

AMENDED IN SENATE AUGUST 22, 2005

AMENDED IN SENATE AUGUST 16, 2005

AMENDED IN SENATE JULY 14, 2005

AMENDED IN SENATE APRIL 25, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 767

**Introduced by Senator Romero
(Coauthor: Senator Torlakson)**

February 22, 2005

An act to add *and repeal* Chapter 4 (commencing with Section 5500) to Part 4 of the Education Code, relating to school district governance, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 767, as amended, Romero. Los Angeles Unified School District: appointment of board members.

(1) Existing law requires any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county to be governed by the board of education provided for in the charter of the city or city and county. Existing law requires the governing body of a school district to be composed of 7 members, elected as provided, for any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census. Existing law authorizes the governing board of any school district employing 8 or more teachers to employ a district superintendent for one or more schools and to delegate the duties of the superintendent.

This bill would establish the Mayoral Leadership to Improve Education in Los Angeles Act to authorize the Mayor of the City of Los Angeles to, upon a finding of educational failure, as defined, appoint members to fill any vacancies on the Los Angeles Unified School District (LAUSD) Board of Education and to appoint a new member upon the expiration of the term of an incumbent member. The bill would require the mayor to make the appointments from a list of nominations provided by a panel of advisers, which panel members are selected and composed as specified, and would require each appointment made by the mayor to be confirmed by a majority vote of the City Council of the City of Los Angeles. The bill would require, upon the finding of educational failure, the Governing Board of the LAUSD to be expanded from 7 to 9 members, as provided, thereby imposing a state-mandated local program. The bill would also authorize the mayor, upon the finding of educational failure, to appoint the superintendent of the LAUSD, subject to confirmation by the city council by majority vote. The bill would authorize the mayor to rescind the finding of educational failure once certain minimal academic performance criteria are satisfied.

The bill would repeal these provisions as of July 1, 2011.

(2) This bill would make a legislative finding and declaration of unique circumstances ~~in this regard~~ regarding the need for special legislation.

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

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

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Chapter 4 (commencing with Section 5500) is
- 2 added to Part 4 of the Education Code, to read:

1 CHAPTER 4. MAYORAL LEADERSHIP TO IMPROVE EDUCATION
2 IN LOS ANGELES ACT

3
4 Article 1. General Provisions
5

6 5500. This chapter shall be known, and may be cited, as the
7 Mayoral Leadership to Improve Education in Los Angeles Act.

8 5501. The Legislature finds and declares all of the following:

9 (a) The schools in the Los Angeles Unified School District
10 (LAUSD) are facing severe academic, financial, and
11 infrastructure challenges.

12 (b) Pupils in the LAUSD are vastly underachieving. The base
13 score of the LAUSD on the state’s Academic Performance Index
14 (API) remains well below the state average and almost 50
15 percent of schools of the LAUSD are ranked in deciles 1 to 3,
16 inclusive, on the API.

17 (c) A recent Harvard University report found that graduation
18 rates for pupils of the LAUSD are much lower than previously
19 acknowledged. Currently, the LAUSD is graduating less than 50
20 percent of its pupils.

21 (d) Classrooms and school infrastructure in the LAUSD are in
22 an unacceptable physical condition.

23 (e) Under the current governance structure, the LAUSD Board
24 of Education and its superintendent lack authority to coordinate
25 resources with local government agencies.

26 (f) Several major cities across the nation, including Boston,
27 New York, Chicago, and Cleveland, have implemented direct
28 mayoral leadership in schools, resulting in both improved
29 academic achievement and additional resources for educational
30 programs.

31 5502. The purpose and intent of this chapter is to do all of the
32 following:

33 (a) Create a culture of strong leadership and accountability in
34 the LAUSD.

35 (b) Leverage financial resources from the City of Los Angeles
36 and better coordinate other funding to support education.

37 (c) Integrate the wide range of municipal services in the City
38 of Los Angeles, such as planning, transportation, recreation, and
39 security, with the needs of the LAUSD.

1 (d) Empower the Mayor of the City of Los Angeles to bring
2 together teachers, parents, and people outside the traditional
3 education establishment giving the pupils in the LAUSD a
4 fighting chance to get the high quality education they deserve.

5 5503. For purposes of this chapter, the following terms shall
6 have the following meanings:

7 (a) “City council” means the City Council of the City of Los
8 Angeles.

9 (b) “Educational failure” means a determination by the mayor
10 that the LAUSD has not demonstrated sufficient progress
11 towards satisfying all of the following minimal academic
12 performance criteria:

13 (1) The base score of the LAUSD on the API is at or above
14 675 as reported by the department.

15 (2) The LAUSD has achieved adequate yearly progress as
16 required under the federal No Child Left Behind Act of 2001 (20
17 U.S.C. Sec. 6301 et seq.) for two consecutive years in a row as
18 reported by the department.

19 (3) The LAUSD has a dropout rate in each of four consecutive
20 years below 20 percent as reported by the department.

21 (c) “Governing board” means the seven-member Los Angeles
22 Unified School District Board of Education.

23 (d) “LAUSD” means the Los Angeles Unified School District.

24 (e) “Mayor” means the Mayor of the City of Los Angeles.

25
26 Article 2. Mayoral Appointment of the Los Angeles Unified
27 School District Board of Education
28

29 5504. (a) Notwithstanding any other provision of law,
30 commencing January 1, 2006, upon a finding of educational
31 failure, the mayor may appoint a member to the governing board
32 under either of the following circumstances:

33 (1) To fill a vacancy occurring on the governing board due to
34 the departure of a member prior to the expiration of the term of
35 that member.

36 (2) Upon the expiration of the term of an incumbent member.

37 (b) The finding of educational failure shall be made at least
38 125 days prior to the date of a regularly scheduled election for
39 members of the governing board.

1 (c) If the mayor makes an appointment pursuant to paragraph
2 (1) of subdivision (a), the appointed member shall serve for the
3 remainder of the term of the departing member. If the mayor
4 makes an appointment pursuant to paragraph (2) of subdivision
5 (a), the appointed member shall be appointed to a four-year term.
6 In either case, the mayor may remove the appointed member at
7 any time.

8 5505. The terms and qualifications of appointed members
9 shall be the same as the terms and qualifications of the previously
10 elected members of the governing board.

11 5506. (a) Upon the finding of educational failure, the mayor
12 may appoint up to seven new members of the governing board as
13 provided in Section 5504.

14 (b) The mayor shall make appointments from a list of
15 nominations provided by a panel of advisers. The panel of
16 advisers shall be comprised of nine individuals, six selected by
17 the mayor and three selected by the president of the city council.
18 The panel members shall be a diverse group of community
19 leaders selected from academia, business, education
20 organizations, and parent organizations. The panel of advisers
21 shall nominate able persons broadly reflective of the economic,
22 geographic, cultural, and social diversity of the City of Los
23 Angeles and its schools.

24 (c) Each appointment made by the mayor shall be subject to
25 confirmation by a majority vote of the city council.

26 5507. (a) Notwithstanding Sections 5224 and 5224.1, upon
27 the finding of educational failure, and the establishment of the
28 panel of advisers for the purpose of exercising the authority to
29 make an appointment to the governing board pursuant to this
30 chapter, the governing board shall be expanded from seven to
31 nine members.

32 (b) (1) The two additional members of the governing board
33 shall be residents of areas that are in the LAUSD but outside of
34 the boundaries of the City of Los Angeles and shall hold office
35 numbers 1 and 2. The two additional members shall be appointed
36 by a selection committee formed by (i) the incorporated cities
37 whose jurisdiction overlaps the LAUSD and (ii) the Board of
38 Supervisors of the County of Los Angeles.

39 (2) The appointments shall be considered and acted upon at a
40 duly noticed meeting of the selection committee, which shall

1 meet in a government building and provide an opportunity for
2 testimony on the qualifications of the candidates for appointment.

3 (3) The vote of a city within the selection committee shall be
4 weighted in the same proportion that its population within the
5 LAUSD bears to the total population of the LAUSD less the
6 population of the City of Los Angeles. The vote of the county
7 shall be weighted in the same proportion that its unincorporated
8 population within the LAUSD bears to the total population of the
9 LAUSD less the population of the City of Los Angeles. Each
10 appointment shall be made by not less than a majority of all the
11 cities and the county, inclusive, representing not less than a
12 majority of the population of the LAUSD less the population of
13 the City of Los Angeles.

14 (4) The selection committee shall make appointments broadly
15 reflective of the economic, geographic, cultural, and social
16 diversity of the represented communities.

17 (5) The initial terms of office for the two members appointed
18 pursuant to this section shall commence on the same date as the
19 term for the first member appointed by the mayor pursuant to
20 paragraph (2) of subdivision (a) of Section 5504. The initial and
21 future terms of office for office number 1 shall be four years. The
22 initial term of office for office number 2 shall be two years after
23 which the term of office shall be four years.

24

25 Article 3. Mayoral Appointment of the Superintendent of the
26 Los Angeles Unified School District

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28 5508. Notwithstanding Article 3 (commencing with Section
29 35020) of Chapter 1 of Part 21, upon the finding of educational
30 failure, the mayor may appoint the superintendent of the
31 LAUSD. The appointment shall be subject to confirmation by the
32 city council by majority vote. The appointed superintendent shall
33 serve at the pleasure of the mayor. The mayor shall honor the
34 contract of any incumbent superintendent, but is authorized to
35 exercise any buyout clause in the contract of the incumbent
36 superintendent to terminate his or her services.

37

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Article 4. Mayoral Rescission

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1 5509. The mayor may rescind the finding of educational
 2 failure once the LAUSD satisfies all of the minimal academic
 3 performance criteria in accordance with subdivision (b) of
 4 Section 5503. Upon rescission by the mayor of the finding of
 5 educational failure, elections for the seven seats shall be held in
 6 accordance with Sections 5224 and 5224.1. If the governing
 7 board was expanded from seven to nine members pursuant to
 8 Section 5507, the two additional offices shall cease to exist upon
 9 the expiration of the current terms of the appointed members
 10 holding the additional offices.

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 12 Article 5. Miscellaneous Provisions
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14 5510. A school district other than the LAUSD whose territory
 15 lies within the boundaries of the City of Los Angeles is not
 16 subject to this chapter.

17 5511. *This chapter shall remain in effect until July 1, 2011,*
 18 *and as of that date is repealed.*

19 SEC. 2. The Legislature finds and declares that due to the
 20 unique academic, financial, and infrastructure challenges facing
 21 the Los Angeles Unified School District, a general statute cannot
 22 be made applicable within the meaning of Section 16 of Article
 23 IV of the California Constitution.

24 SEC. 3. If the Commission on State Mandates determines that
 25 this act contains costs mandated by the state, reimbursement to
 26 local agencies and school districts for those costs shall be made
 27 pursuant to Part 7 (commencing with Section 17500) of Division
 28 4 of Title 2 of the Government Code.

29 SEC. 4. *This act is an urgency statute necessary for the*
 30 *immediate preservation of the public peace, health, or safety*
 31 *within the meaning of Article IV of the Constitution and shall go*
 32 *into immediate effect. The facts constituting the necessity are:*

33 *In order to address the severe academic, financial, and*
 34 *infrastructure problems of the Los Angeles Unified School*
 35 *District at the earliest possible time, it is necessary for this act to*
 36 *take effect immediately.*