

AMENDED IN ASSEMBLY MAY 29, 2007

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE MARCH 26, 2007

**SENATE BILL**

**No. 132**

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**Introduced by Committee on Education (Senators Scott (Chair),  
Alquist, Denham, Maldonado, Padilla, Romero, Simitian,  
Torlakson, and Wyland)**

January 24, 2007

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An act to amend Sections 1240, 1242.5, 5017, 8222, 8223, 8236, 8265, 8279.1, 17608, 18444, 18830, 35035, 44258.9, 44269, 44270, 44300, 44302, 44386, 44506, 44868, 44869, 48900, 49452.8, 52055.625, 52379, 54023, 54026, 56351.5, 60242, 60640, and 99237 of, *to repeal Sections 8266.5 and 8451 of*, and to repeal Article 5.6 (commencing with Section 44305) of Chapter 2 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 132, as amended, Committee on Education. Education.

*The Education Code assigns various duties to state and local educational agencies and governs the operation of public schools, community colleges, and universities in the state.*

*This bill would delete obsolete provisions in that code and make technical, nonsubstantive, and clarifying changes to various other provisions of the code.*

~~(1) Existing law establishes the Pre-Internship Teaching Program and assigns the Commission on Teacher Credentialing responsibility for its implementation. The program authorizes the commission to issue preintern teaching credentials instead of emergency multiple subject~~

~~permits to individuals employed by school districts approved by the commission.~~

~~This bill would repeal that program.~~

~~(2) Existing law requires specified pupils enrolled in kindergarten or first grade in public schools to present proof of having received an oral health assessment by a specified date of the school year. Statutory provisions impose certain duties on local educational agencies regarding the presentation of proof and collection of data for those oral health assessments.~~

~~This bill would require that funds appropriated in the annual Budget Act for the activities required by those provisions first be used to offset reimbursement provided to local educational agencies for state-mandated costs imposed by those provisions.~~

~~(3) The bill also would make technical, nonsubstantive, clarifying, and conforming changes to various other statutory 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 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, shall annually  
19 submit a report, at a regularly scheduled November board meeting,  
20 to the governing board of each school district under his or her

1 jurisdiction, the county board of education of his or her county,  
2 and the board of supervisors of his or her county describing the  
3 state of the schools in the county or of his or her office that are  
4 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic  
5 Performance Index (API), as defined in subdivision (b) of Section  
6 17592.70, and shall include, among other things, his or her  
7 observations while visiting the schools and his or her  
8 determinations for each school regarding the status of all of the  
9 circumstances listed in subparagraph (I) and teacher  
10 misassignments and teacher vacancies. As a condition for receipt  
11 of funds, the county superintendent, or his or her designee, shall  
12 use a standardized template to report the circumstances listed in  
13 subparagraph (I) and teacher misassignments and teacher vacancies,  
14 unless the current annual report being used by the county  
15 superintendent, or his or her designee, already includes those details  
16 for each school.

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

40 (i) The school meets all of the following criteria:

1 (I) Does not have a valid base API score for 2006.

2 (II) Is operating in fiscal year 2007–08 and was operating in  
3 fiscal year 2006–07 during the Standardized Testing and Reporting  
4 (STAR) Program testing period.

5 (III) Has a valid base API score for 2005 that was ranked in  
6 deciles 1 to 3, inclusive, in that year.

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

9 (C) The department shall estimate an API score for any school  
10 meeting the criteria of subclauses (I) and (II) of clause (i) of  
11 subparagraph (B) and not meeting the criteria of subclause (III)  
12 of clause (i) of subparagraph (B), using available test scores and  
13 weighting or corrective factors it deems appropriate. The  
14 department shall post the API scores on its Internet Web site on  
15 or before May 1.

16 (D) For purposes of this section, references to schools ranked  
17 in deciles 1 to 3, inclusive, on the 2006 base API shall exclude  
18 schools operated by county offices of education pursuant to Section  
19 56140, as determined by the department.

20 (E) (i) Commencing with the 2010–11 fiscal year and every  
21 third year thereafter, the Superintendent shall identify a list of  
22 schools ranked in deciles 1 to 3, inclusive, of the API for which  
23 the county superintendent, or his or her designee, annually shall  
24 submit a report, at a regularly scheduled November board meeting,  
25 to the governing board of each school district under his or her  
26 jurisdiction, the county board of education of his or her county,  
27 and the board of supervisors of his or her county that describes the  
28 state of the schools in the county or of his or her office that are  
29 ranked in deciles 1 to 3, inclusive, of the base API as defined in  
30 clause (ii).

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

39 (iii) As a condition for the receipt of funds, the annual report  
40 shall include the determinations for each school made by the county

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

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

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

26 (H) The visits made pursuant to this paragraph shall be  
27 conducted at least annually and shall meet the following criteria:

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

37 (I) The priority objective of the visits made pursuant to this  
38 paragraph shall be to determine the status of all of the following  
39 circumstances:

1 (i) Sufficient textbooks as defined in Section 60119 and as  
2 specified in subdivision (i).

3 (ii) The condition of a facility that poses an emergency or urgent  
4 threat to the health or safety of pupils or staff as defined in district  
5 policy or paragraph (1) of subdivision (c) of Section 17592.72.

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

12 (J) The county superintendent may make the status  
13 determinations described in subparagraph (I) during a single visit  
14 or multiple visits. In determining whether to make a single visit  
15 or multiple visits for this purpose, the county superintendent shall  
16 take into consideration factors such as cost-effectiveness, disruption  
17 to the schoolsite, deadlines, and the availability of qualified  
18 reviewers.

19 (K) If the county superintendent determines that the condition  
20 of a facility poses an emergency or urgent threat to the health or  
21 safety of pupils or staff as defined in district policy or paragraph  
22 (1) of subdivision (c) of Section 17592.72, or is not in good repair,  
23 as specified in subdivision (d) of Section 17002 and required by  
24 Sections 17014, 17032.5, 17070.75, and 17089, the county  
25 superintendent, among other things, may do any of the following:

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

27 (ii) Prepare a report that specifically identifies and documents  
28 the areas or instances of noncompliance if the district has not  
29 provided evidence of successful repairs within 30 days of the visit  
30 of the county superintendent or, for major projects, has not  
31 provided evidence that the repairs will be conducted in a timely  
32 manner. The report may be provided to the governing board of the  
33 school district. If the report is provided to the school district, it  
34 shall be presented at a regularly scheduled meeting held in  
35 accordance with public notification requirements. The county  
36 superintendent shall post the report on its Internet Web site. The  
37 report shall be removed from the Internet Web site when the county  
38 superintendent verifies the repairs have been completed.

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

1 (e) Annually, on or before August 15, present a report to the  
2 governing board of the school district and the Superintendent  
3 regarding the fiscal solvency of a school district with a disapproved  
4 budget, qualified interim certification, or a negative interim  
5 certification, or that is determined to be in a position of fiscal  
6 uncertainty pursuant to Section 42127.6.

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

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

13 (h) Enforce the course of study.

14 (i) (1) Enforce the use of state textbooks and instructional  
15 materials and of high school textbooks and instructional materials  
16 regularly adopted by the proper authority in accordance with  
17 Section 51050.

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

21 (3) (A) Commencing with the 2005–06 school year, if a school  
22 is ranked in any of deciles 1 to 3, inclusive, of the base API, as  
23 specified in paragraph (2) of subdivision (c), and not currently  
24 under review pursuant to a state or federal intervention program,  
25 the county superintendent specifically shall review that school at  
26 least annually as a priority school. A review conducted for purposes  
27 of this paragraph shall be completed by the fourth week of the  
28 school year. For the 2004–05 fiscal year only, the county  
29 superintendent shall make a diligent effort to conduct a visit to  
30 each school pursuant to this paragraph within 120 days of receipt  
31 of funds for this purpose.

32 (B) In order to facilitate the review of instructional materials  
33 before the fourth week of the school year, the county superintendent  
34 of schools in a county with 200 or more schools that are ranked  
35 in any of deciles 1 to 3, inclusive, of the base API, as specified in  
36 paragraph (2) of subdivision (c), may utilize a combination of  
37 visits and written surveys of teachers for the purpose of determining  
38 sufficiency of textbooks and instructional materials in accordance  
39 with subparagraph (A) of paragraph (1) of subdivision (a) of  
40 Section 60119 and as defined in subdivision (c) of Section 60119.

1 If a county superintendent of schools elects to conduct written  
2 surveys of teachers, the county superintendent of schools shall  
3 visit the schools surveyed within the same academic year to verify  
4 the accuracy of the information reported on the surveys. If a county  
5 superintendent surveys teachers at a school in which the county  
6 superintendent has found sufficient textbooks and instructional  
7 materials for the previous two consecutive years and determines  
8 that the school does not have sufficient textbooks or instructional  
9 materials, the county superintendent shall within 10 business days  
10 provide a copy of the insufficiency report to the school district as  
11 set forth in paragraph (4).

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

14 (4) If the county superintendent determines that a school does  
15 not have sufficient textbooks or instructional materials in  
16 accordance with subparagraph (A) of paragraph (1) of subdivision  
17 (a) of Section 60119 and as defined by subdivision (c) of Section  
18 60119, the county superintendent shall do all of the following:

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

21 (B) Provide within five business days of the review, a copy of  
22 the report to the school district, as provided in subdivision (c), or,  
23 if applicable, provide a copy of the report to the school district  
24 within 10 business days pursuant to subparagraph (B) of paragraph  
25 (3).

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

29 (D) If the deficiency is not remedied as required pursuant to  
30 subparagraph (C), the county superintendent shall request the  
31 department to purchase the textbooks or instructional materials  
32 necessary to comply with the sufficiency requirement of this  
33 subdivision. If the department purchases textbooks or instructional  
34 materials for the school district, the department shall issue a public  
35 statement at the first regularly scheduled meeting of the State Board  
36 occurring immediately after the department receives the request  
37 of the county superintendent and that meets the applicable public  
38 notice requirements, indicating that the district superintendent and  
39 the governing board of the school district failed to provide pupils  
40 with sufficient textbooks or instructional materials as required by

1 this subdivision. Before purchasing the textbooks or instructional  
2 materials, the department shall consult with the district to determine  
3 which textbooks or instructional materials to purchase. All  
4 purchases of textbooks or instructional materials shall comply with  
5 Chapter 3.25 (commencing with Section 60420) of Part 33. The  
6 amount of funds necessary for the purchase of the textbooks and  
7 materials is a loan to the school district receiving the textbooks or  
8 instructional materials. Unless the school district repays the amount  
9 owed based upon an agreed-upon repayment schedule with the  
10 Superintendent, the Superintendent shall notify the Controller and  
11 the Controller shall deduct an amount equal to the total amount  
12 used to purchase the textbooks and materials from the next  
13 principal apportionment of the district or from another  
14 apportionment of state funds.

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

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

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

22 (A) The first report shall cover the financial and budgetary status  
23 of the county office of education for the period ending October  
24 31. The second report shall cover the period ending January 31.  
25 Both reports shall be reviewed by the county board of education  
26 and approved by the county superintendent of schools no later than  
27 45 days after the close of the period being reported.

28 (B) As part of each report, the county superintendent shall certify  
29 in writing whether or not the county office of education is able to  
30 meet its financial obligations for the remainder of the fiscal year  
31 and, based on current forecasts, for two subsequent fiscal years.  
32 The certifications shall be classified as positive, qualified, or  
33 negative, pursuant to standards prescribed by the Superintendent,  
34 for the purposes of determining subsequent state agency actions  
35 pursuant to Section 1240.1. For purposes of this subdivision, a  
36 negative certification shall be assigned to a county office of  
37 education that, based upon current projections, will not meet its  
38 financial obligations for the remainder of the fiscal year or for the  
39 subsequent fiscal year. A qualified certification shall be assigned  
40 to a county office of education that may not meet its financial

1 obligations for the current fiscal year or two subsequent fiscal  
2 years. A positive certification shall be assigned to a county office  
3 of education that will meet its financial obligations for the current  
4 fiscal year and subsequent two fiscal years. In accordance with  
5 those standards, the Superintendent may reclassify any certification.  
6 If a county office of education receives a negative certification,  
7 the Superintendent, or his or her designee, may exercise the  
8 authority set forth in subdivision (c) of Section 1630. Copies of  
9 each certification, and of the report containing that certification,  
10 shall be sent to the Superintendent at the time the certification is  
11 submitted to the county board of education. Copies of each  
12 qualified or negative certification and the report containing that  
13 certification shall be sent to the Controller at the time the  
14 certification is submitted to the county board of education.

15 (2) All reports and certifications required under this subdivision  
16 shall be in a format or on forms prescribed by the Superintendent,  
17 and shall be based on standards and criteria for fiscal stability  
18 adopted by the State Board pursuant to Section 33127. The reports  
19 and supporting data shall be made available by the county  
20 superintendent of schools to an interested party upon request.

21 (3) This subdivision does not preclude the submission of  
22 additional budgetary or financial reports by the county  
23 superintendent to the county board of education or to the  
24 Superintendent.

25 (4) The county superintendent of schools is not responsible for  
26 the fiscal oversight of the community colleges in the county,  
27 however, he or she may perform financial services on behalf of  
28 those community colleges.

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

31 (n) For purposes of Section 44421.5, report to the Commission  
32 on Teacher Credentialing the identity of any certificated person  
33 who knowingly and willingly reports false fiscal expenditure data  
34 relative to the conduct of an educational program. This requirement  
35 applies only if, in the course of his or her normal duties, the county  
36 superintendent of schools discovers information that gives him or  
37 her reasonable cause to believe that false fiscal expenditure data  
38 relative to the conduct of an educational program has been reported.

39 SEC. 2. Section 1242.5 of the Education Code is amended to  
40 read:

1 1242.5. On or before March 31, 2007, the department shall  
2 review the actual costs of 2005–06 fiscal year site visits conducted  
3 pursuant to Section 1240. If the department determines that a  
4 county office of education did not expend the funds allocated for  
5 this purpose during the 2005–06 fiscal year, the amount that  
6 exceeds the amount spent shall revert to the extraordinary cost  
7 pool created by Chapter 710 of the Statutes of 2005 and shall be  
8 available to cover the extraordinary costs incurred by county offices  
9 of education as a result of the reviews conducted pursuant to  
10 Section 1240. Based on a determination by the department and the  
11 Department of Finance that it was necessary for a county office  
12 of education to incur extraordinary costs to conduct the site visits,  
13 funds in the amount necessary to cover these costs shall be  
14 allocated to the county office of education by June 30, 2007.

15 *SEC. 3. Section 5017 of the Education Code is amended to*  
16 *read:*

17 ~~5017. (a) Except as provided by Section 5000.5, each~~ *Each*  
18 *person elected at a regular biennial governing board member*  
19 *election shall hold office for a term of four years commencing on*  
20 *the first Friday in December next succeeding his or her election.*  
21 *Any member of the governing board of any a school district or*  
22 *community college district whose term has expired shall continue*  
23 *to discharge the duties of the office until his or her successor has*  
24 *qualified. The term of the successor shall begin upon the expiration*  
25 *of the term of his or her predecessor.*

26 ~~(b) Notwithstanding any provisions of law to the contrary, each~~  
27 ~~person elected at a regular election held pursuant to subdivision~~  
28 ~~(b) of Section 5000 shall hold office for a term of four years~~  
29 ~~commencing on the first day of the calendar month next succeeding~~  
30 ~~his or her election. The term of his or her predecessor shall be~~  
31 ~~deemed to expire on the first day of the calendar month next~~  
32 ~~succeeding that election, regardless of the length of the term as~~  
33 ~~otherwise established by law, provided, however, that the~~  
34 ~~predecessor shall continue to discharge the duties of the office~~  
35 ~~until his or her successor has qualified.~~

36 *SEC. 4. Section 8222 of the Education Code is amended to*  
37 *read:*

38 8222. (a) Payments made by alternative payment programs  
39 shall be equal to the rate charged to full-cost families in each  
40 program, not to exceed the applicable market rate ceiling.

1 Alternative payment programs may expend more than the standard  
2 reimbursement rate for a particular child. However, the aggregate  
3 payments for services purchased by the agency during the contract  
4 year ~~may shall~~ not exceed the assigned reimbursable amount as  
5 established by the contract for the year. No agency may make  
6 payments in excess of the rate charged to full-cost families. ~~This~~  
7 ~~section does not preclude alternative payment programs from using~~  
8 ~~the average daily enrollment adjustment factors for children with~~  
9 ~~exceptional needs as provided in Section 8265.5.~~

10 (b) Alternative payment programs shall reimburse licensed child  
11 care providers in accordance with an annual market rate survey,  
12 at a rate not to exceed the ceilings established pursuant to statute.

13 (c) An alternative payment program shall reimburse a licensed  
14 provider for child care of a subsidized child based on the rate  
15 charged by the provider to nonsubsidized families, if any, for the  
16 same services, or the rates established by the provider for  
17 prospective nonsubsidized families. A licensed child care provider  
18 shall submit to the alternative payment program a copy of the  
19 provider's rate sheet listing the rates charged, and the provider's  
20 discount or scholarship policies, if any, along with a statement  
21 signed by the provider confirming that the rates charged for ~~any~~  
22 *a* subsidized child are equal to or less than the rates charged for a  
23 nonsubsidized child.

24 (d) An alternative payment program shall maintain a copy of  
25 the rate sheet and the confirmation statement.

26 (e) A licensed child care provider shall submit to the local  
27 resource and referral agency a copy of the provider's rate sheet  
28 listing rates charged, and the provider's discount or scholarship  
29 policies, if any, and shall self-certify that the information is correct.

30 (f) Each licensed child care provider may alter rate levels for  
31 subsidized children once per year and shall provide the alternative  
32 payment program and resource and referral agency with the updated  
33 information pursuant to subdivisions (c) and (e), to reflect any  
34 changes.

35 (g) A licensed child care provider shall post in a prominent  
36 location adjacent to the provider's license at the child care facility  
37 the provider's rates and discounts or scholarship polices, if any.

38 (h) An alternative payment program shall verify provider rates  
39 once a year by randomly selecting 10 percent of licensed child  
40 care providers serving subsidized families. The purpose of this

1 verification process is to confirm that rates reported to the  
2 alternative payment programs reasonably correspond to those  
3 reported to the resource and referral agency and the rates actually  
4 charged to nonsubsidized families for equivalent levels of services.  
5 It is the intent of the Legislature that the privacy of nonsubsidized  
6 families shall be protected in implementing this subdivision.

7 (i) ~~The State Department of Education~~ *department* shall develop  
8 regulations for addressing ~~any~~ discrepancies in the provider rate  
9 levels identified through the rate verification process in subdivision

10 (h).

11 *SEC. 5. Section 8223 of the Education Code is amended to*  
12 *read:*

13 8223. The ~~assigned~~ reimbursement rate for alternative payment  
14 programs shall include the cost of child care paid to child care  
15 providers plus the administrative and support services costs of the  
16 alternative payment program. The total cost for administration and  
17 support services shall not exceed an amount equal to 23.4567  
18 percent of the direct cost-of-care payments to child care providers.  
19 The administrative costs ~~may~~ *shall* not exceed the costs allowable  
20 for administration under federal requirements.

21 *SEC. 6. Section 8236 of the Education Code is amended to*  
22 *read:*

23 8236. (a) For purposes of this section, the following definitions  
24 apply:

25 (1) “Eligible children” means children who are currently eligible  
26 for the state preschool program.

27 (2) “Four-year-old children” means those children who will  
28 have their fourth birthday on or before December 2 of the fiscal  
29 year in which they are enrolled in a state preschool program.

30 (3) “Local educational agency” means a school district, a county  
31 office of education, a community college district, or a school  
32 district on behalf of one or more schools within the school district.

33 (4) “Superintendent” means the Superintendent of Public  
34 Instruction.

35 (5) “Three-year-old children” means those children who will  
36 have their third birthday on or before December 2 of the fiscal  
37 year in which they are enrolled in a state preschool program.

38 (b) (1) Each applicant or contracting agency funded pursuant  
39 to Section 8235 shall give first priority to neglected or abused  
40 children who are recipients of child protective services, or

1 recipients who are at risk of being neglected or abused, upon  
2 written referral from a legal, medical, or social service agency. If  
3 an agency is unable to enroll a child in this first priority category,  
4 the agency shall refer the child's parent or guardian to local  
5 resource and referral services so that services for the child can be  
6 located.

7 (2) After children in the first priority category set forth in  
8 paragraph (1) are served, each agency funded pursuant to Section  
9 8235 shall serve eligible four-year-old children prior to serving  
10 eligible three-year-old children. Each agency shall certify to the  
11 ~~superintendent~~ *Superintendent* that enrollment priority is being  
12 given to eligible four-year-old children.

13 (c) For state preschool programs operating with funding that  
14 was initially allocated in a prior fiscal year, at least half the children  
15 enrolled at a preschool site shall be four-year-olds. Any exception  
16 to this requirement shall be approved by the ~~superintendent~~  
17 *Superintendent*. The ~~superintendent~~ *Superintendent* shall inform  
18 the Secretary of Child Development and Education of any  
19 exceptions that have been granted.

20 (d) The following provisions apply to the award of ~~any new~~  
21 funding for the expansion of the state preschool program that is  
22 appropriated by the Legislature for that purpose in any fiscal year:

23 (1) In an application for those expansion funds, an agency shall  
24 furnish the ~~superintendent~~ *Superintendent* with an estimate of the  
25 number of four-year-old and three-year-old children that it plans  
26 to serve in the following fiscal year with those expansion funds.  
27 The agency also shall furnish documentation that indicates the  
28 basis of those estimates.

29 (2) In awarding contracts for expansion pursuant to this  
30 subdivision, the ~~superintendent~~ *Superintendent*, after taking into  
31 account the geographic criteria established pursuant to Section  
32 ~~8289~~ 8279.3, and the headquarters preferences and eligibility  
33 criteria relating to fiscal or programmatic noncompliance  
34 established pursuant to Section 8261, shall give priority to applicant  
35 agencies that, in expending the expansion funds, will be serving  
36 the highest percentage of four-year-old children.

37 (3) (A) Agencies that receive funding for the expansion of a  
38 state preschool program shall enroll children in the following  
39 priority order:

1 (i) Neglected or abused children who are recipients of child  
2 protective services, or recipients who are at risk of being neglected  
3 or abused, upon written referral from a legal, medical, or social  
4 services agency.

5 (ii) Four-year-old children who are eligible for the state  
6 preschool program.

7 (B) Otherwise, children shall be enrolled based on other statutory  
8 and regulatory priorities for the state preschool program.

9 (e) Nothing in this section shall be deemed to preclude a local  
10 educational agency from subcontracting with an appropriate public  
11 or private agency to operate a state preschool program and to apply  
12 for funds made available for the purposes of this section. If a school  
13 district chooses not to operate or subcontract for a state preschool  
14 program, the ~~superintendent~~ *Superintendent* shall work with the  
15 county office of education and other eligible agencies to explore  
16 possible opportunities in contracting or alternative subcontracting  
17 to provide a state preschool program.

18 (f) Nothing in this section shall prevent eligible children who  
19 are currently receiving services from continuing to receive those  
20 services in future years pursuant to this chapter.

21 *SEC. 7. Section 8265 of the Education Code is amended to*  
22 *read:*

23 8265. (a) The ~~Superintendent of Public Instruction~~ shall  
24 implement a plan that establishes reasonable standards and assigned  
25 reimbursement rates, which vary with the length of the program  
26 year and the hours of service.

27 ~~Parent~~

28 (1) *Parent* fees shall be used to pay reasonable and necessary  
29 costs for providing additional services.

30 ~~When~~

31 (2) *When* establishing standards and assigned reimbursement  
32 rates, the ~~Superintendent of Public Instruction~~ shall confer with  
33 applicant agencies.

34 ~~The~~

35 (3) *The* reimbursement system, including standards and rates,  
36 shall be submitted to the Joint Legislative Budget Committee.

37 ~~The~~

38 (4) *The* ~~Superintendent of Public Instruction~~ may establish any  
39 regulations he or she deems advisable concerning conditions of  
40 service and hours of enrollment for children in the programs.

1 (b) The standard reimbursement rate shall be three thousand  
 2 five hundred twenty-three dollars (\$3,523) per unit of average  
 3 daily enrollment for a 250-day year, increased by the cost-of-living  
 4 adjustment granted by the Legislature beginning July 1, 1980.

5 (c) The plan shall require agencies having an assigned  
 6 reimbursement rate above the current year standard reimbursement  
 7 rate to reduce costs on an incremental basis to achieve the standard  
 8 reimbursement rate.

9 (d) The plan shall provide for adjusting reimbursement on a  
 10 case-by-case basis, in order to maintain service levels for agencies  
 11 currently at a rate less than the standard reimbursement rate.  
 12 Assigned reimbursement rates shall be increased only on the basis  
 13 of one or more of the following:

- 14 (1) Loss of program resources from other sources.
- 15 (2) Need of an agency to pay the same child care rates as those  
 16 prevailing in the local community.
- 17 (3) Increased costs directly attributable to new or different  
 18 regulations.
- 19 (4) Documented increased costs necessary to maintain the prior  
 20 year's level of service and ensure the continuation of threatened  
 21 programs.

22 Child care agencies funded at the lowest rates shall be given first  
 23 priority for increases.

24 (e) The plan shall provide for expansion of child development  
 25 programs at no more than the standard reimbursement rate for that  
 26 fiscal year.

27 ~~(f) The Superintendent of Public Instruction may reduce the~~  
 28 ~~percentage of reduction for any public agency:~~

- 29 ~~(1) Which is currently serving more than 400 children; or~~
- 30 ~~(2) Which has in effect a collective bargaining agreement; or~~
- 31 ~~(3) For which other extenuating circumstances apply as~~  
 32 ~~determined by the Superintendent of Public Instruction.~~

33 *SEC. 8. Section 8266.5 of the Education Code is repealed.*

34 ~~8266.5. Notwithstanding the provisions of Section 8265, the~~  
 35 ~~payment made to a child care facility (a) with authorization for~~  
 36 ~~payments from an alternative payment program or a county welfare~~  
 37 ~~department, (b) operating under licensing standards for child day~~  
 38 ~~care facilities specified by Sections 1500 et seq. of the Health and~~  
 39 ~~Safety Code and by Title 22 of the California Administrative Code,~~  
 40 ~~and (c) with less than a majority of subsidized children enrolled~~

1 in the facility, shall be the same as the fee paid for the same service  
2 by families of nonsubsidized children.

3 Each alternative payment system or county welfare department  
4 shall provide documentation that subsidized children, as necessary  
5 and appropriate, shall receive supportive services through county  
6 welfare departments, resource and referral programs, other existing  
7 community resources, or all of them.

8 *SEC. 9. Section 8279.1 of the Education Code is amended to*  
9 *read:*

10 8279.1. (a) The Legislature recognizes that child care programs  
11 have made valuable contributions towards ensuring that public  
12 assistance recipients will be able to accept and maintain  
13 employment or employment-related training. Therefore, it is the  
14 intent of the Legislature that the Superintendent of Public  
15 Instruction ensure that counties comply with the requirements of  
16 Section 8279.

17 (b) The Superintendent of Public Instruction shall ensure each  
18 county's compliance with Section 8279 by doing all of the  
19 following:

20 (1) The Superintendent of Public Instruction shall not issue  
21 funds to a local child care contractor within a county until the  
22 Superintendent of Public Instruction has received written  
23 certification from that county that the level of expenditure for child  
24 care services provided by the county has been maintained at the  
25 1970-71 fiscal year level pursuant to Section 8279. Funding  
26 provided by a county to a local child care contractor shall not  
27 adversely affect the reimbursement received by the agency from  
28 the Superintendent of Public Instruction pursuant to Section 8265,  
29 8265.5, or 8266, or 8266.5.

30 *SEC. 10. Section 8451 of the Education Code is repealed.*

31 ~~8451. (a) Notwithstanding the provisions of this chapter and~~  
32 ~~implementing regulations, the State Department of Education shall~~  
33 ~~develop a prototype of a new contracting system pursuant to the~~  
34 ~~discussion of relevant issues raised in the preliminary report titled~~  
35 ~~"Revisions to the Current Contracting System for Child Care and~~  
36 ~~Development Programs" dated February 6, 1996, as required by~~  
37 ~~the Budget Act of 1995.~~

38 ~~(b) The prototype shall be implemented by no more than 5~~  
39 ~~percent of child care and development contractors.~~

1 ~~(e) The department shall develop a plan for the prototype by~~  
 2 ~~January 1, 1997, and shall commence testing it July 1, 1997, with~~  
 3 ~~any necessary amendments completed by September 1, 1997. The~~  
 4 ~~prototype test shall be conducted over a two-year period and may~~  
 5 ~~be extended only with the concurrence of the Department of~~  
 6 ~~Finance and 30 days' notification to the Joint Legislative Budget~~  
 7 ~~Committee. The department may not implement the prototype~~  
 8 ~~without the concurrence of the Department of Finance and 30 days'~~  
 9 ~~notification to the Joint Legislative Budget Committee. In~~  
 10 ~~developing the plan, the department shall fully consult with the~~  
 11 ~~Department of Finance, the Office of the Legislative Analyst, and~~  
 12 ~~representative child care and development contractors.~~

13 ~~(d) Except for separately authorized cost-of-living increases or~~  
 14 ~~expansions, the prototype shall neither increase aggregate state~~  
 15 ~~costs nor lower the total number of children served by the~~  
 16 ~~participating agencies.~~

17 ~~(e) An independent evaluation shall be conducted of the~~  
 18 ~~prototype.~~

19 ~~SEC. 3~~

20 *SEC. 11.* Section 17608 of the Education Code is amended to  
 21 read:

22 17608. This article and Article 17 (commencing with Section  
 23 13180) of Chapter 2 of Division 7 of the Food and Agricultural  
 24 Code shall be known and cited as the Healthy Schools Act of 2000.

25 *SEC. 12.* *Section 18444 of the Education Code is amended to*  
 26 *read:*

27 18444. Within 30 days after ~~their~~ *the members of the*  
 28 *commission are first appointment appointed*, and whenever  
 29 vacancies in ~~any an~~ *an* office may occur and are filled, the commission  
 30 shall meet and organize as a commission, electing a president and  
 31 a secretary from their number, after which they may transact  
 32 business. The commission shall meet ~~at least once a month~~ *at such*  
 33 *a time and place as they may fix that the commission determines*  
 34 *by resolution.* Regular and special meetings shall be called and  
 35 conducted as prescribed in Chapter 9 (commencing with Section  
 36 54950); *of Part 1, of Division 2, of Title 5 of the Government Code.*

37 ~~SEC. 4.~~

38 *SEC. 13.* Section 18830 of the Education Code is amended to  
 39 read:

1 18830. (a) Libraries in public library jurisdictions that are  
2 members of a regional library network and libraries in institutions  
3 that are members of a regional library network are eligible to  
4 receive services under this chapter and to become participating  
5 libraries. The board of governance or the appropriate administrative  
6 authority for each academic library, public library, school library,  
7 and special library that decides to join a regional library network  
8 shall take official action to approve network membership. That  
9 local governing agency or appropriate administrative authority  
10 shall agree not to reduce funding for library services as a result of  
11 network participation. Each public library jurisdiction, school  
12 district, university or college, and institution or corporation, or  
13 agency or branch thereof, may become a member of a regional  
14 library network. A public library jurisdiction not a member of the  
15 California Library Service Act public library system on the  
16 effective date of this section, and an institution, shall have at least  
17 one library that agrees to be a participating library and meets the  
18 following eligibility standards:

- 19 (1) A written explicit mission statement and service objectives.
  - 20 (2) A fixed location in California.
  - 21 (3) Established hours of service.
  - 22 (4) An organized collection of information and materials  
23 accessible for use by its primary clientele.
  - 24 (5) Designated, onsite, paid staff for library services. At least  
25 one staff person shall have a master's degree in library or  
26 information science or a California library media teacher or teacher  
27 librarian credential issued by the Commission on Teacher  
28 Credentialing, but equivalent graduate education or demonstrated  
29 professional experience may be substituted for this requirement.  
30 The eligibility determination will be made by the regional library  
31 network.
  - 32 (6) An established funding base.
- 33 (b) Participating libraries must agree to all of the following:
- 34 (1) To share resources and services with other members of the  
35 regional library network.
  - 36 (2) To provide resources and services for other members of the  
37 regional library network.
  - 38 (3) To meet the minimum resource-sharing performance  
39 standards of the regional library network.

1 (c) Participating libraries may not obtain services provided under  
2 this act on behalf of nonparticipating libraries. No membership  
3 fees or service fees may be assessed for access to services delivered  
4 by state funds under this chapter. Regional library networks may  
5 provide their members with increased or enhanced services for a  
6 fee, at the option of each member.

7 (d) Library jurisdictions that are members of the California  
8 Library Services Act public library systems on the effective date  
9 of this section are deemed to meet the eligibility standards in  
10 subdivision (a), and shall not be required to certify that they meet  
11 these eligibility standards.

12 ~~SEC. 5.~~

13 *SEC. 14.* Section 35035 of the Education Code is amended to  
14 read:

15 35035. The superintendent of each school district shall, in  
16 addition to other powers and duties granted to or imposed upon  
17 him or her:

18 (a) Be the chief executive officer of the governing board of the  
19 district.

20 (b) Except in a district where the governing board has appointed  
21 or designated an employee other than the superintendent, or a  
22 deputy, or assistant superintendent, to prepare and submit a budget,  
23 prepare and submit to the governing board of the district, at the  
24 time it may direct, the budget of the district for the next ensuing  
25 school year, and revise and take other action in connection with  
26 the budget as the board may desire.

27 (c) Subject to the approval of the governing board, assign all  
28 employees of the district employed in positions requiring  
29 certification qualifications, to the positions in which they are to  
30 serve. This power to assign includes the power to transfer a teacher  
31 from one school to another school at which the teacher is  
32 certificated to serve within the district when the superintendent  
33 concludes that the transfer is in the best interest of the district.

34 (d) Upon adoption, by the district board, of a district policy  
35 concerning transfers of teachers from one school to another school  
36 within the district, have authority to transfer teachers consistent  
37 with that policy.

38 (e) Determine that each employee of the district in a position  
39 requiring certification qualifications has a valid certificated

1 document registered as required by law authorizing him or her to  
2 serve in the position to which he or she is assigned.

3 (f) Enter into contracts for and on behalf of the district pursuant  
4 to Section 17604.

5 (g) Submit financial and budgetary reports to the governing  
6 board as required by Section 42130.

7 ~~SEC. 6.~~

8 *SEC. 15.* Section 44258.9 of the Education Code is amended  
9 to read:

10 44258.9. (a) The Legislature finds that continued monitoring  
11 of teacher assignments by county superintendents of schools will  
12 ensure that the rate of teacher misassignment remains low. To the  
13 extent possible and with funds provided for that purpose, each  
14 county superintendent of schools shall perform the duties specified  
15 in subdivisions (b) and (c).

16 (b) (1) Each county superintendent of schools shall monitor  
17 and review school district certificated employee assignment  
18 practices in accordance with the following:

19 (A) Annually monitor and review schools and school districts  
20 that are likely to have problems with teacher misassignments and  
21 teacher vacancies, as defined in subparagraphs (A) and (B) of  
22 paragraph (5) of subdivision (b) of Section 33126, based on past  
23 experience or other available information.

24 (B) Annually monitor and review schools ranked in deciles 1  
25 to 3, inclusive, of the base Academic Performance Index, as  
26 specified in paragraph (2) of subdivision (c) of Section 1240, if  
27 those schools are not currently under review through a state or  
28 federal intervention program. If a review completed pursuant to  
29 this subparagraph finds that a school has no teacher misassignments  
30 or teacher vacancies for two consecutive years, the next review of  
31 that school may be conducted according to the cycle specified in  
32 subparagraph (C), unless the school meets the criteria of  
33 subparagraph (A).

34 (C) All other schools on a four-year cycle.

35 (2) Each county superintendent of schools shall investigate  
36 school and district efforts to ensure that a credentialed teacher  
37 serving in an assignment requiring a certificate issued pursuant to  
38 Section 44253.3, 44253.4, or 44253.7 or training pursuant to  
39 Section 44253.10 completes the necessary requirements for these  
40 certificates or completes the required training.

1 (3) The Commission on Teacher Credentialing shall be  
2 responsible for the monitoring and review of those counties or  
3 cities and counties in which there is a single school district,  
4 including the Counties of Alpine, Amador, Del Norte, Mariposa,  
5 Plumas, and Sierra, and the City and County of San Francisco. All  
6 information related to the misassignment of certificated personnel  
7 and teacher vacancies shall be submitted to each affected district  
8 within 30 calendar days of the monitoring activity.

9 (c) County superintendents of schools shall submit an annual  
10 report to the Commission on Teacher Credentialing and the  
11 department summarizing the results of all assignment monitoring  
12 and reviews. These reports shall include, but need not be limited  
13 to, the following:

14 (1) The numbers of teachers assigned and types of assignments  
15 made by the governing board of a school district under the authority  
16 of Sections 44256, 44258.2, and 44263.

17 (2) Information on actions taken by local committees on  
18 assignment, including the number of assignments authorized,  
19 subject areas into which committee-authorized teachers are  
20 assigned, and evidence of departures from the implementation  
21 plans presented to the county superintendent by school districts.

22 (3) Information on each school district reviewed regarding  
23 misassignments of certificated personnel, including efforts to  
24 eliminate these misassignments.

25 (4) (A) Information on certificated employee assignment  
26 practices in schools ranked in deciles 1 to 3, inclusive, of the base  
27 Academic Performance Index, as specified in paragraph (2) of  
28 subdivision (c) of Section 1240, to ensure that, at a minimum, in  
29 any class in these schools in which 20 percent or more pupils are  
30 English learners, the assigned teacher possesses a certificate issued  
31 pursuant to Section 44253.3 or 44253.4, or has completed training  
32 pursuant to Section 44253.10, or is otherwise authorized by statute.

33 (B) This paragraph shall not relieve a school district from  
34 compliance with state and federal law regarding teachers of English  
35 learners or be construed to alter the definition of “misassignment”  
36 in subparagraph (B) of paragraph (5) of subdivision (b) of Section  
37 33126.

38 (5) After consultation with representatives of county  
39 superintendents of schools, other information as may be determined  
40 to be needed by the Commission on Teacher Credentialing.

1 (d) The Commission on Teacher Credentialing shall submit  
2 biennial reports to the Legislature concerning teacher assignments  
3 and misassignments that shall be based, in part, on the annual  
4 reports of the county superintendents of schools.

5 (e) (1) The Commission on Teacher Credentialing shall  
6 establish reasonable sanctions for the misassignment of  
7 credentialholders.

8 Prior to the implementation of regulations establishing sanctions,  
9 the Commission on Teacher Credentialing shall engage in a variety  
10 of activities designed to inform school administrators, teachers,  
11 and personnel within the offices of county superintendents of  
12 schools of the regulations and statutes affecting the assignment of  
13 certificated personnel. These activities shall include the preparation  
14 of instructive brochures and the holding of regional workshops.

15 (2) Commencing July 1, 1989, a certificated person who is  
16 required by an administrative superior to accept an assignment for  
17 which he or she has no legal authorization, after exhausting existing  
18 local remedies, shall notify the county superintendent of schools  
19 in writing of the illegal assignment. The county superintendent of  
20 schools, within 15 working days, shall advise the affected  
21 certificated person concerning the legality of his or her assignment.  
22 There shall be no adverse action taken against a certificated person  
23 who files a notification of misassignment with the county  
24 superintendent of schools. During the period of the misassignment,  
25 the certificated person who files a written notification with the  
26 county superintendent of schools shall be exempt from Section  
27 45034. If it is determined that a misassignment has taken place,  
28 any performance evaluation of the employee under Sections 44660  
29 to 44664, inclusive, in any misassigned subject shall be nullified.

30 (3) The county superintendent of schools shall notify, through  
31 the office of the school district superintendent, a certificated school  
32 administrator responsible for the assignment of a certificated person  
33 to a position for which he or she has no legal authorization of the  
34 misassignment and shall advise him or her to correct the assignment  
35 within 30 calendar days. The county superintendent of schools  
36 shall notify the Commission on Teacher Credentialing of the  
37 misassignment if the certificated school administrator has not  
38 corrected the misassignment within 30 days of the initial  
39 notification, or if the certificated school administrator has not  
40 described, in writing, within the 30-day period, to the county

1 superintendent of schools the extraordinary circumstances which  
2 make this correction impossible.

3 (4) The county superintendent of schools shall notify the  
4 superintendent of a school district in which 5 percent or more of  
5 all certificated teachers in the secondary schools are found to be  
6 misassigned of the misassignments and shall advise him or her to  
7 correct the misassignments within 120 calendar days. The county  
8 superintendent of schools shall notify the Commission on Teacher  
9 Credentialing of the misassignments if the school district  
10 superintendent has not corrected the misassignments within 120  
11 days of the initial notification, or if the school district  
12 superintendent of schools has not described, in writing, within the  
13 120-day period, to the county superintendent of schools the  
14 extraordinary circumstances that make this correction impossible.

15 (f) An applicant for a professional administrative service  
16 credential shall be required to demonstrate knowledge of existing  
17 credentialing laws, including knowledge of assignment  
18 authorizations.

19 (g) The Superintendent shall submit a summary of the reports  
20 submitted by county superintendents pursuant to subdivision (c)  
21 to the Legislature. The Legislature may hold, within a reasonable  
22 period after receipt of the summary, public hearings on pupil access  
23 to teachers and to related statutory provisions. The Legislature  
24 also may assign one or more of the standing committees or a joint  
25 committee, to determine the following:

26 (1) The effectiveness of the reviews required pursuant to this  
27 section.

28 (2) The extent, if any, of vacancies and misassignments, as  
29 defined in subparagraphs (A) and (B) of paragraph (5) of  
30 subdivision (b) of Section 33126.

31 (3) The need, if any, to assist schools ranked in deciles 1 to 3,  
32 inclusive, of the base Academic Performance Index, as defined in  
33 paragraph (2) of subdivision (c) of Section 1240, to eliminate  
34 vacancies and misassignments.

35 ~~SEC. 7.~~

36 *SEC. 16.* Section 44269 of the Education Code is amended to  
37 read:

38 44269. The commission may issue a services credential  
39 authorizing service as a library media teacher upon completion of  
40 specialized preparation as required by the commission.

1 The standards for these credentials are a baccalaureate degree  
2 or higher degree from an institution approved by the commission,  
3 a valid teaching credential, and specialized and professional  
4 preparation as the commission may require.

5 Whenever the term “librarian” or “library media teacher” is used  
6 in this article, it shall be deemed to refer to “teacher librarian.”

7 ~~SEC. 8.~~

8 *SEC. 17.* Section 44270 of the Education Code is amended to  
9 read:

10 44270. (a) The minimum requirements for the preliminary  
11 services credential with a specialization in administrative services  
12 are all of the following:

13 (1) Possession of one of the following:

14 (A) A valid teaching credential requiring the possession of a  
15 baccalaureate degree and a professional preparation program  
16 including student teaching.

17 (B) A valid designated subjects vocational education, adult, or  
18 special subjects teaching credential, as specified in Section 44260,  
19 44260.1, 44260.2, 44260.3, or 44260.4, provided the candidate  
20 also possesses a baccalaureate degree.

21 (C) A valid services credential with a specialization in pupil  
22 personnel, health, or clinical or rehabilitative services, as specified  
23 in Section 44266, 44267, 44267.5, or 44268, or a valid services  
24 credential authorizing service as a teacher librarian, as specified  
25 in Section 44269.

26 (D) A valid credential issued under the laws, rules, and  
27 regulations in effect on or before December 31, 1971, which  
28 authorizes the same areas as in subparagraphs (B) and (C).

29 (2) Completion of a minimum of three years of successful,  
30 full-time classroom teaching experience in the public schools,  
31 including, but not limited to, service in state- or county-operated  
32 schools, or in private schools of equivalent status or three years  
33 of experience in the fields of pupil personnel, health, clinical or  
34 rehabilitative, or librarian services.

35 (3) Completion of an entry level program of specialized and  
36 professional preparation in administrative services approved by  
37 the commission or a one-year internship in a program of supervised  
38 training in administrative services, approved by the commission  
39 as satisfying the requirements for the preliminary services  
40 credential with a specialization in administrative services.

1 (4) Current employment in an administrative position after  
2 completion of professional preparation as defined in paragraph  
3 (3), whether full or part time, in a public school or private school  
4 of equivalent status. The commission shall encourage school  
5 districts to consider the recency of preparation or professional  
6 growth in school administration as one of the criteria for  
7 employment.

8 (b) The preliminary administrative services credential shall be  
9 valid for a period of five years from the date of initial employment  
10 in an administrative position, whether full or part time, and shall  
11 not be renewable.

12 (c) A candidate who completed, by September 30, 1984, the  
13 requirements for the administrative services credential in effect  
14 on June 30, 1982, is eligible for the credential authorized under  
15 those requirements. All other candidates shall satisfy the  
16 requirements set forth in this section.

17 ~~SEC. 9.~~

18 *SEC. 18.* Section 44300 of the Education Code is amended to  
19 read:

20 44300. (a) Commencing January 1, 1990, the commission may  
21 issue or renew emergency teaching or specialist permits in  
22 accordance with regulations adopted by the commission  
23 corresponding to the credential types specified in paragraphs (1),  
24 (2), and (3) of subdivision (b) of Section 44225, provided that all  
25 of the following conditions are met:

26 (1) The applicant possesses a baccalaureate degree conferred  
27 by a regionally accredited institution of higher education and has  
28 fulfilled the subject matter requirements of Section 44301.

29 (2) The applicant passes the state basic skills proficiency test  
30 as provided for in Section 44252.

31 (3) The commission approves the justification for the emergency  
32 permit submitted by the school district in which the applicant is  
33 to be employed. The justification shall include all of the following:

34 (A) Annual documentation that the district has implemented in  
35 policy and practices a process for conducting a diligent search that  
36 shall include, but is not limited to, distributing job announcements,  
37 contacting college and university placement centers, advertising  
38 in local newspapers, exploring the incentives included in the  
39 Teaching As A Priority Block Grant established pursuant to Section  
40 44735, participating in the state and regional recruitment centers

1 established pursuant to Sections 44751, as it read prior to May 5,  
2 2003, and 90530, and participating in job fairs in this state, but  
3 has been unable to recruit a sufficient number of certificated  
4 teachers, including teacher candidates pursuing full certification  
5 through internship, district internship, or other alternative routes  
6 established by the commission.

7 (B) A declaration of need for fully qualified educators based  
8 on the documentation set forth in subparagraph (A) and made in  
9 the form of a motion adopted by the governing board of the district  
10 or the county board of education at a regularly scheduled meeting  
11 of the governing board or the county board of education. The  
12 motion may not be part of the consent agenda and shall be entered  
13 in the minutes of the meeting.

14 (b) The commission may deny a request for an emergency permit  
15 that does not meet the justification set forth in subparagraph (A)  
16 of paragraph (3) of subdivision (a).

17 (c) It is the intent of the Legislature that the commission  
18 continue to issue emergency teaching permits to individuals  
19 employed by school districts defined in regulations as remote from  
20 regionally accredited institutions of higher education.

21 (d) The commission may issue and reissue emergency permits  
22 corresponding to the credential types specified in paragraph (4) of  
23 subdivision (b) of Section 44225. The commission shall establish  
24 appropriate standards for each type of emergency permit specified  
25 in paragraph (4) of subdivision (b) of Section 44225.

26 (e) The exclusive representative of certificated employees, if  
27 any, as provided under Chapter 10.7 (commencing with Section  
28 3540) of Division 4 of Title 1 of the Government Code, may submit  
29 a written statement to the commission agreeing or disagreeing with  
30 the justification submitted to the commission pursuant to paragraph  
31 (3) of subdivision (a).

32 (f) A person holding an emergency teaching or specialist permit  
33 shall attend an orientation to the curriculum and to techniques of  
34 instruction and classroom management, and shall teach only with  
35 the assistance and guidance of a certificated employee of the district  
36 who has completed at least three years of full-time teaching  
37 experience, or the equivalent thereof. It is the intent of the  
38 Legislature to encourage districts to provide directed teaching  
39 experience to new emergency permitholders with no prior teaching  
40 experience.

1 (g) The holder of an emergency permit shall participate in  
2 ongoing training, coursework, or seminars designed to prepare the  
3 individual to become a fully credentialed teacher or other educator  
4 in the subject area or areas in which he or she is assigned to teach  
5 or serve. The employing agency shall verify that employees  
6 applying to renew their emergency permits are meeting these  
7 ongoing training requirements.

8 (h) Emergency permits for pupil personnel services shall not  
9 be valid for the purpose of determining pupil eligibility for  
10 placement in a special education class or program.

11 (i) This section shall not apply to the issuance of an emergency  
12 substitute teaching permit, or of an emergency permit to a teacher  
13 who has consented to teach temporarily outside of his or her field  
14 of certification, for which the commission shall establish minimum  
15 requirements.

16 ~~SEC. 10.~~

17 *SEC. 19.* Section 44302 of the Education Code is amended to  
18 read:

19 44302. The Commission on Teacher Credentialing regularly  
20 shall notify local educational agencies of the various provisions  
21 in current law that allow the assignment of personnel when a fully  
22 qualified teacher is not available and a substitute has served for  
23 the maximum days permitted by law, including emergency permits  
24 under Section 44300, long-term and short-term waivers under  
25 subdivision (m) of Section 44225, and intern permits under  
26 Sections 44235, 44250, and 44464. When fulfilling the notification  
27 requirements of this section, the commission shall utilize a variety  
28 of approaches, including, but not limited to, correspondence, annual  
29 workshops for credential analysts, a credential handbook, a waiver  
30 handbook, the commission website, and special telephone, fax,  
31 and e-mail lines for school districts and county offices of education.  
32 Additionally, the commission shall provide local educational  
33 agencies with information about waiver requests including specific  
34 timelines, key steps, and appeal rights.

35 ~~SEC. 11.~~

36 *SEC. 20.* Article 5.6 (commencing with Section 44305) of  
37 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
38 is repealed.

1 ~~SEC. 12.~~

2 *SEC. 21.* Section 44386 of the Education Code is amended to  
3 read:

4 44386. (a) From funds appropriated for the purposes of this  
5 article, the Commission on Teacher Credentialing shall award  
6 incentive grants to qualifying school districts or county offices of  
7 education. Each school district or county office of education that  
8 receives a grant shall provide matching funds from available ~~source~~  
9 *sources* in an amount equal to 50 percent of the cost of the  
10 alternative certification program. Grants shall be awarded by the  
11 commission for the remaining 50 percent of the cost of the  
12 alternative certification program, but in no event shall the grant  
13 amount awarded to a school district or county office of education  
14 exceed two thousand five hundred dollars (\$2,500) per intern per  
15 year, except that the commission may require a lesser local  
16 contribution, or provide a larger grant per intern per year, in  
17 hardship cases.

18 (b) Participants in a district intern program conducted pursuant  
19 to Article 7.5 (commencing with Section 44325) or in an intern  
20 program conducted pursuant to Article 3 (commencing with Section  
21 44450) of Chapter 3, who have received a preliminary credential  
22 and who are receiving funding for participating in an induction  
23 program pursuant to Article 4.5 (commencing with Section  
24 44279.1) are not eligible for funding under this section.

25 ~~SEC. 13.~~

26 *SEC. 22.* Section 44506 of the Education Code is amended to  
27 read:

28 44506. (a) The state funding for this article subsequent to the  
29 1999–2000 fiscal year is subject to an appropriation in the annual  
30 Budget Act.

31 (b) A school district that receives funds for purposes of this  
32 article also may expend those funds for any of the following  
33 purposes:

34 (1) The Marian Bergeson Beginning Teacher Support and  
35 Assessment System as set forth in Article 4.5 (commencing with  
36 Section 44279.1) of Chapter 2.

37 (2) A district intern program as set forth in Article 7.5  
38 (commencing with Section 44325) of Chapter 2.

1 (3) Professional development or other educational activities  
2 previously provided pursuant to Article 4 (commencing with  
3 Section 44490) of Chapter 3, as it read prior to January 1, 2002.

4 (4) A program that supports the training and development of  
5 new teachers.

6 (c) (1) The Superintendent shall determine a base funding unit  
7 rate for the California Peer Assistance and Review Program for  
8 Teachers that is equal to the total amount provided for the  
9 California Mentor Teacher Program in subdivision (b) of Section  
10 6 of Chapter 4 of the Statutes of 1999 for the First Extraordinary  
11 Session, divided by the total number of mentor teachers that the  
12 state calculated the school district is entitled to in the 1999–2000  
13 fiscal year.

14 (2) The Superintendent annually shall apportion to each school  
15 district that certified implementation of the Peer Assistance and  
16 Review Program for Teachers pursuant to subdivision (b) of  
17 Section 44505, an amount equal to 5 percent of the prior year count  
18 of certificated classroom teachers employed by the school district,  
19 multiplied by a rate that equals the sum of ~~(1)~~ (i) the base amount  
20 per funding unit as calculated in paragraph (1) of subdivision (c),  
21 adjusted annually pursuant to subdivision (b) of 42238.1, and ~~(2)~~  
22 (ii) two thousand eight hundred dollars (\$2,800); adjusted annually  
23 pursuant to subdivision (b) of Section 42238.1.

24 (3) The Superintendent annually shall apportion to each school  
25 district that certified implementation of a Peer Assistance and  
26 Review Program for Teachers pursuant to subdivision (d) of  
27 Section 44505, an amount equal to 5 percent of the prior year count  
28 of certificated classroom teachers employed by the school district,  
29 multiplied by a rate which equals the sum of ~~(1)~~ (i) the base amount  
30 per funding unit as calculated in paragraph (1) of subdivision (c),  
31 adjusted annually pursuant to subdivision (b) of Section 42238.1,  
32 and ~~(2)~~ (ii) the per mentor teacher unit amount provided to the  
33 district pursuant to subdivision (c) of Section 44505, adjusted  
34 annually pursuant to subdivision (b) of Section 42238.1.

35 (4) In paragraphs (2) and (3), 5 percent of the certificated  
36 classroom teachers employed by the district shall be rounded to  
37 the next whole integer.

38 (5) If at the end of a fiscal year, an amount of funds available  
39 for purposes of the Peer Assistance and Review Program remain  
40 unallocated, the Superintendent shall use the unallocated amount

1 to increase the base funding rate calculated under paragraph (1)  
2 for the succeeding fiscal year.

3 ~~SEC. 14.~~

4 *SEC. 23.* Section 44868 of the Education Code is amended to  
5 read:

6 44868. No person shall be employed as a teacher librarian in  
7 an elementary or secondary school, unless he or she holds a valid  
8 credential of proper grade authorizing service as a teacher librarian  
9 or a valid teaching credential issued by the Commission on Teacher  
10 Credentialing if he or she has completed the specialized area of  
11 librarianship.

12 ~~SEC. 15.~~

13 *SEC. 24.* Section 44869 of the Education Code is amended to  
14 read:

15 44869. A teacher librarian, when employed full time as a  
16 teacher librarian or serving full time, partly as a teacher librarian  
17 and partly as a teacher, shall rank as a teacher.

18 *SEC. 25.* *Section 48900 of the Education Code is amended to*  
19 *read:*

20 48900. A pupil ~~may~~ shall not be suspended from school or  
21 recommended for expulsion, unless the superintendent or the  
22 principal of the school in which the pupil is enrolled determines  
23 that the pupil has committed an act as defined pursuant to any of  
24 subdivisions (a) to (q), inclusive:

25 (a) (1) Caused, attempted to cause, or threatened to cause  
26 physical injury to another person.

27 (2) Willfully used force or violence upon the person of another,  
28 except in self-defense.

29 (b) Possessed, sold, or otherwise furnished ~~any~~ a firearm, knife,  
30 explosive, or other dangerous object, unless, in the case of  
31 possession of ~~any~~ an object of this type, the pupil had obtained  
32 written permission to possess the item from a certificated school  
33 employee, which is concurred in by the principal or the designee  
34 of the principal.

35 (c) Unlawfully possessed, used, sold, or otherwise furnished,  
36 or been under the influence of, ~~any~~ a controlled substance listed  
37 in Chapter 2 (commencing with Section 11053) of Division 10 of  
38 the Health and Safety Code, an alcoholic beverage, or an intoxicant  
39 of any kind.

- 1 (d) Unlawfully offered, arranged, or negotiated to sell ~~any~~ *a*  
2 controlled substance listed in Chapter 2 (commencing with Section  
3 11053) of Division 10 of the Health and Safety Code, an alcoholic  
4 beverage, or an intoxicant of any kind, and either sold, delivered,  
5 or otherwise furnished to ~~any~~ *a* person another liquid, substance,  
6 or material and represented the liquid, substance, or material as a  
7 controlled substance, alcoholic beverage, or intoxicant.
- 8 (e) Committed or attempted to commit robbery or extortion.
- 9 (f) Caused or attempted to cause damage to school property or  
10 private property.
- 11 (g) Stolen or attempted to steal school property or private  
12 property.
- 13 (h) Possessed or used tobacco, or ~~any~~ products containing  
14 tobacco or nicotine products, including, but not limited to,  
15 cigarettes, cigars, miniature cigars, clove cigarettes, smokeless  
16 tobacco, snuff, chew packets, and betel. However, this section  
17 does not prohibit use or possession by a pupil of his or her own  
18 prescription products.
- 19 (i) Committed an obscene act or engaged in habitual profanity  
20 or vulgarity.
- 21 (j) Unlawfully possessed or unlawfully offered, arranged, or  
22 negotiated to sell ~~any~~ drug paraphernalia, as defined in Section  
23 11014.5 of the Health and Safety Code.
- 24 (k) Disrupted school activities or otherwise willfully defied the  
25 valid authority of supervisors, teachers, administrators, school  
26 officials, or other school personnel engaged in the performance of  
27 their duties.
- 28 (l) Knowingly received stolen school property or private  
29 property.
- 30 (m) Possessed an imitation firearm. As used in this section,  
31 “imitation firearm” means a replica of a firearm that is so  
32 substantially similar in physical properties to an existing firearm  
33 as to lead a reasonable person to conclude that the replica is a  
34 firearm.
- 35 (n) Committed or attempted to commit a sexual assault as  
36 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal  
37 Code or committed a sexual battery as defined in Section 243.4  
38 of the Penal Code.
- 39 (o) Harassed, threatened, or intimidated a pupil who is a  
40 complaining witness or a witness in a school disciplinary

1 proceeding for the purpose of either preventing that pupil from  
2 being a witness or retaliating against that pupil for being a witness,  
3 or both.

4 (p) Unlawfully offered, arranged to sell, negotiated to sell, or  
5 sold the prescription drug Soma.

6 (q) Engaged in, or attempted to engage in, hazing ~~as defined in~~  
7 ~~subdivision (b) of Section 245.6 of the Penal Code.~~ *For purposes*  
8 *of this subdivision, “hazing” means a method of initiation or*  
9 *preinitiation into a pupil organization or body, whether or not the*  
10 *organization or body is officially recognized by an educational*  
11 *institution, which is likely to cause serious bodily injury or personal*  
12 *degradation or disgrace resulting in physical or mental harm to*  
13 *a former, current, or prospective pupil. For purposes of this*  
14 *subdivision, “hazing” does not include athletic events or*  
15 *school-sanctioned events.*

16 (r) A pupil ~~may~~ *shall* not be suspended or expelled for any of  
17 the acts enumerated in this section, unless that act is related to  
18 school activity or school attendance occurring within a school  
19 under the jurisdiction of the superintendent or principal or  
20 occurring within any other school district. A pupil may be  
21 suspended or expelled for acts that are enumerated in this section  
22 and related to school activity or attendance that occur at any time,  
23 including, but not limited to, any of the following:

- 24 (1) While on school grounds.
- 25 (2) While going to or coming from school.
- 26 (3) During the lunch period whether on or off the campus.
- 27 (4) During, or while going to or coming from, a school  
28 sponsored activity.

29 (s) A pupil who aids or abets, as defined in Section 31 of the  
30 Penal Code, the infliction or attempted infliction of physical injury  
31 to another person may ~~suffer~~ *be subject to* suspension, but not  
32 expulsion, pursuant to this section, except that a pupil who has  
33 been adjudged by a juvenile court to have committed, as an aider  
34 and abettor, a crime of physical violence in which the victim  
35 suffered great bodily injury or serious bodily injury shall be subject  
36 to discipline pursuant to subdivision (a).

37 (t) As used in this section, “school property” includes, but is  
38 not limited to, electronic files and databases.

39 (u) A superintendent or principal may use his or her discretion  
40 to provide alternatives to suspension or expulsion, including, but

1 not limited to, counseling and an anger management program, for  
2 a pupil subject to discipline under this section.

3 (v) It is the intent of the Legislature that alternatives to  
4 suspension or expulsion be imposed against ~~any~~ a pupil who is  
5 truant, tardy, or otherwise absent from school activities.

6 ~~SEC. 16.~~

7 *SEC. 26.* Section 49452.8 of the Education Code is amended  
8 to read:

9 49452.8. (a) A pupil, while enrolled in kindergarten in a public  
10 school, or while enrolled in first grade in a public school if the  
11 pupil was not previously enrolled in kindergarten in a public  
12 school, no later than May 31 of the school year, shall present proof  
13 of having received an oral health assessment by a licensed dentist,  
14 or other licensed or registered dental health professional operating  
15 within his or her scope of practice, that was performed no earlier  
16 than 12 months prior to the date of the initial enrollment of the  
17 pupil.

18 (b) The parent or legal guardian of a pupil may be excused from  
19 complying with subdivision (a) by indicating on the form described  
20 in subdivision (d) that the oral health assessment could not be  
21 completed because of one or more of the reasons provided in  
22 subparagraphs (A) to (C), inclusive, of paragraph (2) of subdivision  
23 (d).

24 (c) A public school shall notify the parent or legal guardian of  
25 a pupil described in subdivision (a) concerning the assessment  
26 requirement. The notification, at a minimum, shall consist of a  
27 letter that includes all of the following:

28 (1) An explanation of the administrative requirements of this  
29 section.

30 (2) Information on the importance of primary teeth.

31 (3) Information on the importance of oral health to overall health  
32 and to learning.

33 (4) A toll-free telephone number to request an application for  
34 Healthy Families, Medi-Cal, or other government-subsidized health  
35 insurance programs.

36 (5) Contact information for county public health departments.

37 (6) A statement of privacy applicable under state and federal  
38 laws and regulations.

39 (d) In order to ensure uniform data collection, the department,  
40 in consultation with interested persons, shall develop and make

1 available on the Internet Web site of the department, a standardized  
2 notification form as specified in subdivision (c) that shall be used  
3 by each school district. The standardized form shall include all of  
4 the following:

5 (1) A section that can be used by the licensed dentist or other  
6 licensed or registered dental health professional performing the  
7 assessment to record information that is consistent with the  
8 information collected on the oral health assessment form developed  
9 by the Association of State and Territorial Dental Directors.

10 (2) A section in which the parent or legal guardian of a pupil  
11 can indicate the reason why an assessment could not be completed  
12 by marking the box next to the appropriate reason. The reasons  
13 for not completing an assessment shall include all of the following:

14 (A) Completion of an assessment poses an undue financial  
15 burden on the parent or legal guardian.

16 (B) Lack of access by the parent or legal guardian to a licensed  
17 dentist or other licensed or registered dental health professional.

18 (C) The parent or legal guardian does not consent to an  
19 assessment.

20 (e) Upon receiving completed assessments, all school districts,  
21 by December 31 of each year, shall submit a report to the county  
22 office of education of the county in which the school district is  
23 located. The report shall include all of the following:

24 (1) The total number of pupils in the district, by school, who  
25 are subject to the requirement to present proof of having received  
26 an oral health assessment pursuant to subdivision (a).

27 (2) The total number of pupils described in paragraph (1) who  
28 present proof of an assessment.

29 (3) The total number of pupils described in paragraph (1) who  
30 could not complete an assessment due to financial burden.

31 (4) The total number of pupils described in paragraph (1) who  
32 could not complete an assessment due to lack of access to a  
33 licensed dentist or other licensed or registered dental health  
34 professional.

35 (5) The total number of pupils described in paragraph (1) who  
36 could not complete an assessment because their parents or legal  
37 guardians did not consent to their child receiving the assessment.

38 (6) The total number of pupils described in paragraph (1) who  
39 are assessed and found to have untreated decay.

1 (7) The total number of pupils described in paragraph (1) who  
2 did not return either the assessment form or the waiver request to  
3 the school.

4 (f) Each county office of education shall maintain the data  
5 described in subdivision (e) in a manner that allows the county  
6 office to release it upon request.

7 (g) This section does not prohibit any of the following:

8 (1) County offices of education from sharing aggregate data  
9 collected pursuant to this section with other governmental agencies,  
10 philanthropic organizations, or other nonprofit organizations for  
11 the purpose of data analysis.

12 (2) Use of assessment data that is compliant with the federal  
13 Health Insurance Portability and Accountability Act of 1996 (P.L.  
14 104-191) for purposes of conducting research and analysis on the  
15 oral health status of public school pupils in California.

16 (h) This section does not preclude a school district or county  
17 office of education from developing a schoolsite-based oral health  
18 assessment program to meet the requirements of this section.

19 (i) The Office of Oral Health of the Chronic Disease Control  
20 Branch of the State Department of Public Health shall conduct an  
21 evaluation of the requirements imposed by this section and prepare  
22 and submit a report to the Legislature by January 1, 2010, that  
23 discusses improvements in the oral health of children resulting  
24 from the imposition of those requirements. The Office of Oral  
25 Health may receive private funds and contract with the University  
26 of California to fulfill the duties described in this subdivision.

27 (j) Funds appropriated in the annual Budget Act for the activities  
28 required by this section shall first be used to offset reimbursement  
29 provided to local educational agencies pursuant to Part 7  
30 (commencing with Section 17500) of Division 4 of Title 2 of the  
31 Government Code for state-mandated costs imposed by this section.

32 ~~SEC. 17.~~

33 *SEC. 27.* Section 52055.625 of the Education Code is amended  
34 to read:

35 52055.625. (a) It is the intent of the Legislature that the lists  
36 contained in paragraph (2) of subdivisions (c), (d), (e), and (f) be  
37 considered options that may be considered by a school in the  
38 development of its school action plan and that a school not be  
39 required to adopt all of the listed options as a condition of funding  
40 under the terms of this section. Instead, this listing of options is

1 intended to provide the opportunity for focus and strategic planning  
2 as schools plan to address the needs of high-priority pupils.

3 (b) (1) As a condition of the receipt of funds, a school action  
4 plan shall include each of the following essential components:

5 (A) Pupil literacy and achievement.

6 (B) Quality of staff.

7 (C) Parental involvement.

8 (D) Facilities, curriculum, instructional materials, and support  
9 services.

10 (2) As a condition of the receipt of funds, a school action plan  
11 for a school initially applying to participate in the program during  
12 or after the 2004–05 fiscal year shall include each of the following  
13 essential components:

14 (A) Pupil literacy and achievement.

15 (B) Quality of staff, including highly qualified teachers, as  
16 required by the federal No Child Left Behind Act of 2001 (20  
17 U.S.C. Sec. 6301 et seq.), and appropriately credentialed teachers  
18 for English learners.

19 (C) Parental involvement.

20 (D) Facilities maintained in good repair as specified in Sections  
21 17014, 17032.5, 17070.75, and 17089, curriculum, instructional  
22 materials that, at a minimum, are consistent with the requirements  
23 of Section 60119, and support services.

24 (c) (1) The pupil literacy and achievement component shall  
25 contain a strategy to focus on increasing pupil literacy and  
26 achievement, with necessary attention to the needs of English  
27 language learners. At a minimum, this strategy shall include a plan  
28 to achieve the following goals:

29 (A) Each pupil at the school will be provided appropriate  
30 instructional materials aligned with the academic content and  
31 performance standards adopted by the ~~State Board~~ *state board* as  
32 required by law.

33 (B) Each significant subgroup at the school will demonstrate  
34 increased achievement based on Academic Performance Index  
35 (API) results by the end of the implementation period.

36 (C) English language learners at the school will demonstrate  
37 increased performance based on the English language development  
38 test required by Section 60810 and the achievement tests required  
39 pursuant to Section 60640.

1 (2) To achieve the goals described in paragraph (1), a school,  
2 in its action plan, may include, among other things, any of the  
3 following options:

4 (A) Selective class size reduction in key curricular areas,  
5 provided this does not result in a decrease in the proportion of  
6 experienced credentialed teachers at the schoolsite.

7 (B) Increased learning time in key curricular areas identified as  
8 needing attention, including mathematics.

9 (C) Targeted intensive reading instruction utilizing reading  
10 capacity-level materials that may include, but are not limited to,  
11 the following strategies:

12 (i) The development of a reading competency program for pupils  
13 in grades 5 to 8, inclusive, whose reading scores are at or below  
14 the 40th percentile or in the two lowest performance levels, as  
15 adopted by the ~~State Board~~ *state board*, on the reading portion of  
16 the achievement test authorized by Section 60640. This program  
17 may include direct instruction in reading at grade level utilizing  
18 the English language arts content standards adopted pursuant to  
19 Section 60605. Additionally, this program may offer specialized  
20 intervention that utilizes state-approved instructional materials  
21 adopted pursuant to Section 60200. It is the intent of the  
22 Legislature, as a recommendation, that this curriculum consist of  
23 at least one class period during the regular schoolday taught by a  
24 teacher trained in the English language arts content and  
25 performance standards pursuant to Section 60605. It is also the  
26 intent of the Legislature, as a recommendation, that periodic  
27 assessments throughout the year be conducted to monitor the  
28 progress of the pupils involved.

29 (ii) The use of a teacher librarian to work cooperatively with  
30 every teacher and principal at the schoolsite to develop and  
31 implement an independent and free reading program, help teachers  
32 determine a pupil's reading level, order books that have been  
33 determined to meet the needs of pupils, help choose books at  
34 independent reading levels of pupils, and assure that pupils read  
35 a variety of genres across all academic content areas. For purposes  
36 of this article, "teacher librarian" means a classroom teacher who  
37 possesses or is in the process of obtaining a teacher librarian  
38 services credential consistent with Section 44868.

39 (D) Mentoring programs for pupils.

1 (E) Community, business, or university partnerships with the  
2 school.

3 (d) (1) The quality of staff component shall contain a strategy  
4 to attract, retain, and fairly distribute the highest quality staff at  
5 the school, including teachers, administrators, and support staff.  
6 At a minimum, this strategy shall include a plan to achieve the  
7 following goals:

8 (A) An increase in the number of credentialed teachers working  
9 at that schoolsite.

10 (B) An increase in or targeting of professional development  
11 opportunities for teachers related to the goals of the action plan  
12 and English language development standards adopted by the State  
13 Board aligned with the academic content and performance  
14 standards, including, but not limited to, participation in professional  
15 development institutes established pursuant to Article 2  
16 (commencing with Section 99220) of Chapter 5 of Part 65.

17 (C) By the end of the implementation period, successful  
18 completion by the schoolsite administrators of a program designed  
19 to maximize leadership skills.

20 (2) To achieve the goals described in paragraph (1), a school  
21 may include in its action plan, among others, any of the following  
22 options:

23 (A) Incentives to attract credentialed teachers and quality  
24 administrators to the schoolsite, including, but not limited to,  
25 additional compensation strategies similar to those authorized  
26 pursuant to Section 44735.

27 (B) A school district preintern or intern program within which  
28 eligible emergency permit teachers located at the schoolsite would  
29 be required to participate, unless those individuals are already  
30 participating in another teacher preparation program that leads to  
31 the attainment of a valid California teaching credential.

32 (C) Common planning time for teachers, administrators, and  
33 support staff focused on improving pupil achievement.

34 (D) Mentoring for site administrators, peer assistance for  
35 credentialed teachers, and support services for new teachers,  
36 including, but not limited to, the Beginning Teacher Support and  
37 Assessment System.

38 (E) Providing assistance and incentives to teachers for  
39 completion of professional certification programs and toward  
40 attaining BCLAD or CLAD certification.

1 (F) Increasing professional development in state academic  
2 content and performance standards, including English language  
3 development standards.

4 (e) (1) The parental involvement component shall contain a  
5 strategy to change the culture of the school community to recognize  
6 parents and guardians as partners in the education of their children  
7 and to prepare and educate parents and guardians in the learning  
8 and academic progress of their children. At a minimum, this  
9 strategy shall include a commitment to develop a school-parent  
10 compact as required by Section 51101 and a plan to achieve the  
11 goal of maintaining or increasing the number and frequency of  
12 personal parent and guardian contacts each year at the schoolsite  
13 and school-home communications designed to promote parent and  
14 guardian support for meeting state standards and core curriculum  
15 requirements.

16 (2) To achieve the goals in subdivision (a), a school, in its action  
17 plan, may include, among others, any of the following options:

18 (A) Parent and guardian homework support classes.

19 (B) A program of regular home visits.

20 (C) After school and evening opportunities for parents,  
21 guardians, and pupils to learn together.

22 (D) Training programs to educate parents and guardians about  
23 state standards and testing requirements, including the high school  
24 exit examination.

25 (E) Creation, maintenance, and support of parent centers located  
26 on schoolsites to educate parents and guardians regarding pupil  
27 expectations and provide support to parents and guardians in their  
28 efforts to help their children learn.

29 (F) Programs targeted at parents and guardians of special  
30 education pupils.

31 (G) Efforts to develop a culture at the schoolsite focused on  
32 college attendance, including programs to educate parents and  
33 guardians regarding college entrance requirements and options.

34 (H) Providing more bilingual personnel at the schoolsite and at  
35 school-related functions to communicate more effectively with  
36 parents and guardians who speak a language other than English.

37 (I) Providing an opportunity for parents to monitor online, if  
38 the technology is available, and in compliance with applicable  
39 state and federal privacy laws, the academic progress and  
40 attendance of their children.

1 (f) (1) The facilities, curriculum, instructional materials, and  
2 support services component shall contain a strategy to provide an  
3 environment that is conducive to teaching and learning and that  
4 includes the development of a high-quality curriculum and  
5 instruction aligned with the academic content and performance  
6 standards adopted pursuant to Section 60605 and the standards for  
7 English language development adopted pursuant to Section 60811  
8 to measure progress made towards achieving English language  
9 proficiency. At a minimum, this strategy shall include the goal of  
10 providing adequate logistical support including, but not limited  
11 to, curriculum, quality instruction, instructional materials, support  
12 services, and supplies for every pupil.

13 (2) To achieve the goal specified in paragraph (1), a school, in  
14 its action plan, may include, among others, any of the following  
15 options:

16 (A) State and locally developed valid and reliable assessments  
17 based on state academic content standards.

18 (B) Increased learning time in key curricular areas identified as  
19 needing attention, including mathematics.

20 (C) The addition of more pupil support services staff, including,  
21 but not limited to, paraprofessionals, counselors, teacher librarians,  
22 nurses, psychologists, social workers, speech therapists,  
23 audiologists, and speech pathologists.

24 (D) Pupil support centers for additional tutoring or homework  
25 assistance.

26 (E) Use of most current standards-aligned textbooks adopted  
27 by the State Board, including materials for English language  
28 learners.

29 (F) For secondary schools, offering advanced placement courses  
30 and courses that meet the requirements for admission to the  
31 University of California or the California State University.

32 (g) A school action plan to improve pupil performance that is  
33 developed for participation in the program established pursuant to  
34 this article shall meet the requirements of subdivisions (d) and (e)  
35 of Section 52054 and this article.

36 (h) Participants under subdivision (d) of Section 52055.600  
37 shall develop a series of schoolwide systemic support activities  
38 that provide pupils with the opportunity to meet the same state and  
39 local standards in core academic areas expected of all other pupils.  
40 Participating schools shall provide enrichment activities designed

1 to improve pupil academic achievement and performance; improve  
2 life skill accomplishments; transition to a regular program of  
3 instruction or higher education, or both; access vocational training;  
4 or obtain employment. Individual pilot grant plans and systemic  
5 support activities shall comport with the statutory and regulatory  
6 requirements of each respective program.

7 ~~SEC. 18.~~

8 *SEC. 28.* Section 52379 of the Education Code is amended to  
9 read:

10 52379. (a) Funds appropriated in the annual Budget Act for  
11 the purposes of this chapter shall be allocated to school districts  
12 based on an equal amount per pupil enrolled in the district in the  
13 prior fiscal year, based on the fall California Basic Educational  
14 Data System (CBEDS) enrollment data, in grades 7 to 12, inclusive,  
15 with the following minimum-grant exceptions:

16 (1) Five thousand dollars (\$5,000) for each schoolsite that has  
17 100 or fewer pupils enrolled in any of grades 7 to 12, inclusive.

18 (2) Ten thousand dollars (\$10,000) for each schoolsite that has  
19 at least 101, but not more than 200, pupils enrolled in any of grades  
20 7 to 12, inclusive.

21 (3) Thirty thousand dollars (\$30,000) or an amount per pupil  
22 enrolled, whichever is greater, for each schoolsite with more than  
23 200 pupils enrolled in any of grades 7 to 12, inclusive.

24 (b) Funds allocated pursuant to this section shall supplement,  
25 and not supplant, expenditures made by a school district for school  
26 counseling programs.

27 (c) For purposes of this section, a charter school is not eligible  
28 to receive a minimum grant but instead shall receive an amount  
29 per pupil enrolled in grades 7 to 12, inclusive.

30 (d) Funds appropriated in the annual Budget Act for the purposes  
31 of this chapter shall be used to provide supplemental counseling  
32 services delivered by personnel who hold a valid pupil personnel  
33 services credential.

34 *SEC. 29.* Section 54023 of the Education Code is amended to  
35 read:

36 54023. ~~For the 2006-07 fiscal year and~~ each fiscal year  
37 ~~thereafter~~, the economic impact aid-eligible pupil count shall be  
38 calculated for each school district as follows:

39 (a) Determine the count of economically disadvantaged pupils  
40 ~~for the current fiscal year~~, as defined in Section 54026.

1 (b) Determine the count of English learners for the current fiscal  
2 year, as defined in subdivision (b) of Section 54026.

3 (c) Calculate an economic impact aid weighted pupil  
4 concentration factor:

5 (1) Add the pupil counts determined in subdivisions (a) and (b).

6 (2) Divide the fall CBEDS enrollment for the school district for  
7 the prior school year by two.

8 (3) Subtract from the sum calculated in paragraph (1) the  
9 quotient calculated in paragraph (2).

10 (4) If the result of the calculation in paragraph (3) is greater  
11 than zero, multiply that difference by 0.5. If the result is less than  
12 zero, it shall be deemed to be zero.

13 (d) The economic impact aid-eligible pupil count for each school  
14 district shall equal the sum of the pupil counts determined in  
15 subdivisions (a) and (b), and the weighted pupil concentration  
16 factor determined in subdivision (c).

17 (e) *In calculating the economic impact aid-eligible pupil count*  
18 *for a new charter school in its first year of operation, the*  
19 *department shall use CBEDS enrollment counts and counts of*  
20 *English learners reported in the current year instead of the prior*  
21 *year.*

22 *SEC. 30. Section 54026 of the Education Code is amended to*  
23 *read:*

24 54026. For purposes of this article, the following definitions  
25 apply:

26 (a) “Economically disadvantaged pupils” means either of the  
27 following, whichever is applicable:

28 (1) Pupils described in Section 101 of Title I of the federal No  
29 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6333(c)(1)(A)(B)).  
30 *Counts of the pupils described in this paragraph shall be the counts*  
31 *used in the current year apportionment calculations for purposes*  
32 *of Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C.*  
33 *Sec. 6301 et seq.).*

34 (2) (A) Notwithstanding paragraph (1), for a small school  
35 district, the product of the number of pupils eligible for  
36 participation in the free meals program for the prior fiscal year, as  
37 defined in subdivision (d), and the free meals adjustment factor.  
38 The free meals adjustment factor is the quotient, rounded to two  
39 decimal places, resulting from dividing the statewide total of  
40 economically disadvantaged pupils as defined in paragraph (1) by

1 the statewide total of pupils eligible for participation in the free  
2 meals program for the prior fiscal year, as defined in subdivision  
3 (d).

4 (B) Notwithstanding paragraph (1) or subparagraph (A), for  
5 charter schools that are funded through the block grant funding  
6 model pursuant to Article 2 (commencing with Section 47633) of  
7 Chapter 6 of Part 26.8 in the 2006–07 fiscal year, the department  
8 shall use counts as of October 2006 of pupils ages 5 to 17 years,  
9 inclusive, who are living ~~in~~ *with* families whose *annual* income is  
10 at or below the federal poverty-level *guideline*, as collected through  
11 the first principal apportionment data collection process, as defined  
12 in Section 41601, without revision. Commencing in the 2007–08  
13 fiscal year, the Superintendent shall use counts as of October of  
14 the prior year of pupils ages 5 to 17 years, inclusive, who are living  
15 ~~in~~ *with* families whose *annual* income is at or below the federal  
16 poverty-level *guideline*, as collected through the first principal  
17 apportionment data collection process, as defined in Section 41601,  
18 without revision. For purposes of this subdivision, the department  
19 may use in the first year of operation of a charter school that is  
20 established on or after July 1, 2007, the current year counts of  
21 pupils ages 5 to 17 years, inclusive, who are living ~~in~~ *with* families  
22 whose *annual* income is at or below the federal poverty-level  
23 *guideline*.

24 (C) The Superintendent may expand upon an existing process  
25 of collecting free or reduced price meal data in order to collect  
26 from small districts, as defined in subdivision (c), counts of pupils  
27 living ~~in~~ *with* families whose *annual* income is at or below the  
28 federal poverty-level *guideline*.

29 (b) “English learner” means a pupil described in subdivision  
30 (a) of Section 306 or identified as a pupil of limited English  
31 proficiency, as that term is defined in subdivision (m) of Section  
32 52163. *Counts of the pupils described in this subdivision shall be*  
33 *the counts reported in the prior year language census.*

34 (c) “Small school district” means a school district that has an  
35 annual enrollment of less than 600 pupils based on prior school  
36 year CBEDS data and is, for the purposes of this section,  
37 designated a rural school by the Superintendent based on the  
38 appropriate school locale codes, as used by the National Center  
39 for Education Statistics of the United State Department of  
40 Education.

1 (d) “Free meals” means the aggregate number of pupils meeting  
2 the income eligibility guidelines established by the federal  
3 government for free meals as reported for all schools for which  
4 the district is the authorizing agency.

5 ~~SEC. 19.~~

6 *SEC. 31.* Section 56351.5 of the Education Code is amended  
7 to read:

8 56351.5. (a) (1) A school district, special education local plan  
9 area, or county office of education may reinforce braille instruction  
10 using a braille instructional aide who meets the criteria set forth  
11 in paragraph (2) under the supervision of a teacher who holds an  
12 appropriate credential, as determined by the Commission on  
13 Teacher Credentialing, to teach pupils who are functionally blind  
14 or visually impaired. This instruction shall be in accordance with  
15 the individualized education program of the pupil.

16 (2) For purposes of this section, a braille instructional aide shall  
17 demonstrate to the supervising teacher that he or she is fluent in  
18 reading and writing grade 2 braille and possesses basic knowledge  
19 of the rules of braille construction.

20 (b) A school district, special education local plan area, or county  
21 office of education that employs a braille instructional aide shall  
22 provide the aide with information regarding teaching credential  
23 programs, including the Wildman-Keeley-Solis Exemplary Teacher  
24 Training Act of 1997 (Article 12 (commencing with Section 44390)  
25 of Chapter 2 of Part 25) and the Teacher Education Internship Act  
26 of 1967 (Article 3 (commencing with Section 44450) of Chapter  
27 3 of Part 25).

28 ~~SEC. 20.~~

29 *SEC. 32.* Section 60242 of the Education Code is amended to  
30 read:

31 60242. (a) ~~The State Board~~ *state board* shall encumber the  
32 fund for the purpose of establishing an allowance for each school  
33 district, which may reflect increases or decreases in enrollment,  
34 that the district may use for the following purposes:

35 (1) To purchase instructional materials adopted by the ~~State~~  
36 ~~Board~~ *state board* pursuant to Section 60200 for kindergarten and  
37 grades 1 to 8, inclusive, or by the governing board pursuant to  
38 Section 60400 for grades 9 to 12, inclusive. A school district may  
39 purchase with funds received pursuant to Chapter 3.25  
40 (commencing with Section 60420) instructional materials for the

1 visual and performing arts, foreign language, health, or other  
2 curricular area if those materials are adopted by the ~~State Board~~  
3 *state board* pursuant to Section 60200 for kindergarten and grades  
4 1 to 8, inclusive, or by the governing board pursuant to Section  
5 60400 for grades 9 to 12, inclusive, and if the school district  
6 certifies that it has provided each pupil with a standards-aligned  
7 textbook or basic instructional materials in reading/language arts,  
8 mathematics, history/social science, and science.

9 (2) To purchase, at the discretion of the district, instructional  
10 materials, including, but not limited to, supplementary instructional  
11 materials and technology-based materials, from any source.

12 (3) To purchase tests.

13 (4) To bind basic textbooks that are otherwise usable and are  
14 on the most recent list of basic instructional materials adopted by  
15 the State Board and made available pursuant to Section 60200.

16 (5) To fund in-service training related to instructional materials.

17 (6) To purchase classroom library materials for kindergarten  
18 and grades 1 to 4, inclusive.

19 (b) The ~~State Board~~ *state board* shall specify the percentage of  
20 the allowance of a district that is authorized to be used for each of  
21 the purposes identified in subdivision (a).

22 (c) Allowances established for school districts pursuant to this  
23 section shall be apportioned in September of each fiscal year.

24 (d) (1) A school district that purchases classroom library  
25 materials, as a condition of receiving funding pursuant to this  
26 article, shall develop a districtwide classroom library plan for  
27 kindergarten and grades 1 to 4, inclusive, and shall receive  
28 certification of the plan from the governing board of the school  
29 district. A school district shall include in the plan a means of  
30 preventing loss, damage, or destruction of the materials.

31 (2) In developing the plan required by paragraph (1), a school  
32 district is encouraged to consult with school teacher librarians and  
33 primary grade teachers and to consider selections included in the  
34 list of recommended books established pursuant to Section 19336.  
35 If a school teacher librarian is not employed by the school district,  
36 the district is encouraged to consult with a school teacher librarian  
37 employed by the local county office of education in developing  
38 the plan.

39 (3) To the extent that a school district or county office of  
40 education already has a plan meeting the criteria specified in

1 paragraphs (1) and (2), no new plan is required to establish  
2 eligibility.

3 ~~SEC. 21.~~

4 *SEC. 33.* Section 60640 of the Education Code, as amended  
5 by Section 5 of Chapter 676 of the Statutes of 2005, is amended  
6 to read:

7 60640. (a) There is hereby established the Standardized Testing  
8 and Reporting Program, to be known as the STAR Program.

9 (b) Commencing in the 2007-08 fiscal year and each fiscal year  
10 thereafter, and from the funds available for that purpose, each  
11 school district, charter school, and county office of education shall  
12 administer to each of its pupils in grades 3 and 7 the achievement  
13 test designated by the state board pursuant to Section 60642 and  
14 shall administer to each of its pupils in grades 3 to 11, inclusive,  
15 the standards-based achievement test provided for in Section  
16 60642.5. The state board shall establish a testing period to provide  
17 that all schools administer these tests to pupils at approximately  
18 the same time during the instructional year, except as necessary  
19 to ensure test security and to meet the final filing date.

20 (c) The publisher and the school district shall provide two  
21 makeup days for the testing of previously absent pupils within the  
22 testing period established by the state board in subdivision (b).

23 (d) The governing board of the school district may administer  
24 achievement tests in grades other than those required by  
25 subdivision (b) as it deems appropriate.

26 (e) Pursuant to Section 1412(a)(17) of Title 20 of the United  
27 States Code, individuals with exceptional needs, as defined in  
28 Section 56026, shall be included in the testing requirement of  
29 subdivision (b) with appropriate accommodations in administration,  
30 where necessary, and those individuals with exceptional needs  
31 who are unable to participate in the testing, even with  
32 accommodations, shall be given an alternate assessment.

33 (f) (1) At the option of the school district, a pupil with limited  
34 English proficiency who is enrolled in any of grades 3 to 11,  
35 inclusive, may take a second achievement test in his or her primary  
36 language. Primary language tests administered pursuant to this  
37 subdivision and subdivision (g) shall be subject to the requirements  
38 of subdivision (a) of Section 60641. These primary language tests  
39 shall produce individual pupil scores that are valid and reliable.

1 (2) Notwithstanding any other law, the state board shall  
2 designate for use, as part of this program, a single primary language  
3 test in each language for which a test is available for grades 3 to  
4 11, inclusive, pursuant to the process used for designation of the  
5 assessment chosen in the 1997-98 fiscal year, as specified by  
6 Sections 60642 and 60643, and as specified by Section 60642.5,  
7 as applicable.

8 (3) (A) The department shall use funds made available pursuant  
9 to Title VI of the federal No Child Left Behind Act of 2001 (20  
10 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget  
11 Act for the purpose of developing and adopting primary language  
12 assessments that are aligned to the state academic content  
13 standards. Subject to the availability of funds, primary language  
14 assessments shall be developed and adopted for reading/language  
15 arts and mathematics in the dominant primary language of  
16 limited-English-proficient pupils. The dominant primary language  
17 shall be determined by the count in the annual language census of  
18 the primary language of each limited-English-proficient pupil  
19 enrolled in the California public schools.

20 (B) Once a dominant primary language assessment is available  
21 for use for a specific grade level, it shall be administered in place  
22 of the assessment designated pursuant to paragraph (1) for that  
23 grade level.

24 (C) In selecting a contractor to develop a primary language  
25 assessment, the state board shall consider the criteria for choosing  
26 a contractor or test publisher as specified by Sections 60642 and  
27 60643, and as specified by Section 60642.5, as applicable.

28 (D) Subject to the availability of funds, the assessments shall  
29 be developed in grade order starting with the lowest grade subject  
30 to the STAR Program.

31 (E) If the state board contracts for the development of primary  
32 language assessments or test items to augment an existing  
33 assessment, the state shall retain ownership rights to the assessment  
34 and the test items. With the approval of the state board, the  
35 department may license the test for use in other states subject to a  
36 compensation agreement approved by the Department of Finance.

37 (g) A pupil identified as limited English proficient pursuant to  
38 the administration of a test made available pursuant to Section  
39 60810 who is enrolled in any of grades 3 to 11, inclusive, and who  
40 either receives instruction in his or her primary language or has

1 been enrolled in a school in the United States for less than 12  
2 months shall be required to take a test in his or her primary  
3 language if a test is available.

4 (h) (1) The Superintendent shall apportion funds to school  
5 districts to enable school districts to meet the requirements of  
6 subdivision (b), the alternative assessment required by subdivision  
7 (e), and subdivisions (f) and (g).

8 (2) The state board annually shall establish the amount of  
9 funding to be apportioned to school districts for each test  
10 administered and annually shall establish the amount that each  
11 publisher shall be paid for each test administered under the  
12 agreements required pursuant to Section 60643. The amounts to  
13 be paid to the publishers shall be determined by considering the  
14 cost estimates submitted by each publisher each September and  
15 the amount included in the annual Budget Act, and by making  
16 allowance for the estimated costs to school districts for compliance  
17 with the requirements of subdivision (b), the alternative assessment  
18 required by subdivision (e), and subdivisions (f) and (g).

19 (3) An adjustment to the amount of funding to be apportioned  
20 per test may not be valid without the approval of the Director of  
21 Finance. A request for approval of an adjustment to the amount  
22 of funding to be apportioned per test shall be submitted in writing  
23 to the Director of Finance and the chairpersons of the fiscal  
24 committees of both houses of the Legislature with accompanying  
25 material justifying the proposed adjustment. The Director of  
26 Finance is authorized to approve only those adjustments related  
27 to activities required by statute. The Director of Finance shall  
28 approve or disapprove the amount within 30 days of receipt of the  
29 request and shall notify the chairpersons of the fiscal committees  
30 of both houses of the Legislature of the decision.

31 (i) For the purposes of making the computations required by  
32 Section 8 of Article XVI of the California Constitution, the  
33 appropriation for the apportionments made pursuant to paragraph  
34 (1) of subdivision (h), and the payments made to the publishers  
35 under the contracts required pursuant to Section 60643 or  
36 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
37 60605 between the department and the contractor, are “General  
38 Fund revenues appropriated for school districts,” as defined in  
39 subdivision (c) of Section 41202, for the applicable fiscal year,  
40 and included within the “total allocations to school districts and

1 community college districts from General Fund proceeds of taxes  
2 appropriated pursuant to Article XIII B,” as defined in subdivision  
3 (e) of Section 41202, for that fiscal year.

4 (j) As a condition to receiving an apportionment pursuant to  
5 subdivision (h), a school district shall report to the Superintendent  
6 all of the following:

7 (1) The number of pupils enrolled in the school district in grades  
8 3 to 11, inclusive.

9 (2) The number of pupils to whom an achievement test was  
10 administered in grades 3 to 11, inclusive, in the school district.

11 (3) The number of pupils in paragraph (1) who were exempted  
12 from the test at the request of their parents or guardians.

13 (k) The Superintendent and the ~~State Board~~ *state board* are  
14 authorized and encouraged to assist postsecondary educational  
15 institutions to use the assessment results of the California Standards  
16 Tests, including, but not limited to, the augmented California  
17 Standards Tests, for academic credit, placement, or admissions  
18 processes.

19 (l) The Superintendent shall, with the approval of the ~~State~~  
20 ~~Board~~ *state board*, annually release to the public test items from  
21 the standards-based achievement tests pursuant to Section 60642.5  
22 administered in previous years. The minimum number of test items  
23 released per year shall be equal to 25 percent of the total number  
24 of test items on the test administered in the previous year.

25 (m) This section shall become operative July 1, 2007.

26 ~~SEC. 22.~~

27 *SEC. 34.* Section 99237 of the Education Code is amended to  
28 read:

29 99237. (a) As a condition of receipt of funds for purposes of  
30 Section 99234 or 99235, a local educational agency shall submit  
31 a certified assurance signed by the appropriate agency official and  
32 approved in a public session by the governing body of the agency  
33 to the ~~State Board~~ *state board* that contains its proposal to satisfy  
34 the following:

35 (1) It contracted with a provider whose training curriculum was  
36 based upon one of the training models outlined in guidelines and  
37 criteria for approval of training providers established by the ~~State~~  
38 ~~Board~~ *state board*, and was approved by the ~~State Board~~ *state*  
39 *board*, or the training curriculum of the local educational agency  
40 was based upon one of the training models outlined in guidelines

1 and criteria for approval of training providers established by the  
2 ~~State Board~~ *state board* and approved by the ~~State Board~~ *state*  
3 *board*. Approval by the ~~State Board~~ *state board* of the training  
4 curriculum shall be based on the criteria contained in paragraph  
5 (4) and in subdivision (b).

6 (2) It or the provider with whom it contracted provided  
7 professional development training focused primarily on the  
8 following:

9 (A) The mathematics or English language arts content standards  
10 adopted by the ~~State Board~~ *state board* pursuant to Section 60605.

11 (B) The curriculum frameworks adopted by the ~~State Board~~  
12 *state board* for mathematics and English language arts.

13 (C) The use of instructional materials that will be used by pupils  
14 and are aligned to the mathematics or English language arts content  
15 standards adopted by the ~~State Board~~ *state board* pursuant to  
16 Section 60605.

17 (D) The training shall include instructional strategies designed  
18 to help all pupils gain mastery of the California academic content  
19 standards with special emphasis on English language learners and  
20 pupils with exceptional needs.

21 (3) (A) It provides each pupil with instructional materials that  
22 are aligned to the state content standards in mathematics and  
23 English language arts no later than the first day of the first school  
24 term that commences 12 months or less after those materials are  
25 adopted by the ~~State Board~~ *state board* in the case of instructional  
26 materials for kindergarten and grades 1 to 8, inclusive, or by the  
27 governing board of the school district in the case of instructional  
28 materials for grades 9 to 12, inclusive.

29 (B) For local educational agencies that are piloting or evaluating  
30 instructional materials that are aligned to the state content standards  
31 in mathematics and English language arts, those materials shall  
32 be provided to each pupil no later than the first day of the first  
33 school term that commences 24 months or less after those materials  
34 were adopted by the ~~State Board~~ *state board* in the case of  
35 instructional materials for grades 1 to 8, inclusive, or by the  
36 governing board of the school district in the case of instructional  
37 materials for grades 9 to 12, inclusive.

38 (C) If a local educational agency has not adopted instructional  
39 materials as required by subparagraph (A) for one or more grade  
40 levels because it is piloting or evaluating those instructional

1 materials, the local educational agency may only claim funding  
2 pursuant to Section 99234 for grade levels and subjects where the  
3 local educational agency is in compliance with subparagraphs (A)  
4 and (B).

5 (D) For each teacher, in each core area for which funding is  
6 claimed pursuant to this article and for which there are not  
7 standards-aligned textbooks for each pupil, as determined through  
8 an audit, the Superintendent, on a one-time basis, shall adjust the  
9 next principal apportionment to withhold from the local educational  
10 agency an amount equal to one hundred dollars (\$100) for each of  
11 those pupils. The funds withheld are deemed to be an offset against  
12 the training funds provided pursuant to this article.

13 (4) It provides in-house professional development that focuses  
14 primarily on the following:

15 (A) The mathematics or English language arts content standards  
16 adopted by the ~~State Board~~ *state board* pursuant to Section 60605.

17 (B) The curriculum frameworks adopted by the ~~State Board~~  
18 *state board* for mathematics and English language arts.

19 (C) The use of instructional materials that will be used by pupils  
20 and are aligned to the mathematics or English language arts content  
21 standards adopted by the ~~State Board~~ *state board* pursuant to  
22 Section 60605.

23 (D) The training shall include instructional strategies designed  
24 to help all pupils gain mastery of the California academic content  
25 standards, with special emphasis on English language learners and  
26 pupils with exceptional needs.

27 (5) It provides the data elements required pursuant to Section  
28 99240.

29 (b) As an additional condition of receipt of funds for purposes  
30 of Section 99234, a local educational agency shall certify that:

31 (1) Forty hours of professional development based on the  
32 statewide academic content standards adopted pursuant to Section  
33 60605, the Mathematics and Reading/English Language Arts  
34 frameworks adopted by the ~~State Board~~ *state board*, and  
35 instructional materials adopted by the ~~State Board~~ *state board* or  
36 standards-aligned instructional materials and 80 hours of followup  
37 instruction, coaching, or additional schoolsite assistance, in  
38 mathematics or reading, based upon the individual school needs,  
39 as appropriate, was provided to teachers who meet the criteria

1 specified in paragraphs (1) and (2) of subdivision (a) of Section  
2 99233.

3 (2) Forty hours of reading or English language arts professional  
4 development that includes strategies to help all pupils gain mastery  
5 of the California content standards and based on the statewide  
6 academic content standards adopted pursuant to Section 60605,  
7 the Reading/English Language Arts framework adopted by the  
8 ~~State Board~~ *state board*, and instructional materials adopted by  
9 the ~~State Board~~ *state board* or standards-aligned instructional  
10 materials, and 80 hours of followup instruction, coaching, or  
11 additional schoolsite assistance, based upon the individual teacher  
12 or school needs, was provided to teachers who meet the criteria  
13 specified in paragraphs (3) and (4) of subdivision (a) of Section  
14 99233.

15 (3) Forty hours of professional development in mathematics  
16 based on the statewide academic content standards adopted  
17 pursuant to Section 60605, the Mathematics framework adopted  
18 by the ~~State Board~~ *state board*, instructional strategies designed  
19 to help all pupils gain mastery of the California academic content  
20 standards, and instructional materials adopted by the ~~State Board~~  
21 *state board* or standards-aligned instructional materials, and 80  
22 hours of followup instruction, coaching, or additional schoolsite  
23 assistance, based upon the individual teacher or school needs, was  
24 provided to teachers who meet the criteria specified in paragraphs  
25 (5) and (6) of subdivision (a) of Section 99233.

26 (c) If, as the result of a program audit, it is found that the  
27 participating local educational agency served fewer participants  
28 than it was funded to serve, the Superintendent shall adjust the  
29 next principal apportionment to withhold from the local educational  
30 agency an amount proportional to the amount of funding associated  
31 with the number of teachers that were not served.

32 (d) If, as the result of a program audit, it is found that the training  
33 provided by the local educational agency or the provider with  
34 whom it contracted did not meet the requirements of paragraph  
35 (4) of subdivision (a), the Superintendent shall withhold from the  
36 next monthly principal apportionment payment to the local  
37 educational agency an amount equal to the amount of funding  
38 associated with the training that was not aligned to state standards  
39 and curriculum frameworks.

- 1 (e) It is the intent of the Legislature that audits referenced in
- 2 subdivisions (c) and (d) be conducted as part of a compliance audit
- 3 performed in accordance with Sections 14503, 14508, and 41020.

O