

AMENDED IN ASSEMBLY JUNE 1, 2009
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

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~~ *an advisory* 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~~ *allocate*

~~funds to the small school pursuant to specified provisions, as specified. 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)~~
- 4 (a) Research has shown that school size is an important predictor
- 5 of pupil success, second only to socioeconomic status. The research
- 6 literature clearly indicates the superiority of high-quality small
- 7 schools as learning environments. In small schools, all of the
- 8 following occur:
- 9 ~~(A)~~
- 10 (1) Dropout and truancy rates dramatically decrease and
- 11 graduation rates and postsecondary education enrollment rates
- 12 increase.
- 13 ~~(B)~~
- 14 (2) Parents and guardians are much more likely to be involved
- 15 in the school and to have greater participation in decisionmaking.
- 16 ~~(C)~~
- 17 (3) Pupils experience a greater sense of belonging and are more
- 18 satisfied with their schools.
- 19 ~~(D)~~
- 20 (4) Fewer discipline problems occur.
- 21 ~~(E)~~
- 22 (5) Crime, violence, and gang participation decrease.
- 23 ~~(F)~~
- 24 (6) Incidences of alcohol and tobacco abuse decrease.

1 ~~(G)~~

2 (7) Pupil attendance increases.

3 ~~(H)~~

4 (8) Ample evidence exists that well-planned and
5 well-implemented small schools can result in astonishing growth
6 in pupil achievement and a significant narrowing of the
7 achievement gap.

8 ~~(2)~~

9 (b) A recent study of large and small schools in four states has
10 shown that smaller schools reduce the damaging effects of poverty
11 and help pupils narrow the achievement gap between them and
12 pupils from more affluent communities.

13 ~~(3)~~

14 (c) Reducing school size has also been shown to significantly
15 increase the likelihood of success of school reform efforts. Small
16 schools are more effective at staff development and in
17 implementing new curriculum and instructional strategies.

18 ~~(4)~~

19 (d) Based upon the research on the benefits of small schools,
20 the United States Department of Education has created the Smaller
21 Learning Communities Program and is currently providing a small
22 number of planning and implementation grants to school districts
23 across the country to support the development of small schools
24 and small learning communities.

25 ~~(5)~~

26 (e) Other states have recognized the value of small schools and
27 have developed state policy to encourage small schools
28 development. In Florida, for example, all schools built after 2003
29 will be small schools.

30 ~~(6)~~

31 (f) Many parent groups and school districts in the state, including
32 groups and districts in Los Angeles, Oakland, Sacramento, San
33 Diego, San Francisco, and San Jose, have initiated efforts to create
34 small schools. These efforts include the creation of new small
35 schools on new sites as well as the reconfiguration of existing
36 schools into small schools and small learning communities.

37 ~~(7)~~

38 (g) The trend in California, over the last few decades, has been
39 to build larger and larger schools. For example, in 2000, more than
40 73 percent of California high schools had more than 1,000 pupils

1 and more than 57 percent of middle schools had more than 800
2 pupils.

3 ~~(8)~~

4 (h) The trend to build large schools has been driven by
5 California’s rapidly growing population and by the assumption
6 that large schools are more cost effective.

7 ~~(9)~~

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

12 ~~(b) It is therefore the intent of the Legislature to reenact and~~
13 ~~revise provisions in state law that have been repealed to create an~~
14 ~~incentive for school districts to establish small schools with the~~
15 ~~assistance of funding for new construction, modernization, and~~
16 ~~reconfiguration of existing schoolsites.~~

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

19

20 CHAPTER 3.2. SMALL SCHOOLS

21

22 58530. A school district may establish a small school pursuant
23 to this chapter, subject to all of the following conditions:

24 (a) If the school provides instruction in kindergarten and grades
25 1 to 5, inclusive, the number of pupils enrolled in the school for
26 those grades shall not be fewer than 80 pupils and not more than
27 250 pupils. If the school provides instruction in kindergarten and
28 grades 1 to 8, inclusive, the number of pupils enrolled in the school
29 for those grades shall not be fewer than 80 pupils and not more
30 than 450 pupils. If the school provides instruction in grades 6 to
31 12, inclusive, the number of pupils enrolled in the school for those
32 grades shall not be fewer than 80 pupils and not more than 400
33 pupils.

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

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

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

1 (e) Admission to the school shall not be determined by pupil
2 achievement. The school shall have a heterogenous pupil
3 population in terms of pupil achievement that reflects the diversity
4 of the pupils in that school district. The small school shall develop
5 an objective, transparent process to ensure the school has a
6 heterogeneous pupil population.

7 (f) The school shall have ~~a governing~~ *an advisory* body
8 consisting of school staff, parents, guardians, and pupils. Members
9 of those groups shall be elected to the ~~governing~~ *advisory* body
10 by their peers.

11 (g) A school district that establishes a small school shall allocate
12 funds to the small school in a manner that results in the small
13 school receiving the amount of funds that each pupil would
14 generate at the pupil's prior school or the school that the pupil
15 would otherwise attend. ~~Funds shall be subtracted for contracted~~
16 ~~or required school district services as set forth in the school plan~~
17 ~~or the memorandum of understanding between the governing body~~
18 ~~of the small school and the governing board of the school district.~~
19 School staff and the governing body of the small school shall have
20 flexibility on how funds allocated to the school district are spent.

21 (h) ~~The small school shall have autonomy over budget, hiring~~
22 ~~decisions, curriculum, instructional practices, and, subject to~~
23 ~~negotiated collective bargaining agreements, working conditions.~~
24 *The advisory body, in consultation with schoolsite staff of the small*
25 *school, shall work with the school district to determine how funds*
26 *allocated to the small school are spent.*

27 (i)

28 (h) A school district that establishes one or more small schools
29 pursuant to this chapter shall develop, with collaboration from
30 representatives of community groups, bargaining units representing
31 the employees of the school district, and parents of pupils of the
32 school, a school plan for each small school that includes all of the
33 following:

- 34 (1) Goals for pupil achievement.
- 35 (2) Teaching and learning philosophy.
- 36 (3) Curricular focus of the school.
- 37 (4) Goals for school culture and practices.
- 38 (5) Leadership goals.
- 39 (6) Tentative budget.

- 1 (7) Decisionmaking process, including the role of the governing
- 2 body of the small school.
- 3 (8) An evaluation plan based on multiple measures. The school’s
- 4 own evaluation that includes the results of assessments required
- 5 by the state shall be submitted to the department, the Assembly
- 6 Committee on Education, and the Senate Committee on Education
- 7 at the beginning of the second year of the school’s operation.
- 8 ~~(i)~~
- 9 (i) A school district that establishes a small school pursuant to
- 10 this chapter shall develop a process for interested stakeholders to
- 11 submit proposals for the establishment of a small school. The
- 12 proposal shall include all of the factors set forth in subdivision~~(i)~~
- 13 ~~(h)~~.
- 14 ~~(k)~~
- 15 (j) A school district that establishes one or more small schools
- 16 pursuant to this chapter shall adopt regulations that include the
- 17 small school or schools as part of an academic reform strategy
- 18 focused on the positive outcomes small schools are intended to
- 19 produce. The positive outcomes resulting from the adopted
- 20 academic reform strategy shall include, but are not limited to, any
- 21 of the following:
- 22 (1) A clearly defined mission and goals.
- 23 (2) High standards and expectations for pupils and staff.
- 24 (3) Personalization.
- 25 (4) Individual respect.
- 26 (5) Universal involvement in decisionmaking.
- 27 (6) Integrated learning.
- 28 (7) Multiple measures of pupil achievement.
- 29 (8) Antiracist and relevant curriculum.
- 30 (9) Differentiated instruction.
- 31 (10) Project-oriented learning.
- 32 (11) Heterogeneous pupil grouping.
- 33 (12) Pupil-centered classrooms.
- 34 (13) Connectedness with stakeholders.
- 35 (14) Diversity.
- 36 (15) A safe environment.
- 37 (16) A high-quality learning environment.
- 38 (17) Alignment of resources with goals.
- 39 (18) Maximizing community resources and partnerships.
- 40 (19) Lifelong professional development.

1 (20) A plan for continuous improvement, including data analysis.

2 ~~(t)~~

3 ~~(k) A small school may be located within an existing elementary,~~
4 ~~middle, or comprehensive high school and may be newly~~
5 ~~constructed, located on a single site, or located with other small~~
6 ~~schools or learning communities. The total enrollment of a small~~
7 ~~school site shall not exceed the recommendation of the department.~~

8 ~~58531. A school district that establishes one or more small~~
9 ~~schools pursuant to this chapter is encouraged to do any or all of~~
10 ~~the following:~~

11 ~~(a) Apply for new construction grants for unhoused pupils as a~~
12 ~~vehicle for establishing small schools on, adjacent to, or separate~~
13 ~~from existing campuses.~~

14 ~~(b) Use modernization funding to modernize and reconfigure~~
15 ~~existing campuses into small schools, either as part of a~~
16 ~~comprehensive school complex or as a cluster of small schools.~~

17 ~~(c) Establish the small school in order to provide the small~~
18 ~~school with the flexibility of a charter school while allowing it to~~
19 ~~be located within the district.~~

20 ~~58532.~~

21 ~~58531.~~ This chapter shall remain in effect only until January
22 1, 2017, and as of that date is repealed, unless a later enacted
23 statute, that is enacted before January 1, 2017, deletes or extends
24 that date.