

**ASSEMBLY BILL**

**No. 2456**

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**Introduced by Assembly Member Walters**

February 21, 2008

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An act to amend Sections 33051 and 64001 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2456, as introduced, Walters. School districts: state applications.

Existing law requires the State Board of Education to approve any and all requests by school districts for waivers of Education Code provisions or regulations adopted by the state board to implement a code provision that may be waived, except in cases where the state board makes specified findings.

Existing law provides that a school district that elects to submit a single consolidated application for state and federal categorical programs to the State Department of Education is not required to submit school plans for those programs as part of the consolidated application, but does require the district to assure that a Single Plan for Pupil Achievement has been prepared in accordance with law by the schoolsite council for each school participating in programs funded through the consolidated application process and that the plan was developed with the review, certification, and advice of any applicable school advisory committee.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

1 SECTION 1. Section 33051 of the Education Code is amended  
2 to read:

3 33051. (a) ~~The State Board of Education~~ *state board* shall  
4 approve any and all requests for waivers, except in those cases  
5 where the *state* board specifically finds any of the following:

6 (1) The educational needs of the pupils are not ~~adequately~~  
7 addressed *adequately*.

8 (2) The waiver affects a program that requires the existence of  
9 a schoolsite council and the schoolsite council did not approve the  
10 request.

11 (3) The appropriate councils or advisory committees, including  
12 bilingual advisory committees, did not have an adequate  
13 opportunity to review the request and the request did not include  
14 a written summary of ~~any~~ objections to the request by the councils  
15 or advisory committees.

16 (4) Pupil or school personnel protections are jeopardized.

17 (5) Guarantees of parental involvement are jeopardized.

18 (6) The request ~~would~~ substantially *would* increase state costs.

19 (7) The exclusive representative of employees, if any, as  
20 provided in Chapter 10.7 (commencing with Section 3540) of  
21 Division 4 of Title 1 of the Government Code, was not a participant  
22 in the development of the waiver.

23 ~~(b) The State Board of Education shall not approve any request  
24 for waiver of any provision of Article 5 (commencing with Section  
25 39390) of Chapter 3 of Part 23 unless the school district seeking  
26 the waiver demonstrates all of the following:~~

27 ~~(1) The school district provided the written notice required under  
28 subdivision (f) of Section 33050.~~

29 ~~(2) The school district, after making a good-faith effort to that  
30 purpose, was unable to reach agreement with any public agency  
31 identified under Section 39394 that seeks to acquire the site under  
32 that article on terms and conditions that are consistent with the  
33 requirements of the purchase plan adopted by the agency under  
34 Section 39397.5 and would enable the district to meet its reasonable  
35 financial goals.~~

36 ~~(3) The detriment to the school district's ability to financially  
37 meet the educational needs of the community resulting from the  
38 disposition of the school site pursuant to the sale price or lease~~

1 rate limitations set forth in Section 39396, as compared to the fair  
2 market value of the site, outweighs the need for the use of the site  
3 for outdoor recreational and open-space purposes as established  
4 by a finding made under Section 39397.

5 (4) ~~In the event that the school district enters into a long-term~~  
6 ~~lease during the period of the waiver or any extension thereof, the~~  
7 ~~school district shall be exempt from the requirements of Article 5~~  
8 ~~(commencing with Section 39390) of Chapter 3 of Part 33, for the~~  
9 ~~duration of the lease term for that site.~~

10 (e) ~~—~~

11 (b) The governing board of a school district that has requested  
12 and received a general waiver under this article for two consecutive  
13 years for the same general waiver is not required to reapply  
14 annually if the information contained on the request remains  
15 current. ~~The State Board of Education~~ *state board* may require  
16 updated information for the request whenever it determines that  
17 information to be necessary. Nothing in this section shall prevent  
18 ~~the State Board of Education~~ *state board* from rescinding a waiver  
19 if additional information supporting a rescission is made available  
20 to the *state board*. This waiver process shall not apply to waivers  
21 pertaining to teacher credentialing, which shall be submitted to  
22 ~~the State Board of Education~~ *state board* annually.

23 SEC. 2. Section 64001 of the Education Code is amended to  
24 read:

25 64001. (a) Notwithstanding any other provision of law, *a*  
26 ~~school districts~~ *district* shall not be required to submit to the  
27 department, as part of the consolidated application, school plans  
28 for categorical programs subject to this part. ~~School districts~~ *A*  
29 *school district* shall assure, in the consolidated application, that  
30 the Single Plan for Pupil Achievement established pursuant to  
31 subdivision (d) has been prepared in accordance with law, that  
32 schoolsite councils have developed and approved a plan, to be  
33 known as the Single Plan for Pupil Achievement for schools  
34 participating in programs funded through the consolidated  
35 application process, and any other school program they choose to  
36 include, and that school plans were developed with the review,  
37 certification, and advice of ~~any~~ applicable school advisory  
38 committees. The Single Plan for Pupil Achievement ~~may~~ also *may*  
39 be referred to as the Single Plan for Student Achievement. The  
40 consolidated application ~~shall~~ also *shall* include certifications by

1 appropriate district advisory committees that the application was  
2 developed with review and advice of those committees.

3 For ~~any~~ a consolidated application that does not include the  
4 necessary certifications or assurances, the department shall initiate  
5 an investigation to determine whether the consolidated application  
6 and Single Plan for Pupil Achievement were developed in  
7 accordance with law and with the involvement of applicable  
8 advisory committees and schoolsite councils.

9 (b) Onsite school and district compliance reviews of categorical  
10 programs shall continue, and school plans shall be required and  
11 reviewed as part of these onsite visits and compliance reviews.  
12 The Superintendent shall establish the process and frequency for  
13 conducting reviews of district achievement and compliance with  
14 state and federal categorical program requirements. In addition,  
15 the Superintendent of ~~Public Instruction~~ shall establish the content  
16 of these instruments, including ~~any~~ criteria for differentiating these  
17 reviews based on the achievement of pupils, as demonstrated by  
18 the Academic Performance Index developed pursuant to Section  
19 52052, and evidence of district compliance with state and federal  
20 law. The state board shall review the content of these instruments  
21 for consistency with state board policy.

22 (c) A school district shall submit school plans whenever the  
23 department requires the plans in order to effectively administer  
24 ~~any~~ a categorical program subject to this part. The department may  
25 require submission of the school plan for ~~any~~ a school that is the  
26 specific subject of a complaint involving ~~any~~ a categorical program  
27 or service subject to this part.

28 The department may require a school district to submit other  
29 data or information as may be necessary for the department to  
30 effectively administer ~~any~~ a categorical program subject to this  
31 part.

32 (d) Notwithstanding any other provision of law, as a condition  
33 of receiving state funding for a categorical program pursuant to  
34 Section 64000, and in lieu of the information submission  
35 requirements that ~~were~~ previously *were* required by this section  
36 prior to the amendments that added this subdivision and  
37 subdivisions (e) to (i), inclusive, school districts shall ensure that  
38 each school in a district that operates ~~any~~ a categorical programs  
39 subject to this part consolidates ~~any~~ plans that are required by those  
40 programs into a single plan. Schools may consolidate ~~any~~ plans

1 that are required by federal programs subject to this part into this  
2 plan, unless otherwise prohibited by federal law. That plan shall  
3 be known as the Single Plan for Pupil Achievement or may be  
4 referred to as the Single Plan for Student Achievement.

5 (e) Plans developed pursuant to subdivision (d) of Section  
6 52054, and Section 6314 and following of Title 20 of the United  
7 States Code, shall satisfy this requirement.

8 (f) Notwithstanding any other provision of law, the content of  
9 a Single Plan for Pupil Achievement shall be aligned with school  
10 goals for improving pupil achievement. School goals shall be based  
11 upon an analysis of verifiable state data, including the Academic  
12 Performance Index developed pursuant to Section 52052 and the  
13 English Language Development test developed pursuant to Section  
14 60810, and may include ~~any~~ data voluntarily developed by districts  
15 to measure pupil achievement. The Single Plan for Pupil  
16 Achievement ~~shall~~, at a minimum, *shall* address how funds  
17 provided to the school through any of the sources identified in  
18 Section 64000 will be used to improve the academic performance  
19 of all pupils to the level of the performance goals, as established  
20 by the Academic Performance Index developed pursuant to Section  
21 52052. The plan ~~shall~~ also *shall* identify the schools' means of  
22 evaluating progress toward accomplishing those goals and how  
23 state and federal law governing these programs will be  
24 implemented.

25 (g) The plan required by this section shall be reviewed annually  
26 and updated, including proposed expenditure of funds allocated  
27 to the school through the consolidated application, by the schoolsite  
28 council, or, if the school does not have a schoolsite council, by  
29 schoolwide advisory groups or school support groups that conform  
30 to the requirements of Section 52852. The plans shall be reviewed  
31 and approved by the governing board of the local ~~education~~  
32 *educational* agency at a regularly scheduled meeting whenever  
33 there are material changes that affect the academic programs for  
34 ~~students~~ *pupils* covered by programs identified in Section 64000.

35 (h) The school plan and subsequent revisions shall be reviewed  
36 and approved by the governing board of the school district. ~~School~~  
37 *A school* district governing ~~boards~~ *board* shall certify that, to the  
38 extent allowable under federal law, ~~plans a plan~~ developed for  
39 purposes of this section ~~are~~ *is* consistent with district local

1 improvement plans that are required as a condition of receiving  
2 federal funding.  
3 (i) ~~Nothing in this act may be construed to~~ *This section does*  
4 *not* prevent a school district, at its discretion, from conducting an  
5 independent review pursuant to subdivision (c) of Section 64001,  
6 as that section read on January 1, 2001.