

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 12, 2011

AMENDED IN SENATE JUNE 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 440

Introduced by Assembly Member Brownley

(Principal ~~coauthor~~: ~~coauthors~~: ~~Senator~~ ~~Senators~~ Pavley and Simitian)

February 14, 2011

~~An act to amend Sections 47604, 47605, 47605.6, 47607, and 47607.5 of, and to add Section 47630.6 to, the Education Code, relating to charter schools.~~ *An act to amend Sections 71300, 71301, 71302, 71303, and 71304 of, and to amend and repeal Section 71305 of, the Public Resources Code, relating to environmental education.*

LEGISLATIVE COUNSEL'S DIGEST

AB 440, as amended, Brownley. ~~Charter schools.~~ *Environmental education: curriculum.*

Existing law establishes the Office of Education and the Environment in the Department of Resources Recycling and Recovery (CalRecycle) to implement the statewide environmental educational program and requires the office, in cooperation with the State Department of Education and the State Board of Education, to develop and implement a unified education strategy on the environment for elementary and secondary schools in the state.

Existing law requires the office to develop a model environmental curriculum incorporating certain environmental principles and to submit the model curriculum for consideration and approval, as prescribed.

This bill would expressly authorize the office to revise the model curriculum, as needed, and would provide for the review of and comment on a revision.

Existing law requires the State Department of Education to make the curriculum available electronically and requires the California Environmental Protection Agency to assume the costs associated with the printing of the approved model curriculum.

This bill would instead require CalRecycle to make the curriculum available electronically and would delete the requirement with regard to the assumption of those costs. The bill would require CalRecycle to coordinate with specified state agencies to facilitate use of the model environmental curriculum and would authorize CalRecycle and those state agencies to collaborate with other specified entities to implement the program.

Existing law establishes the Environmental Education Account in the State Treasury and authorizes the California Environmental Protection Agency to expend the moneys in the account, upon appropriation by the Legislature, for purposes of the program. Existing law authorizes the California Environmental Protection Agency to enter into an agreement with an external fiscal agent with regard to contributions received for the purpose of the program, until January 1, 2013, and requires an annual report to the Legislature in this regard.

This bill would instead authorize CalRecycle to expend the funds in the account and would repeal the authorization for the agreement with an external fiscal agent.

~~(1) The Charter Schools Act of 1992 (Charter Schools Act) allows a charter school to elect to operate as, or be operated by, a nonprofit public benefit corporation, as specified.~~

~~This bill would impose a state-mandated local program by requiring a charter school operating as, or operated by, a for-profit corporation to notify the Superintendent of Public Instruction of that fact in writing when the petition is first approved, upon renewal of the petition, and if there is a change in the for-profit status of the school.~~

~~(2) The Charter Schools Act specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school. The act allows the governing board of a school district to deny a charter petition only if the board~~

~~makes written factual findings that support certain facts regarding the petition. The act requires a county board of education to deny a petition to establish a countywide charter school if the board makes any of several specified factual findings.~~

~~This bill would authorize a school district and a county board of education, in determining whether to grant a charter petition, to consider whether the petitioner has operated another charter school for at least 3 consecutive years and one of several specified events has occurred. The bill would require a charter petition to describe the means by which the school will serve certain pupil populations.~~

~~(3) The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The act prescribes the requirements a charter school must comply with in order to have its charter renewed, including a requirement that a charter school that has been in operation for 4 years satisfy at least one of several specified criteria regarding academic performance.~~

~~This bill would change the criteria a charter school is required to meet in order to have its charter renewed.~~

~~The bill would authorize a charter school not meeting the renewal criteria to apply to the State Board of Education for a determination of academic eligibility for the renewal of its charter by submitting supporting evidence to the state board and the Superintendent of Public Instruction. The bill would require the charter school to submit a copy of the application and supporting evidence to its charter authorizer. The bill would require the Superintendent and authorize the charter authorizer to make a recommendation to the state board on the application. The bill would require the state board to issue a positive determination of academic eligibility if the state board finds that the charter school clearly demonstrates that the academic performance of the school's pupils builds an expectation that the pupils will continue to improve academically and have the opportunity to be successful in college or career. A charter renewal based on a determination of academic eligibility would be granted for only 3 years.~~

~~(4) The Charter Schools Act requires a charter petition to include a reasonably comprehensive description of the manner in which annual, independent financial audits will be conducted. The act requires a charter school to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter~~

~~school is sited, except as specified, and the State Department of Education by December 15 of each year.~~

~~This bill would require the Controller, by December 31 of each fiscal year, to publish a directory of certified public accountants and public accountants, licensed by the California Board of Accountancy, deemed by the Controller to be qualified to conduct audits of charter schools. The bill would require each audit of a charter school to be conducted by a certified public accountant or public accountant selected by the charter school from the directory. The bill would specify that it is unlawful for a public accounting firm to provide audit services to a charter school if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that charter school in each of the 6 previous fiscal years, except as provided.~~

~~(5) 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:~~

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

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

- 1 *SECTION 1. The Legislature hereby finds and declares:*
- 2 *(a) Environmental literacy enhances a citizen's ability to make*
- 3 *informed decisions with an understanding that humans depend on*
- 4 *natural systems and human actions influence natural systems in*
- 5 *both beneficial and detrimental ways.*
- 6 *(b) Environmentally literate citizens are better able to make*
- 7 *wise individual and collective decisions to conserve natural*
- 8 *resources and protect environmental and human health.*
- 9 *(c) An environmentally literate citizenry is essential to*
- 10 *confronting and overcoming the environmental challenges of the*
- 11 *21st century.*
- 12 *(d) An environmentally literate citizenry, consisting of*
- 13 *technological innovators, entrepreneurs, scientists, and engineers,*

1 *as well as environmentally conscious consumers, supports a vibrant*
2 *state economy and drives California’s role as a leader in the*
3 *emerging global “green” marketplace.*

4 *(e) A model environmental curriculum, also known as the*
5 *Education and the Environment Curriculum (curriculum) was*
6 *developed by the California Environmental Protection Agency, in*
7 *cooperation with the State Department of Education and the*
8 *Natural Resources Agency, to increase environmental literacy*
9 *among students in kindergarten and grades 1 to 12, inclusive.*

10 *(f) The curriculum is the first environment-based curriculum of*
11 *its kind in the nation to receive State Board of Education approval.*

12 *(g) There are many benefits of enhanced environmental literacy,*
13 *and the curriculum materials, along with training and support,*
14 *should be made readily available to any educator in California*
15 *who wishes to teach the curriculum.*

16 *(h) To achieve this goal, the Department of Resources Recycling*
17 *and Recovery should collaborate across agencies and disciplines,*
18 *including, but not limited to, the California Environmental*
19 *Protection Agency, the State Department of Education, and the*
20 *Natural Resources Agency.*

21 *(i) The state should seek to develop strong partnerships with*
22 *the private sector, including nonprofit organizations, associations,*
23 *businesses, and private entities, in order to support use of the*
24 *curriculum and increase environmental literacy.*

25 *SEC. 2. Section 71300 of the Public Resources Code is*
26 *amended to read:*

27 *71300. (a) For purposes of this part—“office” means the the*
28 *following definitions shall apply:*

29 *(1) “Department” means the Department of Resources*
30 *Recycling and Recovery.*

31 *(2) “Office” means the Office of Education and the Environment*
32 *of the Department of Resources Recycling and Recovery, as*
33 *established pursuant to this section.*

34 *(3) “Program” means the statewide environmental education*
35 *program prescribed in this part.*

36 *(b) ~~(4)~~—The Office of Education and the Environment previously*
37 *established in the California Environmental Protection Agency is*
38 *hereby established in the Department of Resources Recycling and*
39 *Recovery. The office shall dedicate its effort to implementing the*
40 *statewide environmental educational education program prescribed*

1 pursuant to this part, *including the integrated waste educational*
2 *requirements specified in paragraph (9) of subdivision (b) of*
3 *Section 71301*. The office, through staffing and resources, shall
4 give a high priority to implementing the statewide environmental
5 education program.

6 ~~(2) Any reference to the California Environmental Protection~~
7 ~~Agency in regard to this program shall be deemed a reference to~~
8 ~~the Department of Resource Recycling and Recovery.~~

9 (c) The office, under the direction of the ~~Department of~~
10 ~~Resources Recycling and Recovery department~~, in cooperation
11 with the State Department of Education and the State Board of
12 Education, shall develop and implement a unified education
13 strategy on the environment for elementary and secondary schools
14 in the state. The office shall develop a unified education strategy
15 to do all of the following:

16 (1) Coordinate instructional resources and strategies for
17 providing active pupil participation with onsite conservation efforts.

18 (2) Promote service-learning opportunities between schools and
19 local communities.

20 (3) Assess the impact to participating pupils of the unified
21 education strategy on pupil achievement and resource conservation.

22 (d) The State Department of Education and the State Board of
23 Education, *in cooperation with the department*, shall develop and
24 implement to the extent feasible, a teacher training and
25 implementation plan, to guide the implementation of the unified
26 education strategy, for the education of pupils, faculty, and
27 administrators on the importance of integrating environmental
28 concepts and programs in schools throughout the state. The strategy
29 shall project the phased implementation of elementary, middle,
30 and high school programs.

31 (e) In implementing this part, the office may hold public
32 meetings to receive and respond to comments from affected state
33 agencies, stakeholders, and the public regarding the development
34 of resources and materials pursuant to this part.

35 (f) In implementing this part, the office shall coordinate with
36 other agencies and groups with expertise in education and the
37 environment, ~~including, but not limited to, the California~~
38 ~~Environmental Education Interagency Network.~~

39 (g) Any instructional materials developed pursuant to this part
40 shall be subject to the requirements of Chapter 1 (commencing

1 with Section 60000) of Part 33 of Division 4 of Title 2 of the
2 Education Code, including, but not limited to, reviews for legal
3 and social compliance before the materials may be used in
4 elementary or secondary public schools.

5 *SEC. 3. Section 71301 of the Public Resources Code is*
6 *amended to read:*

7 71301. (a) As part of the unified education strategy *specified*
8 *in subdivision (c) of Section 71300*, the office, ~~under the direction~~
9 ~~of~~ *in cooperation with* the Secretary for Environmental Protection,
10 ~~in cooperation with~~ the Natural Resources Agency, the State
11 Department of Education, and the State Board of Education, shall
12 develop education principles for the environment for elementary
13 and secondary school pupils. The principles may be updated every
14 four years beginning July 1, 2008. The principles shall be aligned
15 to the academic content standards adopted by the State Board of
16 Education pursuant to Section 60605 of the Education Code. The
17 principles shall be used to do all of the following:

18 (1) To direct state agencies that include environmental education
19 components for elementary and secondary education in regulatory
20 decisions or enforcement actions.

21 (2) To align state agency environmental education programs
22 and materials that are developed for elementary and secondary
23 education.

24 (b) The education principles for the environment shall include,
25 but not be limited to, concepts relating to the following topics:

- 26 (1) Environmental sustainability.
- 27 (2) Water.
- 28 (3) Air.
- 29 (4) Energy.
- 30 (5) Forestry.
- 31 (6) Fish and wildlife resources.
- 32 (7) Oceans.
- 33 (8) Toxics and hazardous waste.
- 34 (9) Integrated waste management.
- 35 (10) Integrated pest management.
- 36 (11) Public health and the environment.
- 37 (12) Pollution prevention.
- 38 (13) Resource conservation and recycling.
- 39 (14) Environmental justice.

1 (c) The principles shall be aligned to the applicable academic
2 content standards adopted by the State Board of Education and
3 shall not duplicate or conflict with any academic content standards.

4 (d) (1) The education principles for the environment shall be
5 incorporated, as the State Board of Education determines to be
6 appropriate, in criteria developed for textbook adoption required
7 pursuant to Section 60200 or 60400 of the Education Code in
8 science, mathematics, English/language arts, and history/social
9 sciences.

10 (2) If the State Board of Education determines that the education
11 principles for the environment are not appropriate for inclusion in
12 the textbook adoption criteria cited in paragraph (1), the State
13 Board of Education shall collaborate with the office to make the
14 changes necessary to ensure that the principles are included in the
15 textbook adoption criteria in science, mathematics,
16 English/language arts, and history/social sciences.

17 (e) If the content standards required pursuant to Section 60605
18 of the Education Code are revised, the education principles for the
19 environment shall be appropriately considered for inclusion into
20 part of the revised academic content standards.

21 *SEC. 4. Section 71302 of the Public Resources Code is*
22 *amended to read:*

23 71302. (a) Using the education principles for the environment
24 required ~~in to be developed pursuant to~~ Section 71301, the office,
25 ~~under the direction of~~ *in cooperation with* the Secretary for
26 Environmental Protection, ~~shall develop, in cooperation with the~~
27 Natural Resources Agency, the State Department of Education,
28 and the State Board of Education, *shall develop, and may revise*
29 *as needed*, a model environmental curriculum that incorporates
30 these education principles for the environment. The model
31 curriculum shall be aligned with applicable State Board of
32 Education adopted academic content standards in Science,
33 Mathematics, English/Language Arts, and History/Social Sciences,
34 to the extent that any of those content areas are addressed in the
35 model curriculum.

36 (b) The model curriculum, *or revisions to the model curriculum,*
37 shall be submitted to the ~~Curriculum Development and~~
38 ~~Supplemental Materials Commission~~ *Instructional Quality*
39 *Commission* for review. The commission shall submit its
40 recommendation to the Secretary for Environmental Protection

1 and to the Secretary of the Natural Resources Agency ~~by July 1,~~
2 ~~2005.~~

3 (1) The Secretary for Environmental Protection and the Secretary
4 of the Natural Resources Agency shall review and comment on
5 the model curriculum ~~by January 1, 2006, or revisions to the model~~
6 ~~curriculum, within six months of receipt.~~

7 (2) The model curriculum, ~~or revisions to the model curriculum,~~
8 along with the comments by the Secretary for Environmental
9 Protection and the Secretary of the Natural Resources Agency
10 shall be submitted to the State Board of Education for its approval.

11 *SEC. 5. Section 71303 of the Public Resources Code is*
12 *amended to read:*

13 71303. (a) As determined appropriate by the Superintendent
14 of Public Instruction, the State Department of Education shall
15 incorporate into publications that provide examples of curriculum
16 resources for teacher use, those materials developed by the office
17 that provide information on the education principles for the
18 environment ~~required in~~ *developed pursuant to* Section 71300.

19 (b) If the Superintendent of Public Instruction determines that
20 materials developed by the office that provide information on the
21 education principles for the environment are not appropriate for
22 inclusion in publications that provide examples of curriculum
23 resources for teacher use, the Superintendent of Public Instruction
24 shall collaborate with the office to make the changes necessary to
25 ensure that the materials are included in that information.

26 ~~(c) The model environmental curriculum approved by the State~~
27 ~~Board of Education, pursuant to Section 71302 shall be made~~
28 ~~available by the office to elementary and secondary schools to the~~
29 ~~extent that funds are available for this purpose. The State~~
30 ~~Department of Education shall make the model curriculum~~
31 ~~available electronically including posting the model curriculum~~
32 ~~on its Internet Web site.~~

33 ~~(d) The State Department of Education, to the extent feasible~~
34 ~~and to the extent that funds are available for this purpose, shall~~
35 ~~encourage the development and use of instructional materials and~~
36 ~~active pupil participation in campus and community environmental~~
37 ~~education programs. To the extent feasible, the environmental~~
38 ~~education programs should be considered in the development and~~
39 ~~promotion of after school programs for elementary and secondary~~
40 ~~school pupils and state and local professional development~~

1 activities to provide teachers with content background and
2 resources to assist in teaching about the environment.

3 ~~(e) (1) The California Environmental Protection Agency shall~~
4 ~~assume costs associated with the printing of the approved model~~
5 ~~curriculum as set forth in subdivision (c). The California~~
6 ~~Environmental Protection Agency shall use, for these purposes,~~
7 ~~funds that are available for its administrative costs.~~

8 ~~(2) From funds available for its administrative costs, the State~~
9 ~~Department of Education shall post and maintain the model~~
10 ~~curriculum on its Internet Web site and pay any costs associated~~
11 ~~with any related online questionnaire on its Internet Web site as~~
12 ~~set forth in subdivision (c).~~

13 *(c) Pursuant to Section 71302, the department shall coordinate*
14 *with the Secretary for Environmental Protection, the*
15 *Superintendent of Public Instruction, the State Department of*
16 *Education, and the Secretary of the Natural Resources Agency to*
17 *facilitate use of the model environmental curriculum by elementary*
18 *and secondary schools to the extent that funds are available for*
19 *this purpose.*

20 *(d) The department, the Secretary for Environmental Protection,*
21 *the Superintendent of Public Instruction, the State Department of*
22 *Education, and the Secretary of the Natural Resources Agency*
23 *may collaborate with other federal, state, and local entities, and*
24 *nongovernmental entities, including nonprofit organizations,*
25 *associations, businesses, individuals, and private entities, and may*
26 *enter into interagency agreements, memoranda of understanding,*
27 *and contracts to ensure implementation of this part.*

28 *(e) The department shall make the model curriculum available*
29 *electronically on the department's Internet Web site, and the State*
30 *Department of Education shall make readily identifiable on its*
31 *Internet Web site a Web link to the department's Internet Web site*
32 *containing the curriculum.*

33 *(f) The State Department of Education, to the extent feasible*
34 *and to the extent that funds are available for this purpose, shall*
35 *encourage the development and use of instructional materials and*
36 *active pupil participation in campus and community environmental*
37 *education programs. To the extent feasible, the environmental*
38 *education programs should be considered in the development and*
39 *promotion of after school programs for elementary and secondary*
40 *school pupils and state and local professional development*

1 *activities to provide teachers with content background and*
2 *resources to assist in teaching about the environment.*

3 (3)

4 (g) The State Department of Education shall explore
5 implementation of this section from its baseline resources dedicated
6 to this purpose and if funding is not available from that source,
7 then funding may be provided to the department, pursuant to
8 appropriation by the Legislature, under Section 71305.

9 *SEC. 6. Section 71304 of the Public Resources Code is*
10 *amended to read:*

11 71304. (a) The office, ~~under the direction of~~ *in coordination*
12 *with the Secretary for Environmental Protection, shall be*
13 *responsible for the statewide coordination of regulatory*
14 *administrative decisions that require the development or encourage*
15 *the promotion of environmental education for elementary and*
16 *secondary school pupils.*

17 (b) All California Environmental Protection Agency or Natural
18 Resources Agency boards, departments, or offices that take
19 regulatory actions or take enforcement actions requiring the
20 development of, or encouraging the promotion of, environmental
21 education for elementary and secondary school pupils shall, prior
22 to adoption or approval of the action, seek comments on the action
23 from the office in order to promote consistency with this part and
24 cross-media coordination.

25 (c) The office shall coordinate with all state agencies to develop
26 and distribute environmental education materials.

27 *SEC. 7. Section 71305 of the Public Resources Code, as*
28 *amended by Section 22 of Chapter 718 of the Statutes of 2010, is*
29 *amended to read:*

30 71305. (a) The Environmental Education Account is hereby
31 established within the State Treasury. Moneys in the account may,
32 upon appropriation by the Legislature, be expended by the
33 ~~California Environmental Protection Agency~~ *department* for the
34 purposes of this part. The Secretary for Environmental Protection
35 shall administer this part, including, but not limited to, the account.

36 (b) Notwithstanding any other law to the contrary, the ~~agency~~
37 *department* may accept and receive federal, state, and local funds
38 and contributions of funds from a public or private organization
39 or individual. The account may also receive proceeds from a
40 judgment, *settlement, fine, penalty, or other mechanism*, in state

1 or federal court, when the funds are contributed or the judgment
2 specifies that the proceeds are to be used for the purposes of this
3 part. The account may receive those funds, contributions, or
4 proceeds from judgments, that are specifically designated for use
5 for environmental education purposes. ~~The agency may enter into
6 an agreement with an external fiscal agent for the receipt of those
7 contributions for use for the purposes of this part.~~ Private
8 contributors shall not have the authority to further influence or
9 direct the use of their contributions, ~~regardless of whether their
10 contributions are made directly to the agency or to an external
11 fiscal agent.~~

12 ~~(e) (1) For purposes of this section, an “external fiscal agent”
13 means an independent nonprofit organization that may receive and
14 retain contributions from a private organization or individual, or
15 both, intended to support the purposes of this part. The external
16 fiscal agent shall retain all contributions for the purposes of this
17 part in a single account, without regard to the origin of those
18 contributions, and shall not expend any moneys from the account,
19 except at the direction of the Secretary for Environmental
20 Protection. The external fiscal agent shall be required to enter into
21 a contract with the Secretary for Environmental Protection, which
22 shall prescribe procedures for the expenditure of contributions
23 made for the purposes of this part.~~

24 ~~(2) (A) All donations received by the fiscal agent shall be
25 reviewed by the Secretary for Environmental Protection and the
26 Department of Finance to ensure the donations and gifts are
27 consistent with state law and policies regarding the receipt of gifts
28 to the state and the purposes for which those gifts are intended.~~

29 ~~(B) Terms and conditions, including the purposes for which the
30 donations shall be expended, of the contract entered into between
31 the state and the fiscal agent shall be subject to review by the
32 Department of Finance.~~

33 ~~(C) The Department of Finance shall review the proposed
34 contract within 45 business days of receiving a complete contract,
35 including all exhibits and related supporting documents.~~

36 ~~(3) (A) The external fiscal agent shall maintain separate bank
37 or savings and loan association accounts to account for any money
38 under its control, and shall follow the same approval procedures
39 and reporting requirements as apply to any account outside the~~

1 State Treasury, as may be prescribed in the State Administrative
2 Manual, including all year-end accounting reporting requirements.

3 (B) Any bank or investment interest earned by the fiscal agent
4 resulting from donations received by the fiscal agent pursuant to
5 this section shall be remitted to the state for the purposes of the
6 Education and the Environment Initiative program.

7 (4) Notwithstanding Section 10231.5 of the Government Code,
8 the agency shall report, pursuant to the requirements in Section
9 9795 of the Government Code, to the Joint Legislative Budget
10 Committee and the relevant fiscal and policy committees of each
11 house of the Legislature no later than January 10, 2011, and
12 annually thereafter on the condition of the account described in
13 paragraph (1), including expenditures, if any, from the account in
14 the prior fiscal year and anticipated expenditures in the current
15 and upcoming fiscal year. The agency shall submit an update to
16 the report, to the required entities, containing any revisions or
17 updates to the condition of the account or the anticipated
18 expenditures therefrom, no later than May 15, 2011, and annually
19 thereafter.

20 (d)

21 (c) Notwithstanding any other law, a state agency that requires
22 the development of, or encourages the promotion of, environmental
23 education for elementary and secondary school pupils, may
24 contribute to the account.

25 (e)

26 (d) The agency *department* shall immediately deposit any funds
27 contributed pursuant to subdivision (b) into the account.

28 (f)

29 (e) The Legislature finds and declares that the maintenance of
30 the account is of the utmost importance to the state and that it is
31 essential that any moneys in the account be used solely for the
32 purposes authorized in this section and not be used, loaned, or
33 transferred for any other purposes. State agencies that promote
34 environmental education for elementary and secondary school
35 pupils will benefit from the environmental curriculum adopted
36 pursuant to this part and should provide equitable and balanced
37 support for the program.

38 (g) This section shall remain in effect only until January 1, 2013,
39 and as of that date is repealed, unless a later enacted statute, which
40 is enacted before January 1, 2013, deletes or extends that date.

1 ~~SEC. 8. Section 71305 of the Public Resources Code, as added~~
2 ~~by Section 23 of Chapter 718 of the Statutes of 2010, is repealed.~~

3 ~~71305. (a) The Environmental Education Account is hereby~~
4 ~~established within the State Treasury. Moneys in the account may,~~
5 ~~upon appropriation by the Legislature, be expended by the~~
6 ~~California Environmental Protection Agency for the purposes of~~
7 ~~this part. The Secretary for Environmental Protection shall~~
8 ~~administer this part, including, but not limited to, the account.~~

9 ~~(b) Notwithstanding any other law to the contrary, the agency~~
10 ~~may accept and receive federal, state, and local funds and~~
11 ~~contributions of funds from a public or private organization or~~
12 ~~individual. The account may also receive proceeds from a judgment~~
13 ~~in state or federal court, when the funds are contributed or the~~
14 ~~judgment specifies that the proceeds are to be used for the purposes~~
15 ~~of this part. The account may receive those funds, contributions,~~
16 ~~or proceeds from judgments, that are specifically designated for~~
17 ~~use for environmental education purposes. Private contributors~~
18 ~~shall not have the authority to further influence or direct the use~~
19 ~~of their contributions.~~

20 ~~(c) Notwithstanding any other law, a state agency that requires~~
21 ~~the development of, or encourages the promotion of, environmental~~
22 ~~education for elementary and secondary school pupils, may~~
23 ~~contribute to the account.~~

24 ~~(d) The agency shall immediately deposit any funds contributed~~
25 ~~pursuant to subdivision (b) into the account.~~

26 ~~(e) The Legislature finds and declares that the maintenance of~~
27 ~~the account is of the utmost importance to the state and that it is~~
28 ~~essential that any moneys in the account be used solely for the~~
29 ~~purposes authorized in this section and not be used, loaned, or~~
30 ~~transferred for any other purposes. Further, state agencies that~~
31 ~~promote environmental education for elementary and secondary~~
32 ~~school pupils will benefit from the environmental curriculum~~
33 ~~adopted pursuant to this part and should provide equitable and~~
34 ~~balanced support for the program.~~

35 ~~(f) This section shall become operative on January 1, 2013.~~

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, August 30, 2011. (JR11)**

O