

AMENDED IN ASSEMBLY MAY 10, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 347

Introduced by Assembly Member Nava

February 14, 2007

An act to amend Sections ~~33126~~, 35186, 37254, 52378, and 52380 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as amended, Nava. Pupils: high school exit examination: intensive instruction and services.

(1) Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Existing law provides specified funding for eligible pupils, as defined, who are required to pass the high school exit examination, to be used for intensive instruction and services for those pupils, and provides for the allocation of those funds, based on a per pupil rate calculation, to schools. As a condition of receiving funding, a school district is required to accomplish certain matters, including, among other things, ensure that each eligible pupil receives an appropriate diagnostic assessment to identify that pupil's areas of need.

This bill, among other things, would revise the definition of "eligible pupil" to include pupils who have not passed one or both parts of the high school exit examination within 2 consecutive academic years of

completion of grade 12, revise the calculation for determining the per pupil rate for purposes of funding, require a school district to accomplish additional matters relating to pupils who have not passed one or both parts of the exit examination by the end of grade 12, and require the State Department of Education to use a certain existing monitoring process to monitor compliance with the requirement to permit pupils who have not passed one or both parts of the exit examination by the end of grade 12 to be provided with intensive instruction and services, and to provide written notification to a school district that fails to comply with certain provisions.

~~(2) The Classroom Instructional Improvement and Accountability Act requires the governing board of each school maintaining an elementary or secondary school to develop and cause to be implemented for each school in the district a school accountability report card that includes assessments of various school conditions, as specified. The existing act prohibits any change to its provisions, except a change to further its purposes enacted by a bill passed by a vote of $\frac{2}{3}$ of the Legislature and signed by the Governor.~~

~~This bill also would require the report card to include an assessment of the availability of high school exit examination intensive instruction and services for pupils who have not graduated due to not passing the exit examination, the number of pupils eligible for this intensive instruction and services, and the number of pupils who have taken this intensive instruction and services between July 1 and June 30 of the preceding school year, thereby imposing a state-mandated local program. The bill would state legislative findings and declarations that the changes made to the existing act by those provisions further the purposes of the existing act.~~

~~(3)~~

(2) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. A notice regarding the appropriate subjects of a complaint is required to be posted in each classroom in each school in the school district and a complaint regarding those deficiencies is required to be filed with the principal of the school or his or her designee.

This bill also would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related

to intensive instruction and services provided to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12. The bill would also require the notice, *for certain classrooms*, to include certain information about the entitlement to receive the intensive instruction and services, and would require a complaint regarding any deficiency related to intensive instruction and services to be submitted to the district official designated by the district superintendent. By imposing additional duties on school districts, this bill would impose a state-mandated local program.

(4)

(3) Existing law establishes the Middle and High School Supplemental Counseling Program and requires the governing board of a school district that maintains any of grades 7 to 12, inclusive, as a condition of receiving funds appropriated for purposes of that program, to adopt a counseling program at a public meeting that includes, among other things, a provision for a counselor to meet with each pupil, as specified, to explain the academic and department records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, passage of the high school exit examination, and the availability of career technical education. In addition to these counseling services, a school district is required to identify certain pupils, such as those at risk of not graduating with the rest of their class, and to require its schools to provide certain assistance in developing a list of coursework and experience. As a further condition of receipt of funds, a school district is required to submit an annual report that describes certain matters, including the number and percentage of pupils who participated in conferences and who fail to pass one or both sections of the *high school* exit examination.

This bill also would require the counselor to explain the availability of intensive instruction and services options for up to 2 consecutive academic years after the completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first, for those pupils who have not passed one or both parts of the exit examination by the end of grade 12. The bill also would require a school district, for the identified pupils, to inform a pupil who has not passed one or both parts of the high school exit examination of the option of intensive instruction and services. The bill would require the report to also contain an assurance that the school district has complied with the

provision that requires a school counselor to apprise a pupil of certain information during an individual conference.

(5)

(4) This bill would make other technical, nonsubstantive changes to existing law.

(6)

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

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

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

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

1 SECTION 1. ~~Section 33126 of the Education Code is amended~~
2 ~~to read:~~

3 33126. (a) ~~The school accountability report card shall provide~~
4 ~~data by which a parent can make meaningful comparisons between~~
5 ~~public schools that will enable him or her to make informed~~
6 ~~decisions on which school to enroll his or her children.~~

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

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

12 (B) ~~Pupil achievement in and progress toward meeting reading,~~
13 ~~writing, arithmetic, and other academic goals, including results by~~
14 ~~grade level from the assessment tool used by the school district~~
15 ~~using percentiles when available for the most recent three-year~~
16 ~~period.~~

17 (C) ~~After the state develops a statewide assessment system~~
18 ~~pursuant to Chapter 5 (commencing with Section 60600) and~~
19 ~~Chapter 6 (commencing with Section 60800) of Part 33, pupil~~
20 ~~achievement by grade level, as measured by the results of the~~
21 ~~statewide assessment.~~

1 ~~(D) Secondary schools with high school seniors shall list both~~
2 ~~the average verbal and math Scholastic Assessment Test scores to~~
3 ~~the extent provided to the school and the percentage of seniors~~
4 ~~taking that exam for the most recent three-year period.~~

5 ~~(2) Progress toward reducing dropout rates, including the~~
6 ~~one-year dropout rate listed in the California Basic Educational~~
7 ~~Data System or any successor data system for the schoolsite over~~
8 ~~the most recent three-year period, and the graduation rate, as~~
9 ~~defined by the State Board, over the most recent three-year period~~
10 ~~when available pursuant to Section 52052.~~

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

19 ~~(4) Progress toward reducing class sizes and teaching loads,~~
20 ~~including the distribution of class sizes at the schoolsite by grade~~
21 ~~level, the average class size, and, if applicable, the percentage of~~
22 ~~pupils in kindergarten and grades 1 to 3, inclusive, participating~~
23 ~~in the Class Size Reduction Program established pursuant to~~
24 ~~Chapter 6.10 (commencing with Section 52120) of Part 28, using~~
25 ~~California Basic Educational Data System or any successor data~~
26 ~~system information for the most recent three-year period.~~

27 ~~(5) The total number of the school's fully credentialed teachers,~~
28 ~~the number of teachers relying upon emergency credentials, the~~
29 ~~number of teachers working without credentials, any assignment~~
30 ~~of teachers outside their subject areas of competence,~~
31 ~~misassignments, including misassignments of teachers of English~~
32 ~~learners, and the number of vacant teacher positions for the most~~
33 ~~recent three-year period.~~

34 ~~(A) For purposes of this paragraph, "vacant teacher position"~~
35 ~~means a position to which a single-designated certificated employee~~
36 ~~has not been assigned at the beginning of the year for an entire~~
37 ~~year or, if the position is for a one-semester course, a position of~~
38 ~~which a single-designated certificated employee has not been~~
39 ~~assigned at the beginning of a semester for an entire semester.~~

1 (B) For purposes of this paragraph, “misassignment” means the
 2 placement of a certificated employee in a teaching or services
 3 position for which the employee does not hold a legally recognized
 4 certificate or credential or the placement of a certificated employee
 5 in a teaching or services position that the employee is not otherwise
 6 authorized by statute to hold.

7 (6) (A) Quality and currency of textbooks and other
 8 instructional materials, including whether textbooks and other
 9 materials meet state standards and are adopted by the State Board
 10 for kindergarten and grades 1 to 8, inclusive, and adopted by the
 11 governing boards of school districts for grades 9 to 12, inclusive,
 12 and the ratio of textbooks per pupil and the year the textbooks
 13 were adopted.

14 (B) The availability of sufficient textbooks and other
 15 instructional materials, as defined in Section 60119, for each pupil,
 16 including English learners, in each of areas enumerated in clauses
 17 (i) to (iii), inclusive. If the governing board determines, pursuant
 18 to Section 60119 that there are insufficient textbooks or
 19 instructional materials, or both, it shall include information for
 20 each school in which an insufficiency exists, identifying the
 21 percentage of pupils who lack sufficient standards-aligned
 22 textbooks or instructional materials in each subject area. The
 23 subject areas to be included are all of the following:

- 24 (i) The core curriculum areas of reading/language arts,
 25 mathematics, science, and history/social science.
- 26 (ii) Foreign language and health.
- 27 (iii) Science laboratory equipment for grades 9 to 12, inclusive,
 28 as appropriate.

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

32 (8) Availability of qualified substitute teachers.

33 (9) Safety, cleanliness, and adequacy of school facilities,
 34 including any needed maintenance to ensure good repair as
 35 specified in Section 17014, Section 17032.5, subdivision (a) of
 36 Section 17070.75, and subdivision (b) of Section 17089.

37 (10) Adequacy of teacher evaluations and opportunities for
 38 professional improvement, including the annual number of
 39 schooldays dedicated to staff development for the most recent
 40 three-year period.

- 1 ~~(11) Classroom discipline and climate for learning, including~~
2 ~~suspension and expulsion rates for the most recent three-year~~
3 ~~period.~~
- 4 ~~(12) Teacher and staff training, and curriculum improvement~~
5 ~~programs.~~
- 6 ~~(13) Quality of school instruction and leadership.~~
- 7 ~~(14) The degree to which pupils are prepared to enter the~~
8 ~~workforce.~~
- 9 ~~(15) The total number of instructional minutes offered in the~~
10 ~~school year, separately stated for each grade level, as compared~~
11 ~~to the total number of the instructional minutes per school year~~
12 ~~required by state law, separately stated for each grade level.~~
- 13 ~~(16) The total number of minimum days, as specified in Sections~~
14 ~~46112, 46113, 46117, and 46141, in the school year.~~
- 15 ~~(17) The availability of high school exit examination intensive~~
16 ~~instruction and services under Section 37254 for pupils who have~~
17 ~~not graduated due to not passing the exit examination, the number~~
18 ~~of pupils eligible for this intensive instruction and services, and~~
19 ~~the number of pupils who have taken this intensive instruction and~~
20 ~~services between July 1 and June 30 of the preceding school year.~~
- 21 ~~(18) The number of advanced placement courses offered, by~~
22 ~~subject.~~
- 23 ~~(19) The Academic Performance Index, including the~~
24 ~~disaggregation of subgroups as set forth in Section 52052 and the~~
25 ~~decile rankings and a comparison of schools.~~
- 26 ~~(20) Whether a school qualified for the Immediate~~
27 ~~Intervention/Underperforming Schools Program pursuant to Section~~
28 ~~52053 and whether the school applied for, and received a grant~~
29 ~~pursuant to, that program.~~
- 30 ~~(21) Whether the school qualifies for the Governor's~~
31 ~~Performance Award Program.~~
- 32 ~~(22) When available, the percentage of pupils, including the~~
33 ~~disaggregation of subgroups, as set forth in Section 52052,~~
34 ~~completing grade 12 who successfully complete the high school~~
35 ~~exit examination, as set forth in Sections 60850 and 60851, as~~
36 ~~compared to the percentage of pupils in the district and statewide~~
37 ~~completing grade 12 who successfully complete the examination.~~
- 38 ~~(23) Contact information pertaining to any organized~~
39 ~~opportunities for parental involvement.~~

1 ~~(24) For secondary schools, the percentage of graduates who~~
2 ~~have passed course requirements for entrance to the University of~~
3 ~~California and the California State University pursuant to Section~~
4 ~~51225.3 and the percentage of pupils enrolled in those courses, as~~
5 ~~reported by the California Basic Educational Data System or any~~
6 ~~successor data system.~~

7 ~~(25) Whether the school has a college admissions test~~
8 ~~preparation course program.~~

9 ~~(26) Career technical education data measures, including all of~~
10 ~~the following:~~

11 ~~(A) A list of programs offered by the school district that pupils~~
12 ~~at the school may participate in and that are aligned to the model~~
13 ~~curriculum standards adopted pursuant to Section 51226, and~~
14 ~~program sequences offered by the school district. The list should~~
15 ~~identify courses conducted by a regional occupational center or~~
16 ~~program, and those conducted directly by the school district.~~

17 ~~(B) A listing of the primary representative of the career technical~~
18 ~~advisory committee of the school district and the industries~~
19 ~~represented.~~

20 ~~(C) The number of pupils participating in career technical~~
21 ~~education.~~

22 ~~(D) The percentage of pupils who complete a career technical~~
23 ~~education program and earn a high school diploma.~~

24 ~~(E) The percentage of career technical education courses that~~
25 ~~are sequenced or articulated between a school and institutions of~~
26 ~~postsecondary education.~~

27 ~~(e) If the Commission on State Mandates finds a school district~~
28 ~~is eligible for a reimbursement of costs incurred complying with~~
29 ~~this section, the school district shall be reimbursed only if the~~
30 ~~information provided in the school accountability report card is~~
31 ~~accurate, as determined by the annual audit performed pursuant~~
32 ~~to Section 41020. If the information is determined to be inaccurate,~~
33 ~~the school district is not ineligible for reimbursement if the~~
34 ~~information is corrected by May 15.~~

35 ~~(d) It is the intent of the Legislature that schools make a~~
36 ~~coordinated effort to notify parents of the purpose of the school~~
37 ~~accountability report cards, as described in this section, and ensure~~
38 ~~that all parents receive a copy of the report card; to ensure that the~~
39 ~~report cards are easy to read and understandable by parents; to~~
40 ~~ensure that local educational agencies with access to the Internet~~

1 ~~make available current copies of the report cards through the~~
2 ~~Internet; and to ensure that administrators and teachers are available~~
3 ~~to answer any questions regarding the report cards.~~

4 ~~SEC. 2.~~

5 *SECTION 1.* Section 35186 of the Education Code is amended
6 to read:

7 35186. (a) A school district shall use the uniform complaint
8 process it has adopted as required by Chapter 5.1 (commencing
9 with Section 4600) of Title 5 of the California Code of Regulations,
10 with modifications, as necessary, to help identify and resolve any
11 deficiencies related to instructional materials, emergency or urgent
12 facilities conditions that pose a threat to the health and safety of
13 pupils or staff, teacher vacancy or misassignment, and intensive
14 instruction and services provided pursuant to Section 37254 to
15 pupils who have not passed one or both parts of the high school
16 exit examination after the completion of grade 12.

17 (1) A complaint may be filed anonymously. A complainant who
18 identifies himself or herself is entitled to a response if he or she
19 indicates that a response is requested. A complaint form shall
20 include a space to mark to indicate whether a response is requested.
21 If Section 48985 is otherwise applicable, the response, if requested,
22 and report shall be written in English and the primary language in
23 which the complaint was filed. All complaints and responses are
24 public records.

25 (2) The complaint form shall specify the location for filing a
26 complaint. A complainant may add as much text to explain the
27 complaint as he or she wishes.

28 (3) Except as provided pursuant to paragraph (4), a complaint
29 shall be filed with the principal of the school or his or her designee.
30 A complaint about problems beyond the authority of the school
31 principal shall be forwarded in a timely manner but not to exceed
32 10 working days to the appropriate school district official for
33 resolution.

34 (4) A complaint regarding any deficiencies related to intensive
35 instruction and services provided pursuant to Section 37254 to
36 pupils who have not passed one or both parts of the high school
37 exit examination after the completion of grade 12 shall be
38 submitted to the district official designated by the district
39 superintendent. A complaint may be filed at the school district

1 office, or it may be filed at the schoolsite and shall be immediately
 2 forwarded to the designee of the district superintendent.

3 (b) The principal or the designee of the district superintendent,
 4 as applicable, shall make all reasonable efforts to investigate any
 5 problem within his or her authority. The principal or designee of
 6 the district superintendent shall remedy a valid complaint within
 7 a reasonable time period but not to exceed 30 working days from
 8 the date the complaint was received. The principal or designee of
 9 the district superintendent shall report to the complainant the
 10 resolution of the complaint within 45 working days of the initial
 11 filing. If the principal makes this report, the principal shall also
 12 report the same information in the same timeframe to the designee
 13 of the district superintendent.

14 (c) A complainant not satisfied with the resolution of the
 15 principal or the designee of the district superintendent has the right
 16 to describe the complaint to the governing board of the school
 17 district at a regularly scheduled hearing of the governing board.
 18 As to complaints involving a condition of a facility that poses an
 19 emergency or urgent threat, as defined in paragraph (1) of
 20 subdivision (c) of Section 17592.72, a complainant who is not
 21 satisfied with the resolution proffered by the principal or the
 22 designee of the district superintendent has the right to file an appeal
 23 to the Superintendent, who shall provide a written report to the
 24 ~~State Board~~ *state board* describing the basis for the complaint and,
 25 as appropriate, a proposed remedy for the issue described in the
 26 complaint.

27 (d) A school district shall report summarized data on the nature
 28 and resolution of all complaints on a quarterly basis to the county
 29 superintendent of schools and the governing board of the school
 30 district. The summaries shall be publicly reported on a quarterly
 31 basis at a regularly scheduled meeting of the governing board of
 32 the school district. The report shall include the number of
 33 complaints by general subject area with the number of resolved
 34 and unresolved complaints. The complaints and written responses
 35 shall be available as public records.

36 (e) The procedure required pursuant to this section is intended
 37 to address all of the following:

38 (1) A complaint related to instructional materials as follows:

39 (A) A pupil, including an English learner, does not have
 40 standards-aligned textbooks or instructional materials or

1 state-adopted or district-adopted textbooks or other required
2 instructional material to use in class.

3 (B) A pupil does not have access to instructional materials to
4 use at home or after school.

5 (C) Textbooks or instructional materials are in poor or unusable
6 condition, have missing pages, or are unreadable due to damage.

7 (2) A complaint related to teacher vacancy or misassignment
8 as follows:

9 (A) A semester begins and a teacher vacancy exists.

10 (B) A teacher who lacks credentials or training to teach English
11 learners is assigned to teach a class with more than 20-percent
12 English learner pupils in the class. This subparagraph does not
13 relieve a school district from complying with state or federal law
14 regarding teachers of English learners.

15 (C) A teacher is assigned to teach a class for which the teacher
16 lacks subject matter competency.

17 (3) A complaint related to the condition of facilities that pose
18 an emergency or urgent threat to the health or safety of pupils or
19 staff as defined in paragraph (1) of subdivision (c) of Section
20 17592.72 and any other emergency conditions the school district
21 determines appropriate and the requirements established pursuant
22 to subdivision (a) of Section 35292.5.

23 (4) A complaint related to the provision of intensive instruction
24 and services pursuant to paragraphs (4) and (5) of subdivision (d)
25 of Section 37254.

26 (f) In order to identify appropriate subjects of complaint, a notice
27 shall be posted in each classroom in each school in the school
28 district notifying parents, guardians, pupils, and teachers of the
29 following:

30 (1) There should be sufficient textbooks and instructional
31 materials. For there to be sufficient textbooks and instructional
32 materials each pupil, including English learners, must have a
33 textbook or instructional materials, or both, to use in class and to
34 take home.

35 (2) School facilities must be clean, safe, and maintained in good
36 repair.

37 (3) There should be no teacher vacancies or misassignments as
38 defined in paragraphs (2) and (3) of subdivision (h).

39 (4) Pupils who have not passed the high school exit examination
40 by the end of grade 12 are entitled to receive intensive instruction

1 and services for up to two consecutive academic years after
2 completion of grade 12 or until the pupil has passed both parts of
3 the high school exit examination, whichever comes first, pursuant
4 to paragraphs (4) and (5) of subdivision (d) of Section 37254. *The*
5 *information in this paragraph, which is to be included in the notice*
6 *required pursuant to this subdivision, shall only be included in*
7 *notices posted in classrooms in schools with grades 10 to 12,*
8 *inclusive.*

9 (5) The location at which to obtain a form to file a complaint
10 in case of a shortage. Posting a notice downloadable from the
11 Internet Web site of the department shall satisfy this requirement.

12 (g) A local educational agency shall establish local policies and
13 procedures, post notices, and implement this section on or before
14 January 1, 2005.

15 (h) For purposes of this section, the following definitions apply:

16 (1) “Good repair” has the same meaning as specified in
17 subdivision (d) of Section 17002.

18 (2) “Misassignment” means the placement of a certificated
19 employee in a teaching or services position for which the employee
20 does not hold a legally recognized certificate or credential or the
21 placement of a certificated employee in a teaching or services
22 position that the employee is not otherwise authorized by statute
23 to hold.

24 (3) “Teacher vacancy” means a position to which a single
25 designated certificated employee has not been assigned at the
26 beginning of the year for an entire year or, if the position is for a
27 one-semester course, a position to which a single designated
28 certificated employee has not been assigned at the beginning of a
29 semester for an entire semester.

30 ~~SEC. 3.~~

31 *SEC. 2.* Section 37254 of the Education Code is amended to
32 read:

33 37254. (a) For purposes of this section, “eligible pupil” means
34 a pupil who is required to pass the California High School Exit
35 Examination for high school graduation pursuant to Chapter 8
36 (commencing with Section 60850) of Part 33, and who has failed
37 one or both parts of that examination, including pupils who have
38 not passed one or both parts of the examination within two
39 consecutive academic years of completion of grade 12.

1 (b) (1) From the funds appropriated for purposes of this section
2 in the annual Budget Act or other statute, the Superintendent shall
3 determine a per pupil rate of funding by dividing the total amount
4 of funds appropriated for purposes of this section by the number
5 of eligible pupils in grade 12 and the number of pupils who have
6 not passed the high school exit examination within two consecutive
7 academic years of completion of grade 12 reported by school
8 districts in accordance with paragraph (7) of subdivision (d). The
9 Superintendent shall then apportion to each school district an
10 amount equal to the per pupil rate determined pursuant to this
11 paragraph multiplied by the number of eligible grade 12 pupils
12 and the number of pupils who have not passed both parts of the
13 high school exit examination within two consecutive academic
14 years of completion of grade 12 reported pursuant to paragraph
15 (7) of subdivision (d).

16 (2) If funds appropriated for purposes of paragraph (1) are not
17 exhausted after the apportionment pursuant to paragraph (1) is
18 made, the Superintendent shall determine a per pupil rate of
19 funding for eligible pupils in grade 11 by dividing the total amount
20 of funds appropriated for purposes of this section remaining after
21 the apportionment pursuant to paragraph (1) has been made by
22 dividing the total number of eligible pupils in grade 11 reported
23 by school districts in accordance with paragraph (7) of subdivision
24 (d). The Superintendent shall apportion to each school district an
25 amount equal to the per pupil rate determined pursuant to this
26 paragraph multiplied by the number of eligible grade 11 pupils
27 reported pursuant to paragraph (7) of subdivision (d).

28 (3) The maximum per pupil rate of funding shall not exceed
29 five hundred dollars (\$500) and shall be increased annually by the
30 percentage determined in paragraph (2) of subdivision (b) of
31 Section 42238.1

32 (c) (1) The funds described in subdivision (b) shall be used to
33 provide intensive instruction and services designed to help eligible
34 pupils pass the California High School Exit Examination.

35 (2) Intensive instruction and services may be provided during
36 the regular schoolday provided that they do not supplant the
37 instruction of the pupil in the core curriculum areas as defined in
38 paragraph (5) of subdivision (a) of Section 60603, or physical
39 education instruction.

- 1 (3) Intensive instruction and services may include, but are not
2 limited to, all of the following:
- 3 (A) Individual or small group instruction.
 - 4 (B) The hiring of additional teachers.
 - 5 (C) Purchasing, scoring, and reviewing diagnostic assessments.
 - 6 (D) Counseling.
 - 7 (E) Designing instruction to meet specific needs of eligible
8 pupils.
 - 9 (F) Appropriate teacher training to meet the needs of eligible
10 pupils.
 - 11 (G) Instruction in English language arts or mathematics, or both,
12 that eligible pupils need to pass those parts of the high school exit
13 examination not yet passed.
- 14 (d) As a condition of receiving funds pursuant to subdivision
15 (c), the school district shall accomplish all of the following:
- 16 (1) Ensure that each eligible pupil receives an appropriate
17 diagnostic assessment to identify that pupil's areas of need.
 - 18 (2) Ensure that each pupil receives intensive instruction and
19 services based on the results of the diagnostic assessment, and
20 prior results on the high school exit examination.
 - 21 (3) Ensure that all pupils who have not passed one or both parts
22 of the high school exit examination by the end of grade 12 are
23 notified in writing at the last known address before the end of each
24 school term of the availability of the services in sufficient time to
25 register for or avail themselves of those services each term for two
26 consecutive academic years thereafter and are notified of the right
27 of a pupil to file a complaint regarding those services as set forth
28 in Section 35186. In addition to notifying the pupil, or his or her
29 parent or legal guardian if the pupil is under the age of 18, in
30 writing, the notice shall be posted in the school office and district
31 office and on the Internet Web site of the school district, if
32 applicable. The notice shall comply with the translation
33 requirements of Section 48985.
 - 34 (4) Ensure that all pupils who have not passed one or both parts
35 of the high school exit examination by the end of grade 12 have
36 the opportunity to receive intensive instruction and services as
37 needed based on the results of the diagnostic assessment and prior
38 results on the high school exit examination, as specified in
39 paragraph (2), for up to two consecutive academic years after
40 completion of grade 12 or until the pupil has passed both parts of

1 the high school exit examination, whichever comes first. This
2 instruction shall be comparable to that provided to grades 9 to 12,
3 inclusive, pupils of similar needs who are receiving intensive
4 instruction and services in a comprehensive high school of the
5 district, by ensuring that the intensive instruction and services are
6 provided by instructors with comparable levels of experience or
7 qualification, consists of comparable amounts of instructional time,
8 and provides access to comparable instructional materials. In
9 determining where to offer remediation, a school district shall
10 consider whether the location is accessible to eligible pupils. A
11 school district may employ different intensive instruction and
12 services strategies more aligned to the needs and circumstances
13 of these pupils as compared to grade 12 pupils with similar needs
14 in a comprehensive high school of the district.

15 (5) Ensure that all English learners who have not passed one or
16 both parts of the high school exit examination by the end of grade
17 12 have the opportunity to receive intensive instruction and services
18 provided under paragraph (3) of subdivision (c) that also shall
19 include services to improve English proficiency as needed based
20 on the results of the diagnostic assessment and prior results on the
21 high school exit examination, as specified in paragraph (2), to pass
22 those parts of the high school exit examination not yet passed, for
23 up to two consecutive academic years after completion of grade
24 12 or until the pupil has passed both parts of the high school exit
25 examination, whichever comes first. Those services shall be
26 comparable to that provided to grades 9 to 12, inclusive, pupils of
27 similar needs who are receiving services to improve English
28 proficiency in a comprehensive high school of the district, by
29 ensuring that the intensive instruction and services are provided
30 by instructors with comparable levels of experience or
31 qualification, consists of comparable amounts of instructional time,
32 and provides access to comparable instructional materials.

33 (6) Demonstrate that funds will be used to supplement and not
34 supplant existing services.

35 (7) Provide to the Superintendent, in a manner and by a date
36 certain determined by the Superintendent, the number of eligible
37 pupils at each high school in the school district.

38 (8) Submit an annual report to the Superintendent in a manner
39 determined by the Superintendent that describes the manner and
40 frequency in which eligible pupils were notified of the intensive

1 instruction and services provided, the number of pupils served for
2 each type of service provided, and the number of pupils in the
3 school district who successfully pass the high school exit
4 examination by each type of service provided.

5 (e) The department shall use the Categorical Program
6 Monitoring process set forth in subdivision (b) of Section 64001
7 to monitor compliance with the requirement to permit pupils who
8 have not passed one or both parts of the high school exit
9 examination by the end of grade 12 to be provided with intensive
10 instruction and services. If the department determines that a school
11 district has failed to comply with paragraphs (4) and (5) of
12 subdivision (d), the department shall notify the district in writing
13 of its failure to comply.

14 ~~SEC. 4.~~

15 *SEC. 3.* Section 52378 of the Education Code is amended to
16 read:

17 52378. The Middle and High School Supplemental Counseling
18 Program is hereby established for the purpose of providing
19 additional counseling services to pupils in grades 7 to 12, inclusive.
20 As a condition of receiving funds, the governing board of each
21 school district maintaining any of grades 7 to 12, inclusive, shall
22 do all of the following:

23 (a) The program shall be adopted at a public meeting of the
24 governing board and shall include all of the following:

25 (1) A provision for individualized review of the pupil's academic
26 and department records.

27 (2) A provision for a counselor to meet with each pupil and if
28 practicable, the parents or legal guardian of the pupil, to explain
29 the academic and department records of the pupil, his or her
30 educational options, the coursework and academic progress needed
31 for satisfactory completion of middle or high school, passage of
32 the high school exit examination, the availability of intensive
33 instruction and services options for up to two consecutive academic
34 years after the completion of grade 12 or until the pupil has passed
35 both parts of the high school exit examination, whichever comes
36 first, for those pupils who have not passed one or both parts of the
37 high school exit examination by the end of grade 12, and the
38 availability of career technical education. The educational options
39 explained at the meeting, if services are available, shall include
40 college preparatory program and vocational programs, including

1 regional occupational centers and programs and any other
2 alternatives available to pupils within the district.

3 (b) In addition to the counseling services described in
4 subdivision (a), school districts shall identify pupils who are at
5 risk of not graduating with the rest of their class, are not earning
6 credits at a rate that will enable them to pass the high school exit
7 examination, or do not have sufficient training to allow them to
8 fully engage in their chosen career, and shall do all of the
9 following:

10 (1) Require each school within its jurisdiction that enrolls pupils
11 in grades 10 and 12 to develop a list of coursework and experience
12 necessary to assist each pupil in their respective grade that has not
13 passed one or both parts of the high school exit examination and
14 to successfully transition to postsecondary education or
15 employment.

16 (2) Require each school within its jurisdiction that enrolls pupils
17 in grade 7 to develop a list of coursework and experience necessary
18 to assist each pupil in grade 7 who is deemed to be at the far below
19 basic level in English language arts or mathematics pursuant to
20 California Standards Tests administered to pupils in grade 6 to
21 successfully transition to high school and meet all graduation
22 requirements, including passing the high school exit examination.

23 (3) A copy of the list of coursework and experience necessary
24 shall be provided to the pupil and his or her parent or legal
25 guardian. The school district shall ensure that the list of coursework
26 and experience is part of the cumulative records of the pupil.

27 (4) Inform the pupil who has not passed one or both parts of the
28 high school exit examination of the option of intensive instruction
29 and services.

30 (c) (1) In addition to the items identified in subdivision (b), the
31 list of coursework and experience for a pupil enrolled in grade 12
32 shall include options for continuing his or her education if he or
33 she fails to meet graduation requirements. These options shall
34 include, but not be limited to, all of the following:

35 (A) Enrolling in an adult education program.

36 (B) Enrolling in a community college.

37 (C) Continuing enrollment in the pupil's school district.

38 (D) Continuing to receive intensive instruction and services for
39 up to two consecutive academic years after completion of grade

1 12 or until the pupil has passed both parts of the high school exit
2 examination, whichever comes first.

3 (2) A copy of the list of coursework and experience necessary
4 shall be provided to the pupil and his or her parent or legal
5 guardian. The school district shall ensure that the list of coursework
6 and experience is part of the cumulative records of the pupil.

7 (d) As a condition of receipt of funds pursuant to this article, a
8 school district shall require each school within its jurisdiction to
9 offer and schedule an individual conference with each pupil,
10 identified in paragraphs (1) and (2) of subdivision (b), and his or
11 her parent or legal guardian, and a school counselor. The individual
12 conference shall be scheduled, to the extent feasible, according to
13 the following requirements:

14 (1) For a pupil enrolled in grade 7, the conference shall occur
15 before January of that school year in which the pupil is enrolled
16 in grade 7.

17 (2) For a pupil enrolled in grade 10, the conference shall occur
18 between the spring of that school year in which the pupil is enrolled
19 in grade 10 and the fall of the following school year in which the
20 pupil would be enrolled in grade 11. For the 2006–07 school year,
21 the conference shall occur on or before December 31, 2006.

22 (3) For a pupil enrolled in grade 12, the conference shall occur
23 after November of that school year in which the pupil is enrolled
24 in grade 12, but before March of the same school year.

25 (e) During the individual conference described in subdivision
26 (d), the school counselor shall apprise the pupil identified in
27 paragraphs (1) and (2) of subdivision (b), and his or her parent or
28 legal guardian of the following:

29 (1) Consequences of not passing the high school exit
30 examination.

31 (2) Programs, courses, and career technical education options
32 available for pupils needed for satisfactory completion of middle
33 or high school.

34 (3) Cumulative records and transcripts of the pupil.

35 (4) Performance on standardized and diagnostic assessments of
36 the pupil.

37 (5) Remediation strategies, high school courses, and alternative
38 education options available to the pupil, including, but not limited
39 to, informing pupils of the option to receive intensive instruction
40 and services for up to two consecutive academic years after

1 completion of grade 12 or until the pupil has passed both parts of
2 the high school exit examination, whichever comes first.

3 (6) Information on postsecondary education and training.

4 (7) The pupil's score on the English language arts or
5 mathematics portion of the California Standards Test administered
6 in grade 6, as applicable.

7 ~~SEC. 5.~~

8 *SEC. 4.* Section 52380 of the Education Code is amended to
9 read:

10 52380. As a condition of receipt of funds pursuant to this
11 chapter, a school district shall submit an annual report in a manner
12 determined by the Superintendent that describes the number of
13 pupils served, the number of school counselors involved in
14 conferences, the number and percentage of pupils who participated
15 in conferences and who successfully pass the high school exit
16 examination, and the number and percentage of pupils who
17 participated in conferences and who fail to pass one or both
18 sections of the exit examination, and a summary of the most
19 prevalent results for pupils based on the graduation plans developed
20 pursuant to this chapter. The report also shall contain an assurance
21 that the school district has complied with subdivision (e) of Section
22 52378.

23 ~~SEC. 6. The Legislature finds and declares that Section 1 of~~
24 ~~this act furthers the purposes of the Classroom Instructional~~
25 ~~Improvement and Accountability Act.~~

26 ~~SEC. 7.~~

27 *SEC. 5.* If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.