 1 of Division 3 of Title
 35 2 of the Government Code). The state board may adopt emergency
 36 regulations for purposes of implementing this section. The adoption
 37 of emergency regulations shall be deemed an emergency and
 38 necessary for the immediate preservation of the public peace,
 39 health, safety, or general welfare.

1 (e) Notwithstanding subdivision (d), the state board may adopt
2 the template in accordance with the requirements of the
3 Bagley-Keene Open Meeting Act (Article 9 (commencing with
4 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
5 the Government Code). When adopting the template pursuant to
6 the requirements of the Bagley-Keene Open Meeting Act, the state
7 board shall present the template at a regular meeting and may only
8 take action to adopt the template at a subsequent regular meeting.
9 This subdivision shall become inoperative on January 31, 2018.

10 (f) Revisions to a template or evaluation rubric shall be approved
11 by the state board by January 31 before the fiscal year during which
12 the template or evaluation rubric is to be used by a school district,
13 county superintendent of schools, or charter school.

14 (g) The adoption of a template or evaluation rubric by the state
15 board shall not create a requirement for a governing board of a
16 school district, a county board of education, or a governing body
17 of a charter school to submit a local control and accountability
18 plan to the state board, unless otherwise required by federal law.
19 The Superintendent shall not require a local control and
20 accountability plan to be submitted by a governing board of a
21 school district or the governing body of a charter school to the
22 state board. The state board may adopt a template or evaluation
23 rubric that would authorize a school district or a charter school to
24 submit to the state board only the sections of the local control and
25 accountability plan required by federal law.

26 *SEC. 34. Section 52066 of the Education Code is amended to*
27 *read:*

28 52066. (a) On or before July 1, 2014, each county
29 superintendent of schools shall develop, and present to the county
30 board of education for adoption, a local control and accountability
31 plan using a template adopted by the state board.

32 (b) A local control and accountability plan adopted by a county
33 board of education shall be effective for a period of three years,
34 and shall be updated on or before July 1 of each year.

35 (c) A local control and accountability plan adopted by a county
36 board of education shall include, for each school or program
37 operated by the county superintendent of schools, both of the
38 following:

39 (1) A description of the annual goals, for all pupils and each
40 subgroup of pupils identified pursuant to Section 52052, to be

1 achieved for each of the state priorities identified in subdivision
2 (d), as applicable to the pupils served, and for any additional local
3 priorities identified by the county board of education.

4 (2) A description of the specific actions the county
5 superintendent of schools will take during each year of the local
6 control and accountability plan to achieve the goals identified in
7 paragraph (1), including the enumeration of any specific actions
8 necessary for that year to correct any deficiencies in regard to the
9 state priorities listed in paragraph (1) of subdivision (d). The
10 specific actions shall not supersede the provisions of existing local
11 collective bargaining agreements within the jurisdiction of the
12 county superintendent of schools.

13 (d) All of the following are state priorities:

14 (1) The degree to which the teachers in the schools or programs
15 operated by the county superintendent of schools are appropriately
16 assigned in accordance with Section 44258.9 and fully credentialed
17 in the subject areas, and, for the pupils they are teaching, every
18 pupil in the schools or programs operated by the county
19 superintendent of schools has sufficient access to the
20 standards-aligned instructional materials as determined pursuant
21 to Section 60119, and school facilities are maintained in good
22 repair as specified in subdivision (d) of Section 17002.

23 (2) Implementation of the academic content and performance
24 standards adopted by the state board, including how the programs
25 and services will enable English learners to access the common
26 core academic content standards adopted pursuant to Section
27 60605.8 and the English language development standards adopted
28 pursuant to Section 60811.3 for purposes of gaining academic
29 content knowledge and English language proficiency.

30 (3) Parental involvement, including efforts the county
31 superintendent of schools makes to seek parent input in making
32 decisions for each individual schoolsite and program operated by
33 a county superintendent of schools, and including how the county
34 superintendent of schools will promote parental participation in
35 programs for unduplicated pupils and individuals with exceptional
36 needs.

37 (4) Pupil achievement, as measured by all of the following, as
38 applicable:

- 1 (A) Statewide assessments administered pursuant to Article 4
2 (commencing with Section 60640) of Chapter 5 of Part 33 or any
3 subsequent assessment, as certified by the state board.
- 4 ~~(B) The Academic Performance Index, as described in Section~~
5 ~~52052.~~
- 6 ~~(C)~~
- 7 (B) The percentage of pupils who have successfully completed
8 courses that satisfy the requirements for entrance to the University
9 of California and the California State University, or career technical
10 education sequences or programs of study that align with state
11 board-approved career technical education standards and
12 frameworks, including, but not limited to, those described in
13 subdivision (a) of Section 52302, subdivision (a) of Section
14 52372.5, or paragraph (2) of subdivision (e) of Section 54692.
- 15 ~~(D)~~
- 16 (C) The percentage of English learner pupils who make progress
17 toward English proficiency as measured by the California English
18 Language Development Test or any subsequent assessment of
19 English proficiency, as certified by the state board.
- 20 ~~(E)~~
- 21 (D) The English learner reclassification rate.
- 22 ~~(F)~~
- 23 (E) The percentage of pupils who have passed an advanced
24 placement examination with a score of 3 or higher.
- 25 ~~(G)~~
- 26 (F) The percentage of pupils who participate in, and demonstrate
27 college preparedness pursuant to, the Early Assessment Program,
28 as described in Chapter 6 (commencing with Section 99300) of
29 Part 65 of Division 14 of Title 3, or any subsequent assessment of
30 college preparedness.
- 31 (5) Pupil engagement, as measured by all of the following, as
32 applicable:
- 33 (A) School attendance rates.
- 34 (B) Chronic absenteeism rates.
- 35 (C) Middle school dropout rates, ~~as described in paragraph (3)~~
36 ~~of subdivision (a) of Section 52052.1.~~ rates.
- 37 (D) High school dropout rates.
- 38 (E) High school graduation rates.
- 39 (6) School climate, as measured by all of the following, as
40 applicable:

- 1 (A) Pupil suspension rates.
- 2 (B) Pupil expulsion rates.
- 3 (C) Other local measures, including surveys of pupils, parents,
4 and teachers on the sense of safety and school connectedness.
- 5 (7) The extent to which pupils have access to, and are enrolled
6 in, a broad course of study that includes all of the subject areas
7 described in Section 51210 and subdivisions (a) to (i), inclusive,
8 of Section 51220, as applicable, including the programs and
9 services developed and provided to unduplicated pupils and
10 individuals with exceptional needs, and the program and services
11 that are provided to benefit these pupils as a result of the funding
12 received pursuant to Section 42238.02, as implemented by Section
13 42238.03.
- 14 (8) Pupil outcomes, if available, in the subject areas described
15 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
16 51220, as applicable.
- 17 (9) How the county superintendent of schools will coordinate
18 instruction of expelled pupils pursuant to Section 48926.
- 19 (10) How the county superintendent of schools will coordinate
20 services for foster children, including, but not limited to, all of the
21 following:
 - 22 (A) Working with the county child welfare agency to minimize
23 changes in school placement.
 - 24 (B) Providing education-related information to the county child
25 welfare agency to assist the county child welfare agency in the
26 delivery of services to foster children, including, but not limited
27 to, educational status and progress information that is required to
28 be included in court reports.
 - 29 (C) Responding to requests from the juvenile court for
30 information and working with the juvenile court to ensure the
31 delivery and coordination of necessary educational services.
 - 32 (D) Establishing a mechanism for the efficient expeditious
33 transfer of health and education records and the health and
34 education passport.
 - 35 (e) For purposes of the descriptions required by subdivision (c),
36 a county board of education may consider qualitative information,
37 including, but not limited to, findings that result from school quality
38 reviews conducted pursuant to ~~subparagraph (J) of paragraph (4)~~
39 (5) of subdivision (a) of Section 52052 or any other reviews.

1 (f) To the extent practicable, data reported in a local control and
2 accountability plan shall be reported in a manner consistent with
3 how information is reported on a school accountability report card.

4 (g) The county superintendent of schools shall consult with
5 teachers, principals, administrators, other school personnel, local
6 bargaining units of the county office of education, parents, and
7 pupils in developing a local control and accountability plan.

8 (h) A county board of education may identify local priorities,
9 goals in regard to the local priorities, and the method for measuring
10 the county office of education's progress toward achieving those
11 goals.

12 *SEC. 35. Section 52069 of the Education Code is amended to*
13 *read:*

14 52069. (a) (1) A county superintendent of schools shall
15 establish a parent advisory committee to provide advice to the
16 county board of education and the county superintendent of schools
17 regarding the requirements of this article.

18 (2) A parent advisory committee shall include parents or legal
19 guardians of pupils to whom one or more of the definitions in
20 Section 42238.01 apply.

21 (3) This subdivision shall not require the county superintendent
22 of schools to establish a new parent advisory committee if the
23 county superintendent of schools already has established a parent
24 advisory committee that meets the requirements of this subdivision,
25 including any committee established to meet the requirements of
26 the federal ~~No Child Left Behind Act of 2001 (Public Law~~
27 ~~107-110) Elementary and Secondary Education Act (20 U.S.C.~~
28 ~~Sec. 6301 et seq.)~~ pursuant to Section ~~1112 of Subpart 1 of Part A~~
29 ~~of Title I 6312~~ of that act.

30 (b) (1) A county superintendent of schools shall establish an
31 English learner parent advisory committee if the enrollment of the
32 pupils in the schools and programs operated by the county
33 superintendent of schools includes at least 15 percent English
34 learners and the schools and programs operated by the county
35 superintendent of schools enroll at least 50 pupils who are English
36 learners.

37 (2) This subdivision shall not require the county superintendent
38 of schools to establish a new English learner parent advisory
39 committee if the county superintendent of schools already has

1 established a committee that meets the requirements of this
2 subdivision.

3 *SEC. 36. Chapter 8.9 (commencing with Section 52295.10) of*
4 *Part 28 of Division 4 of Title 2 of the Education Code is repealed.*

5 *SEC. 37. Section 60604.5 of the Education Code is amended*
6 *to read:*

7 60604.5. (a) It is the intent of the Legislature that the
8 reauthorization of the statewide pupil assessment program include
9 all of the following:

10 (1) A plan for transitioning to a system of high-quality
11 assessments.

12 (2) Alignment with the standards developed pursuant to
13 subdivision (d) of Section 60605.8.

14 (3) Any common assessments aligned with the standards
15 developed pursuant to subdivision (d) of Section 60605.8.

16 (4) Conformity to the assessment requirements of any
17 reauthorization of the federal Elementary and Secondary Education
18 Act or any other federal law that effectively replaces that act.

19 (b) The Superintendent shall develop recommendations for the
20 reauthorization of the statewide pupil assessment program. The
21 recommendations shall include, but not be limited to, a plan for
22 transitioning to a system of high-quality assessments. The
23 recommendations shall consider including all of the following in
24 the reauthorized assessment system:

25 (1) Aligning the assessments to the standards adopted or revised
26 pursuant to Section 60605.8.

27 (2) Implementing and incorporating any common assessments
28 aligned with the common set of standards developed by the
29 Common Core State Standards Initiative consortium or other
30 interstate collaboration in which the state participates.

31 (3) Conforming to the assessment requirements of any
32 reauthorization of the federal Elementary and Secondary Education
33 Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that
34 effectively replaces that act.

35 (4) Enabling the valid, reliable, and fair measurement of
36 achievement at a point in time and over time for groups and
37 subgroups of pupils, and for individual pupils.

38 (5) Allowing the comparison from one year to the next of an
39 individual pupil's scale scores in each content area tested, so as to
40 reflect the growth in that pupil's actual scores over time.

1 (6) Enabling and including the valid, reliable, and fair
2 measurement of achievement of all pupils, including pupils with
3 disabilities and English learners.

4 (7) Providing for the assessment of English learners using
5 primary language assessments.

6 (8) Ensuring that no aspect of the system creates any bias with
7 respect to race, ethnicity, culture, religion, gender, or sexual
8 orientation.

9 (9) Incorporating a variety of item types and formats, including,
10 but not limited to, open-ended responses and performance-based
11 tasks.

12 (10) Generating multiple measures of pupil achievement, which,
13 when combined with other measures, can be used to determine the
14 effectiveness of instruction and the extent of learning.

15 (11) Including the assessment of science and history-social
16 science in all grade levels at or above grade 4.

17 (12) Assessing a pupil's understanding of and ability to use the
18 technology necessary for success in the 21st century classroom
19 and workplace.

20 (13) Providing for both formative and interim assessments, as
21 those terms are defined in this chapter, in order to provide timely
22 feedback for purposes of continually adjusting instruction to
23 improve learning.

24 (14) Making use of test administration and scoring technologies
25 that will allow the return of test results to parents and teachers as
26 soon as is possible in order to support instructional improvement.

27 (15) Minimizing testing time while not jeopardizing the validity,
28 reliability, fairness, or instructional usefulness of the assessment
29 results.

30 (16) Including options for diagnostic assessments for pupils in
31 grade 2.

32 (c) In developing the recommendations pursuant to this section,
33 the Superintendent shall consult with all of the following:

34 (1) The state board.

35 ~~(2) The committee advising the Superintendent on the Academic
36 Performance Index pursuant to subdivision (a) of Section 52052.5.~~

37 ~~(3)~~

38 (2) Measurement experts from California's public and private
39 universities.

40 ~~(4)~~

1 (3) Individuals with expertise in assessing pupils with disabilities
2 and English learners.

3 ~~(5)~~

4 (4) Teachers, administrators, and governing board members,
5 from California’s local educational agencies.

6 ~~(6)~~

7 (5) Parents.

8 (d) The Superintendent shall report the recommendations
9 developed pursuant to this section to the fiscal and appropriate
10 policy committees of both houses of the Legislature on or before
11 November 1, 2012.

12 SEC. 38. *Section 69612.5 of the Education Code is amended*
13 *to read:*

14 69612.5. For purposes of this article, the following terms have
15 the following definitions:

16 (a) “Eligible institution” means a postsecondary institution that
17 is determined by the Student Aid Commission to meet both of the
18 following requirements:

19 (1) The institution is eligible to participate in state and federal
20 financial aid programs.

21 (2) The institution maintains a program of professional
22 preparation that has been approved by the Commission on Teacher
23 Credentialing.

24 (b) “Eligible school” means a school that meets any of the
25 following criteria:

26 (1) It serves a large population of pupils from low-income
27 families, as designated by the Superintendent of Public Instruction.

28 (2) The institution has 20 percent or more teachers holding
29 emergency-type permits including, but not limited to, any of the
30 following:

31 (A) Provisional internships.

32 (B) Short-term staff permits.

33 (C) Credential waivers.

34 (D) Substitute permits.

35 (3) ~~It is a school that is ranked in the lowest two deciles on the~~
36 ~~Academic Performance Index.~~ *nonalternative school that is at or*
37 *below the 20th percentile of schools that do not meet the definition*
38 *of alternative school as defined in subdivision (b) of Section 52052*
39 *pursuant to paragraph (2) of subdivision (a) of Section 52052.*

40 (4) It is a school that serves a rural area.

1 *SEC. 39. Section 69613 of the Education Code is amended to*
2 *read:*

3 69613. (a) Program participants shall meet all of the following
4 eligibility criteria prior to selection in the program and shall
5 continue to meet these criteria, as appropriate, during the payment
6 periods:

7 (1) The applicant has completed at least 60 semester units, or
8 the equivalent, and is enrolled in an academic program leading to
9 a baccalaureate degree at an eligible institution, has agreed to
10 participate in a teacher internship program, or has been admitted
11 to a program of professional preparation that has been approved
12 by the Commission on Teacher Credentialing.

13 (2) The applicant is currently enrolled in, or has been admitted
14 to, a program in which he or she will be enrolled on at least a
15 half-time basis, as determined by the participating institution. The
16 applicant shall agree to maintain satisfactory academic progress
17 and a minimum of half-time enrollment, as defined by the
18 participating eligible institution.

19 (A) Except as provided in subparagraphs (B) and (C), if a person
20 participating in the program fails to maintain at least half-time
21 enrollment, as required by this article, under the terms of the
22 agreement pursuant to paragraph (2), the loan assumption
23 agreement shall be invalidated and the participant shall retain full
24 liability for all student loan obligations. This subparagraph shall
25 not apply if the participant is in his or her final semester or quarter
26 in school and has no additional coursework required to obtain his
27 or her teaching credential.

28 (B) Notwithstanding subparagraph (A), if a program participant
29 is unable to maintain at least half-time enrollment due to serious
30 illness, pregnancy, or other natural causes, or is called to active
31 military duty status, the participant is not required to retain full
32 liability for the student loan obligation for a period not to exceed
33 one calendar year, unless approved by the commission for a longer
34 period.

35 (C) If a natural disaster prevents a program participant from
36 maintaining at least half-time enrollment due to the interruption
37 of instruction at the eligible institution, the term of the loan
38 assumption agreement shall be extended for a period not to exceed
39 one calendar year, unless approved by the commission for a longer
40 period.

- 1 (3) The applicant has been judged by his or her postsecondary
 2 institution, school district, or county office of education to have
 3 outstanding ability on the basis of criteria that may include, but
 4 need not be limited to, any of the following:
- 5 (A) Grade point average.
 - 6 (B) Test scores.
 - 7 (C) Faculty evaluations.
 - 8 (D) Interviews.
 - 9 (E) Other recommendations.
- 10 (4) The applicant has received, or is approved to receive, a loan
 11 under one or more of the following designated loan programs:
- 12 (A) The Federal Family Education Loan Program (20 U.S.C.
 13 Sec. 1071 et seq.).
 - 14 (B) Any educational loan program approved by the Student Aid
 15 Commission.
 - 16 (5) The applicant has agreed to teach full time for at least four
 17 consecutive academic years, or on a part-time basis for the
 18 equivalent of four full-time academic years, after obtaining a
 19 teaching credential in a public elementary or secondary school in
 20 this state, in a subject area that is designated as a current or
 21 projected shortage area by the Superintendent of Public Instruction,
 22 or, on the date the teacher is hired, at an eligible school.
 - 23 (b) An agreement shall remain valid even if the subject area
 24 under which an applicant becomes eligible to enter into an
 25 agreement ceases to be a designated shortage field by the time the
 26 applicant becomes a teacher.
 - 27 (c) For the purposes of calculating eligible years of teaching for
 28 the redemption of an award, the inclusion by the Superintendent
 29 of Public Instruction of a school on a list prepared pursuant to
 30 Section 69613.1 shall apply retroactively from the date the school
 31 first opened.
 - 32 (d) A person participating in the program pursuant to this section
 33 shall not enter into more than one agreement.
 - 34 (e) A person participating in the program pursuant to this section
 35 shall not owe a refund on any state or federal educational grant or
 36 have defaulted on any student loan.
 - 37 (f) Notwithstanding any other provision of this section, a
 38 credentialed teacher teaching in a public school ~~ranked in the~~
 39 ~~lowest two deciles on the Academic Performance Index pursuant~~
 40 ~~to Section 52052, at or below the 20th percentile as determined~~

1 *pursuant to paragraph (3) of subdivision (b) of Section 69612.5,*
2 *possesses a clear multiple subject or single subject teaching*
3 *credential or level II education specialist credential and who has*
4 *not otherwise participated in the program established by this article,*
5 *is eligible to enter into an agreement for loan assumption pursuant*
6 *to this article. The number of loan assumption agreements provided*
7 *pursuant to this subdivision shall not exceed 400 per year. The*
8 *commission shall develop and adopt regulations for the*
9 *implementation of this subdivision by January 1, 2010.*

10 *SEC. 40. Section 69613.1 of the Education Code is amended*
11 *to read:*

12 69613.1. On or before January 1 of each year, the
13 Superintendent of Public Instruction shall furnish the commission
14 with all of the following:

15 (a) A list of teaching fields that have the most critical shortage
16 of teachers. The Superintendent shall review this list annually and
17 revise the list as he or she deems necessary. The list of shortage
18 areas furnished pursuant to this subdivision shall include the state
19 special schools as a category separate from special education.

20 (b) A list of schools that serve a large population of pupils from
21 low-income families, as designated for purposes of the Perkins
22 Loan Program, or according to standards the Superintendent deems
23 appropriate.

24 (c) A list of schools with a high percentage of teachers holding
25 emergency-type permits. The list shall be established according
26 to criteria determined by the Superintendent.

27 (d) A list of schools serving rural areas. The list shall be
28 established according to standards deemed appropriate by the
29 Superintendent.

30 (e) A list of schools ~~ranked in the lowest two deciles on the~~
31 ~~Academic Performance Index.~~ *at or below the 20th percentile as*
32 *determined pursuant to paragraph (3) of subdivision (b) of Section*
33 *69612.5.*

34 (f) A list of high priority schools.

35 *SEC. 41. If the Commission on State Mandates determines that*
36 *this act contains costs mandated by the state, reimbursement to*
37 *local agencies and school districts for those costs shall be made*
38 *pursuant to Part 7 (commencing with Section 17500) of Division*
39 *4 of Title 2 of the Government Code.*

1 SECTION 1. ~~Section 52053 is added to the Education Code,~~
2 ~~to read:~~
3 ~~52053. The Superintendent shall develop, subject to approval~~
4 ~~by the state board, a multiple measures accountability system,~~
5 ~~based on the state priorities described in subdivision (d) of Section~~
6 ~~52060, to measure the performance of schools and school districts,~~
7 ~~especially the academic performance of pupils.~~

O