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AMENDED IN ASSEMBLY MAY 27, 2011

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AMENDED IN ASSEMBLY MARCH 8, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 5

Introduced by Assembly Member Fuentes

December 6, 2010

An act to amend Sections 33050, 52055.740, 52055.770, and 52055.780 of, to amend and repeal Section 44661.5 of, to amend, repeal, and add Sections 44660, 44661, 44662, and 44664 of, and to add Sections *44662.1*, 44662.5, 44662.6, ~~and 44662.7~~, *and 44662.8* to, the Education Code, and to amend, ~~repeal, and add~~ Section 17581.6 of the Government Code, relating to teachers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as amended, Fuentes. Teachers: best practices teacher evaluation system.

(1) Existing law authorizes the governing board of a school district or a county board of education, as specified, after a public hearing on the matter, to request the State Board of Education to waive all or part

of any section of the Education Code or any regulation adopted by the state board that implements a provision of the Education Code that may be waived, except for specified provisions.

This bill would include additional specified provisions of the Education Code, relating to teacher evaluation and the Quality Education Investment Act of 2006, that may not be waived.

(2) Existing law states the intent of the Legislature that governing boards of school districts establish a uniform system of evaluation and assessment of the performance of all certificated personnel within each school district of the state. Existing law requires the governing board of each school district to establish standards of expected pupil achievement at each grade level in each area of study and to evaluate and assess certificated employee performance on a continuing basis as it reasonably relates to the progress of pupils toward the established standards and, if applicable, the state adopted academic content standards as measured by state adopted criterion referenced assessments, the instructional techniques and strategies used by the employee, the employee's adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment, within the scope of the employee's responsibilities.

This bill would provide that the provisions described above would become inoperative on July 1, 2014. The bill would state findings and declarations of the Legislature regarding the nature of effective teachers and of the teaching profession. Commencing on July 1, 2014, the bill would require the governing board of each school district to adopt and implement a locally negotiated best practices teacher evaluation system, described as one in which each teacher is evaluated on a continuing basis on the degree to which he or she accomplishes specific objectives and multiple observations of instructional and other professional practices *that* are conducted by trained evaluators. *The bill would authorize the state board, in consultation with the Superintendent of Public Instruction and appropriate education stakeholder groups, to adopt nonregulatory guidance to support the implementation of a best practices teacher evaluation system by school districts, as specified.* The bill would, on or before May 1, 2013, require the governing board of each school district, at a regularly scheduled public hearing, to seek comment on the development and implementation of the best practices teacher evaluation system, and, *on or before May 1 of each year prior to local negotiations required by law, to seek comment on the best practices teacher evaluation system. The bill also would require the*

governing board of each school district to disclose the provisions of the best practices teaching evaluation system at a regularly scheduled public hearing. The bill would also require the governing board of each school district to establish and define job responsibilities for certificated, noninstructional employees and evaluate and assess their performance in relation to those responsibilities. The bill would provide that these provisions do not apply to certificated personnel who are employed on an hourly basis in adult education classes.

This

The bill would require that funds appropriated pursuant to a provision of law for the 2013–14 fiscal year be distributed to school districts, as specified, for the purpose of implementing the best practices teacher evaluation system, and would require these school districts to use the funds, as specified.

The bill would also provide that the provisions of the best practices teacher evaluation system do not supersede or invalidate a teacher evaluation system that is locally negotiated and that is in effect at the time the best practices teacher evaluation system becomes operative.

(3) Existing law requires that an evaluation and assessment of the performance of a certificated employee be made on a continuing basis, as provided, including at least every 5 years for personnel with permanent status who have been employed at least 10 years with the school district, are highly qualified, as specified, and whose previous evaluation rated the employee as meeting or exceeding standards.

This bill would require the evaluation and assessment of the above personnel at least every 3 years, except as locally negotiated and provided in the best practices teacher evaluation system.

(4) The existing Quality Education Investment Act of 2006 effectuates the intent of the Legislature to implement the terms of the proposed settlement agreement of a specified legal action, to provide for the discharge of the minimum state educational funding requirement, to improve the quality of academic instruction and the level of pupil achievement in schools whose pupils have high levels of poverty and complex educational needs, to develop exemplary school district and school practices to create working conditions to attract and retain well-qualified teachers and administrators, and to focus school resources solely on instructional improvement and pupil services. The act requires county superintendents of schools to annually review participant schools and their data to determine compliance with the program requirements, including, among others, specified class size requirements. The act

requires, among other things, \$450,000,000 per fiscal year to be appropriated from the General Fund for specified purposes for each of the 2008–09, 2011–12, and 2014–15 fiscal years, inclusive, and requires those funds to be allocated, as specified, to Sections A and B of the State School Fund. A provision of the act appropriates \$218,322,000 for the 2013–14 fiscal year, for allocation by the Chancellor of the California Community Colleges and the Superintendent, as specified, from the General Fund.

This bill would revise the class size requirement for kindergarten and grades 1 to 3, inclusive, to be no more than an average of 20 pupils per class in each grade level at each schoolsite, provided that any grade 1 to 3 classroom at that schoolsite has no more than 22 pupils. The bill would instead require \$450,000,000 per fiscal year to be appropriated from the General Fund for specified purposes for each of the 2008–09 and 2011–12 fiscal years, and would, commencing with the 2013–14 fiscal year, appropriate ~~\$228,170,000~~ \$89,000,000 to the Superintendent, as specified, for purposes of the act. The bill would, commencing with the 2013–14 fiscal year and continuing annually thereafter, require the Superintendent to allocate, as specified, certain appropriated funds that are not allocated to schools with kindergarten or grades 1 to 12, inclusive, in a fiscal year due to program termination or otherwise, except funds allocated in the 2013–14 fiscal year for purposes of implementing the best practices teacher evaluation system. The bill also would instead appropriate ~~\$221,830,000~~ \$361,000,000 for the 2013–14 fiscal year, for allocation ~~by the Chancellor of the California Community Colleges and the Superintendent~~, as specified, from the General Fund, *including \$313,000,000 for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent.*

(5) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district and a community college district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law, commencing with the 2012–13 fiscal year, requires certain funds appropriated in the annual Budget Act for reimbursement of the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, charter schools, and county offices of education to support specified state-mandated local programs *and permits those*

entities to elect to receive that block grant funding in lieu of claiming mandated costs pursuant to the state claims process.

This bill would, as of July 1, 2014, ~~include~~ *add specified mandated programs, including the best practices teacher evaluation system, to be among the state-mandated local programs supported by the block grant funding.*

(6) By requiring school districts to perform additional duties, this bill would impose a state-mandated local program.

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.

(7) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 33050 of the Education Code is amended
- 2 to read:
- 3 33050. (a) The governing board of a school district or a county
- 4 board of education, on a districtwide or countywide basis or on
- 5 behalf of one or more of its schools or programs, after a public
- 6 hearing on the matter, may request the state board to waive all or
- 7 part of any section of this code or any regulation adopted by the
- 8 state board that implements a provision of this code that may be
- 9 waived, except:
- 10 (1) Article 1 (commencing with Section 15700) and Article 2
- 11 (commencing with Section 15780) of Chapter 4 of Part 10.
- 12 (2) Chapter 6 (commencing with Section 16000) of Part 10.
- 13 (3) Chapter 12 (commencing with Section 17000), Chapter 12.5
- 14 (commencing with Section 17070.10), and Chapter 14
- 15 (commencing with Section 17085) of Part 10.
- 16 (4) Part 13 (commencing with Section 22000).

- 1 (5) Section 35735.1.
- 2 (6) Paragraph (8) of subdivision (a) of Section 37220.
- 3 (7) The following provisions of Part 10.5 (commencing with
- 4 Section 17211):
 - 5 (A) Chapter 1 (commencing with Section 17211).
 - 6 (B) Article 1 (commencing with Section 17251) to Article 6
 - 7 (commencing with Section 17365), inclusive, of Chapter 3.
 - 8 (C) Sections 17416 to 17429, inclusive; Sections 17459 and
 - 9 17462 and subdivision (a) of Section 17464; and Sections 17582
 - 10 to 17592, inclusive.
- 11 (8) The following provisions of Part 24 (commencing with
- 12 Section 41000):
 - 13 (A) Sections 41000 to 41360, inclusive.
 - 14 (B) Sections 41420 to 41423, inclusive.
 - 15 (C) Sections 41600 to 41866, inclusive.
 - 16 (D) Sections 41920 to 42911, inclusive.
 - 17 (9) Sections 44504 and 44505.
 - 18 (10) Sections 44660 to 44664, inclusive.
 - 19 (11) Article 3 (commencing with Section 44930) of Chapter 4
 - 20 of Part 25 and regulations in Title 5 of the California Code of
 - 21 Regulations adopted pursuant to Article 3 (commencing with
 - 22 Section 44930) of Chapter 4 of Part 25.
 - 23 (12) Part 26 (commencing with Section 46000).
 - 24 (13) Chapter 6 (commencing with Section 48900) and Chapter
 - 25 6.5 (commencing with Section 49060) of Part 27.
 - 26 (14) Section 51513.
 - 27 (15) Article 3.7 (commencing with Section 52055.700) of
 - 28 Chapter 6.1 of Part 28 of Division 4, relating to the Quality
 - 29 Education Investment Act of 2006.
 - 30 (16) Chapter 6.10 (commencing with Section 52120) of Part
 - 31 28, relating to class size reduction.
 - 32 (17) Section 52163.
 - 33 (18) The identification and assessment criteria relating to any
 - 34 categorical aid program, including Sections 52164.1 and 52164.6.
 - 35 (19) Sections 52165, 52166, and 52178.
 - 36 (20) Article 3 (commencing with Section 52850) of Chapter 12
 - 37 of Part 28.
 - 38 (21) Section 56364.1, except that this restriction shall not
 - 39 prohibit the state board from approving any waiver of Section
 - 40 56364 or Section 56364.2, as applicable, relating to full inclusion.

1 (22) Article 4 (commencing with Section 60640) of Chapter 5
2 of Part 33, relating to the STAR Program, and any other provisions
3 of Chapter 5 (commencing with Section 60600) of Part 33 that
4 establish requirements for the STAR Program.

5 (b) Any waiver of provisions related to the programs identified
6 in Section 52851 shall be granted only pursuant to Article 3
7 (commencing with Section 52850) of Chapter 12 of Part 28.

8 (c) The waiver of an advisory committee required by law shall
9 be granted only pursuant to Article 4 (commencing with Section
10 52870) of Chapter 12 of Part 28.

11 (d) Any request for a waiver submitted by the governing board
12 of a school district or a county board of education pursuant to
13 subdivision (a) shall include a written statement as to both of the
14 following:

15 (1) Whether the exclusive representative of employees, if any,
16 as provided in Chapter 10.7 (commencing with Section 3540) of
17 Division 4 of Title 1 of the Government Code, participated in the
18 development of the waiver.

19 (2) The exclusive representative's position regarding the waiver.

20 (e) Any request for a waiver submitted pursuant to subdivision
21 (a) relating to a regional occupational center or program established
22 pursuant to Article 1 (commencing with Section 52300) of Chapter
23 9 of Part 28, that is operated by a joint powers entity established
24 pursuant to Chapter 5 (commencing with Section 6500) of Division
25 7 of Title 1 of the Government Code, shall be submitted as a joint
26 waiver request for each participating school district and shall meet
27 both of the following conditions:

28 (1) Each joint waiver request shall comply with all of the
29 requirements of this article.

30 (2) The submission of a joint waiver request shall be approved
31 by a unanimous vote of the governing board of the joint powers
32 agency.

33 (f) The governing board of any school district requesting a
34 waiver under this section of any provision of Article 5
35 (commencing with Section 39390) of Chapter 3 of Part 23 shall
36 provide written notice of any public hearing it conducted pursuant
37 to subdivision (a), at least 30 days prior to the hearing, to each
38 public agency identified under Section 39394.

39 SEC. 2. Section 44660 of the Education Code is amended to
40 read:

1 44660. (a) It is the intent of the Legislature that governing
2 boards establish a uniform system of evaluation and assessment
3 of the performance of all certificated personnel within each school
4 district of the state, including schools conducted or maintained by
5 county superintendents of education. The system shall involve the
6 development and adoption by each school district of objective
7 evaluation and assessment guidelines that may, at the discretion
8 of the governing board, be uniform throughout the district or, for
9 compelling reasons, be individually developed for territories or
10 schools within the district, provided that all certificated personnel
11 of the district shall be subject to a system of evaluation and
12 assessment adopted pursuant to this article.

13 (b) This article does not apply to certificated personnel who are
14 employed on an hourly basis in adult education classes.

15 (c) This section shall become inoperative on July 1, 2014, and,
16 as of January 1, 2015, is repealed, unless a later enacted statute,
17 that becomes operative on or before January 1, 2015, deletes or
18 extends the dates on which it becomes inoperative and is repealed.

19 SEC. 3. Section 44660 is added to the Education Code, to read:

20 44660. (a) The Legislature finds and declares all of the
21 following:

22 (1) Teaching is a professional endeavor, in which effective
23 practice is driven by an understanding of knowledge in the field
24 and a commitment to all pupils and their families.

25 (2) Excellent teaching requires knowledge, skills, artistry,
26 passion, and commitment.

27 (3) Effective teachers integrate ethical concern for children and
28 society, extensive subject matter competence, thoughtfully selected
29 pedagogical practices, and a depth of knowledge about their pupils,
30 including knowledge of child and adolescent development and
31 learning, an understanding of their individual strengths, interests,
32 and needs, and knowledge about their families and communities.

33 (4) Effective teachers share a common set of professional and
34 ethical obligations that includes a profound and fundamental
35 commitment to the growth and success of the individual pupils in
36 their care as well as to the strengthening and continual revitalization
37 of our democratic society.

38 (5) Certificated, noninstructional employees share the same
39 deep commitment to children, families, and communities, and they

1 provide essential support and administrative services to pupils and
2 teachers that enable pupils to succeed.

3 (b) The Legislature further finds and declares that because
4 teachers are the most important school-related factor for influencing
5 pupil academic success the primary purpose of an evaluation
6 system is to ensure that teachers meet the highest professional
7 standards of effective teaching, thereby resulting in high levels of
8 pupil learning.

9 (c) This article does not apply to certificated personnel who are
10 employed on an hourly basis in adult education classes.

11 (d) This section shall become operative on July 1, 2014.

12 SEC. 4. Section 44661 of the Education Code is amended to
13 read:

14 44661. (a) In the development and adoption of guidelines and
15 procedures pursuant to this article, the governing board shall avail
16 itself of the advice of the certificated instructional personnel in the
17 district's organization of certificated personnel; provided, however,
18 that the development and adoption of guidelines pursuant to this
19 article shall also be subject to the provisions of Article 1
20 (commencing with Section 7100) of Chapter 2 of Part 5 of Division
21 1 of Title 1.

22 (b) This section shall become inoperative on July 1, 2014, and,
23 as of January 1, 2015, is repealed, unless a later enacted statute,
24 that becomes operative on or before January 1, 2015, deletes or
25 extends the dates on which it becomes inoperative and is repealed.

26 SEC. 5. Section 44661 is added to the Education Code, to read:

27 44661. (a) The governing board of each school district shall
28 adopt and implement a best practices teacher evaluation system
29 as set forth in this article.

30 (b) The best practices teacher evaluation system required to be
31 adopted pursuant to this article shall be locally negotiated pursuant
32 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
33 Title 1 of the Government Code. If the certificated employees of
34 the school district do not have an exclusive bargaining
35 representative, the governing board of the school district shall
36 adopt objective evaluation and support components, as applicable,
37 that are consistent with this article.

38 (c) This section shall become operative on July 1, 2014.

39 SEC. 6. Section 44661.5 of the Education Code is amended to
40 read:

1 44661.5. (a) When developing and adopting objective
 2 evaluation and assessment guidelines pursuant to Section 44660,
 3 a school district may, by mutual agreement between the exclusive
 4 representative of the certificated employees of the school district
 5 and the governing board of the school district, include any objective
 6 standards from the National Board for Professional Teaching
 7 Standards or any objective standards from the California Standards
 8 for the Teaching Profession if the standards to be included are
 9 consistent with this article. If the certificated employees of the
 10 school district do not have an exclusive representative, the school
 11 district may adopt objective evaluation and assessment guidelines
 12 consistent with this section.

13 (b) This section shall become inoperative on July 1, 2014, and,
 14 as of January 1, 2015, is repealed, unless a later enacted statute,
 15 that becomes operative on or before January 1, 2015, deletes or
 16 extends the dates on which it becomes inoperative and is repealed.

17 SEC. 7. Section 44662 of the Education Code is amended to
 18 read:

19 44662. (a) The governing board of each school district shall
 20 establish standards of expected pupil achievement at each grade
 21 level in each area of study.

22 (b) The governing board of each school district shall evaluate
 23 and assess certificated employee performance as it reasonably
 24 relates to:

25 (1) The progress of pupils toward the standards established
 26 pursuant to subdivision (a) and, if applicable, the state adopted
 27 academic content standards as measured by state adopted criterion
 28 referenced assessments.

29 (2) The instructional techniques and strategies used by the
 30 employee.

31 (3) The employee’s adherence to curricular objectives.

32 (4) The establishment and maintenance of a suitable learning
 33 environment, within the scope of the employee’s responsibilities.

34 (c) The governing board of each school district shall establish
 35 and define job responsibilities for certificated noninstructional
 36 personnel, including, but not limited to, supervisory and
 37 administrative personnel, whose responsibilities cannot be
 38 evaluated appropriately under the provisions of subdivision (b)
 39 and shall evaluate and assess the performance of those

1 noninstructional certificated employees as it reasonably relates to
2 the fulfillment of those responsibilities.

3 (d) Results of an employee’s participation in the Peer Assistance
4 and Review Program for Teachers established by Article 4.5
5 (commencing with Section 44500) shall be made available as part
6 of the evaluation conducted pursuant to this section.

7 (e) The evaluation and assessment of certificated employee
8 performance pursuant to this section shall not include the use of
9 publishers’ norms established by standardized tests.

10 (f) Nothing in this section shall be construed as in any way
11 limiting the authority of school district governing boards to develop
12 and adopt additional evaluation and assessment guidelines or
13 criteria.

14 (g) This section shall become inoperative on July 1, 2014, and,
15 as of January 1, 2015, is repealed, unless a later enacted statute,
16 that becomes operative on or before January 1, 2015, deletes or
17 extends the dates on which it becomes inoperative and is repealed.

18 SEC. 8. Section 44662 is added to the Education Code, to read:

19 44662. (a) A best practices teacher evaluation system ~~has~~ shall
20 include, but not be limited to, the following attributes:

21 (1) ~~Each~~ *An evaluation of each teacher is evaluated based on*
22 the degree to which he or she accomplishes the following
23 objectives:

24 (A) Engages and supports all pupils in learning, evidence of
25 which may include, but is not limited to, evidence of high
26 expectations and active pupil engagement for each pupil.

27 (B) Creates and maintains effective environments for pupil
28 learning, to the extent that those environments are within the
29 teacher’s control.

30 (C) Understands and organizes subject matter for pupil learning,
31 evidence of which may include, but is not limited to, extensive
32 subject matter, content standards, and curriculum competence.

33 (D) Plans instruction and designs learning experiences for all
34 pupils, evidence of which may include, but is not limited to, use
35 of differentiated instruction and practices based upon pupil progress
36 and use of culturally responsive instruction, including, but not
37 limited to, incorporation of multicultural information and content
38 into the delivery of curriculum, to eliminate the achievement gap.

39 (E) Uses pupil assessment information to inform instruction
40 and to improve learning, evidence of which shall include, but is

1 not limited to, use of formative and summative assessments to
2 adjust instructional practices to meet the needs of individual pupils.
3 For certified employees who directly instruct English learner pupils
4 in acquiring English language fluency, the assessment information
5 shall include the results of assessments adopted pursuant to Chapter
6 7 (commencing with Section 60810) of Part 33 of Division 4.

7 (F) Develops, as a professional educator, evidence of which
8 may include, but is not limited to, consistent and positive
9 relationships with pupils, parents, staff, and administrators, use of
10 collaborative professional practices for improving instructional
11 strategies, participation in identified professional growth
12 opportunities, and use of meaningful self-assessment to improve
13 as a professional educator.

14 (G) ~~(i)~~—Contributes to pupil academic growth based on multiple
15 measures, ~~which~~ *as follows:*

16 (i) *Multiple measures shall include state and local formative
17 and summative assessments in the grade levels and subjects that
18 these assessments are administered.*

19 (ii) *Multiple measures may include, but are not limited to,
20 classroom work, local and state academic assessments, and pupil
21 grades, classroom participation, presentations and performances,
22 and projects and portfolios.*

23 ~~(i)~~
24 (iii) *Measures used for assessing pupil academic growth shall
25 be valid and reliable for the curriculum and the pupil being taught
26 and for the purpose of teacher evaluation, provided that the
27 evaluation and assessment of certificated employee performance
28 pursuant to this section shall not include the use of publishers'
29 norms established by standardized tests. For certificated employees
30 who directly instruct English learner pupils in acquiring English,
31 measures shall include the degree to which pupils acquire the
32 English language development standards adopted pursuant to
33 Section ~~60811~~ 60811.3 for the purpose of improving a pupil's
34 English proficiency. Pupil data used for purposes of teacher
35 evaluation shall be confidential in the same manner as all other
36 elements of a teacher's personnel file. *It is the intent of the
37 Legislature that any assessments developed by a national
38 consortium and adopted by the state board and used for purposes
39 of this section meet statistical and psychometric standards
40 appropriate for this use.**

1 (2) Multiple observations of instructional and other professional
2 practices *that* are conducted by evaluators who have been
3 appropriately trained and calibrated to ensure consistency and who
4 have demonstrated competence in teacher evaluation, as determined
5 by the school district.

6 (A) Multiple observations may include, but are not limited to,
7 classroom observations, one-on-one discussions, and review of
8 classroom materials and course of study.

9 (B) Observations shall be conducted using a uniform evaluation
10 tool that is appropriate to the teacher’s assignment.

11 (C) Before each formal observation, the observer shall meet
12 with the teacher to discuss the purpose of the observation.

13 (D) After each formal observation, the observer shall meet with
14 the teacher to discuss recommendations, as necessary, with regard
15 to areas of improvement in the performance of the teacher.

16 (3) *A minimum of three performance levels for the evaluation*
17 *of teacher performance for purposes of Section 44664.*

18 (b) This section shall not be interpreted to prohibit a locally
19 negotiated evaluation process from designating certificated
20 employees to conduct, or participate in, evaluations of other
21 certificated employees for purposes of determining needs for
22 professional development or providing corrective advice for the
23 certificated employee being evaluated. A nonsupervisory
24 certificated employee who conducts, or participates in, an
25 evaluation pursuant to this article shall not be deemed to be
26 exercising a management or supervisory function as defined by
27 subdivision (g) or (m) of Section 3540.1 of the Government Code.

28 (c) This section shall become operative on July 1, 2014.

29 *SEC. 9. Section 44662.1 is added to the Education Code, to*
30 *read:*

31 *44662.1. The state board, in consultation with the*
32 *Superintendent and appropriate education stakeholder groups,*
33 *may adopt nonregulatory guidance to support the implementation*
34 *of a best practices teacher evaluation system by school districts*
35 *that may include all of the following:*

36 (a) *Model evaluation systems that may be used by school*
37 *districts to implement the best practices teacher evaluation system*
38 *pursuant to Sections 44661 and 44662, as added by Sections 5*
39 *and 8 of Assembly Bill 5 of the 2011–12 Regular Session.*

1 (b) Model processes for implementing observations of
2 instructional and other professional practices pursuant to
3 paragraph (2) of subdivision (a) of Section 44662, as added by
4 Section 8 of Assembly Bill 5 of the 2011–12 Regular Session.

5 (c) Model processes for defining calibration for purposes of
6 training evaluators pursuant to paragraph (2) of subdivision (a)
7 of Section 44662, as added by Section 8 of Assembly Bill 5 of the
8 2011–12 Regular Session.

9 (d) Model processes for developing the observation tool that
10 may be used for observations of instructional and other
11 professional practices pursuant to paragraph (2) of subdivision
12 (a) of Section 44662, as added by Section 8 of Assembly Bill 5 of
13 the 2011–12 Regular Session.

14 (e) Model processes for determining and defining the
15 performance levels for the evaluation of teacher performance
16 pursuant to paragraph (3) of subdivision (a) of Section 44662, as
17 added by Section 8 of Assembly Bill 5 of the 2011–12 Regular
18 Session.

19 ~~SEC. 9.~~

20 *SEC. 10.* Section 44662.5 is added to the Education Code, to
21 read:

22 44662.5. (a) The governing board of each school district shall
23 establish and define job responsibilities for certificated,
24 noninstructional employees, including, but not limited to,
25 supervisory and administrative personnel, whose responsibilities
26 cannot be evaluated appropriately under the provisions of
27 subdivision (a) of Section 44662. The governing board of each
28 school district shall evaluate and assess the performance of
29 certificated, noninstructional employees as it reasonably relates to
30 the fulfillment of those responsibilities.

31 (b) This section shall become operative on July 1, 2014.

32 ~~SEC. 10.~~

33 *SEC. 11.* Section 44662.6 is added to the Education Code, to
34 read:

35 44662.6. (a) (1) On or before May 1, 2013, the governing
36 board of each school district, at a regularly scheduled public
37 hearing, shall seek comment on the development and
38 implementation of the best practices teacher evaluation system.
39 The governing board of a school district shall use the comments

1 received at the hearing to guide the development and
2 implementation of the best practices teacher evaluation system.

3 (2) *On or before May 1 of each year prior to local negotiations*
4 *required pursuant to Chapter 10.7 (commencing with Section*
5 *3540) of Division 4 of Title 1 of the Government Code, the*
6 *governing board of each school district shall seek comment on the*
7 *best practices teacher evaluation system.*

8 (b) Consistent with Section 3547 of the Government Code and
9 no more than 30 days after the local negotiations required pursuant
10 to Chapter 10.7 (commencing with Section 3540) of Division 4 of
11 Title 1 of the Government Code, the governing board of ~~the~~ *each*
12 school district shall disclose the provisions of the best practices
13 teacher evaluation system at a regularly scheduled public hearing.

14 ~~SEC. 11.~~

15 *SEC. 12.* Section 44662.7 is added to the Education Code, to
16 read:

17 44662.7. (a) Notwithstanding any other law, commencing July
18 1, 2014, sixty million dollars (\$60,000,000) of funding appropriated
19 pursuant to paragraph (2) of subdivision (e) of Section 52055.780
20 for the 2013–14 fiscal year shall be distributed to school districts
21 with eligible schools identified pursuant to Section 52055.730 in
22 the same fiscal year no later than December 1, 2013, for the
23 purpose of implementing the best practices teacher evaluation
24 system established pursuant to Sections 44661 and 44662. The
25 amount appropriated by this section shall be distributed based on
26 the number of certified staff employed *at the eligible schoolsites*
27 by a recipient school district. School districts shall use the funds
28 to plan for the implementation of the best practices teacher
29 evaluation system, including, but not limited to, both of the
30 following:

31 (1) Train evaluators to ensure calibration and consistency in
32 conducting observations pursuant to subparagraph (A) of paragraph
33 (2) of subdivision (a) of Section 44662.

34 (2) Develop the uniform observation tool used in observations
35 pursuant to subparagraph (B) of paragraph (2) of subdivision (a)
36 of Section 44662.

37 (b) *Funds provided to a school district pursuant to this section*
38 *shall support activities related to implementation of the best*
39 *practices teacher evaluation system developed pursuant to*
40 *subdivision (b) of Section 44661.*

1 (c) Funds provided to a school district pursuant to this section
 2 shall first be used to offset any state-mandated reimbursable costs,
 3 within the meaning of subdivision (e) of Section 17556 of the
 4 Government Code, that otherwise may be claimed for the
 5 state-mandated reimbursement process for the best practices
 6 teacher evaluation system. A school district shall reduce its
 7 estimated and annual mandate reimbursement claims by the
 8 amount of funding it receives pursuant to this section.

9 ~~(b)~~

10 (d) For purposes of making the computations required by Section
 11 8 of Article XVI of the California Constitution, the amount
 12 appropriated pursuant to this section shall be deemed to be in
 13 partial satisfaction of the amount of the total fiscal settlement
 14 agreed to by the parties of California Teachers Association, et al.
 15 v. Arnold Schwarzenegger, et al. (Case Number 05CS01165 of
 16 the Superior Court for the County of Sacramento).

17 SEC. 13. Section 44662.8 is added to the Education Code, to
 18 read:

19 44662.8. (a) This article does not supersede or invalidate a
 20 teacher evaluation system that is locally negotiated pursuant to
 21 Chapter 10.7 (commencing with Section 3540) of Division 4 of
 22 Title 1 of the Government Code and that is in effect at the time this
 23 section becomes operative. If a locally negotiated teacher
 24 evaluation system is in effect at the time this section becomes
 25 operative, the teacher evaluation system shall remain in effect
 26 until the parties to the agreement negotiate a successor agreement.

27 (b) This section shall become operative on July 1, 2014.

28 ~~SEC. 12.~~

29 SEC. 14. Section 44664 of the Education Code is amended to
 30 read:

31 44664. (a) Evaluation and assessment of the performance of
 32 each certificated employee shall be made on a continuing basis as
 33 follows:

- 34 (1) At least once each school year for probationary personnel.
- 35 (2) At least every other year for personnel with permanent status.
- 36 (3) At least every five years for personnel with permanent status
 37 who have been employed at least 10 years with the school district,
 38 are highly qualified, if those personnel occupy positions that are
 39 required to be filled by a highly qualified professional by the
 40 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301

1 et seq.), as defined in Section 7801 of Title 20 of the United States
2 Code, and whose previous evaluation rated the employee as
3 meeting or exceeding standards, if the evaluator and certificated
4 employee being evaluated agree. The certificated employee or the
5 evaluator may withdraw consent at any time.

6 (b) The evaluation shall include recommendations, if necessary,
7 as to areas of improvement in the performance of the employee.

8 (1) If an employee is not performing his or her duties in a
9 satisfactory manner according to the standards prescribed by the
10 governing board, the employing authority shall notify the employee
11 in writing of that fact and describe the unsatisfactory performance.

12 (2) The employing authority shall thereafter confer with the
13 employee making specific recommendations as to areas of
14 improvement in the employee's performance and endeavor to assist
15 the employee in his or her performance.

16 (3) If a permanent certificated employee has received an
17 unsatisfactory evaluation, the employing authority shall annually
18 evaluate the employee until the employee achieves a positive
19 evaluation or is separated from the district.

20 (c) (1) An evaluation performed pursuant to this article that
21 contains an unsatisfactory rating of an employee's performance
22 in the area of teaching methods or instruction may include the
23 requirement that the certificated employee shall, as determined
24 necessary by the employing authority, participate in a program
25 designed to improve appropriate areas of the employee's
26 performance and to further pupil achievement and the instructional
27 objectives of the employing authority.

28 (2) If a district participates in the Peer Assistance and Review
29 Program for Teachers established pursuant to Article 4.5
30 (commencing with Section 44500), a certificated employee who
31 receives an unsatisfactory rating on an evaluation performed
32 pursuant to this section shall participate in the Peer Assistance and
33 Review Program for Teachers.

34 (d) Hourly and temporary hourly certificated employees, other
35 than those employed in adult education classes who are excluded
36 by the provisions of Section 44660, and substitute teachers may
37 be excluded from the provisions of this section at the discretion
38 of the governing board.

39 (e) This section shall become inoperative on July 1, 2014, and,
40 as of January 1, 2015, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2015, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 ~~SEC. 13.~~

4 *SEC. 15.* Section 44664 is added to the Education Code, to
5 read:

6 44664. (a) Evaluation and assessment of the performance of
7 each certificated employee shall be made on a continuing basis as
8 follows:

9 (1) At least once each school year for probationary personnel.

10 (2) At least every other year for personnel with permanent status.

11 (3) Except as may be provided in the best practices teacher
12 evaluation system locally negotiated pursuant to subdivision (b)
13 of Section 44661, at least every three years for personnel with
14 permanent status who have been employed at least 10 years with
15 the school district, are highly qualified, if those personnel occupy
16 positions that are required to be filled by a highly qualified
17 professional by the federal No Child Left Behind Act of 2001 (20
18 U.S.C. Sec. 6301 et seq.), as defined in Section 7801 of Title 20
19 of the United States Code, and whose previous evaluation rated
20 the employee as meeting or exceeding standards, if the evaluator
21 and certificated employee being evaluated agree. The certificated
22 employee or the evaluator may withdraw consent at any time.

23 (b) The evaluation shall include recommendations, if necessary,
24 as to areas of improvement in the performance of the employee.

25 (1) If an employee is not performing his or her duties in a
26 satisfactory manner according to the standards prescribed by the
27 governing board, the employing authority shall notify the employee
28 in writing of that fact and describe the unsatisfactory performance.

29 (2) The employing authority shall thereafter confer with the
30 employee making specific recommendations as to areas of
31 improvement in the employee’s performance and endeavor to assist
32 the employee in his or her performance.

33 (3) If a permanent certificated employee has received an
34 unsatisfactory evaluation, the employing authority shall annually
35 evaluate the employee until the employee achieves a positive
36 evaluation or is separated from the district.

37 (c) (1) An evaluation performed pursuant to this article that
38 contains an unsatisfactory rating of an employee’s performance
39 in the area of teaching methods or instruction may include the
40 requirement that the certificated employee shall, as determined

1 necessary by the employing authority, participate in a program
2 designed to improve appropriate areas of the employee's
3 performance and to further pupil achievement and the instructional
4 objectives of the employing authority.

5 (2) If a district participates in the Peer Assistance and Review
6 Program for Teachers established pursuant to Article 4.5
7 (commencing with Section 44500), a certificated employee who
8 receives an unsatisfactory rating on an evaluation performed
9 pursuant to this section shall participate in the Peer Assistance and
10 Review Program for Teachers.

11 (d) Hourly and temporary hourly certificated employees, other
12 than those employed in adult education classes who are excluded
13 by the provisions of Section 44660, and substitute teachers may
14 be excluded from the provisions of this section at the discretion
15 of the governing board.

16 (e) This section shall become operative on July 1, 2014.

17 ~~SEC. 14.~~

18 *SEC. 16.* Section 52055.740 of the Education Code is amended
19 to read:

20 52055.740. (a) Commencing with the 2012–13 fiscal year and
21 each fiscal year thereafter, for each funded school, the county
22 superintendent of schools for the county in which the school is
23 located shall annually review the school and its data to determine
24 if the school has met all of the following program requirements
25 by the school by the end of the third full year of funding:

26 (1) Meet all of the following class size requirements:

27 (A) For kindergarten and grades 1 to 3, inclusive, no more than
28 an average of 20 pupils per class in each grade level at each
29 schoolsite, as set forth in the Class Size Reduction Program
30 (Chapter 6.10 (commencing with Section 52120)) provided that
31 any grade 1 to 3 classroom at that schoolsite has no more than 22
32 pupils.

33 (B) (i) For self-contained classrooms in grades 4 to 8, inclusive,
34 an average classroom size of 25 pupils per classroom.

35 (ii) For purposes of this subparagraph, average classroom size
36 shall be calculated at the grade level based on the number of
37 self-contained classrooms in that grade for all funded schools in
38 the school district. A school that receives funding under this article
39 shall not have a self-contained classroom in grades 4 to 8, inclusive,
40 with more than 27 pupils regardless of its average classroom size.

1 (C) (i) For classes in English language arts, reading,
2 mathematics, science, or history and social science courses in
3 grades 4 to 12, inclusive, an average classroom size of 25 pupils
4 per classroom.

5 (ii) For purposes of this subparagraph, average classroom size
6 shall be calculated at the grade level based on the number of
7 subject-specific classrooms in that grade for all funded schools in
8 the school district. A school that receives funding under this article
9 shall not have a class in English language arts, reading,
10 mathematics, science, or history and social science in grades 4 to
11 12, inclusive, with more than 27 pupils regardless of its average
12 classroom size.

13 (D) Not increase any other class sizes in the school above the
14 size used during the 2012–13 school year. If a funded school has
15 a low-enrollment innovative class, it may increase the number of
16 pupils in that class to a number that does not exceed the schoolwide
17 average as of the 2012–13 school year.

18 (2) In high schools, have a pupil-to-counselor ratio of no more
19 than 300 to 1. Each counselor shall hold a services credential with
20 a specialization in pupil personnel services issued by the
21 Commission on Teacher Credentialing.

22 (3) Ensure that each teacher in the school, including intern
23 teachers, shall be highly qualified in accordance with the federal
24 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

25 (4) Using the index established under Section 52055.730, have
26 an average experience of classroom teachers in the school equal
27 to or exceeding the average for the school district for this type of
28 school.

29 (5) Exceed the API growth target for the school averaged over
30 the first three full years of funding. Beginning in the fifth year of
31 participation, funded schools shall meet their annual API growth
32 targets. If the school fails to meet its annual growth target, the
33 school shall continue to receive funding pursuant to this article,
34 but shall be subject to state review, assistance, and timeline
35 requirements pursuant to the High Priority Schools Grant Program
36 under Section 52055.650. The schoolsite administrator shall not
37 automatically be reassigned based solely on that failure.

38 (b) For each funded school, the county superintendent of schools
39 for the county in which the school is located shall annually review

1 the school and its data to determine if the school has met all of the
2 following interim requirements:

3 (1) Be at least one-third of the way toward meeting each of the
4 program requirements specified in paragraphs (1) to (5), inclusive,
5 of subdivision (a) by the end of the first full year of funding.

6 (2) Be at least two-thirds of the way toward meeting each of
7 the program requirements specified in paragraphs (1) to (5),
8 inclusive, of subdivision (a) by the end of the second full year of
9 funding, and achieve full implementation by the end of the third
10 full year and for each year thereafter.

11 (3) Have provided professional development to at least one-third
12 of teachers and instructional paraprofessionals in the school
13 annually.

14 (4) Meet all of the requirements of the settlement agreement in
15 *Williams v. State of California* (Case Number CGC-00-312236 of
16 the Superior Court for the County of San Francisco), including,
17 among other things, the requirements regarding teachers,
18 instructional materials, and school facilities, by the end of the first
19 full year of funding, and in each year of funding thereafter.

20 (c) (1) If a county superintendent of schools determines that a
21 funded school has not substantially met the requirements of
22 subdivision (b) after the first or second full year of funding, or any
23 alternative program requirements approved under Section
24 52055.760, he or she shall notify the Superintendent. If all of the
25 interim and final requirements are not met by the end of any
26 subsequent school year, the Superintendent shall terminate funding
27 for that school.

28 (2) If the Superintendent terminates funding under this
29 subdivision, the Superintendent shall provide advance notice to
30 the school district that is sufficient to allow the school district a
31 reasonable amount of time to make staff and other cost adjustments
32 necessitated by the termination. The Superintendent shall provide
33 the school district with funds sufficient to cover the staff and other
34 cost adjustments.

35 (d) A school district or chartering authority that includes a
36 participating school or schools for which funding is terminated
37 pursuant to subdivision (c) may appeal that action to the state
38 board. The state board shall order the reinstatement of funding if,
39 on appeal, the school district or chartering authority demonstrates
40 that the data upon which the county superintendent of schools

1 relied is in error and that the school in question can fully
2 demonstrate its compliance with the applicable requirements.

3 ~~SEC. 15.~~

4 *SEC. 17.* Section 52055.770 of the Education Code is amended
5 to read:

6 52055.770. (a) School districts and chartering authorities shall
7 receive funding at the following rate, on behalf of funded schools:

8 (1) For kindergarten and grades 1 to 3, inclusive, five hundred
9 dollars (\$500) per enrolled pupil in funded schools.

10 (2) For grades 4 to 8, inclusive, nine hundred dollars (\$900) per
11 enrolled pupil in funded schools.

12 (3) For grades 9 to 12, inclusive, one thousand dollars (\$1,000)
13 per enrolled pupil in funded schools.

14 (b) For purposes of subdivision (a), enrollment of a pupil in a
15 funded school in the prior fiscal year shall be based on data from
16 the CBEDS. For the 2007–08 fiscal year, the funded rates shall be
17 reduced to reflect the percentage difference in the total amounts
18 appropriated for purposes of this section in that year compared to
19 the amounts appropriated for purposes of this section in the
20 2008–09 fiscal year.

21 (c) The following amounts are hereby appropriated from the
22 General Fund for the purposes set forth in subdivision (g):

23 (1) For the 2007–08 fiscal year, three hundred million dollars
24 (\$300,000,000), to be allocated as follows:

25 (A) Thirty-two million dollars (\$32,000,000) for transfer by the
26 Controller to Section B of the State School Fund for allocation by
27 the Chancellor of the California Community Colleges to
28 community colleges for the purpose of providing funding to the
29 community colleges to improve and expand career technical
30 education in public secondary education and lower division public
31 higher education pursuant to Section 88532, including the hiring
32 of additional faculty to expand the number of career technical
33 education programs and course offerings.

34 (B) Two hundred sixty-eight million dollars (\$268,000,000) for
35 transfer by the Controller to Section A of the State School Fund
36 for allocation by the Superintendent pursuant to this article.

37 (2) For each of the 2008–09 and 2011–12 fiscal years, four
38 hundred fifty million dollars (\$450,000,000) per fiscal year, to be
39 allocated as follows:

1 (A) Forty-eight million dollars (\$48,000,000) for transfer by
2 the Controller to Section B of the State School Fund for allocation
3 by the Chancellor of the California Community Colleges to
4 community colleges as required under subdivision (e) for the
5 2008–09 fiscal year, and under subdivision (f) for the 2011–12
6 fiscal year.

7 (B) Four hundred two million dollars (\$402,000,000) for transfer
8 by the Controller to Section A of the State School Fund for
9 allocation by the Superintendent pursuant to this article.

10 (3) For the 2009–10 fiscal year, thirty million dollars
11 (\$30,000,000), to be allocated for transfer by the Controller to
12 Section B of the State School Fund for allocation by the Chancellor
13 of the California Community Colleges to community colleges as
14 required under subdivision (e).

15 (4) For the 2010–11 fiscal year, four hundred twenty million
16 dollars (\$420,000,000), to be allocated as follows:

17 (A) Eighteen million dollars (\$18,000,000) for transfer by the
18 Controller to Section B of the State School Fund for allocation by
19 the Chancellor of the California Community Colleges to
20 community colleges as required under subdivision (e).

21 (B) Four hundred two million dollars (\$402,000,000) for transfer
22 by the Controller to Section A of the State School Fund for
23 allocation by the Superintendent pursuant to this article.

24 (5) Commencing with the 2010–11 fiscal year, payments made
25 pursuant to this subdivision shall be made only on or after October
26 8 of each fiscal year.

27 (6) Commencing with the 2013–14 fiscal year, ~~two hundred~~
28 ~~twenty-eight million one hundred seventy thousand dollars~~
29 ~~(\$228,170,000)~~ *eighty-nine million dollars (\$89,000,000)* for
30 allocation to the Superintendent pursuant to this article.

31 (d) For the 2014–15 fiscal year, the amounts appropriated under
32 subdivision (c) shall be adjusted to reflect the total fiscal settlement
33 agreed to by the parties in California Teachers Association, et al.
34 v. Arnold Schwarzenegger (Case Number 05CS01165 of the
35 Superior Court for the County of Sacramento) and the sum of all
36 fiscal years of funding provided pursuant to this section and Section
37 41207.6 shall not exceed the total funds agreed to by those parties.
38 This annual appropriation shall continue to be made until the
39 Director of Finance reports to the Legislature, along with all
40 proposed adjustments to the Governor’s Budget pursuant to Section

1 13308 of the Government Code, that the sum of appropriations
2 made and allocated pursuant to subdivision (c) equals the total
3 outstanding balance of the minimum state educational funding
4 obligation to school districts and community college districts
5 required by Section 8 of Article XVI of the California Constitution
6 and Chapter 213 of the Statutes of 2004 for the 2004–05 and
7 2005–06 fiscal years, as determined in subdivision (a) or (b) of
8 Section 41207.1.

9 (e) The sum transferred under subparagraph (A) of paragraph
10 (2) of subdivision (c) for the 2008–09 fiscal year shall be allocated
11 by the Chancellor of the California Community Colleges as
12 follows:

13 (1) Thirty-eight million dollars (\$38,000,000) to the community
14 colleges for the purpose of providing funding to the community
15 colleges to improve and expand career technical education in public
16 secondary education and lower division public higher education
17 pursuant to Section 88532, including the hiring of additional faculty
18 to expand the number of career technical education programs and
19 course offerings.

20 (2) Ten million dollars (\$10,000,000) to the community colleges
21 for the purpose of providing one-time block grants to community
22 college districts to be used for one-time items of expenditure,
23 including, but not limited to, the following purposes:

24 (A) Physical plant, scheduled maintenance, deferred
25 maintenance, and special repairs.

26 (B) Instructional materials and support.

27 (C) Instructional equipment, including equipment related to
28 career technical education, with priority for nursing program
29 equipment.

30 (D) Library materials.

31 (E) Technology infrastructure.

32 (F) Hazardous substances abatement, cleanup, and repair.

33 (G) Architectural barrier removal.

34 (H) State-mandated local programs.

35 (3) The Chancellor of the California Community Colleges shall
36 allocate the amount allocated pursuant to paragraph (2) to
37 community college districts on an equal amount per actual full-time
38 equivalent student (FTES) reported for the prior fiscal year, except
39 that each community college district shall be allocated an amount

1 not less than fifty thousand dollars (\$50,000), and the equal amount
2 per unit of FTES shall be computed accordingly.

3 (4) Funds allocated under paragraph (2) shall supplement and
4 not supplant existing expenditures and may not be counted as the
5 community college district contribution for physical plant projects
6 and instructional material purchases funded in Item 6870-101-0001
7 of Section 2.00 of the annual Budget Act.

8 (f) For each of the 2011–12 and 2014–15 fiscal years, the sum
9 transferred pursuant to subparagraph (A) of paragraph (2) of
10 subdivision (c) shall be allocated by the Chancellor of the
11 California Community Colleges to the community colleges for the
12 purpose of improving and expanding career technical education
13 in public secondary education and lower division public higher
14 education pursuant to Section 88532, including the hiring of
15 additional faculty to expand the number of career technical
16 education programs and course offerings.

17 (g) The appropriations made under subdivision (c) and the
18 amount specified in Section 41207.6 are for the purpose of
19 discharging in full the minimum state educational funding
20 obligation to school districts and community college districts
21 pursuant to Section 8 of Article XVI of the California Constitution
22 and Chapter 213 of the Statutes of 2004 for the 2004–05 fiscal
23 year, and the outstanding maintenance factor for the 2005–06 fiscal
24 year resulting from this additional payment of the Chapter 213
25 amount for the 2004–05 fiscal year.

26 (h) For purposes of making the computations required by Section
27 8 of Article XVI of the California Constitution, including
28 computation of the state’s minimum funding obligation to school
29 districts and community college districts in subsequent fiscal years,
30 the first one billion six hundred twenty million nine hundred
31 twenty-eight thousand dollars (\$1,620,928,000) in appropriations
32 made pursuant to subdivision (c) and the amount specified in
33 Section 41207.6 shall be deemed to be “General Fund revenues
34 appropriated for school districts,” as defined in subdivision (c) of
35 Section 41202 and “General Fund Revenues appropriated for
36 community college districts,” as defined in subdivision (d) of
37 Section 41202, for the 2004–05 fiscal year and included within
38 the “total allocations to school districts and community college
39 districts from General Fund proceeds of taxes appropriated pursuant
40 to Article XIII B,” as defined in subdivision (e) of Section 41202,

1 for that fiscal year. The remaining appropriations made pursuant
2 to subdivision (c) and the amount specified in Section 41207.6
3 shall be deemed to be “General Fund revenues appropriated for
4 school districts,” as defined in subdivision (c) of Section 41202
5 and “General Fund revenues appropriated for community college
6 districts,” as defined in subdivision (d) of Section 41202, for the
7 2005–06 fiscal year and included within the “total allocations to
8 school districts and community college districts from General Fund
9 proceeds of taxes appropriated pursuant to Article XIII B,” as
10 defined in subdivision (e) of Section 41202, for that fiscal year.

11 (i) From funds appropriated under subdivision (c), the
12 Superintendent shall provide both of the following:

13 (1) Not more than two million dollars (\$2,000,000) annually to
14 county superintendents of schools to carry out the requirements
15 of this article, allocated in a manner similar to that created to carry
16 out the new duties of those superintendents under the settlement
17 agreement in the case of *Williams v. California* (Super. Ct. San
18 Francisco, No. CGC-00-312236).

19 (2) Five million dollars (\$5,000,000) in the 2007–08 fiscal year
20 to support regional assistance under Section 52055.730. It is the
21 intent of the Legislature that the Superintendent and the president
22 of the state board or his or her designee, along with county offices
23 of education, seek foundational and other financial support to
24 sustain and expand these services. Funds provided under this
25 paragraph that are not expended in the 2007–08 fiscal year shall
26 be reappropriated for use in subsequent fiscal years for the same
27 purpose.

28 (j) Notwithstanding any other law, funds appropriated under
29 subdivision (c) but not allocated to schools with kindergarten or
30 grades 1 to 12, inclusive, in a fiscal year, due to program
31 termination in any year or otherwise, shall be reappropriated in
32 furtherance of the purposes of this article. First priority for those
33 amounts shall be to provide cost-of-living increases and enrollment
34 growth adjustments to funded schools.

35 (k) The sum of three hundred fifty thousand dollars (\$350,000)
36 is hereby appropriated from the General Fund to the department
37 to fund 3.0 positions to implement this article. Funding provided
38 under this subdivision is not part of funds provided pursuant to
39 subdivision (c).

1 (l) (1) Notwithstanding subdivision (j), commencing with the
2 2013–14 fiscal year and continuing annually thereafter, funds
3 appropriated under subdivision (c) that are not allocated to schools
4 with kindergarten or grades 1 to 12, inclusive, in a fiscal year due
5 to program termination in any year or otherwise, except funds
6 allocated in the 2013–14 fiscal year for purposes of Section
7 44662.7, shall be allocated by the Superintendent before the close
8 of the fiscal year as follows:

9 (i) Funds shall be distributed on an equal per-pupil basis among
10 all funded schools remaining in the program regardless of grade
11 level using the most recent verified enrollment figures for purposes
12 of implementing the common core academic content standards
13 adopted by the state board pursuant to Section 60605.8.

14 (ii) Funds shall not be distributed to schools that have withdrawn
15 or been terminated from the program or that have received
16 notification from the Superintendent that their funding will be
17 terminated pursuant to subdivision (c) of Section 52055.740.

18 (2) Funds provided pursuant to paragraph (1) shall not affect
19 the base funding rates per pupil and per grade set forth in
20 subdivision (a).

21 (3) The Superintendent, in consultation with the Director of
22 Finance, shall determine no later than October 8, 2013, the total
23 amount of funding appropriated under subdivision (c) that was not
24 allocated to schools for each fiscal year from 2007–08 to 2011–12,
25 inclusive, and shall add that sum to the amount otherwise available
26 for allocation pursuant to paragraph (1) in the 2014–15 fiscal year.

27 ~~SEC. 16.~~

28 *SEC. 18.* Section 52055.780 of the Education Code is amended
29 to read:

30 52055.780. (a) School districts and chartering authorities shall
31 receive funding at the following rate, on behalf of funded schools:

32 (1) For kindergarten and grades 1 to 3, inclusive, five hundred
33 dollars (\$500) per enrolled pupil in funded schools.

34 (2) For grades 4 to 8, inclusive, nine hundred dollars (\$900) per
35 enrolled pupil in funded schools.

36 (3) For grades 9 to 12, inclusive, one thousand dollars (\$1,000)
37 per enrolled pupil in funded schools.

38 (b) For purposes of subdivision (a), enrollment of a pupil in a
39 funded school in the prior fiscal year shall be based on data from
40 the CBEDS.

1 (c) For the 2012–13 fiscal year, three hundred sixty-one million
2 dollars (\$361,000,000) is hereby appropriated from the General
3 Fund to be allocated as follows:

4 (1) Forty-eight million dollars (\$48,000,000) for transfer by the
5 Controller to Section B of the State School Fund for allocation by
6 the Chancellor of the California Community Colleges to
7 community colleges as required under subdivision (d).

8 (2) Three hundred thirteen million dollars (\$313,000,000) for
9 transfer by the Controller to Section A of the State School Fund
10 for allocation by the Superintendent pursuant to this article.

11 (3) Payments made pursuant to this subdivision shall be made
12 only on or after October 8 of the 2012–13 fiscal year.

13 (d) The sum transferred pursuant to paragraph (1) of subdivision
14 (c) shall be allocated by the Chancellor of the California
15 Community Colleges to the community colleges for the purpose
16 of improving and expanding career technical education in public
17 secondary education and lower division public higher education
18 pursuant to Section 88532, including the hiring of additional faculty
19 to expand the number of career technical education programs and
20 course offerings.

21 (e) For the 2013–14 fiscal year, ~~two hundred twenty-one million~~
22 ~~eight hundred thirty thousand dollars (\$221,830,000)~~ *three hundred*
23 *sixty-one million dollars (\$361,000,000)* is hereby appropriated
24 from the General Fund to be allocated as follows:

25 (1) Forty-eight million dollars (\$48,000,000) for transfer by the
26 Controller to Section B of the State School Fund for allocation by
27 the Chancellor of the California Community Colleges to
28 community colleges as required under subdivision (d).

29 (2) ~~One hundred seventy-three million eight hundred thirty~~
30 ~~thousand dollars (\$173,830,000)~~ *Three hundred thirteen million*
31 *dollars (\$313,000,000)* for transfer by the Controller to Section A
32 of the State School Fund for allocation by the Superintendent
33 pursuant to this article.

34 (f) From funds appropriated under subdivision (c), the
35 Superintendent shall provide not more than two million dollars
36 (\$2,000,000) to county superintendents of schools to carry out the
37 requirements of this article, allocated in a manner similar to that
38 created to carry out the new duties of those superintendents under
39 the settlement agreement in the case of Williams v. California
40 (Super. Ct. San Francisco, No. CGC–00–312236).

1 (g) For purposes of making the computations required by Section
2 8 of Article XVI of the California Constitution, including
3 computation of the state’s minimum funding obligation to school
4 districts and community college districts in subsequent fiscal years,
5 the appropriations made pursuant to subdivisions (c) and (e) shall
6 be deemed to be “General Fund revenues appropriated for school
7 districts,” as defined in subdivision (c) of Section 41202 and
8 “General Fund revenues appropriated for community college
9 districts,” as defined in subdivision (d) of Section 41202, for the
10 2012–13 and 2013–14 fiscal-year years and included within the
11 “total allocations to school districts and community college districts
12 from General Fund proceeds of taxes appropriated pursuant to
13 Article XIII B,” as defined in subdivision (e) of Section 41202,
14 for that fiscal year.

15 ~~SEC. 17.~~

16 *SEC. 19.* Section 17581.6 of the Government Code is amended
17 to read:

18 17581.6. (a) Commencing with the 2012–13 fiscal year, funds
19 provided in Item 6110-296-0001 of Section 2.00 of the annual
20 Budget Act shall be allocated as block grants to school districts,
21 charter schools, and county offices of education to support all of
22 the mandated programs described in subdivision (d).

23 (b) (1) Notwithstanding any other law, each fiscal year a school
24 district or county office of education may receive funding for the
25 performance of the mandated activities listed in subdivision (d)
26 either through the block grant established pursuant to this section
27 or by claiming reimbursement pursuant to Section 17560. A school
28 district or county office of education that claims reimbursement
29 for any mandated activities pursuant to Section 17560 for mandated
30 costs incurred during a fiscal year shall not be eligible for funding
31 pursuant to this section for the same fiscal year.

32 (2) A school district and county office of education that elects
33 to receive block grant funding instead of seeking reimbursement
34 pursuant to Section 17560 shall, and any charter school that elects
35 to receive block grant funding shall, submit a letter of intent to the
36 Superintendent of Public Instruction on or before September 30
37 of each year requesting block grant funding pursuant to this section.
38 The Superintendent of Public Instruction shall distribute funding
39 provided pursuant to subdivision (a) to school districts, charter
40 schools, and county offices of education pursuant to the rates set

1 forth in Item 6110-296-0001 of Section 2.00 of the annual Budget
2 Act. Funding distributed pursuant to this section is in lieu of
3 reimbursement pursuant to Section 6 of Article XIII B of the
4 California Constitution for the performance of all activities
5 specified in subdivision (d) as those activities pertain to school
6 districts and county offices of education. A school district, county
7 office of education, or charter school that submits a letter of intent
8 and receives block grant funding pursuant to this section shall not
9 also be eligible to submit a claim for reimbursement of costs
10 incurred for a mandated program set forth in subdivision (d) for
11 the fiscal year for which the block grant funding is received.

12 (c) Block grant funding provided to school districts, charter
13 schools, and county offices of education pursuant to this section
14 is subject to annual audits required by Section 41020 of the
15 Education Code.

16 (d) Block grant funding provided pursuant to this section to
17 individual school districts, charter schools, and county offices of
18 education is to support all of the following mandated programs:

19 (1) Absentee Ballots (CSM 3713; Chapter 77 of the Statutes of
20 1978 and Chapter 1032 of the Statutes of 2002).

21 (2) *Academic Performance Index (01-TC-22; Chapter 3 of the*
22 *Statutes of 1999, First Extraordinary Session; and Chapter 695*
23 *of the Statutes of 2000).*

24 ~~(2)~~

25 (3) Agency Fee Arrangements (00-TC-17 and 01-TC-14;
26 Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes
27 of 2001).

28 ~~(3)~~

29 (4) AIDS Instruction and AIDS Prevention Instruction (CSM
30 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of
31 1991; and Chapter 403 of the Statutes of 1998).

32 ~~(4)~~

33 (5) California State Teachers' Retirement System Service Credit
34 (02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383,
35 634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes
36 of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the
37 Statutes of 1999; and Chapter 1021 of the Statutes of 2000).

38 ~~(5)~~

39 (6) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes
40 of 1994).

1 ~~(6)~~

2 (7) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and
3 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and
4 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998;
5 and Chapter 78 of the Statutes of 1999).

6 (8) *Child Abuse and Neglect Reporting (01-TC-21: Chapters*
7 *640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes*
8 *of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the*
9 *Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters*
10 *133 and 754 of the Statutes of 2001).*

11 ~~(7)~~

12 (9) Collective Bargaining (CSM 4425; Chapter 961 of the
13 Statutes of 1975).

14 ~~(8)~~

15 (10) Comprehensive School Safety Plans (98-TC-01 and
16 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of
17 the Statutes of 1999; and Chapter 828 of the Statutes of 2003).

18 ~~(9)~~

19 (11) Consolidation of Annual Parent Notification/Schoolsite
20 Discipline Rules/Alternative Schools (CSM 4488, CSM 4461,
21 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM
22 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the
23 Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469
24 of the Statutes of 1981; Chapter 459 of the Statutes of 1985;
25 Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the
26 Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988;
27 Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the
28 Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter
29 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997;
30 Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the
31 Statutes of 1999, First Extraordinary Session; Chapter 73 of the
32 Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895
33 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

34 ~~(10)~~

35 (12) Consolidation of Law Enforcement Agency Notification
36 and Missing Children Reports (CSM 4505; Chapter 1117 of the
37 Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of
38 1986; and Chapter 832 of the Statutes of 1999).

39 ~~(11)~~

- 1 (13) Consolidation of Notification to Teachers: Pupils Subject
2 to Suspension or Expulsion I and II, and Pupil Discipline Records
3 (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).
4 ~~(12)~~
- 5 (14) County Office of Education Fiscal Accountability Reporting
6 (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987;
7 Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of
8 the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter
9 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes
10 of 1993; Chapters 650 and 1002 of the Statutes of 1994; and
11 Chapter 525 of the Statutes of 1995).
12 ~~(13)~~
- 13 (15) Criminal Background Checks (97-TC-16; Chapters 588
14 and 589 of the Statutes of 1997).
15 ~~(14)~~
- 16 (16) Criminal Background Checks II (00-TC-05; Chapters 594
17 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of
18 1999).
19 ~~(15)~~
- 20 (17) Differential Pay and Reemployment (99-TC-02; Chapter
21 30 of the Statutes of 1998).
22 (18) *Expulsion of Pupil: Transcript Cost for Appeals (SMAS;*
23 *Chapter 1253 of the Statutes of 1975).*
24 ~~(16)~~
- 25 (19) Financial and Compliance Audits (CSM 4498 and CSM
26 4498-A; Chapter 36 of the Statutes of 1977).
27 ~~(17)~~
- 28 (20) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter
29 1184 of the Statutes of 1975).
30 ~~(18)~~
- 31 (21) High School Exit Examination (00-TC-06; Chapter 1 of
32 the Statutes of 1999, First Extraordinary Session; and Chapter 135
33 of the Statutes of 1999).
34 ~~(19)~~
- 35 (22) Immunization Records (SB 90-120; Chapter 1176 of the
36 Statutes of 1977).
37 ~~(20)~~
- 38 (23) Immunization Records—Hepatitis B (98-TC-05; Chapter
39 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979;
40 Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes

1 of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of
2 the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995;
3 Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882
4 of the Statutes of 1997).

5 *(24) Interdistrict Attendance Permits (CSM 4442; Chapters 172*
6 *and 742 of the Statutes of 1986; Chapter 853 of the Statutes of*
7 *1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the*
8 *Statutes of 1992).*

9 ~~(21)~~

10 (25) Intradistrict Attendance (CSM 4454; Chapters 161 and 915
11 of the Statutes of 1993).

12 ~~(22)~~

13 (26) Juvenile Court Notices II (CSM 4475; Chapters 1011 and
14 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994;
15 and Chapter 71 of the Statutes of 1995).

16 ~~(23)~~

17 (27) Mandate Reimbursement Process I and II (CSM 4204,
18 CSM 4485, and 05-TC-05; Chapter 486 of the Statutes of 1975).

19 ~~(24)~~

20 (28) Notification of Truancy (CSM 4133; Chapter 498 of the
21 Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter
22 19 of the Statutes of 1995).

23 ~~(25)~~

24 (29) Open Meetings/Brown Act Reform (CSM 4257 and CSM
25 4469; Chapter 641 of the Statutes of 1986; and Chapters 1136,
26 1137, and 1138 of the Statutes of 1993).

27 ~~(26)~~

28 (30) Physical Performance Tests (96-365-01; Chapter 975 of
29 the Statutes of 1995).

30 ~~(27)~~

31 (31) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the
32 Statutes of 1978).

33 ~~(28)~~

34 (32) Pupil Health Screenings (CSM 4440; Chapter 1208 of the
35 Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter
36 750 of the Statutes of 1992).

37 ~~(29)~~

38 (33) Pupil Promotion and Retention (98-TC-19; Chapter 100
39 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982;

1 Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes
2 of 1990; and Chapters 742 and 743 of the Statutes of 1998).

3 ~~(30)~~

4 (34) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes
5 of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the
6 Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332
7 of the Statutes of 1986; Chapter 445 of the Statutes of 1992;
8 Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes
9 of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of
10 the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

11 ~~(31)~~

12 (35) Pupil Expulsions (CSM 4455; Chapter 1253 of the Statutes
13 of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the
14 Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498
15 of the Statutes of 1983; Chapter 622 of the Statutes of 1984;
16 Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes
17 of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256,
18 and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes
19 of 1994).

20 ~~(32)~~

21 (36) Pupil Expulsion Appeals (CSM 4463; Chapter 1253 of the
22 Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668
23 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

24 ~~(33)~~

25 (37) Pupil Suspensions (CSM 4456; Chapter 965 of the Statutes
26 of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the
27 Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856
28 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987).

29 ~~(34)~~

30 (38) School Accountability Report Cards (97-TC-21, 00-TC-09,
31 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997;
32 Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes
33 of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the
34 Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

35 ~~(35)~~

36 (39) School District Fiscal Accountability Reporting (97-TC-19;
37 Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes
38 of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and
39 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the
40 Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter

1 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992;
2 Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and
3 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of
4 1995).

5 ~~(36)~~

6 (40) School District Reorganization (98-TC-24; Chapter 1192
7 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

8 (41) *Student Records* (02-TC-34; Chapter 593 of the Statutes
9 of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the
10 Statutes of 1998; and Chapter 67 of the Statutes of 2000).

11 ~~(37)~~

12 (42) *The best practices teacher evaluation system described in*
13 *Sections 44661 and 44662.*

14 (43) The Stull Act (98-TC-25; Chapter 498 of the Statutes of
15 1983; and Chapter 4 of the Statutes of 1999).

16 ~~(38)~~

17 (44) Threats Against Peace Officers (CSM 96-365-02; Chapter
18 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of
19 1995).

20 (e) The Superintendent of Public Instruction shall compile a list
21 of all school districts, charter schools, and county offices of
22 education that received block grant funding in the prior fiscal year
23 pursuant to this section. This list shall include the total amount
24 each school district, charter school, and county office of education
25 received. The Superintendent of Public Instruction shall provide
26 this information to the appropriate fiscal and policy committees
27 of the Legislature, the Controller, the Department of Finance, and
28 the Legislative Analyst Office on or before September 9 of each
29 year.

30 ~~(f) This section shall become inoperative on July 1, 2014, and,~~
31 ~~as of January 1, 2015, is repealed, unless a later enacted statute,~~
32 ~~that becomes operative on or before January 1, 2015, deletes or~~
33 ~~extends the dates on which it becomes inoperative and is repealed.~~

34 SEC. 18. Section 17581.6 is added to the Government Code,
35 to read:

36 17581.6. (a) Commencing with the 2012–13 fiscal year, funds
37 provided in Item 6110-296-0001 of Section 2.00 of the annual
38 Budget Act shall be allocated as block grants to school districts,
39 charter schools, and county offices of education to support all of
40 the mandated programs described in subdivision (d).

1 ~~(b) (1) Notwithstanding any other law, each fiscal year a school~~
2 ~~district or county office of education may receive funding for the~~
3 ~~performance of the mandated activities listed in subdivision (d)~~
4 ~~either through the block grant established pursuant to this section~~
5 ~~or by claiming reimbursement pursuant to Section 17560. A school~~
6 ~~district or county office of education that claims reimbursement~~
7 ~~for any mandated activities pursuant to Section 17560 for mandated~~
8 ~~costs incurred during a fiscal year shall not be eligible for funding~~
9 ~~pursuant to this section for the same fiscal year.~~

10 ~~(2) A school district and county office of education that elects~~
11 ~~to receive block grant funding instead of seeking reimbursement~~
12 ~~pursuant to Section 17560 shall, and any charter school that elects~~
13 ~~to receive block grant funding shall, submit a letter of intent to the~~
14 ~~Superintendent of Public Instruction on or before September 30~~
15 ~~of each year requesting block grant funding pursuant to this section.~~
16 ~~The Superintendent of Public Instruction shall distribute funding~~
17 ~~provided pursuant to subdivision (a) to school districts, charter~~
18 ~~schools, and county offices of education pursuant to the rates set~~
19 ~~forth in Item 6110-296-0001 of Section 2.00 of the annual Budget~~
20 ~~Act. Funding distributed pursuant to this section is in lieu of~~
21 ~~reimbursement pursuant to Section 6 of Article XIII B of the~~
22 ~~California Constitution for the performance of all activities~~
23 ~~specified in subdivision (d) as those activities pertain to school~~
24 ~~districts and county offices of education. A school district, county~~
25 ~~office of education, or charter school that submits a letter of intent~~
26 ~~and receives block grant funding pursuant to this section shall not~~
27 ~~also be eligible to submit a claim for reimbursement of costs~~
28 ~~incurred for a mandated program set forth in subdivision (d) for~~
29 ~~the fiscal year for which the block grant funding is received.~~

30 ~~(c) Block grant funding provided to school districts, charter~~
31 ~~schools, and county offices of education pursuant to this section~~
32 ~~is subject to annual audits required by Section 41020 of the~~
33 ~~Education Code.~~

34 ~~(d) Block grant funding provided pursuant to this section to~~
35 ~~individual school districts, charter schools, and county offices of~~
36 ~~education is to support all of the following mandated programs:~~

37 ~~(1) Absentee Ballots (CSM 3713; Chapter 77 of the Statutes of~~
38 ~~1978 and Chapter 1032 of the Statutes of 2002).~~

- 1 ~~(2) Agency Fee Arrangements (00-TC-17 and 01-TC-14;~~
2 ~~Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes~~
3 ~~of 2001).~~
- 4 ~~(3) AIDS Instruction and AIDS Prevention Instruction (CSM~~
5 ~~4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of~~
6 ~~1991; and Chapter 403 of the Statutes of 1998).~~
- 7 ~~(4) California State Teachers' Retirement System Service Credit~~
8 ~~(02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383,~~
9 ~~634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes~~
10 ~~of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the~~
11 ~~Statutes of 1999; and Chapter 1021 of the Statutes of 2000).~~
- 12 ~~(5) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes~~
13 ~~of 1994).~~
- 14 ~~(6) Chapter Schools I, II, and III (CSM 4437, 99-TC-03,~~
15 ~~and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34~~
16 ~~and 673 of the Statutes of 1998; Chapter 34 of the Statutes of~~
17 ~~1998; and Chapter 78 of the Statutes of 1999).~~
- 18 ~~(7) Collective Bargaining (CSM 4425; Chapter 961 of the~~
19 ~~Statutes of 1975).~~
- 20 ~~(8) Comprehensive School Safety Plans (98-TC-01 and~~
21 ~~99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of~~
22 ~~the Statutes of 1999; and Chapter 828 of the Statutes of 2003).~~
- 23 ~~(9) Consolidation of Annual Parent Notification/Schoolsite~~
24 ~~Discipline Rules/Alternative Schools (CSM 4488, CSM 4461,~~
25 ~~99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM~~
26 ~~4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the~~
27 ~~Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469~~
28 ~~of the Statutes of 1981; Chapter 459 of the Statutes of 1985;~~
29 ~~Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the~~
30 ~~Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988;~~
31 ~~Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the~~
32 ~~Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter~~
33 ~~1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997;~~
34 ~~Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the~~
35 ~~Statutes of 1999, First Extraordinary Session; Chapter 73 of the~~
36 ~~Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895~~
37 ~~of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).~~
- 38 ~~(10) Consolidation of Law Enforcement Agency Notification~~
39 ~~and Missing Children Reports (CSM 4505; Chapter 1117 of the~~

- 1 Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of
2 1986; and Chapter 832 of the Statutes of 1999).
- 3 (11) Consolidation of Notification to Teachers: Pupils Subject
4 to Suspension or Expulsion I and II, and Pupil Discipline Records
5 (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).
- 6 (12) County Office of Education Fiscal Accountability Reporting
7 (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987;
8 Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of
9 the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter
10 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes
11 of 1993; Chapters 650 and 1002 of the Statutes of 1994; and
12 Chapter 525 of the Statutes of 1995).
- 13 (13) Criminal Background Checks (97-TC-16; Chapters 588
14 and 589 of the Statutes of 1997).
- 15 (14) Criminal Background Checks II (00-TC-05; Chapters 594
16 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of
17 1999).
- 18 (15) Differential Pay and Reemployment (99-TC-02; Chapter
19 30 of the Statutes of 1998).
- 20 (16) Financial and Compliance Audits (CSM 4498 and CSM
21 4498-A; Chapter 36 of the Statutes of 1977).
- 22 (17) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter
23 1184 of the Statutes of 1975).
- 24 (18) High School Exit Examination (00-TC-06; Chapter 1 of
25 the Statutes of 1999, First Extraordinary Session; and Chapter 135
26 of the Statutes of 1999).
- 27 (19) Immunization Records (SB 90-120; Chapter 1176 of the
28 Statutes of 1977).
- 29 (20) Immunization Records—Hepatitis B (98-TC-05; Chapter
30 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979;
31 Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes
32 of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of
33 the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995;
34 Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882
35 of the Statutes of 1997).
- 36 (21) Intradistrict Attendance (CSM 4454; Chapters 161 and
37 915 of the Statutes of 1993).
- 38 (22) Juvenile Court Notices II (CSM 4475; Chapters 1011 and
39 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994;
40 and Chapter 71 of the Statutes of 1995).

- 1 ~~(23) Mandate Reimbursement Process I and II (CSM 4204,~~
2 ~~CSM 4485, and 05-TC-05; Chapter 486 of the Statutes of 1975).~~
3 ~~(24) Notification of Truancy (CSM 4133; Chapter 498 of the~~
4 ~~Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter~~
5 ~~19 of the Statutes of 1995).~~
6 ~~(25) Open Meetings/Brown Act Reform (CSM 4257 and CSM~~
7 ~~4469; Chapter 641 of the Statutes of 1986; and Chapters 1136,~~
8 ~~1137, and 1138 of the Statutes of 1993).~~
9 ~~(26) Physical Performance Tests (96-365-01; Chapter 975 of~~
10 ~~the Statutes of 1995).~~
11 ~~(27) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the~~
12 ~~Statutes of 1978).~~
13 ~~(28) Pupil Health Screenings (CSM 4440; Chapter 1208 of the~~
14 ~~Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter~~
15 ~~750 of the Statutes of 1992).~~
16 ~~(29) Pupil Promotion and Retention (98-TC-19; Chapter 100~~
17 ~~of the Statutes of 1981; Chapter 1388 of the Statutes of 1982;~~
18 ~~Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes~~
19 ~~of 1990; and Chapters 742 and 743 of the Statutes of 1998).~~
20 ~~(30) Pupil Safety Notices (02-TC-13; Chapter 498 of the~~
21 ~~Statutes of 1983; Chapter 482 of the Statutes of 1984; Chapter 948~~
22 ~~of the Statutes of 1984; Chapter 196 of the Statutes of 1986;~~
23 ~~Chapter 332 of the Statutes of 1986; Chapter 445 of the Statutes~~
24 ~~of 1992; Chapter 1317 of the Statutes of 1992; Chapter 589 of the~~
25 ~~Statutes of 1993; Chapter 1172 of the Statutes of 1994; Chapter~~
26 ~~1023 of the Statutes of 1996; and Chapter 492 of the Statutes of~~
27 ~~2000).~~
28 ~~(31) Pupil Expulsions (CSM 4455; Chapter 1253 of the~~
29 ~~Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668~~
30 ~~of the Statutes of 1978; Chapter 318 of the Statutes of 1982;~~
31 ~~Chapter 498 of the Statutes of 1983; Chapter 622 of the Statutes~~
32 ~~of 1984; Chapter 942 of the Statutes of 1987; Chapter 1231 of the~~
33 ~~Statutes of 1990; Chapter 152 of the Statutes of 1992; Chapters~~
34 ~~1255, 1256, and 1257 of the Statutes of 1993; and Chapter 146 of~~
35 ~~the Statutes of 1994).~~
36 ~~(32) Pupil Expulsion Appeals (CSM 4463; Chapter 1253 of~~
37 ~~the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter~~
38 ~~668 of the Statutes of 1978; and Chapter 498 of the Statutes of~~
39 ~~1983).~~

1 ~~(33) Pupil Suspensions (CSM 4456; Chapter 965 of the Statutes~~
2 ~~of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the~~
3 ~~Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856~~
4 ~~of the Statutes of 1985; and Chapter 134 of the Statutes of 1987).~~

5 ~~(34) School Accountability Report Cards (97-TC-21, 00-TC-09,~~
6 ~~00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997;~~
7 ~~Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes~~
8 ~~of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the~~
9 ~~Statutes of 1992; and Chapter 1463 of the Statutes of 1989).~~

10 ~~(35) School District Fiscal Accountability Reporting (97-TC-19;~~
11 ~~Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes~~
12 ~~of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and~~
13 ~~1452 of the Statutes of 1987; Chapters 1461 and 1462 of the~~
14 ~~Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter~~
15 ~~1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992;~~
16 ~~Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and~~
17 ~~1002 of the Statutes of 1994; and Chapter 525 of the Statutes of~~
18 ~~1995).~~

19 ~~(36) School District Reorganization (98-TC-24; Chapter 1192~~
20 ~~of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).~~

21 ~~(37) The best practices teacher evaluation system described in~~
22 ~~Sections 44661 and 44662.~~

23 ~~(38) Threats Against Peace Officers (CSM 96-365-02; Chapter~~
24 ~~1249 of the Statutes of 1992; and Chapter 666 of the Statutes of~~
25 ~~1995).~~

26 ~~(e) The Superintendent of Public Instruction shall compile a list~~
27 ~~of all school districts, charter schools, and county offices of~~
28 ~~education that received block grant funding in the prior fiscal year~~
29 ~~pursuant to this section. This list shall include the total amount~~
30 ~~each school district, charter school, and county office of education~~
31 ~~received. The Superintendent of Public Instruction shall provide~~
32 ~~this information to the appropriate fiscal and policy committees~~
33 ~~of the Legislature, the Controller, the Department of Finance, and~~
34 ~~the Legislative Analyst Office on or before September 9 of each~~
35 ~~year.~~

36 ~~(f) This section shall become operative on July 1, 2014.~~

37 ~~SEC. 19.~~

38 *SEC. 20.* If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.
3 *SEC. 21. The amendments to Section 17581.6 of the*
4 *Government Code made by Section 19 of this act shall become*
5 *operative on July 1, 2014.*

O