

AMENDED IN ASSEMBLY APRIL 14, 2009

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 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 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, 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 small
- 6 schools as learning environments. In small schools, all of the
- 7 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 Los Angeles, Oakland,  
17 Sacramento, San Diego, San Francisco, and San Jose, have initiated  
18 efforts to create small schools. These efforts include the creation  
19 of new small schools on new sites as well as the reconfiguration  
20 of existing schools into small schools and small learning  
21 communities.

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

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

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

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35 revise provisions in state law that have been repealed to create an  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

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

## CHAPTER 3.2. SMALL SCHOOLS

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2  
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 and grades  
6 1 to 5, inclusive, the number of pupils enrolled in the school for  
7 those grades shall not be fewer than 80 pupils and not more than  
8 250 pupils. If the school provides instruction in kindergarten and  
9 grades 1 to 8, inclusive, the number of pupils enrolled in the school  
10 for those grades shall not be fewer than 80 pupils and not more  
11 than 450 pupils. If the school provides instruction in grades 6 to  
12 12, inclusive, the number of pupils enrolled in the school for those  
13 grades shall not be fewer than 80 pupils and not more than 400  
14 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 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. The small school shall develop  
26 an objective, transparent process to ensure the school has a  
27 heterogeneous pupil population.
- 28 (f) The school shall have a governing body consisting of school  
29 staff, parents, guardians, and pupils. Members of those groups  
30 shall be elected to the governing body by their peers.
- 31 (g) A school district that establishes a small school shall allocate  
32 funds to the small school in a manner that results in the small  
33 school receiving the amount of funds that each pupil would  
34 generate at the pupil's prior school or the school that the pupil  
35 would otherwise attend. Funds shall be subtracted for contracted  
36 or required school district services as set forth in the school plan  
37 or the memorandum of understanding between the governing body  
38 of the small school and the governing board of the school district.  
39 School staff and the governing body of the small school shall have  
40 flexibility on how funds allocated to the school district are spent.

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

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

- 10 (1) Goals for pupil achievement.
- 11 (2) Teaching and learning philosophy.
- 12 (3) Curricular focus of the school.
- 13 (4) Goals for school culture and practices.
- 14 (5) Leadership goals.
- 15 (6) Tentative budget.
- 16 (7) Decisionmaking process, including the role of the governing  
17 body of the small school.

18 (8) An evaluation plan based on multiple measures. The school's  
19 own evaluation that includes the results of assessments required  
20 by the state shall be submitted to the department, *the Assembly*  
21 *Committee on Education, and the Senate Committee on Education*  
22 at the beginning of the second year of the school's operation.

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 (i).

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

- 34 (1) A clearly defined mission and goals.
- 35 (2) High standards and expectations for pupils and staff.
- 36 (3) Personalization.
- 37 (4) Individual respect.
- 38 (5) Universal involvement in decisionmaking.
- 39 (6) Integrated learning.
- 40 (7) Multiple measures of pupil achievement.

- 1 (8) Antiracist and relevant curriculum.  
 2 (9) Differentiated instruction.  
 3 (10) Project-oriented learning.  
 4 (11) Heterogeneous pupil grouping.  
 5 (12) Pupil-centered classrooms.  
 6 (13) Connectedness with stakeholders.  
 7 (14) Diversity.  
 8 (15) A safe environment.  
 9 (16) A high-quality learning environment.  
 10 (17) Alignment of resources with goals.  
 11 (18) Maximizing community resources and partnerships.  
 12 (19) Lifelong professional development.  
 13 (20) A plan for continuous improvement, including data analysis.  
 14 (l) A small school may be located within an existing elementary,  
 15 middle, or comprehensive high school and may be newly  
 16 constructed, located on a single site, or located with other small  
 17 schools or learning communities. The total enrollment of a small  
 18 school site shall not exceed the recommendation of the department.  
 19 58531. A school district that establishes one or more small  
 20 schools pursuant to this chapter is encouraged to do any or all of  
 21 the following:  
 22 (a) Apply for new construction grants for unhoused pupils as a  
 23 vehicle for establishing small schools on, adjacent to, or separate  
 24 from existing campuses.  
 25 (b) Use modernization funding to modernize and reconfigure  
 26 existing campuses into small schools, either as part of a  
 27 comprehensive school complex or as a cluster of small schools.  
 28 (c) ~~(4)~~ Establish the small school in order to provide the small  
 29 school with the flexibility of a charter school while allowing it to  
 30 be located within the district.  
 31 ~~(2) A small school shall not claim reimbursement for state~~  
 32 ~~mandates, except for costs related to the administration of the high~~  
 33 ~~school exit examination.~~  
 34 58532. This chapter shall remain in effect only until January  
 35 1, 2017, and as of that date is repealed, unless a later enacted  
 36 statute, that is enacted before January 1, 2017, deletes or extends  
 37 that date.

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