

AMENDED IN SENATE OCTOBER 29, 2009

CALIFORNIA LEGISLATURE—2009—10 FIFTH EXTRAORDINARY SESSION

## SENATE BILL

**No. 1**

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**Introduced by Senators Romero, Huff, Alquist, and Wyland**

August 27, 2009

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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 amended, 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~~ *the California Education Information System* to be used for purposes of *evaluating teachers and administrators and making employment decisions relating to teachers*, ~~as specified subject to specified provisions governing collective bargaining agreements~~. The bill additionally would require CALTIDES ~~to be used to provide a~~

~~means to evaluate teacher performance include teacher performance data required under federal law. The bill would specify that data in the California Education Information System shall not be used in violation of state and federal laws that protect an individual's right to privacy or the confidentiality of personal information.~~

(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, *or the effective date of this act, whichever is later*. 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~~ *would delete the* 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 emergency regulations to implement these provisions.

By requiring school districts to ~~enroll~~ *perform additional duties regarding the potential enrollment of 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, *or the effective date of the bill, whichever is later*, regarding the criteria and conditions for identifying the lowest *achieving* 5% of the ~~historically low-performing persistently lowest performing~~ public schools, as specified. By April 1, 2010, *or the effective date of the bill, whichever is later*, 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, *or the effective date of the bill, whichever is later*, and each year thereafter, to identify the lowest *achieving* 5% of the ~~historically low-performing persistently lowest performing~~ public schools in the state, *subject to specified exceptions*. 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~~ *the lowest achieving 5% of the persistently lowest 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 of 2001.

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 *programs implemented pursuant to the federal American Recovery and Reinvestment Act of 2009, subject to submission of an expenditure plan to the Department of Finance, as specified. The bill would authorize the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain specified wage data on students in order to meet the requirements of the American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.*

~~(7) This bill would require the state to develop a high-quality plan or plans~~ Governor, the Superintendent of Public Instruction, and the State Board of Education, 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~~ *to develop a high-quality plan or plans to submit as part of a Phase 1 application for federal Race to the Top funds that includes specified elements that are consistent with the federal School Improvement Grant guidelines and the Race to the Top guidelines.*

*(8) This bill would require the Fiscal Crisis Management and Assistance Team, on or before April 1, 2010, or the effective date of the bill, whichever is later, to convene a task force for the purpose of developing a standardized process for reporting charter school financial and accounting data, and developing a standardized process for the provision of annual independent financial and compliance audits for charter schools. The task force would be required to submit recommendations to the Legislature on or before December 1, 2010, or the effective date of the bill, whichever is later.*

~~(8)~~

*(9) 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)~~

(10) 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~~ *California Longitudinal Teacher Integrated*  
11 *Data Education System* is to streamline processes, improve the  
12 efficiency of data collection by the department, the Commission  
13 on Teacher Credentialing, and the Employment Development  
14 Department, and improve the quality of data collected from local  
15 educational agencies and teacher preparation programs. The ~~system~~  
16 *California Longitudinal Teacher Integrated Data Education System*  
17 shall be developed and implemented in accordance with all state  
18 rules and regulations governing information technology projects.

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

30 (c) The ~~system~~ *California Education Information System* shall  
31 not include the names, social security numbers, home addresses,  
32 telephone numbers, or e-mail addresses of individual teachers.

1     (d) Data in the California Education Information System shall  
2     not be used in violation of any state or federal law that is intended  
3     to protect an individual's right to privacy or the confidentiality of  
4     an individual's personal information.

5     ~~(d)~~

6     (e) 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; any other data system, may~~  
12    ~~be used for purposes of evaluating teachers and administrators~~  
13    ~~and making employment decisions, only if these decisions comply~~  
14    ~~with Section 3543.2 of the Government Code.~~

15    ~~(e) The system~~

16    (f) The California Longitudinal Teacher Integrated Data  
17    Education System shall be used to accomplish ~~all~~ both of the  
18    following goals:

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

20    (A) The effectiveness of teacher preparation programs,  
21    including, but not limited to, traditional fifth-year programs,  
22    university internship programs, and district-sponsored internship  
23    programs.

24    (B) Teacher workforce issues, including mobility, retention,  
25    and attrition.

26    ~~(C) Teacher performance.~~

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

30    (3) Enable local educational agencies to monitor teacher  
31    assignments on demand.

32    ~~(f)~~

33    (g) For purposes of implementing this chapter, including the  
34    legislative intent expressed in subdivision (b) of Section 10600,  
35    the system shall include all of the following information:

36    (1) Age profiles of teachers in the workforce.

37    (2) Projections of the number of retirees in the education system  
38    over the next 10 years throughout the state.

39    (3) Identification of subject matter fields that have the severest  
40    shortage of teachers.

1 (4) Geographic distribution of teachers by credential type.

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

3 (6) *Teacher performance data required under federal law.*

4 ~~(g)~~

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

13 ~~(h) The system~~

14 (i) *The California Longitudinal Teacher Integrated Data*  
15 *Education System* shall do all of the following:

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

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

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

21 ~~(i)~~

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

31 ~~(j) The operation of the system~~

32 (k) *The operation of the California Longitudinal Teacher*  
33 *Integrated Data Education System* is contingent upon the  
34 appropriation of funds for purposes of this section in the annual  
35 Budget Act or other legislation.

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

38 ~~10802. The department shall establish a process by which local~~  
39 ~~educational agencies issue, maintain, and report information using~~  
40 ~~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 specified in paragraph (3) of subdivision (e) of Section 60900 until an appropriation for this purpose is provided in the annual Budget Act or another statute.~~

~~SEC. 3.~~

SEC. 2. Section 10804 of the Education Code is amended to read:

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

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

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

(2) Examine current state education data systems.

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

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

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

(c) The strategic plan shall be delivered by the State Chief Information Officer to the Legislature and the Governor on or before January 15, 2010, *or the effective date of the act amending this section during the 2009–10 Fifth Extraordinary Session, whichever date is later.*

(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.~~

SEC. 3. Section 47602 of the Education Code is amended to read:

47602. (a) 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 through the 2008–09 school year, 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 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 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 shall develop a numbering system for charter schools that identifies each school associated with a charter. 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.

(b) A charter petition shall not be granted under this part that authorizes the conversion of a private school to a charter school. A charter school shall not receive any public funds for a pupil if

1 the pupil also attends a private school that charges the pupil's  
2 family for tuition. The state board shall adopt regulations to  
3 implement this section.

4 ~~SEC. 5.~~

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

8  
9 Article 10. Open Enrollment Act

10  
11 48350. This article shall be known, and may be cited, as the  
12 Open Enrollment Act.

13 48351. The purpose of this article is to improve educational  
14 achievement and to enhance parental choice in education by  
15 providing additional options to pupils to enroll in public schools  
16 throughout the state without regard to the residence of their parents.

17 48352. For purposes of this article, the following definitions  
18 apply:

19 (a) "Low-performing school" means a public school ~~that is in~~  
20 *program improvement that is also* ranked in any of deciles 1 to 3,  
21 inclusive, of the Academic Performance Index and identified *in*  
22 *the 2008–09 school year* by the Superintendent pursuant to Section  
23 52055.605. *Commencing with the 2013–14 fiscal year and every*  
24 *third year thereafter, the list of schools ranked in deciles 1 to 3,*  
25 *inclusive, shall be updated for this purpose based on the most*  
26 *current Academic Performance Index rankings.*

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

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

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

36 48353. The state board shall adopt *emergency* regulations to  
37 implement this article.

38 48354. (a) The parent of a pupil enrolled in a low-performing  
39 school may submit an application for the pupil to attend a school  
40 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 to be a low-performing school, the school district that administers that school shall notify the parent of each pupil enrolled in the school of the opportunity for the pupil to transfer to a school district of enrollment pursuant to this article. The notification pursuant to this paragraph shall inform parents of an Internet Web site or other source that includes detailed information regarding how to apply for a transfer pursuant to this article.~~

*(b) (1) Consistent with the requirements of Section 6316(b)(1)(E) of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), no later than the first day of the school year, the district of residence shall provide the parents and guardians of all pupils enrolled in a school identified in subdivision (a) of Section 48352 with notice of the option to transfer to another public school served by the school district of residence or another school district.*

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

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

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

(5) A pupil may enroll in a school in the school district of enrollment ~~immediately upon~~ *in the school year immediately following* the approval of his or her application.

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

48355. (a) The school district of residence of a pupil or a school district of enrollment to which a pupil has applied to attend may prohibit the transfer of the pupil pursuant to this article or limit the number of pupils who transfer pursuant to this article if

the governing board of the district determines that the transfer would negatively impact either of the following:

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

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

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

48356. (a) A school district of enrollment may adopt specific, written standards for acceptance and rejection of applications pursuant to this article. The standards may include consideration of the capacity of a program, class, grade level, or school building. Subject to subdivision (b), and except as necessary in accordance with Section 48355, the standards shall not include consideration of a pupil's previous academic achievement, physical condition, proficiency in the English language, sex, national origin, or race.

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

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

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

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

(2) Second priority for pupils transferring from a ~~low-performing~~ *program improvement* school ranked in decile 1 on the Academic Performance Index *identified pursuant to subdivision (a) of Section 48352*.

(3) Third priority for pupils transferring from a ~~low-performing~~ *program improvement* school ranked in decile 2 on the Academic

1 Performance Index *identified pursuant to subdivision (a) of Section*  
2 *48352.*

3 (4) Fourth priority for pupils transferring from a ~~low-performing~~  
4 *program improvement* school ranked in decile 3 on the Academic  
5 Performance Index *identified pursuant to subdivision (a) of Section*  
6 *48352.*

7 ~~(5) Fifth priority for all other pupils.~~

8 ~~(6)~~

9 (5) If the number of pupils who request a particular school  
10 exceeds the number of spaces available at that school, a lottery  
11 shall be conducted in the group priority order identified in  
12 paragraphs (1) to ~~(5)~~ (4), inclusive, to select pupils at random until  
13 all of the available spaces are filled.

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

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

22 48357. Within 60 days of receiving an application pursuant to  
23 Section 48354, a school district of enrollment shall notify the  
24 applicant parent and the school district of residence in writing  
25 whether the application has been accepted or rejected. If an  
26 application is rejected, the school district of enrollment shall state  
27 in the notification the reasons for the rejection.

28 48358. A school district of enrollment that enrolls a pupil  
29 pursuant to this article shall accept credits toward graduation that  
30 were awarded to the pupil by another school district and shall  
31 graduate the pupil if the pupil meets the graduation requirements  
32 of the school district of enrollment.

33 ~~48359. (a) The average daily attendance for pupils enrolled~~  
34 ~~in a school district of enrollment pursuant to this article shall be~~  
35 ~~credited to that school district pursuant to Section 46607. The~~  
36 ~~attendance report of the school district of enrollment may include~~  
37 ~~an identification of the school district of residence for pupils~~  
38 ~~enrolled pursuant to this article.~~

39 ~~(b) Notwithstanding any other provision of law, state aid for~~  
40 ~~categorical education programs for pupils enrolled in a school~~

district of enrollment pursuant to this article shall be apportioned to the school district of enrollment. For a school district of enrollment that is a basic aid school district, the apportionment of state funds for any average daily attendance credited pursuant to this article shall be 70 percent of the district revenue limit that would have been apportioned to the school district of residence. For purposes of this subdivision, the term “basic aid school district” means a school district that does not receive an apportionment of state funds pursuant to subdivision (h) of Section 42238 for any fiscal year in which this subdivision may apply.

~~48360.~~

48359. (a) Each school district is encouraged to keep an accounting of all requests made for alternative attendance pursuant to this article and records of all disposition of those requests that may include, but are not limited to, all of the following:

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

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

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

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

~~SEC. 6.~~

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

Article 5. Accountability Measures for ~~Historically~~  
~~Low-Performing California Public~~ *the Persistently Lowest*  
*Performing Schools*

52065. (a) By February 1, 2010, *or the effective date of this article, whichever is later*, the Superintendent shall make recommendations to the state board regarding all of the following:

(1) The criteria the Superintendent and the state board should use to jointly identify public schools subject to the list required in Section 52066. In making recommendations regarding these criteria, or selecting schools based on these criteria, the Superintendent and the state board shall only consider schools

1 currently or likely to be subject to restructuring pursuant to Section  
2 1116 of the federal Elementary and Secondary Education Act (20  
3 U.S.C. Sec. 6301 et seq.) in the subsequent school year. The  
4 committee may also consider other objective data, including, but  
5 not limited to, the results of the California Standards Test, the  
6 Academic Performance Index, and dropout and graduation rates.

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

9 (b) On or before February 1, 2010, *or the effective date of this*  
10 *article, whichever is later*, the Superintendent shall make  
11 recommendations on the criteria and conditions described in  
12 paragraph (1) to the state board, and on or before April 1, 2010,  
13 *or the effective date of this article, whichever is later*, the state  
14 board shall approve these criteria and conditions, with any revisions  
15 deemed necessary by the state board.

16 52066. (a) On or before June 1, 2010, *or the effective date of*  
17 *this article, whichever is later*, and each year thereafter the state  
18 board and the Superintendent, using the criteria established  
19 pursuant to Section 52065, shall jointly identify the lowest  
20 *achieving* 5 percent of the ~~historically low-performing~~ *persistently*  
21 *lowest performing* public schools in the state subject to this article,  
22 *except as provided in subdivision (b).*

23 ~~(b) The lowest 5 percent shall be identified for each type of~~  
24 ~~school. For purposes of this section, there shall be three types of~~  
25 ~~schools:~~

26 ~~(1) Elementary schools.~~

27 ~~(2) Middle schools, including junior high schools.~~

28 ~~(3) High schools.~~

29 (b) *The state board and the Superintendent shall consider not*  
30 *identifying schools under subdivision (a) that are showing*  
31 *significant progress under existing state intervention programs,*  
32 *as determined by the state board and the Superintendent, provided*  
33 *such exclusions are consistent with federal School Improvement*  
34 *Grant laws and regulations.*

35 (c) Within 30 days of making the determination in subdivision  
36 (a), the Superintendent shall notify each local educational agency  
37 responsible for oversight of a public school that is identified and  
38 ensure that the governing board has provided each employee and  
39 parent or guardian of a child enrolled or requesting to be enrolled

1 in a school identified in subdivision (a) the notices required by  
2 both of the following:

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

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

7 52067. (a) Upon identifying a school pursuant to Section  
8 52066, the Superintendent and the state board shall direct the local  
9 educational agency responsible for each identified school to  
10 evaluate the reasons for the determination and approve in a public  
11 hearing at least one of the locally developed renewal efforts  
12 specified in Section 1116(b)(8)(B)(i), (ii), or (iii) of the federal  
13 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301  
14 et seq.).

15 (b) For the high schools identified in subdivision ~~(b)~~ (a) of  
16 Section 52066, the renewal efforts shall focus primarily on  
17 significant annual increases toward a four-year graduation rate  
18 goal of 90 percent, as calculated pursuant to subparagraph (A) of  
19 paragraph (4) of subdivision (a) of Section 52052. The evaluation  
20 required in Section 52068 shall include an assessment of the  
21 efficacy of any strategies employed to increase graduation rates  
22 at each of the identified high schools.

23 (c) If a school identified pursuant to subdivision (a) of Section  
24 52066 is a charter school, the Superintendent shall recommend  
25 revocation of the charter to the state board pursuant to subdivision  
26 (c) of Section 47604.5.

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

30 ~~(e) If the Director of Finance determines that sufficient federal~~  
31 ~~funds are not available to implement the renewal efforts pursuant~~  
32 ~~to this section for the budget year, the Director of Finance shall~~  
33 ~~notify the Superintendent and the state board, and within 45 days~~  
34 ~~all of the following shall occur:~~

35 ~~(1) The Superintendent and the state board shall determine~~  
36 ~~whether any other federal funds are available, and if so, shall~~  
37 ~~determine how that funding could be best allocated to facilitate~~  
38 ~~the ongoing renewal efforts for the low-performing schools subject~~  
39 ~~to this section.~~

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

52068. The department shall contract for an independent evaluation of the program established by this article. The costs of the evaluation shall be paid for from federal funds appropriated to the department. The evaluation shall determine whether this program has been effective in improving pupil achievement and shall identify components of successful school renewal. The evaluation shall be submitted, no later than March 1, 2015, 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.

~~SEC. 7.~~

SEC. 6. Section 60900 of the Education Code is amended to read:

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

(b) The proposals developed pursuant to subdivision (a) shall evaluate and determine whether it would be most effective, from both a fiscal and a technological perspective, for the state to own the system. The proposals shall additionally evaluate and determine the most effective means of housing the system.

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

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

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

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

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

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

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

15 (1) All demographic data collected from the STAR Program  
16 test, high school exit examination, and English language  
17 development tests.

18 (2) Pupil achievement data from assessments administered  
19 pursuant to the STAR Program, high school exit examination, and  
20 English language development testing programs. To the extent  
21 feasible, data should include subscore data within each content  
22 area.

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

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

32 (5) Other data elements deemed necessary by the  
33 Superintendent, with approval of the state board, to comply with  
34 the federal reporting requirements delineated in the No Child Left  
35 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and programs  
36 implemented pursuant to the American Recovery and Reinvestment  
37 Act of 2009 (Public Law 111-5), after review and comment by the  
38 advisory board convened pursuant to subdivision (h). ~~Other data  
39 elements include, but are not necessarily limited to, all of the  
40 following:~~

1     ~~(A) The ability to match teachers to their pupils with the intent~~  
2     ~~to correlate pupil achievement and performance with teacher~~  
3     ~~preparation programs.~~

4     ~~(B) The ability to include evaluation data for teachers and~~  
5     ~~principals.~~

6     ~~(C) Pupils' scores on tests measuring whether pupils are~~  
7     ~~prepared for a postsecondary educational institution, including,~~  
8     ~~but not limited to, the California State University Early Assessment~~  
9     ~~Program Test.~~

10    ~~(D) Data on the level of pupils' success in a postsecondary~~  
11    ~~educational institution, including whether pupils are enrolled in~~  
12    ~~remedial courses.~~

13    ~~(E) Data on whether pupils in kindergarten and any of grades~~  
14    ~~1 to 12, inclusive, are prepared to succeed in a postsecondary~~  
15    ~~educational institution.~~

16    ~~(F) The ability to share data from data systems at all levels,~~  
17    ~~from preschool through postsecondary education, inclusive. For~~  
18    ~~purposes of fulfilling the requirements of this subparagraph, the~~  
19    ~~plan required pursuant to Section 10804 shall be used to address~~  
20    ~~linkages between postsecondary education segments and the~~  
21    ~~prekindergarten through grade 12 data system. The plan required~~  
22    ~~pursuant to Section 10804 shall include interagency agreements~~  
23    ~~to facilitate the transfer of data from one segment to another and~~  
24    ~~to ultimately include linkages to workforce data. Prior to the~~  
25    ~~implementation of this paragraph, with respect to adding data~~  
26    ~~elements to the California Longitudinal Pupil Achievement Data~~  
27    ~~System for the purpose of complying with the American Recovery~~  
28    ~~and Reinvestment Act of 2009 (Public Law 111-5), the department~~  
29    ~~and the appropriate higher education agencies shall submit an~~  
30    ~~expenditure plan to the Department of Finance detailing any~~  
31    ~~administrative costs to the department and costs to any local~~  
32    ~~educational agency, if applicable. The Department of Finance~~  
33    ~~shall provide to the Joint Legislative Budget Committee a copy of~~  
34    ~~the expenditure plan within 10 days of receipt of the expenditure~~  
35    ~~plan.~~

36    ~~(6) To enable the department, the University of California, the~~  
37    ~~California State University, and the Chancellor of the California~~  
38    ~~Community Colleges, to meet the requirements prescribed by the~~  
39    ~~American Recovery and Reinvestment Act of 2009 (Public Law~~  
40    ~~111-5), these entities shall be authorized to obtain quarterly wage~~

*data, commencing July 1, 2010, on students who have attended their respective systems, to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of district-level and individual district or higher education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and Governor. The information shall be provided to the extent permitted by federal statutes and regulations.*

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

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

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

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

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

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

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

(i) Subject to funding being provided in the annual Budget Act, the department shall contract with a consultant for independent

1 project oversight. The Director of Finance shall review the request  
2 for proposals for the contract. The consultant hired to conduct the  
3 independent project oversight shall twice annually submit a written  
4 report to the Superintendent, the state board, the advisory board,  
5 the Director of Finance, the Legislative Analyst, and the  
6 appropriate policy and fiscal committees of the Legislature. The  
7 report shall include an evaluation of the extent to which the  
8 California Longitudinal Pupil Achievement Data System is meeting  
9 the goals described in subdivision (d) and recommendations to  
10 improve the data system in ensuring the privacy of individual pupil  
11 information and providing the data needed by the state and school  
12 districts.

13 (j) This section shall be implemented using federal funds  
14 received pursuant to the No Child Left Behind Act of 2001 (20  
15 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of  
16 this section in Item 6110-113-0890 of Section 2.00 of the Budget  
17 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of  
18 these funds is contingent on approval of an expenditure plan by  
19 the Department of Finance.

20 (k) For purposes of this chapter, a local educational agency shall  
21 include a county office of education, a school district, or charter  
22 school.

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

27 ~~(a) Ensure that the state's statewide longitudinal data system or~~  
28 ~~systems are accessible to, and used to inform and engage, as~~  
29 ~~appropriate, key stakeholders; that the data in the system or systems~~  
30 ~~support decisionmakers in the continuous improvement of~~  
31 ~~instruction, operations, management, and resource allocation; and~~  
32 ~~that the system or systems comply with the applicable requirements~~  
33 ~~of the federal Family Educational Rights and Privacy Act of 1974~~  
34 ~~(20 U.S.C. Sec. 1232g). For purposes of this subdivision, key~~  
35 ~~stakeholders include, but are not limited to, parents, students,~~  
36 ~~teachers, principals, local educational agency leaders, community~~  
37 ~~members, unions, researchers, and policymakers.~~

38 ~~(b) In collaboration with its participating local educational~~  
39 ~~agencies, ensure all of the following:~~

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

(2) The data identified in paragraph (1) and data from the statewide longitudinal data system or systems are made available and accessible to researchers in a manner that complies with the applicable requirements of the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) and provides researchers with detailed information with which to evaluate the 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

1 where applicable and for removing tenured and untenured teachers  
2 and principals who have not improved after being provided with  
3 ample opportunities to improve.

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

15 (e) In collaboration with its participating local educational  
16 agencies, ensure the state has ambitious yet achievable annual  
17 targets to link a pupil's achievement data to the pupil's teachers  
18 and principals, to link this information to the programs where each  
19 of those teachers and principals was prepared for credentialing,  
20 and to publicly report the findings for each credentialing program  
21 that has 20 or more graduates annually.

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

25 (1) Inform and guide the support provided to teachers and  
26 principals, including professional development and time for  
27 common planning and collaboration, in order to improve the overall  
28 effectiveness of instruction.

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

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

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

37 (2) Support the appropriate local educational agencies in turning  
38 around the schools identified in paragraph (1) by doing any of the  
39 following:

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

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

7 (C) Closing a school and placing its pupils in high performing  
8 schools.

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

12 (i) Hiring a new principal, measuring teacher and principal  
13 effectiveness, rewarding effective teachers and principals, and  
14 improving strategies for recruitment, retention, and professional  
15 development.

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

18 (iii) Extending learning time and community-oriented supports,  
19 including more time for pupils to learn and for teachers to  
20 collaborate, more time for enrichment activities, and ongoing  
21 mechanisms for family and community engagement.

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

24 (1) Effectively and efficiently oversee federal Race to the Top  
25 grant funds, including administering and disbursing funds, and, if  
26 necessary, taking appropriate enforcement actions to ensure that  
27 participating local educational agencies comply with the state's  
28 plan and program requirements.

29 (2) Support the success of participating local educational  
30 agencies, ensure the dissemination of effective practices, and hold  
31 participating local educational agencies accountable for progress.

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

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

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

1 SEC. 7. (a) The Governor, the Superintendent of Public  
2 Instruction, and the State Board of Education shall jointly develop  
3 a single high-quality plan or multiple plans, in collaboration with  
4 participating local educational agencies, as necessary, to submit  
5 as part of a Phase 1 application for federal Race to the Top funds,  
6 authorized under the federal American Recovery and Reinvestment  
7 Act of 2009 (Public Law 111-5). The plan or plans shall include  
8 the following:

9 (1) Explicit and transparent criteria for identifying the lowest  
10 achieving 5 percent of the persistently lowest performing schools  
11 that are consistent with the federal School Improvement Grant  
12 guidelines as well as the federal Race to the Top guidelines.

13 (2) Strategies for turning around the persistently lowest  
14 performing schools that are consistent with federal Race to the  
15 Top guidelines.

16 (b) The participating local educational agencies shall first enter  
17 into a memorandum of understanding with their county  
18 superintendent of schools, local governing board, and head of the  
19 local collective bargaining unit for teachers that meets the  
20 requirements expressed in the Race to the Top final guidelines.  
21 The participating local educational agencies shall then enter into  
22 a memorandum of understanding with the state, and shall assist  
23 in preparation of the state plan, as required in the Race to the Top  
24 final guidelines.

25 SEC. 8. (a) On or before April 1, 2010, or the effective date  
26 of this act, whichever is later, the Fiscal Crisis Management and  
27 Assistance Team shall convene a task force for the purpose of  
28 developing the following:

29 (1) A standardized process for the reporting of charter school  
30 financial and accounting data that would be applicable to all  
31 charter schools.

32 (2) A standardized process for the provision of annual  
33 independent financial and compliance audits of charter schools.

34 (b) The task force shall include representatives of the Controller,  
35 the Department of Finance, the State Department of Education,  
36 school business officials, staff from both houses of the Legislature,  
37 charter school representatives, and other stakeholders, as  
38 necessary. The task force may consider whether the auditing and  
39 fiscal reporting processes for traditional public schools are  
40 appropriate for charter schools, or if alternative standardized

1 *methods are preferable. The task force shall submit*  
2 *recommendations to the Legislature on or before December 1,*  
3 *2010, or the effective date of this act, whichever is later.*

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

9 (b) The agreements necessary for local educational agencies to  
10 fulfill the requirements of this act may be accomplished using  
11 memorandums of understanding between individual local  
12 educational agencies and the state.

13 SEC. 10. If the Commission on State Mandates determines  
14 that this act contains costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

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

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

25  
26  
27 CORRECTIONS: \_\_\_\_\_

28 Text—Pages 4, 6, 15, 16, and 18.  
29 \_\_\_\_\_

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