

AMENDED IN ASSEMBLY MARCH 24, 2009

AMENDED IN ASSEMBLY MARCH 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 122**

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**Introduced by Assembly Member Coto**

January 15, 2009

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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~~ *body that consists* 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~~ 2017.

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 indicates the superiority of ~~high-quality~~
- 6 *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.

1 (3) Reducing school size has also been shown to significantly  
2 increase the likelihood of success of school reform efforts. Small  
3 schools are more effective at staff development and in  
4 implementing new curriculum and instructional strategies.

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

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

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

23 (7) The trend in California, over the last few decades, has been  
24 to build larger and larger schools. For example, in 2000, more than  
25 73 percent of California high schools had more than 1,000 pupils  
26 and more than 57 percent of middle schools had more than 800  
27 pupils.

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

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

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

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

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CHAPTER 3.2. SMALL SCHOOLS

6 58530. A school district may establish a small school pursuant  
 7 to this chapter, subject to all of the following conditions:

8 (a) If the school provides instruction in kindergarten and grades  
 9 1 to 5, inclusive, the number of pupils enrolled in the school for  
 10 those grades shall not be fewer than 80 pupils and not more than  
 11 250 pupils. If the school provides instruction in kindergarten and  
 12 grades 1 to 8, inclusive, the number of pupils enrolled in the school  
 13 for those grades shall not be fewer than 80 pupils and not more  
 14 than 450 pupils. If the school provides instruction in grades 6 to  
 15 12, inclusive, the number of pupils enrolled in the school for those  
 16 grades shall not be fewer than 80 pupils and not more than 400  
 17 pupils.

18 (b) The school shall be staffed by school district employees who  
 19 volunteer to be assigned to the school.

20 (c) The facilities that house the pupils enrolled in the school  
 21 shall be located in proximity to one another.

22 (d) Enrollment in the school shall be open to all pupils who  
 23 have at least one parent or guardian who is a resident in the  
 24 attendance area of the school district.

25 (e) Admission to the school shall not be determined by pupil  
 26 achievement. The school shall have a heterogenous pupil  
 27 population in terms of pupil achievement that reflects the diversity  
 28 of the pupils in that school district. *The small school shall develop*  
 29 *an objective, transparent process to ensure the school has a*  
 30 *heterogeneous pupil population.*

31 (f) The school shall have a governing ~~board~~ *body* consisting of  
 32 school staff, parents, guardians, and pupils. Members of those  
 33 groups shall be elected to the governing ~~board~~ *body* by their peers.

34 (g) A school district that establishes a small school shall allocate  
 35 funds to the small school in a manner that results in the small  
 36 school receiving the amount of funds that each pupil would  
 37 generate at the pupil’s prior school or the school that the pupil  
 38 would otherwise attend. Funds shall be subtracted for contracted  
 39 or required school district services as set forth in the school plan  
 40 or the memorandum of understanding between the governing ~~board~~

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

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

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

- 14 (1) Goals for pupil achievement.
- 15 (2) Teaching and learning philosophy.
- 16 (3) Curricular focus of the school.
- 17 (4) Goals for school culture and practices.
- 18 (5) Leadership goals.
- 19 (6) Tentative budget.
- 20 (7) Decisionmaking process, including the role of the governing  
21 ~~board~~ *body* of the small school.

22 (8) An evaluation plan based on multiple measures. *The school's*  
23 *own evaluation that includes the results of assessments required*  
24 *by the state shall be submitted to the department at the beginning*  
25 *of the second year of the school's operation.*

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

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

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

- 1 (5) Universal involvement in decisionmaking.
- 2 (6) Integrated learning.
- 3 (7) Multiple measures of pupil achievement.
- 4 (8) Antiracist and relevant curriculum.
- 5 (9) Differentiated instruction.
- 6 (10) Project-oriented learning.
- 7 (11) Heterogeneous pupil grouping.
- 8 (12) Pupil-centered classrooms.
- 9 (13) Connectedness with stakeholders.
- 10 (14) Diversity.
- 11 (15) A safe environment.
- 12 (16) A high-quality learning environment.
- 13 (17) Alignment of resources with goals.
- 14 (18) Maximizing community resources and partnerships.
- 15 (19) Lifelong professional development.
- 16 (20) A plan for continuous improvement, including data analysis.
- 17 (d) 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~~
- 32 *small school* in order to provide the small school with the flexibility
- 33 of a charter school while allowing it to be located within the
- 34 district.
- 35 (2) ~~A small school established under a dependent charter as~~
- 36 ~~described in this subdivision~~ shall not claim reimbursement for
- 37 state mandates, except for costs related to the administration of
- 38 the high school exit examination.
- 39 (3) ~~For purposes of this subdivision, “dependent charter” means~~
- 40 ~~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~~ 2017, and as of that date is repealed, unless a later enacted  
5 statute, that is enacted before January 1, ~~2015~~ 2017, deletes or  
6 extends that date.

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