

SENATE BILL

No. 1

Introduced by Senators Romero, Huff, Alquist, and Wyland

August 27, 2009

An act to amend Sections 10601.5, 10802, 10804, 47602, and 60900 of, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Romero. Public schools.

(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law prohibits data in CALTIDES from being used either solely or in conjunction with data from CALPADS for purposes of pay, promotion, sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.

This bill would delete this prohibition and instead would authorize data in CALTIDES to be used for purposes of making employment decisions relating to teachers, as specified. The bill additionally would require CALTIDES to be used to provide a means to evaluate teacher performance.

(2) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a

strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.

This bill would require interagency agreements relating to education data to be included in the plan, and would change the date the plan is required to be delivered to the Legislature and the Governor to January 15, 2010. The bill would authorize this provision to be implemented using specified federal grant funds.

(3) The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act further limits the maximum number of charter schools authorized to operate in the state each year, as specified.

This bill instead would require that, commencing with the 2009–10 school year, there be no limitation on the number of charter schools authorized to operate in the state, and would make other conforming changes.

(4) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes 2 school districts to enter into an agreement that allows pupils to transfer between the 2 districts.

This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a low-performing school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment, the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require that the average daily attendance for

pupils enrolled in a school district of enrollment, pursuant to the bill, be credited to the school district of enrollment pursuant to a specified statute. The bill would require the State Board of Education to adopt regulations to implement these provisions.

By requiring school districts to enroll nonresident pupils and perform other new duties, this bill would impose a state-mandated local program.

(5) The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the state board, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Federal law, the federal Elementary and Secondary Education Act, requires that a school district provide certain notifications to parents and employees. Federal law also requires at least one alternative governance arrangement or major restructuring effort for any school that fails to make adequate yearly progress after one full school year of corrective action.

This bill would require the Superintendent to make recommendations to the state board, by February 1, 2010, regarding the criteria and conditions for identifying the lowest 5% of the historically low-performing public schools, as specified. By April 1, 2010, the state board would be required to approve these criteria and conditions, with any necessary revisions. The bill would require the state board and the Superintendent, on or before June 1, 2010, and each year thereafter, to identify the lowest 5% of the historically low-performing public schools in the state. The bill would require the Superintendent, within 30 days of making this determination, to ensure each employee and parent or

guardian of a child enrolled or requesting to be enrolled in a school identified is provided with federally required notices containing specified information.

The bill, contingent upon the availability of federal funding for these purposes, would require the Superintendent and the state board to direct each identified school to take at least one of 3 specified alternative governance or restructuring actions required by federal law. The bill would provide for the Superintendent to recommend revocation and for the state board to hold a hearing on revocation within 90 days if the school is a charter school. The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill's provisions, and to submit this evaluation to the chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance by no later than March 1, 2015.

Because the bill would require schools identified as historically low-performing public schools in the state to take specified actions, it would impose a state-mandated local program.

(6) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal No Child Left Behind Act.

This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with the federal American Recovery and Reinvestment Act of 2009.

(7) This bill would require the state to develop a high-quality plan or plans, in collaboration with its participating local educational agencies as necessary, to ensure that specified goals of the federal Race to the Top Fund are met.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 10601.5 of the Education Code is
2 amended to read:

3 10601.5. (a) The department, in collaboration with the
4 Commission on Teacher Credentialing, shall contract for the
5 development of a teacher data system to be known as the California
6 Longitudinal Teacher Integrated Data Education System that is
7 based on the results of the teacher data system feasibility study
8 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the
9 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
10 purpose of the system is to streamline processes, improve the
11 efficiency of data collection by the department, the Commission
12 on Teacher Credentialing, and the Employment Development
13 Department, and improve the quality of data collected from local
14 educational agencies and teacher preparation programs. The system
15 shall be developed and implemented in accordance with all state
16 rules and regulations governing information technology projects.

17 (b) The system shall serve as the central state repository of
18 information regarding the teacher workforce in the state for
19 purposes of developing and reviewing state policy, identifying
20 workforce trends, and identifying future needs regarding the
21 teaching workforce. It shall also serve to provide high-quality
22 program evaluations, including evaluation of the effectiveness of
23 teacher preparation and induction, and to help improve professional
24 development programs. Additionally, it shall promote the efficient
25 monitoring of teacher assignments as required by state and federal
26 law.

27 ~~(c) Data in the system shall not be used, either solely or in~~
28 ~~conjunction with data from the California Longitudinal Pupil~~
29 ~~Achievement Data System, for purposes of pay, promotion,~~

1 ~~sanction, or personnel evaluation of an individual teacher or groups~~
2 ~~of teachers, or of any other employment decisions related to~~
3 ~~individual teachers.~~ The system shall not include the names, social
4 security numbers, home addresses, telephone numbers, or e-mail
5 addresses of individual teachers.

6 *(d) Notwithstanding any other provision of law, data in the*
7 *California Education Information System, either solely or in*
8 *conjunction with data from the California Longitudinal Pupil*
9 *Achievement Data System, may be used for purposes of making*
10 *employment decisions, including, but not limited to, actions*
11 *pursuant to Sections 44662 and 45028.*

12 ~~(d)~~

13 *(e) The system shall be used to accomplish all of the following*
14 *goals:*

15 *(1) Provide a means to evaluate all of the following:*

16 *(A) The effectiveness of teacher preparation programs,*
17 *including, but not limited to, traditional fifth-year programs,*
18 *university internship programs, and district-sponsored internship*
19 *programs.*

20 *(B) Teacher workforce issues, including mobility, retention,*
21 *and attrition.*

22 *(C) Teacher performance.*

23 *(2) Streamline and improve the effectiveness and timeliness of*
24 *assignment monitoring as required by the federal No Child Left*
25 *Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.*

26 *(3) Enable local educational agencies to monitor teacher*
27 *assignments on demand.*

28 ~~(e)~~

29 *(f) For purposes of implementing this chapter, including the*
30 *legislative intent expressed in subdivision (b) of Section 10600,*
31 *the system shall include all of the following information:*

32 *(1) Age profiles of teachers in the workforce.*

33 *(2) Projections of the number of retirees in the education system*
34 *over the next 10 years throughout the state.*

35 *(3) Identification of subject matter fields that have the severest*
36 *shortage of teachers.*

37 *(4) Geographic distribution of teachers by credential type.*

38 *(5) Present patterns of in-service education for teachers.*

39 ~~(f)~~

(g) The Commission on Teacher Credentialing and accredited teacher preparation programs shall participate in the system by providing available data regarding enrollment in credential programs, credentials issued in each specialization, and certificated persons in each specialty who are not employed in education, and by collaborating with the department in the design and preparation of periodic reports of teacher supply and demand in each specialty and in each geographic region of the state.

(g)

(h) The system shall do all of the following:

(1) Utilize and maximize use of existing teacher databases.

(2) Maintain longitudinally linked data without including the names of teachers.

(3) Comply with all state and federal confidentiality and privacy laws.

(h)

(i) The Superintendent shall convene a working group to provide advice and guidance on the development and implementation of the system. The group shall include, but is not limited to, representatives from the Commission on Teacher Credentialing, the Department of Finance, the Secretary for Education, the Legislative Analyst's Office, the Employment Development Department, and representatives of local educational agencies, postsecondary educational institutions, researchers, teachers, administrators, and parents.

(i)

(j) The operation of the system is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.

SEC. 2. Section 10802 of the Education Code is amended to read:

10802. (a) The department shall establish a process by which local educational agencies issue, maintain, and report information using the unique statewide pupil identifiers specified in paragraph (3) of subdivision (e) of Section 60900 for state and federally funded center-based child care and development programs under their purview. *Except to the extent required by federal law, or as needed to ensure compliance with federal law, the department shall not require these center-based child care and development programs to implement or maintain unique pupil identifiers*

1 specified in paragraph (3) of subdivision (e) of Section 60900 until
2 an appropriation for this purpose is provided in the annual Budget
3 Act or another statute.

4 SEC. 3. Section 10804 of the Education Code is amended to
5 read:

6 10804. (a) The State Chief Information Officer appointed
7 pursuant to Section 11545 of the Government Code shall convene
8 a working group representing, at a minimum, the state board, the
9 Superintendent, the Chancellor of the California Community
10 Colleges, the University of California, the California State
11 University, and any other governmental entities that collect, report,
12 or use individual pupil education data that would become part of
13 the comprehensive education data system. The State Chief
14 Information Officer shall form an advisory committee to the
15 working group that includes school and district administrators,
16 teachers and faculty, education program providers, policymakers,
17 researchers, parents, and pupils.

18 (b) The working group convened pursuant to this section shall
19 create a strategic plan to link education data systems from all
20 segments and to accomplish all of the following:

21 (1) Provide an overall structural design for the linked education
22 data systems.

23 (2) Examine current state education data systems.

24 (3) Examine the protocols and procedures to be used by state
25 agencies in data processing, including, but not limited to,
26 collecting, storing, manipulating, sharing, retrieving, and releasing
27 data so as to enable each state agency to accurately and efficiently
28 collect and share data with the other state agencies while complying
29 with all applicable state and federal privacy laws.

30 (4) Identify specific procedures and policies that would be
31 necessary to ensure the privacy of pupil record information so as
32 to meet both federal requirements and the higher expectations of
33 privacy held by the state.

34 (5) *Include interagency agreements to facilitate the transfer of*
35 *data from one segment to another and ultimately to include*
36 *linkages to workforce data.*

37 (c) The strategic plan shall be delivered by the State Chief
38 Information Officer to the Legislature and the Governor on or
39 before ~~September 1, 2009~~ January 15, 2010.

(d) *This section may be implemented using federal grant funds received pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) through that act's provision of funds for statewide data systems under the federal Education Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).*

SEC. 4. Section 47602 of the Education Code is amended to read:

47602. (a) ~~(1)~~—In the 1998–99 school year, the maximum total number of charter schools authorized to operate in this state shall be 250. In the 1999–2000 school year, ~~and in each successive through the 2008–09 school year thereafter, inclusive~~, an additional 100 charter schools are authorized to operate in this state each successive school year. *Commencing with the 2009–10 school year, there shall be no limitation on the number of charter schools authorized to operate in this state.* For the purposes of implementing this section, the ~~State Board of Education~~ *state board* shall assign a number to each charter petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each charter notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board ~~on or after January 1, 2003~~, shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. ~~The State Board of Education~~ *state board* shall develop a numbering system for charter schools that identifies each school associated with a charter ~~and that operates within the existing limit on the number of charter schools that can be approved each year.~~ For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate schools. Sites that do not share a common educational program shall be considered separate schools for purposes of this section. ~~The limits contained in this paragraph may not be waived by the State Board of Education pursuant to Section 33050 or any other provision of law.~~

(2) By July 1, 2003, the Legislative Analyst shall, pursuant to ~~the criteria in Section 47616.5, report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of charter schools authorized pursuant to this section.~~

(b) ~~No~~ A charter ~~shall~~ *petition shall not* be granted under this part that authorizes the conversion of ~~any~~ a private school to a charter school. ~~No~~ A charter school shall *not* receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The ~~State Board of Education~~ *state board* shall adopt regulations to implement this section.

SEC. 5. Article 10 (commencing with Section 48350) is added to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 10. Open Enrollment Act

48350. This article shall be known, and may be cited, as the Open Enrollment Act.

48351. The purpose of this article is to improve educational achievement and to enhance parental choice in education by providing additional options to pupils to enroll in public schools throughout the state without regard to the residence of their parents.

48352. For purposes of this article, the following definitions apply:

(a) "Low-performing school" means a public school that is ranked in any of deciles 1 to 3, inclusive, of the Academic Performance Index and identified by the Superintendent pursuant to Section 52055.605.

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

48353. The state board shall adopt regulations to implement this article.

48354. (a) The parent of a pupil enrolled in a low-performing school may submit an application for the pupil to attend a school in a school district of enrollment pursuant to this article.

(b) (1) No later than September 1 of the school year immediately following a school year in which a school is deemed

1 to be a low-performing school, the school district that administers
2 that school shall notify the parent of each pupil enrolled in the
3 school of the opportunity for the pupil to transfer to a school district
4 of enrollment pursuant to this article. The notification pursuant to
5 this paragraph shall inform parents of an Internet Web site or other
6 source that includes detailed information regarding how to apply
7 for a transfer pursuant to this article.

8 (2) An application requesting a transfer pursuant to this article
9 shall be submitted by the parent of a pupil to the school district of
10 enrollment prior to January 1 of the school year preceding the
11 school year for which the pupil is requesting to transfer. The school
12 district of enrollment may waive the deadline specified in this
13 paragraph.

14 (3) The application deadline specified in paragraph (2) does not
15 apply to an application requesting a transfer if the parent, with
16 whom the pupil resides, is enlisted in the military and was relocated
17 by the military within 90 days prior to submitting the application.

18 (4) The application may request enrollment of the pupil in a
19 specific school or program within the school district of enrollment.

20 (5) A pupil may enroll in a school in the school district of
21 enrollment immediately upon the approval of his or her application.

22 (6) In order to provide priority enrollment opportunities for
23 pupils residing in the school district, a school district of enrollment
24 shall establish a period of time for resident pupil enrollment prior
25 to accepting transfer applications pursuant to this article.

26 48355. (a) The school district of residence of a pupil or a
27 school district of enrollment to which a pupil has applied to attend
28 may prohibit the transfer of the pupil pursuant to this article or
29 limit the number of pupils who transfer pursuant to this article if
30 the governing board of the district determines that the transfer
31 would negatively impact either of the following:

32 (1) A court-ordered desegregation plan of the district.

33 (2) The racial and ethnic balance of the district.

34 (b) A school district of residence shall not adopt policies that
35 in any way prevent or discourage pupils from applying for a
36 transfer to a school district of enrollment.

37 48356. (a) A school district of enrollment may adopt specific,
38 written standards for acceptance and rejection of applications
39 pursuant to this article. The standards may include consideration
40 of the capacity of a program, class, grade level, or school building.

1 Subject to subdivision (b), and except as necessary in accordance
2 with Section 48355, the standards shall not include consideration
3 of a pupil's previous academic achievement, physical condition,
4 proficiency in the English language, sex, national origin, or race.

5 (b) In considering an application pursuant to this article, a
6 nonresident school district may apply its usual requirements for
7 admission to a magnet school or a program designed to serve gifted
8 and talented pupils.

9 (c) Subject to the rules and standards that apply to pupils who
10 reside in the school district of enrollment, a resident pupil who is
11 enrolled in one of the district's schools pursuant to this article shall
12 not be required to submit a renewed application in order to remain
13 enrolled.

14 (d) A school district of enrollment shall ensure that pupils
15 enrolled pursuant to standards adopted pursuant to this section are
16 selected through a random, unbiased process that prohibits an
17 evaluation of whether or not the pupil should be enrolled based
18 on his or her individual academic or athletic performance, except
19 that pupils applying for a transfer pursuant to this article shall be
20 assigned priority for approval as follows:

21 (1) First priority for the siblings of children who already attend
22 the desired school.

23 (2) Second priority for pupils transferring from a low-performing
24 school ranked in decile 1 on the Academic Performance Index.

25 (3) Third priority for pupils transferring from a low-performing
26 school ranked in decile 2 on the Academic Performance Index.

27 (4) Fourth priority for pupils transferring from a low-performing
28 school ranked in decile 3 on the Academic Performance Index.

29 (5) Fifth priority for all other pupils.

30 (6) If the number of pupils who request a particular school
31 exceeds the number of spaces available at that school, a lottery
32 shall be conducted in the group priority order identified in
33 paragraphs (1) to (5), inclusive, to select pupils at random until all
34 of the available spaces are filled.

35 (e) The initial application of a pupil for transfer to a school
36 within a school district of enrollment shall not be approved if the
37 transfer would require the displacement from the desired school
38 of any other pupil who resides within the attendance area of that
39 school or is currently enrolled in that school.

1 (f) A pupil approved for a transfer to a school district of
2 enrollment pursuant to this article shall be deemed to have fulfilled
3 the requirements of Section 48204.

4 48357. Within 60 days of receiving an application pursuant to
5 Section 48354, a school district of enrollment shall notify the
6 applicant parent and the school district of residence in writing
7 whether the application has been accepted or rejected. If an
8 application is rejected, the school district of enrollment shall state
9 in the notification the reasons for the rejection.

10 48358. A school district of enrollment that enrolls a pupil
11 pursuant to this article shall accept credits toward graduation that
12 were awarded to the pupil by another school district and shall
13 graduate the pupil if the pupil meets the graduation requirements
14 of the school district of enrollment.

15 48359. (a) The average daily attendance for pupils enrolled
16 in a school district of enrollment pursuant to this article shall be
17 credited to that school district pursuant to Section 46607. The
18 attendance report of the school district of enrollment may include
19 an identification of the school district of residence for pupils
20 enrolled pursuant to this article.

21 (b) Notwithstanding any other provision of law, state aid for
22 categorical education programs for pupils enrolled in a school
23 district of enrollment pursuant to this article shall be apportioned
24 to the school district of enrollment. For a school district of
25 enrollment that is a basic aid school district, the apportionment of
26 state funds for any average daily attendance credited pursuant to
27 this article shall be 70 percent of the district revenue limit that
28 would have been apportioned to the school district of residence.
29 For purposes of this subdivision, the term “basic aid school district”
30 means a school district that does not receive an apportionment of
31 state funds pursuant to subdivision (h) of Section 42238 for any
32 fiscal year in which this subdivision may apply.

33 48360. (a) Each school district is encouraged to keep an
34 accounting of all requests made for alternative attendance pursuant
35 to this article and records of all disposition of those requests that
36 may include, but are not limited to, all of the following:

37 (1) The number of requests granted, denied, or withdrawn. In
38 the case of denied requests, the records may indicate the reasons
39 for the denials.

40 (2) The number of pupils who transfer out of the district.

1 (3) The number of pupils who transfer into the district.

2 (b) The information maintained pursuant to subdivision (a) may
3 be reported to the governing board of the school district at a
4 regularly scheduled meeting of the governing board.

5 SEC. 6. Article 5 (commencing with Section 52065) is added
6 to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education
7 Code, to read:

8
9 Article 5. Accountability Measures for Historically
10 Low-Performing California Public Schools
11

12 52065. (a) By February 1, 2010, the Superintendent shall make
13 recommendations to the state board regarding all of the following:

14 (1) The criteria the Superintendent and the state board should
15 use to jointly identify public schools subject to the list required in
16 Section 52066. In making recommendations regarding these
17 criteria, or selecting schools based on these criteria, the
18 Superintendent and the state board shall only consider schools
19 currently or likely to be subject to restructuring pursuant to Section
20 1116 of the federal Elementary and Secondary Education Act (20
21 U.S.C. Sec. 6301 et seq.) in the subsequent school year. The
22 committee may also consider other objective data, including, but
23 not limited to, the results of the California Standards Test, the
24 Academic Performance Index, and dropout and graduation rates.

25 (2) The conditions that must exist for a school to be removed
26 from the list established pursuant to Section 52066.

27 (b) On or before February 1, 2010, the Superintendent shall
28 make recommendations on the criteria and conditions described
29 in paragraph (1) to the state board, and on or before April 1, 2010,
30 the state board shall approve these criteria and conditions, with
31 any revisions deemed necessary by the state board.

32 52066. (a) On or before June 1, 2010, and each year thereafter
33 the state board and the Superintendent, using the criteria established
34 pursuant to Section 52065, shall jointly identify the lowest 5
35 percent of the historically low-performing public schools in the
36 state subject to this article.

37 (b) The lowest 5 percent shall be identified for each type of
38 school. For purposes of this section, there shall be three types of
39 schools:

40 (1) Elementary schools.

1 (2) Middle schools, including junior high schools.

2 (3) High schools.

3 (c) Within 30 days of making the determination in subdivision
4 (a), the Superintendent shall notify each local educational agency
5 responsible for oversight of a public school that is identified and
6 ensure that the governing board has provided each employee and
7 parent or guardian of a child enrolled or requesting to be enrolled
8 in a school identified in subdivision (a) the notices required by
9 both of the following:

10 (1) Section 1116(b)(7)(E) of the federal Elementary and
11 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

12 (2) Section 1116(b)(8)(C) of the federal Elementary and
13 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

14 52067. (a) Upon identifying a school pursuant to Section
15 52066, the Superintendent and the state board shall direct the local
16 educational agency responsible for each identified school to
17 evaluate the reasons for the determination and approve in a public
18 hearing at least one of the locally developed renewal efforts
19 specified in Section 1116(b)(8)(B)(i), (ii), or (iii) of the federal
20 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301
21 et seq.).

22 (b) For the high schools identified in subdivision (b) of Section
23 52066, the renewal efforts shall focus primarily on significant
24 annual increases toward a four-year graduation rate goal of 90
25 percent, as calculated pursuant to subparagraph (A) of paragraph
26 (4) of subdivision (a) of Section 52052. The evaluation required
27 in Section 52068 shall include an assessment of the efficacy of
28 any strategies employed to increase graduation rates at each of the
29 identified high schools.

30 (c) If a school identified pursuant to subdivision (a) of Section
31 52066 is a charter school, the Superintendent shall recommend
32 revocation of the charter to the state board pursuant to subdivision
33 (c) of Section 47604.5.

34 (d) No later than 90 days after receipt of a recommendation for
35 revocation pursuant to subdivision (c), the state board shall hold
36 a public hearing to consider the revocation of the charter.

37 (e) If the Director of Finance determines that sufficient federal
38 funds are not available to implement the renewal efforts pursuant
39 to this section for the budget year, the Director of Finance shall

1 notify the Superintendent and the state board, and within 45 days
2 all of the following shall occur:

3 (1) The Superintendent and the state board shall determine
4 whether any other federal funds are available, and if so, shall
5 determine how that funding could be best allocated to facilitate
6 the ongoing renewal efforts for the low-performing schools subject
7 to this section.

8 (2) After making the determinations described in paragraph (1),
9 with the approval of the Director of Finance and pursuant to any
10 applicable notification requirements in the annual Budget Act, the
11 Superintendent and the state board shall notify the relevant local
12 educational agencies regarding which schools are subject to the
13 requirements of this section for the subsequent school year and
14 the remaining schools for which the renewal plans otherwise
15 required by this section are recommended but not mandatory.

16 52068. The department shall contract for an independent
17 evaluation of the program established by this article. The costs of
18 the evaluation shall be paid for from federal funds appropriated to
19 the department. The evaluation shall determine whether this
20 program has been effective in improving pupil achievement and
21 shall identify components of successful school renewal. The
22 evaluation shall be submitted, no later than March 1, 2015, to the
23 chairpersons of the Joint Legislative Budget Committee, the
24 Assembly Committee on Budget, the Senate Committee on Budget
25 and Fiscal Review, the Assembly Committee on Education, the
26 Senate Committee on Education, the Governor, and the Director
27 of Finance.

28 SEC. 7. Section 60900 of the Education Code is amended to
29 read:

30 60900. (a) The department shall contract for the development
31 of proposals which will provide for the retention and analysis of
32 longitudinal pupil achievement data on the tests administered
33 pursuant to Chapter 5 (commencing with Section 60600), Chapter
34 7 (commencing with Section 60810), and Chapter 9 (commencing
35 with Section 60850). The longitudinal data shall be known as the
36 California Longitudinal Pupil Achievement Data System.

37 (b) The proposals developed pursuant to subdivision (a) shall
38 evaluate and determine whether it would be most effective, from
39 both a fiscal and a technological perspective, for the state to own

1 the system. The proposals shall additionally evaluate and determine
2 the most effective means of housing the system.

3 (c) The California Longitudinal Pupil Achievement Data System
4 shall be developed and implemented in accordance with all state
5 rules and regulations governing information technology projects.

6 (d) The system or systems developed pursuant to this section
7 shall be used to accomplish all of the following goals:

8 (1) To provide school districts and the department access to
9 data necessary to comply with federal reporting requirements
10 delineated in the federal No Child Left Behind Act of 2001 (20
11 U.S.C. Sec. 6301 et seq.).

12 (2) To provide a better means of evaluating educational progress
13 and investments over time.

14 (3) To provide local educational agencies information that can
15 be used to improve pupil achievement.

16 (4) To provide an efficient, flexible, and secure means of
17 maintaining longitudinal statewide pupil level data.

18 (e) In order to comply with federal law as delineated in the No
19 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
20 local educational agency shall retain individual pupil records for
21 each test taker, including all of the following:

22 (1) All demographic data collected from the STAR Program
23 test, high school exit examination, and English language
24 development tests.

25 (2) Pupil achievement data from assessments administered
26 pursuant to the STAR Program, high school exit examination, and
27 English language development testing programs. To the extent
28 feasible, data should include subscore data within each content
29 area.

30 (3) A unique pupil identification number to be identical to the
31 pupil identifier developed pursuant to the California School
32 Information Services, which shall be retained by each local
33 educational agency and used to ensure the accuracy of information
34 on the header sheets of the STAR Program tests, high school exit
35 examination, and the English language development test.

36 (4) All data necessary to compile reports required by the federal
37 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
38 including, but not limited to, dropout and graduation rates.

39 (5) Other data elements deemed necessary by the
40 Superintendent, with approval of the state board, to comply with

1 the federal reporting requirements delineated in the No Child Left
2 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and programs
3 implemented pursuant to the American Recovery and Reinvestment
4 Act of 2009 (Public Law 111-5), after review and comment by the
5 advisory board convened pursuant to subdivision (h). Other data
6 elements include, but are not necessarily limited to, all of the
7 following:

8 (A) The ability to match teachers to their pupils with the intent
9 to correlate pupil achievement and performance with teacher
10 preparation programs.

11 (B) The ability to include evaluation data for teachers and
12 principals.

13 (C) Pupils' scores on tests measuring whether pupils are
14 prepared for a postsecondary educational institution, including,
15 but not limited to, the California State University Early Assessment
16 Program Test.

17 (D) Data on the level of pupils' success in a postsecondary
18 educational institution, including whether pupils are enrolled in
19 remedial courses.

20 (E) Data on whether pupils in kindergarten and any of grades
21 1 to 12, inclusive, are prepared to succeed in a postsecondary
22 educational institution.

23 (F) The ability to share data from data systems at all levels,
24 from preschool through postsecondary education, inclusive. For
25 purposes of fulfilling the requirements of this subparagraph, the
26 plan required pursuant to Section 10804 shall be used to address
27 linkages between postsecondary education segments and the
28 prekindergarten through grade 12 data system. The plan required
29 pursuant to Section 10804 shall include interagency agreements
30 to facilitate the transfer of data from one segment to another and
31 to ultimately include linkages to workforce data.

32 (f) The California Longitudinal Pupil Achievement Data System
33 shall have all of the following characteristics:

34 (1) The ability to sort by demographic element collected from
35 the STAR Program tests, high school exit examination, and English
36 language development test.

37 (2) The capability to be expanded to include pupil achievement
38 data from multiple years.

1 (3) The capability to monitor pupil achievement on the STAR
2 Program tests, high school exit examination, and English language
3 development test from year to year and school to school.

4 (4) The capacity to provide data to the state and local educational
5 agencies upon their request.

6 (g) Data elements and codes included in the system shall comply
7 with Sections 49061 to 49079, inclusive, and Sections 49602 and
8 56347, with Sections 430 to 438, inclusive, of Title 5 of the
9 California Code of Regulations, with the Information Practices
10 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
11 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
12 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
13 Section 1242h of Title 20 of the United States Code, and related
14 federal regulations.

15 (h) The department shall convene an advisory board consisting
16 of representatives from the state board, the Secretary for Education,
17 the Department of Finance, the State Privacy Ombudsman, the
18 Legislative Analyst's Office, representatives of parent groups,
19 school districts, and local educational agencies, and education
20 researchers to establish privacy and access protocols, provide
21 general guidance, and make recommendations relative to data
22 elements. The department is encouraged to seek representation
23 broadly reflective of the general public of California.

24 (i) Subject to funding being provided in the annual Budget Act,
25 the department shall contract with a consultant for independent
26 project oversight. The Director of Finance shall review the request
27 for proposals for the contract. The consultant hired to conduct the
28 independent project oversight shall twice annually submit a written
29 report to the Superintendent, the state board, the advisory board,
30 the Director of Finance, the Legislative Analyst, and the
31 appropriate policy and fiscal committees of the Legislature. The
32 report shall include an evaluation of the extent to which the
33 California Longitudinal Pupil Achievement Data System is meeting
34 the goals described in subdivision (d) and recommendations to
35 improve the data system in ensuring the privacy of individual pupil
36 information and providing the data needed by the state and school
37 districts.

38 (j) This section shall be implemented using federal funds
39 received pursuant to the No Child Left Behind Act of 2001 (20
40 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of

1 this section in Item 6110-113-0890 of Section 2.00 of the Budget
2 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
3 these funds is contingent on approval of an expenditure plan by
4 the Department of Finance.

5 (k) For purposes of this chapter, a local educational agency shall
6 include a county office of education, a school district, or charter
7 school.

8 SEC. 8. The state shall develop a single high-quality plan or
9 multiple plans, in collaboration with its participating local
10 educational agencies as necessary, to ensure that all of the
11 following goals of the federal Race to the Top Fund are met:

12 (a) Ensure that the state's statewide longitudinal data system or
13 systems are accessible to, and used to inform and engage, as
14 appropriate, key stakeholders; that the data in the system or systems
15 support decisionmakers in the continuous improvement of
16 instruction, operations, management, and resource allocation; and
17 that the system or systems comply with the applicable requirements
18 of the federal Family Educational Rights and Privacy Act of 1974
19 (20 U.S.C. Sec. 1232g). For purposes of this subdivision, key
20 stakeholders include, but are not limited to, parents, students,
21 teachers, principals, local educational agency leaders, community
22 members, unions, researchers, and policymakers.

23 (b) In collaboration with its participating local educational
24 agencies, ensure all of the following:

25 (1) Increased use of instructional improvement systems that
26 provide teachers, principals, and administrators with the
27 information they need to inform and improve their instructional
28 practices, decisionmaking, and overall effectiveness, including,
29 but not limited to, use of formative assessments, interim
30 assessments, and reviewing pupil work; analyzing information
31 with the support of rapid-time reporting; using this information to
32 inform decisions on appropriate next steps; and evaluating the
33 effectiveness of the actions taken.

34 (2) The data identified in paragraph (1) and data from the
35 statewide longitudinal data system or systems are made available
36 and accessible to researchers in a manner that complies with the
37 applicable requirements of the federal Family Educational Rights
38 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) and provides
39 researchers with detailed information with which to evaluate the
40 effectiveness of instructional materials, strategies, and approaches

for educating different types of pupils, including, but not limited to, pupils with disabilities, limited English proficient pupils, and pupils whose achievement is well below or above grade level.

(c) Ensure that, in collaboration with its participating local educational agencies, the state has ambitious yet achievable annual targets to accomplish all of the following:

(1) Determine an approach to measuring pupil growth.

(2) Employ rigorous, transparent, and equitable processes for differentiating the effectiveness of teachers and principals using multiple rating categories that take into account data on pupil growth as a significant factor.

(3) Provide to each teacher and principal his or her own data and rating.

(4) Use the information identified in paragraph (3) when making decisions regarding all of the following:

(A) Evaluating and developing teachers and principals, including provision of timely and constructive feedback and targeted professional development.

(B) Compensating and promoting teachers and principals, including provision of opportunities for teachers and principals who are highly effective to obtain additional compensation and responsibilities.

(C) Granting tenure to and dismissing teachers and principals, based on rigorous and transparent procedures for awarding tenure where applicable and for removing tenured and untenured teachers and principals who have not improved after being provided with ample opportunities to improve.

(d) Ensure the state has ambitious yet achievable annual targets to increase the number and percentage of effective teachers and principals in high-poverty schools, and to increase the number and percentage of effective teachers teaching hard-to-staff subjects, including mathematics, science, special education, English language proficiency, and other hard-to-staff subjects identified by the state or the local educational agency. Plans for purposes of this subdivision may include, but are not limited to, the implementation of incentives and strategies in areas such as recruitment, compensation, career development, and human resources practices and processes.

(e) In collaboration with its participating local educational agencies, ensure the state has ambitious yet achievable annual

1 targets to link a pupil's achievement data to the pupil's teachers
2 and principals, to link this information to the programs where each
3 of those teachers and principals was prepared for credentialing,
4 and to publicly report the findings for each credentialing program
5 that has 20 or more graduates annually.

6 (f) In collaboration with its participating local educational
7 agencies, ensure the use of rapid-time pupil data to do both of the
8 following:

9 (1) Inform and guide the support provided to teachers and
10 principals, including professional development and time for
11 common planning and collaboration, in order to improve the overall
12 effectiveness of instruction.

13 (2) Continuously measure and improve both the effectiveness
14 and efficiency of the supports identified in paragraph (1).

15 (g) In collaboration with its participating local educational
16 agencies, ensure that the state has ambitious yet achievable annual
17 targets to do both of the following:

18 (1) Identify at least the lowest achieving 5 percent of the
19 persistently lowest-performing schools or the five lowest-achieving
20 schools, whichever number is larger.

21 (2) Support the appropriate local educational agencies in turning
22 around the schools identified in paragraph (1) by doing any of the
23 following:

24 (A) Putting in place new leadership and a majority of new staff,
25 new governance, and improved instructional programs, and
26 providing the school with flexibilities including the ability to select
27 staff, control its budget, and expand learning time.

28 (B) Converting a school to a charter school or contracting with
29 an education management organization.

30 (C) Closing a school and placing its pupils in high performing
31 schools.

32 (D) To the extent that the strategies identified in subparagraphs
33 (A) to (C), inclusive, are not possible, implementing a school
34 transformation model that includes all of the following:

35 (i) Hiring a new principal, measuring teacher and principal
36 effectiveness, rewarding effective teachers and principals, and
37 improving strategies for recruitment, retention, and professional
38 development.

39 (ii) Implementing comprehensive instructional reform, including
40 an improved instructional program and differentiated instruction.

1 (iii) Extending learning time and community-oriented supports,
2 including more time for pupils to learn and for teachers to
3 collaborate, more time for enrichment activities, and ongoing
4 mechanisms for family and community engagement.

5 (h) Ensure that the state demonstrates how it has, and will
6 continue to build, the capacity to do all of the following:

7 (1) Effectively and efficiently oversee federal Race to the Top
8 grant funds, including administering and disbursing funds, and, if
9 necessary, taking appropriate enforcement actions to ensure that
10 participating local educational agencies comply with the state's
11 plan and program requirements.

12 (2) Support the success of participating local educational
13 agencies, ensure the dissemination of effective practices, and hold
14 participating local educational agencies accountable for progress.

15 (3) Use the economic, political, and human capital resources of
16 the state to continue the reforms of the federal Race to the Top
17 grant program after the period of funding has ended.

18 (4) Collaborate with other states on key elements of, or activities
19 in, this state's application.

20 (5) Coordinate, reallocate, or repurpose education funds from
21 other sources to align with the state's goals pursuant to the federal
22 Race to the Top grant program, as outlined in its plans.

23 SEC. 9. (a) The Legislature finds and declares that this act is
24 declaratory of the requirements specified in the federal guidelines
25 for the federal Race to the Top Fund. It is the intent of the
26 Legislature that, to the extent that the federal guidelines are revised,
27 the state plan or plans also be revised accordingly.

28 (b) The agreements necessary for local educational agencies to
29 fulfill the requirements of this act may be accomplished using
30 memorandums of understanding between individual local
31 educational agencies and the state.

32 SEC. 10. If the Commission on State Mandates determines
33 that this act contains costs mandated by the state, reimbursement
34 to local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

37 SEC. 11. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety within
39 the meaning of Article IV of the Constitution and shall go into
40 immediate effect. The facts constituting the necessity are:

- 1 In order to make the necessary statutory changes to ensure the
- 2 state's eligibility for an incentive grant from the federal Race to
- 3 the Top Fund, it is necessary that this act take effect immediately.

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