

AMENDED IN SENATE APRIL 10, 2012
AMENDED IN SENATE FEBRUARY 27, 2012

SENATE BILL

No. 958

Introduced by Senator Rubio

January 10, 2012

An act to add ~~Section 47612.3 to Chapter 7 (commencing with Section 37800) to Part 22 of Division 3 of Title 2 of the Education Code, relating to charter schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 958, as amended, Rubio. ~~Charter schools.~~ *Schools: well-equipped classrooms.*

~~(1) Existing law requires a petition to establish a charter school to contain a reasonably comprehensive description of admissions requirements, if applicable, and the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Existing law requires a charter school to admit all pupils who wish to attend the school. Existing law authorizes a charter school with a schoolsite physically located in the attendance area of a public elementary school in which 50% or more of the pupil enrollment is eligible for free or reduced price meals to give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.~~

~~Existing law authorizes a charter school to be deemed a local educational agency for purposes of special education funding or to be deemed a public school of the local educational agency that granted the~~

~~charter for those purposes. Existing law requires that individuals with exceptional needs attending charter schools be served in the same manner as individuals with exceptional needs are served in other public schools.~~

~~This bill would require that all special education and related services for an individual with exceptional needs who is enrolled in a charter school that offers classroom-based instruction, as defined, be provided by the charter school, as specified, thereby imposing a state-mandated local program.~~

~~(1) Existing law requires the governing board of a school district to determine whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted by the State Board of Education.~~

~~Existing law requires the State Department of Education to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety.~~

~~Existing law requires a school district to have a current 3- to 5-year education technology plan as a precondition to receiving a technology grant administered by the department. Existing law requires the Superintendent of Public Instruction to develop guidelines and criteria for inclusion in the required education technology plan and to ensure that each school district has access to technical assistance and an approved online technology plan builder that the department determines is in compliance with state and federal requirements.~~

~~This bill would require the State Board of Education, by January 31, 2014, to establish definitions for well-equipped classrooms, which would reflect the materials and environment that are required for a classroom to be in alignment with the common core standards and would require the state board to update the definitions every 2 years. The bill would require the governing board of a school district and a county board of education to complete a thorough survey of each of their classrooms to determine whether the classrooms can be certified as being well-equipped classrooms. The bill would require a governing board of a school district and a county board of education to report the results of the survey to the department and include those results on the Internet Web site of the school district or county office of education. The bill would require the governing board of a school district and the county board of education to certify at least a designated percentage of the classrooms under their jurisdiction as well-equipped in~~

accordance with a prescribed schedule. The bill would require the department annually to review and audit the certifications to ensure compliance with requirements. The bill would require the department to notify parents of pupils enrolled in a noncompliant school or school district of the noncompliance within 2 weeks of the department’s determination of noncompliance.

Because the bill would establish new duties for school districts and county offices of education, it would constitute a state-mandated local program.

(2) 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.

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

1 SECTION 1. Chapter 7 (commencing with Section 37800) is
2 added to Part 22 of Division 2 of Title 2 of the Education Code,
3 to read:

4
5 CHAPTER 7. WELL-EQUIPPED CLASSROOMS

6
7 37800. As used in this chapter, the following terms have the
8 following meanings:

- 9 (a) “Certified” means a formal assurance by a governing body.
- 10 (b) “Classroom” means any single location in which pupils are
- 11 taught, including any physical location or through a digital
- 12 learning environment supported by a school or district.
- 13 (c) “Governing body” means the governing board of a school
- 14 district and a county board of education.

15 37805. (a) A well-equipped classroom shall reflect the
16 materials and environment that are required for a classroom to
17 be in alignment with the common core standards. The state board
18 shall adopt regulations defining well-equipped classrooms for
19 each subject and grade. The definition of a well-equipped

1 *classroom shall include all items that are used for instructional*
2 *purposes in an appropriate learning environment and detail the*
3 *specific supports required in each separate learning environment*
4 *to maximize pupil learning and provide appropriate support to*
5 *teachers in the delivery of instruction.*

6 *(b) Before adopting the regulations, the state board shall survey*
7 *a wide range of instructional personnel from each subject and*
8 *grade and shall hold at least two public hearings. The state board*
9 *shall adopt initial regulations by January 31, 2014, and shall*
10 *update the regulations every two years. Before each update, the*
11 *state board shall survey a wide range of instructional personnel*
12 *from each subject and grade and shall hold at least two public*
13 *hearings.*

14 *(c) The definition of a well-equipped classroom shall include*
15 *all expendable and nonexpendable items that are used for*
16 *instructional purposes in an appropriate learning environment*
17 *and a detailed list that includes, but is not limited to, all of the*
18 *following classroom supports specific to each subject and grade:*

19 *(1) Instructional materials, including any textbooks, workbooks,*
20 *pupil handouts, and other direct instructional support aligned to*
21 *state and local standards.*

22 *(2) Technology, including hardware and software, designed to*
23 *deliver instructional support specific to state standards or*
24 *classroom objectives.*

25 *(3) Supplemental resources, including classroom materials that*
26 *assist teachers in differentiating learning and diversifying delivery*
27 *through tactical, auditory, visual, and kinesthetic senses.*

28 *(4) Appropriate physical room condition, including furniture,*
29 *paint, desks, lighting, acoustics, climate control, indoor air quality,*
30 *and other materials intended to support a clean, healthy, and*
31 *comfortable learning environment for pupils.*

32 *(5) Supplemental pupil supplies for independent or classroom*
33 *work, including paper, notebooks, folders, pencils, and other*
34 *related materials.*

35 *(6) Schedules for the replacement of resources, timelines for*
36 *the return of certification reviews, and other implementation*
37 *matters pertaining to this chapter.*

38 *37810. (a) By August 15, 2014, and two weeks before the first*
39 *day of regular instruction of each school year, a governing body*
40 *shall complete a thorough survey of each of its classrooms to*

1 *determine whether the classrooms can be certified as being*
2 *well-equipped classrooms and shall review the findings of the*
3 *survey and certify individual classrooms by subject, grade, and*
4 *school.*

5 *(b) A governing body shall report the results of the survey,*
6 *including a list of well-equipped classrooms and the overall*
7 *percentage of the number of well-equipped classrooms, to the*
8 *department and include those results on the Internet Web site of*
9 *the school district or county office of education in a format that*
10 *is readily accessible to parents and community members. If a*
11 *school district or county office of education does not have an*
12 *Internet Web site, the school district or county office shall use*
13 *other means to ensure that the results are made available to the*
14 *parents and community members.*

15 *37815. (a) The governing body shall ensure that each school*
16 *under its jurisdiction meets or exceeds the following requirements:*

17 *(1) By August 15, 2014, at least 35 percent of classrooms in a*
18 *school shall be certified as well-equipped classrooms.*

19 *(2) By August 15, 2015, at least 70 percent of classrooms in a*
20 *school shall be certified as well-equipped classrooms.*

21 *(3) By August 15, 2016, 100 percent of classrooms in a school*
22 *shall be certified as well-equipped classrooms.*

23 *(b) When the state board updates the regulations defining a*
24 *well-equipped classroom, a governing body shall have one year*
25 *to certify classrooms based on updated regulations.*

26 *(c) If the updated definitions of a well-equipped classroom*
27 *adopted by the state board create a significant fiscal burden to*
28 *certify classrooms within two years, the state board may extend*
29 *the timeline for classrooms to become certified as being*
30 *well-equipped classrooms in any one grade or subject.*

31 *37820. The department annually shall review and audit the*
32 *results of surveys reported by governing bodies to ensure*
33 *compliance with Section 37815 and the definitions of well-equipped*
34 *classrooms. Within two weeks of its determination of*
35 *noncompliance, the department shall notify parents of pupils*
36 *enrolled in a noncompliant school or school district of the*
37 *noncompliance.*

38 ~~SECTION 1. Section 47612.3 is added to the Education Code,~~
39 ~~to read:~~

1 ~~47612.3. If an individual with exceptional needs is enrolled in~~
2 ~~a charter school that offers classroom-based instruction, as defined~~
3 ~~in subdivision (c) of Section 47612.5, all special education and~~
4 ~~related services required by the pupil's individualized education~~
5 ~~program shall be provided by the charter school through a special~~
6 ~~education local plan area established by the charter school, or the~~
7 ~~charter school shall join a special education local plan area located~~
8 ~~within the geographical region where the charter school is located~~
9 ~~and the pupil resides, and the services provided by the regional~~
10 ~~special education local plan area shall mirror the services that the~~
11 ~~regional special education local plan area provides to pupils~~
12 ~~attending noncharter public schools.~~

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