

Introduced by Senator Hernandez

February 24, 2012

An act to amend Section 52059 of the Education Code, relating to public school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1423, as introduced, Hernandez. Public school accountability: statewide system of school support: English learners.

Existing law requires the State Department of Education, for purposes of complying with the federal No Child Left Behind Act of 2001, to establish a statewide system of school support to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. Existing law requires the regional consortia comprising the system to work collaboratively with, and provide technical assistance to, school districts and schools in need of improvement by doing specified tasks, including assisting the local educational agency or school in developing recommendations for improving pupil performance and school operations.

This bill would additionally require that regional consortia to assist a local educational agency or school in efforts to provide a full curriculum to English learners.

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

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

- 1 SECTION 1. Section 52059 of the Education Code is amended
2 to read:

52059. (a) For purposes of complying with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a statewide system of school support shall be established by the department to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. The system shall consist of regional consortia as well as district assistance and intervention teams and other technical assistance providers.

(b) The regional consortia shall work collaboratively with, and provide technical assistance to, school districts and schools in need of improvement by doing the following:

(1) Reviewing and analyzing all facets of the operation of a local educational agency or school, including the following:

(A) The design and operation of the instructional program offered by the local educational agency or school.

(B) The recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues. The regional consortia may request the assistance of the Fiscal Crisis and Management Assistance Team to review school district or school recruitment, hiring, and retention practices.

(C) The roles and responsibilities of district and school management personnel.

(2) Assisting the local educational agency or school in developing recommendations for improving pupil performance and school operations.

(3) Assisting the local educational agency or school in efforts to eliminate misassignments of certificated personnel.

(4) *Assisting the local educational agency or school in efforts to provide a full curriculum to English learners.*

(c) For purposes of performing the functions specified in subdivision (b), funds for the regional consortia shall be distributed based on the number of Title I schools, the pupil enrollment in those schools, and the number of school districts in each region that have been identified as being in need of improvement pursuant to Section 6316 of Title 20 of the United States Code.

(d) The regional consortia shall ensure that support is provided in the following order of priority:

(1) To school districts or county offices of education with schools that are subject to corrective action under Section 6316(b)(7) of Title 20 of the United States Code.

1 (2) To school districts or county offices of education with
2 schools that are identified as being in need of improvement
3 pursuant to Section 6316(b) of Title 20 of the United States Code.

4 (3) To provide support and assistance to school districts and
5 county offices of education with schools participating under the
6 federal No Child Left Behind Act of 2001 that need support and
7 assistance to achieve the purposes of that act.

8 (4) To provide support and assistance to other school districts
9 and county offices of education with schools participating in a
10 program carried out under this chapter.

11 (e) In accordance with paragraph (4) of subdivision (d) of
12 Section 52055.57, the Superintendent may recommend, and the
13 state board may approve, that a local educational agency that has
14 been identified for corrective action under the federal No Child
15 Left Behind Act of 2001 contract with a district assistance and
16 intervention team or other technical assistance provider to receive
17 technical assistance, including, but not limited to, a needs
18 assessment of the local educational agency.

19 (1) The Superintendent shall develop, and the state board shall
20 approve, standards and criteria to be applied by a district assistance
21 and intervention team or other technical assistance provider in
22 carrying out its duties. The standards and criteria that a district
23 assistance and intervention team or other technical assistance
24 provider shall use in assessing a local educational agency shall
25 address, at a minimum, all of the following areas:

26 (A) Governance.

27 (B) Alignment of curriculum, instruction, and assessments to
28 state standards.

29 (C) Fiscal operations.

30 (D) Parent and community involvement.

31 (E) Human resources.

32 (F) Data systems and achievement monitoring.

33 (G) Professional development.

34 (2) Not later than 120 days after the assignment of a district
35 assistance and intervention team or other technical assistance
36 provider, or the next regularly scheduled meeting of the state board
37 following the expiration of the 120 days, the team shall complete
38 a report based on the findings from the needs assessment performed
39 pursuant to paragraph (1). The report shall include, at a minimum,
40 recommendations for improving the areas specified in paragraph

1 (1) that are found to need improvement. The report also shall
2 address the manner in which existing resources should be redirected
3 to ensure that the recommendations can be implemented.

4 (3) Not later than 30 days after completion of the report specified
5 in paragraph (2), the governing board of the local educational
6 agency may submit an appeal to the Superintendent to be exempted
7 from implementing one or more of the recommendations made in
8 the report. The Superintendent, with approval of the state board,
9 may exempt the local educational agency from complying with
10 one or more of the recommendations made in the report.

11 (4) Not later than 60 days after completion of the report, the
12 governing board of the local educational agency shall adopt the
13 report recommendations described in paragraph (2), as modified
14 by any exemptions granted by the Superintendent under paragraph
15 (3), at a regularly scheduled meeting of the governing board.

16 (f) A local educational agency that is required to contract with
17 a district assistance and intervention team or other technical
18 assistance provider pursuant to this section shall reserve funding
19 provided under subdivision (d) of Section 52055.57 to cover the
20 entire cost of the team or other technical assistance provider before
21 using that funding for other reform activities.

22 (g) Upon an evidence-based finding that a district assistance
23 and intervention team or other technical assistance provider has
24 not fulfilled its legal obligations pursuant to this section, the
25 Superintendent, with the approval of the state board, may remove
26 the district assistance and intervention team or other technical
27 assistance provider from the state list of eligible providers.

28 (h) The provisions of this section are declarative of technical
29 assistance requirements under the federal No Child Left Behind
30 Act of 2001 outlined in Section 6316(b) and (c) and Section
31 6317(a) of Title 20 of the United States Code.

32 (i) For purposes of this article, all references to schools shall
33 include charter schools.