

AMENDED IN ASSEMBLY MARCH 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Coto

February 25, 2009

An act to ~~add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements; amend Section 44262 of, and to add Article 14 (commencing with Section 44410) to Chapter 2 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to teacher credentialing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Coto. ~~Joint powers agreement: Tule River Tribal Council. Eminence credential: American Indian languages.~~

Existing law authorizes the Commission on Teacher Credentialing to, among other things, establish professional standards, assessments, and examinations for entry and advancement in the education process. The commission is authorized to issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California.

This bill would require the commission, upon recommendation by a tribal government, to issue an American Indian languages eminence credential to a candidate who has demonstrated eminence in the tribal language of a federally recognized Indian tribe in California. The bill would authorize the holder of an American Indian languages eminence credential to teach the tribal language for which he or she is credentialed in a school district, public charter school, education services district, community college, or institution of higher education, and would make the holder of that credential eligible for a professional

clear teaching credential upon completion of a specified period of time. The bill would authorize each federally recognized American Indian tribe to develop a written and oral assessment that should be completed before the applicant is recommended for an American Indian languages eminence credential. The bill would require the commission to establish the cost of registration for the credential based on the actual cost of maintaining records of those credentials.

~~The Joint Exercise of Powers Act authorizes 2 or more public agencies, by agreement, to jointly exercise common powers and defines public agencies for this purpose.~~

~~This bill would amend the act to authorize the Tule River Tribal Council, as the governing body of the Tule River Indian Reservation of California, a federally recognized Indian tribe to enter into a joint powers agreement with the City of Porterville to create a joint powers agency, known as the Porterville Airport Area Development Authority (PAADA), for the sole purpose of developing approximately 1,200 acres of land in the vicinity of the Porterville Airport. The bill would specify the membership of the PAADA's 5-member board and require that all actions taken by PAADA be by an affirmative vote of 4 members of the board. The bill would authorize PAADA to take various actions, including jointly planning land use, incurring debt, making lease purchase arrangements, and issuing revenue bonds and certificates of participation. The bill would prohibit PAADA from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985, unless the funded public improvements will be owned and maintained by PAADA or one or more public agency members, and the revenue streams pledged to repay the bonds derive from PAADA or one or more of its public agency members. The bill would repeal its provisions on January 1, 2039.~~

~~This bill would state the findings and declarations of the Legislature concerning the need for special legislation.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares the following:*
- 2 *(a) Teaching American Indian languages is essential to the*
- 3 *proper education of American Indian children.*

1 ***(b) Preserving American Indian languages is an important part***
2 ***of our national heritage and can be of value to all Americans.***

3 ***SEC. 2. Section 44262 of the Education Code is amended to***
4 ***read:***

5 44262. ***(a) (1) Upon the recommendation of the governing***
6 ***board of a school district, the commission may issue an eminence***
7 ***credential to any person who has achieved eminence in a field of***
8 ***endeavor taught or service practiced in the public schools of***
9 ***California. This credential shall authorize teaching or the***
10 ***performance of services in the public schools in the subject or***
11 ***subject area or service and at the level or levels approved by the***
12 ***commission as designated on the credential.***

13 ***Each***

14 ***(2) Each credential so issued shall be issued initially for a***
15 ***two-year period and may be renewed for a three-year period by***
16 ***the commission upon the request of the governing board of the***
17 ***school district. Upon completion of the three-year renewal period,***
18 ***the holder of an eminence credential shall be eligible upon***
19 ***application for a professional clear teaching credential.***

20 ***(b) (1) Upon recommendation of the tribal government of a***
21 ***federally recognized Indian tribe in California, the commission***
22 ***shall issue an American Indian languages eminence credential to***
23 ***a candidate who has demonstrated eminence in that tribal language***
24 ***based on an assessment developed and administered by that***
25 ***federally recognized Indian tribe. The American Indian languages***
26 ***eminence credential shall authorize the holder to teach the***
27 ***American Indian language for which the credential was issued in***
28 ***California public schools.***

29 ***(2) Each American Indian languages eminence credential shall***
30 ***be issued initially for a two-year period and may be renewed for***
31 ***a three-year period upon recommendation of the tribal government.***
32 ***Upon completion of the three-year period, the holder of an***
33 ***American Indian languages eminence credential shall be eligible***
34 ***upon application for a professional clear teaching credential for***
35 ***that language.***

36 ***SEC. 3. Article 14 (commencing with Section 44410) is added***
37 ***to Chapter 2 of Part 25 of Division 3 of Title 2 of the Education***
38 ***Code, to read:***

1 Article 14. American Indian Languages Eminence Credential

2

3 44410. The department and the commission shall establish an
4 American Indian languages eminence credential.

5 44411. (a) Each federally recognized American Indian tribe
6 may develop a written and oral assessment that should be
7 successfully completed before an applicant is recommended for
8 an American Indian languages eminence credential.

9 (b) In developing the language assessment, an Indian tribe
10 should determine all of the following:

11 (1) Which dialects of the tribal language will be included in the
12 assessment.

13 (2) Whether the Indian tribe will standardize its writing system.

14 (3) The standard of knowledge and fluency required to qualify
15 for an American Indian languages eminence credential in their
16 tribal languages.

17 (4) Standards for effective teaching methods to be evaluated in
18 the classroom.

19 (c) The tribe should also discuss the commitment to bear all
20 costs associated with American Indian languages eminence
21 credentialing.

22 (d) The assessment should be administered at an appropriate
23 location that does not create hardship for members of the Indian
24 tribe administering the assessment.

25 44412. Upon affirmation that candidate for an American Indian
26 languages eminence credential has demonstrated knowledge and
27 fluency at the required standard, the commission shall register the
28 candidate. The commission shall then issue an American Indian
29 languages eminence credential for three years to the candidate.
30 The American Indian languages eminence credential may be
31 renewed every two years by the credential holder through the tribe
32 that administered the assessment and then registered with the
33 commission.

34 44413. (a) The commission shall accept candidates for the
35 American Indian languages eminence credential who have met all
36 of the following requirements:

37 (1) The candidate has been certified by the tribal government
38 as having demonstrated the tribal language standards of knowledge
39 and fluency established by the tribal government.

1 (2) *The candidate’s tribal government has paid the cost of*
2 *registering the credential.*

3 (b) *The commission shall establish the cost of registration based*
4 *on the actual cost of maintaining records of these credentials. The*
5 *costs may be recalculated every three years, beginning in 2013.*

6 (c) *Except for conviction of a felony and California’s required*
7 *background check, the commission may not require that candidates*
8 *meet any other criteria than certification by the tribal government*
9 *that the individual has demonstrated eminence in the tribal*
10 *language.*

11 44414. (a) *An American Indian languages eminence credential*
12 *qualifies the holder to teach in a school district, public charter*
13 *school, education services district, community college, or*
14 *institution of higher education.*

15 (b) *The holder of an American Indian languages eminence*
16 *credential who does not also have a valid teaching credential*
17 *issued by the State of California may not teach in a public school,*
18 *including a charter school, any subject other than the American*
19 *Indian language for which he or she is credentialed.*

20 44415. *Upon agreement by the tribe, a tribe submitting a*
21 *candidate for an American Indian languages eminence credential*
22 *shall develop and administer a technical assistance program. The*
23 *program shall be offered by teachers credentialed in an American*
24 *Indian language who have three or more years of teaching*
25 *experience. The technical assistance program may consist of direct*
26 *classroom observation and consultation, assistance in instructional*
27 *planning and preparation, support in implementation and delivery*
28 *of classroom instruction, and other assistance intended to enhance*
29 *the professional performance and development of the American*
30 *Indian language teacher.*

31 SECTION 1. ~~Section 6529.5 is added to the Government Code,~~
32 ~~to read:~~

33 6529.5. ~~(a) For purposes of this section the following~~
34 ~~definitions shall apply:~~

35 (1) ~~“PAADA” means the Porterville Airport Area Development~~
36 ~~Authority created pursuant to subdivision (b).~~

37 (2) ~~“Board” means the board of directors of PAADA created~~
38 ~~pursuant to subdivision (c).~~

39 (b) ~~The Tule River Tribal Council, as the governing body of~~
40 ~~the Tule River Indian Reservation of California, a federally~~

1 recognized Indian tribe, may enter into a joint powers agreement
2 with the City of Porterville to create a joint powers agency, to be
3 known as the Porterville Airport Area Development Authority, for
4 the sole purpose of developing approximately 1,200 acres of land
5 in the vicinity of the Porterville Airport. The Tule River Tribal
6 Council is deemed to be a public agency for purposes of this
7 chapter.

8 (e) (1) The board of directors of PAADA shall consist of two
9 members appointed by the city council of the City of Porterville,
10 two members appointed by the Tule River Tribal Council, and one
11 member appointed by the other four members.

12 (2) An action taken by PAADA shall require an affirmative vote
13 of at least four members of the board.

14 (d) PAADA may take any of the following actions:

15 (1) Jointly plan for land use.

16 (2) Adopt a specific plan for land use.

17 (3) Take action to implement the land use plan and specific
18 plan, including the adoption and enforcement of zoning ordinances.

19 (4) Receive fees in lieu of taxes that would be paid on behalf
20 of tribal lands included within the boundaries of PAADA if these
21 lands were not tribal lands.

22 (5) Use moneys from payments in lieu of taxes to provide
23 services deemed necessary by the board.

24 (6) Enter into leases.

25 (7) Incur debt with unanimous vote of the board, including
26 making lease purchase arrangements and issuing of revenue bonds
27 and certificates of participation based upon the revenues from fees
28 received in lieu of taxes on tribal lands, in accordance with the
29 requirements of subdivision (f).

30 (8) Adopt ordinances calling for the provision of services.

31 (9) Take action to enforce adopted ordinances.

32 (e) (1) Both of the following acts shall apply to PAADA:

33 (A) The California Public Records Act (Chapter 3.5
34 (commencing with Section 6250) of Division 7 of Title 1).

35 (B) The Ralph M. Brown Act (Chapter 9 (commencing with
36 Section 54950) of Division 2 of Title 5).

37 (2) PAADA shall not use tribal nation status to avoid or
38 circumvent the requirements specified in paragraph (1) or any
39 other state law that otherwise applies to a local governmental
40 agency.

1 ~~(3) All meetings of PAADA shall be held at a site available to~~
2 ~~the general public in full compliance with the Ralph M. Brown~~
3 ~~Act (Chapter 9 (commencing with Section 54950) of Division 2~~
4 ~~of Title 5).~~

5 ~~(4) All records of PAADA shall be located and maintained at~~
6 ~~a site available for inspection by the general public pursuant to the~~
7 ~~California Public Records Act (Chapter 3.5 (commencing with~~
8 ~~Section 6250) of Division 7 of Title 1).~~

9 ~~(f) PAADA shall not issue bonds pursuant to the Marks-Roos~~
10 ~~Local Bond Pooling Act of 1985 (Article 4 (commencing with~~
11 ~~Section 6584)), unless the public improvements to be funded by~~
12 ~~the bonds will be owned and maintained by PAADA or one or~~
13 ~~more of its public agency members, and the revenue streams~~
14 ~~pledged to repay the bonds derive from the authority or its public~~
15 ~~agency member.~~

16 ~~(g) Nothing in this section shall be construed as extending the~~
17 ~~power of eminent domain to the Tule River Tribal Council or~~
18 ~~PAADA.~~

19 ~~(h) This section shall remain in effect only until January 1, 2039,~~
20 ~~and as of that date is repealed, unless a later enacted statute, that~~
21 ~~is enacted before January 1, 2039, deletes or extends that date.~~

22 ~~SEC. 2. The Legislature finds and declares that, because of the~~
23 ~~unique circumstances applicable only to the City of Porterville~~
24 ~~and the Tule River Tribal Council, a statute of general applicability~~
25 ~~cannot be enacted within the meaning of subdivision (b) of Section~~
26 ~~16 of Article IV of the California Constitution. Therefore, this~~
27 ~~special statute is necessary.~~