

AMENDED IN ASSEMBLY MARCH 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 122

Introduced by Assembly Member Coto

January 15, 2009

An act to add and repeal Chapter 3.2 (commencing with Section 58530) of Part 31 of Division 4 of Title 2 of the Education Code, relating to small schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 122, as amended, Coto. Small schools.

Existing law grants authority to school districts to establish and operate public schools within their boundaries.

This bill would authorize a school district to establish a small school, subject to specified conditions, including, among others, a requirement to develop a school plan, as specified, and a requirement to adopt regulations that include the small school as part of an academic reform strategy focused on the positive outcomes small schools are intended to produce. *The bill would require the small school to have a governing board, consisting of members elected by specified groups, and would specify that the small school have autonomy over specified matters including budget, hiring decisions, and, subject to negotiated collective bargaining agreements, working conditions. The bill would require a school district that establishes a small school to fund the small school pursuant to specified provisions.* The bill would encourage school districts that establish one or more small schools pursuant to this authority to apply for new construction grants for unhoused pupils as a vehicle for establishing small schools on, adjacent to, or separate from existing campuses; use modernization funding to modernize and

reconfigure existing campuses into small schools, either as part of a comprehensive school complex or as a cluster of small schools; and establish the small school pursuant to a dependent charter, as defined, in order to provide the small school with the flexibility of a charter school while allowing it to be located within the district. The bill would repeal these provisions on January 1, 2015.

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. (a) The Legislature finds and declares all of the
 2 following:
 3 (1) Research has shown that school size is an important predictor
 4 of pupil success, second only to socioeconomic status. The research
 5 literature clearly ~~states the superiority of~~ *indicates the superiority*
 6 *of high quality* small schools as learning environments. In small
 7 schools all of the following occur:
 8 (A) Dropout and truancy rates dramatically decrease and
 9 graduation rates and postsecondary education enrollment rates
 10 increase.
 11 (B) Parents *and guardians* are much more likely to be involved
 12 in the school and to have greater participation in decisionmaking.
 13 (C) Pupils experience a greater sense of belonging and are more
 14 satisfied with their schools.
 15 (D) Fewer discipline problems occur.
 16 (E) Crime, violence, and gang participation decrease.
 17 (F) Incidences of alcohol and tobacco abuse decrease.
 18 (G) Pupil attendance increases.
 19 (H) Ample evidence exists that well-planned and
 20 well-implemented small schools can result in astonishing growth
 21 in pupil achievement and a significant narrowing of the
 22 achievement gap.
 23 (2) A recent study of large and small schools in four states has
 24 shown that smaller schools reduce the damaging effects of poverty
 25 and help pupils narrow the achievement gap between them and
 26 pupils from more affluent communities.
 27 (3) Reducing school size has also been shown to significantly
 28 increase the likelihood of success of school reform efforts. Small

1 schools are more effective at staff development and in
2 implementing new curriculum *and instructional strategies*.

3 (4) Based upon the research on the benefits of small schools,
4 the United States Department of Education has created the Smaller
5 Learning Communities Program and is currently providing a small
6 number of planning and implementation grants to school districts
7 across the country to support the development of small schools
8 and small learning communities.

9 (5) Other states have recognized the value of small schools and
10 have developed state policy to encourage small schools
11 development. In Florida, for example, all schools built after 2003
12 will be small schools.

13 (6) Many parent groups and school districts in the state,
14 including *groups and districts in San Diego*, Oakland, Sacramento,
15 San Jose, Los Angeles, and San Francisco, have initiated efforts
16 to create small schools. These efforts include the creation of new
17 small schools on new sites as well as the reconfiguration of existing
18 schools into small schools and small learning communities.

19 (7) The trend in California, over the last few decades, has been
20 to build larger and larger schools. For example, in 2000, more than
21 73 percent of California high schools had more than 1,000 pupils
22 and more than 57 percent of middle schools had more than 800
23 pupils.

24 (8) The trend to build large schools has been driven by
25 California's rapidly growing population and by the assumption
26 that large schools are more cost effective.

27 (9) Research, however, has also shown that small schools, due
28 to lower dropout rates and factors such as reduced school violence
29 *and increased daily school attendance*, can be more cost effective
30 in total per pupil spending than large schools.

31 (b) It is therefore the intent of the Legislature to reenact and
32 revise provisions in state law that have been repealed to create an
33 incentive for school districts to establish small schools with the
34 assistance of funding for new construction, modernization, and
35 reconfiguration of existing schoolsites.

36 SEC. 2. Chapter 3.2 (commencing with Section 58530) is added
37 to Part 31 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 3.2. SMALL SCHOOLS

1
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 3 58530. A school district may establish a small school pursuant
 4 to this chapter, subject to all of the following conditions:
 5 (a) If the school provides instruction in kindergarten ~~or any of~~
 6 *and* grades 1 to 5, inclusive, the number of pupils enrolled in the
 7 school for those grades shall not be fewer than 80 pupils and not
 8 more than 250 pupils. *If the school provides instruction in*
 9 *kindergarten and grades 1 to 8, inclusive, the number of pupils*
 10 *enrolled in the school for those grades shall not be fewer than 80*
 11 *pupils and not more than 450 pupils.* If the school provides
 12 instruction in ~~any of~~ grades 6 to 12, inclusive, the number of pupils
 13 enrolled in the school for those grades shall not be fewer than 80
 14 pupils and not more than 400 pupils.
 15 (b) The school shall be staffed by school district employees who
 16 volunteer to be assigned to the school.
 17 (c) The facilities that house the pupils enrolled in the school
 18 shall be located in proximity to one another.
 19 (d) Enrollment in the school ~~is~~ *shall be* open to all pupils who
 20 have at least one parent *or guardian* who is a resident in the
 21 attendance area of the school district.
 22 (e) Admission to the school shall not be determined by pupil
 23 achievement. The school shall have a heterogenous pupil
 24 population in terms of pupil achievement *that reflects the diversity*
 25 *of the pupils in that school district.*
 26 (f) The school shall have a governing board ~~elected by parents~~
 27 ~~of pupils enrolled in the school.~~
 28 ~~(g) The school shall have a significant and agreed upon level~~
 29 ~~of autonomy within the school district. A school district that~~
 30 ~~consisting of school staff, parents, guardians, and pupils. Members~~
 31 ~~of those groups shall be elected to the governing board by their~~
 32 ~~peers.~~
 33 (g) *A school district that establishes a small school shall allocate*
 34 *funds to the small school in a manner that results in the small*
 35 *school receiving the amount of funds that each pupil would*
 36 *generate at the pupil's prior school or the school that the pupil*
 37 *would otherwise attend. Funds shall be subtracted for contracted*
 38 *or required school district services as set forth in the school plan*
 39 *or the memorandum of understanding between the governing board*
 40 *of the small school and the governing board of the school district.*

1 *School staff and the governing board of the small school shall*
2 *have flexibility on how funds allocated to the school district are*
3 *spent.*

4 *(h) The small school shall have autonomy over budget, hiring*
5 *decisions, curriculum, instructional practices, and, subject to*
6 *negotiated collective bargaining agreements, working conditions.*

7 *(i) A school district that establishes one or more small schools*
8 *pursuant to this chapter shall develop, with collaboration from*
9 *representatives of community groups, bargaining units representing*
10 *the employees of the school district, and parents of pupils of the*
11 *school, a school plan for each small school that includes all of the*
12 *following:*

- 13 (1) Goals for pupil achievement.
- 14 (2) Teaching and learning philosophy.
- 15 (3) Curricular focus of the school.
- 16 (4) Goals for school culture and practices.
- 17 (5) Leadership goals.
- 18 (6) *Tentative budget.*

19 ~~(6)~~
20 (7) Decisionmaking process, including the role of the governing
21 board of the small school.

22 (8) *An evaluation plan based on multiple measures.*

23 *(j) A school district that establishes a small school pursuant to*
24 *this chapter shall develop a process for interested stakeholders to*
25 *submit proposals for the establishment of a small school. The*
26 *proposal shall include all of the factors set forth in subdivision*
27 *(i).*

28 ~~(h)~~

29 *(k) A school district that establishes one or more small schools*
30 *pursuant to this chapter shall adopt regulations that include the*
31 *small school or schools as part of an academic reform strategy*
32 *focused on the positive outcomes small schools are intended to*
33 *produce. The positive outcomes resulting from the adopted*
34 *academic reform strategy shall include, but are not limited to, any*
35 *of the following:*

- 36 (1) A clearly defined mission and goals.
- 37 (2) High standards and expectations for pupils and staff.
- 38 (3) Personalization.
- 39 (4) Individual respect.
- 40 (5) Universal involvement in decisionmaking.

- 1 (6) Integrated learning.
- 2 (7) Multiple measures of pupil achievement.
- 3 (8) Antiracist and relevant curriculum.
- 4 (9) Differentiated instruction.
- 5 (10) Project-oriented learning.
- 6 (11) Heterogeneous pupil grouping.
- 7 (12) Pupil-centered classrooms.
- 8 (13) Connectedness with stakeholders.
- 9 (14) Diversity.
- 10 (15) A safe environment.
- 11 (16) A high-quality learning environment.
- 12 (17) Alignment of resources with goals.
- 13 (18) Maximizing community resources and partnerships.
- 14 (19) Lifelong professional development.
- 15 (20) A plan for continuous improvement, including data analysis.
- 16 (i)
- 17 (l) A small school may be located within an existing elementary,
- 18 middle, or comprehensive high school and may be newly
- 19 constructed, located on a single site, or located with other small
- 20 schools or learning communities. The total enrollment of a small
- 21 school site shall not exceed the recommendation of the department.
- 22 58531. A school district that establishes one or more small
- 23 schools pursuant to this chapter is encouraged to do any or all of
- 24 the following:
- 25 (a) Apply for new construction grants for unhoused pupils as a
- 26 vehicle for establishing small schools on, adjacent to, or separate
- 27 from existing campuses.
- 28 (b) Use modernization funding to modernize and reconfigure
- 29 existing campuses into small schools, either as part of a
- 30 comprehensive school complex or as a cluster of small schools.
- 31 (c) (1) Establish the school pursuant to a dependent charter in
- 32 order to provide the small school with the flexibility of a charter
- 33 school while allowing it to be located within the district.
- 34 (2) A small school established under a dependent charter as
- 35 described in this subdivision shall not claim reimbursement for
- 36 state mandates, except for costs related to the administration of
- 37 the high school exit examination.
- 38 (3) For purposes of this subdivision, “dependent charter” means
- 39 a charter granted pursuant to Chapter 2 (commencing with Section

1 47605) of Part 26.8 in which the chartering authority retains all
2 governance powers regarding the operation of the charter school.
3 58532. This chapter shall remain in effect only until January
4 1, 2015, and as of that date is repealed, unless a later enacted
5 statute, that is enacted before January 1, 2015, deletes or extends
6 that date.

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