

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 470

Introduced by Assembly Member Mullin

February 19, 2013

An act to amend ~~Section 32280~~ of Sections 42605 and 44279.2 of, and to repeal Section 41514 of, the Education Code, relating to ~~school safety: schools~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 470, as amended, Mullin. ~~School safety plans. Schools: school safety and teacher training.~~

~~Existing law states the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.~~

~~(1) Existing law establishes the school safety consolidated competitive grant, requires the funding for the school safety consolidated competitive grant to include funding previously apportioned to school districts for carrying out the purposes of specified programs, and requires funds appropriated for purposes of the school safety consolidated competitive grant to be available for encumbrance for 5 years from the date of appropriation.~~

~~This bill would make a nonsubstantive change to that provision: repeal the provision requiring funds appropriated for purposes of the school safety consolidated competitive grant to be available for encumbrance for 5 years from the date of appropriation.~~

(2) Existing law establishes various categorical education programs and appropriates the funding for those programs in the annual Budget Act. Existing law requires the Superintendent of Public Instruction, for the 2008–09 to 2014–15 fiscal years, inclusive, to apportion from the amounts provided in the annual Budget Act for specified categorical education programs an amount based on the relative proportion that the local educational agency received in the 2008–09 fiscal year for those programs and authorizes the local educational agency, for those fiscal years, to use these funds, with specified exceptions, for any educational purpose, to the extent permitted by federal law.

This bill would remove the school safety block grant and the school safety consolidated competitive grant from the list of categorical education programs for which their funding may be used for any educational purpose.

(3) Existing law establishes the California Beginning Teacher Support and Assessment System, which is jointly administered by the Superintendent of Public Instruction and the Commission on Teacher Credentialing. In administering the California Beginning Teacher Support and Assessment System, existing law requires the Superintendent and the commission to provide or contract for, among other things, establishing requirements for reviewing and approving teacher induction programs.

This bill, for purposes of the California Beginning Teacher Support and Assessment System, also would require the Superintendent and the commission to provide or contract for performing onsite reviews for all approved teacher induction programs at least every 5 years, implementing high-quality teacher induction programs per specified certification criteria, and enforcing each teacher induction program’s standards to meet state standards.

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

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

- 1 SECTION 1. Section 41514 of the Education Code is repealed.
- 2 ~~41514. Funds appropriated for purposes of this article are~~
- 3 ~~available for encumbrance for five years from the date of~~
- 4 ~~appropriation.~~
- 5 SEC. 2. Section 42605 of the Education Code is amended to
- 6 read:

1 42605. (a) (1) Unless otherwise prohibited under federal law
2 or otherwise specified in subdivision (e), for the 2008–09 fiscal
3 year to the 2014–15 fiscal year, inclusive, recipients of funds from
4 the items listed in paragraph (2) may use funding received, pursuant
5 to subdivision (b), from any of these items listed in paragraph (2)
6 that are contained in Section 2.00 of the annual Budget Act, for
7 any educational purpose.

8 (2) Items 6110-104-0001, 6110-105-0001, 6110-108-0001,
9 6110-122-0001, 6110-124-0001, 6110-137-0001, 6110-144-0001,
10 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-181-0001,
11 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001,
12 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001,
13 6110-209-0001, 6110-211-0001, 6110-227-0001, ~~6110-228-0001,~~
14 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001,
15 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001,
16 ~~6110-248-0001,~~ 6110-260-0001, 6110-265-0001, 6110-266-0001,
17 6110-267-0001, 6110-268-0001, and 6360-101-0001 of Section
18 2.00.

19 (b) (1) For the 2009–10 fiscal year to the 2014–15 fiscal year,
20 inclusive, the Superintendent or other administering state agency,
21 as appropriate, shall apportion from the amounts provided in the
22 annual Budget Act for the items enumerated in paragraph (2) of
23 subdivision (a) an amount to recipients based on the same relative
24 proportion that the recipient received in the 2008–09 fiscal year
25 for the programs funded through the items enumerated in paragraph
26 (2) of subdivision (a).

27 (2) This section and Section 42 of Chapter 12 of the Third
28 Extraordinary Session of the Statutes of 2009 do not authorize a
29 school district that receives funding on behalf of a charter school
30 pursuant to Sections 47634.1 and 47651 to redirect this funding
31 for another purpose unless otherwise authorized in law or pursuant
32 to an agreement between a charter school and its chartering
33 authority. Notwithstanding paragraph (1), for the 2008–09 fiscal
34 year to the 2014–15 fiscal year, inclusive, a school district that
35 receives funding on behalf of a charter school pursuant to Sections
36 47634.1 and 47651 shall continue to distribute the funds to those
37 charter schools based on the relative proportion that the school
38 district distributed in the 2007–08 fiscal year, and shall adjust those
39 amounts to reflect changes in charter school attendance in the
40 district. The amounts allocated shall be adjusted for any greater

1 or lesser amount appropriated for the items enumerated in
2 paragraph (2) of subdivision (a). For a charter school that began
3 operation in the 2008–09 fiscal year, if a school district received
4 funding on behalf of that charter school pursuant to Sections
5 47634.1 and 47651, the school district shall continue to distribute
6 the funds to that charter school based on the relative proportion
7 that the school district distributed in the 2008–09 fiscal year and
8 shall adjust the amount of those funds to reflect changes in charter
9 school attendance in the district. The amounts allocated shall be
10 adjusted for any greater or lesser amount appropriated for the items
11 enumerated in paragraph (2) of subdivision (a).

12 (3) Notwithstanding paragraph (1), for the 2008–09 fiscal year
13 to the 2014–15 fiscal year, inclusive, the Superintendent shall
14 apportion from the amounts appropriated by Item 6110-211-0001
15 of Section 2.00 of the annual Budget Act an amount to a charter
16 school in accordance with the per-pupil methodology prescribed
17 in subdivision (c) of Section 47634.1.

18 (4) Notwithstanding paragraph (1), for the 2008–09 fiscal year
19 to the 2014–15 fiscal year, inclusive, the Superintendent shall
20 apportion from the amounts provided in the annual Budget Act an
21 amount to a school district, charter school, and county office of
22 education based on the same relative proportion that the local
23 educational agency received in the 2007–08 fiscal year for the
24 programs funded through the following items contained in Section
25 2.00 of the annual Budget Act: 6110-104-0001, 6110-105-0001,
26 6110-156-0001, 6110-190-0001, Schedule (3) of 6110-193-0001,
27 6110-198-0001, 6110-232-0001, and Schedule (2) of
28 6110-240-0001.

29 (5) For purposes of paragraph (4), if a direct-funded charter
30 school began operation in the 2008–09 fiscal year, the amount that
31 the charter school was entitled to receive from the items
32 enumerated in paragraph (4) for the 2008–09 fiscal year, as certified
33 by the Superintendent in March 2009, is deemed to have been
34 received in the 2007–08 fiscal year.

35 (c) (1) This section does not obligate the state to refund or repay
36 reductions made pursuant to this section. A decision by a school
37 district to reduce funding pursuant to this section for a
38 state-mandated local program shall constitute a waiver of the
39 subvention of funds that the school district is otherwise entitled to

1 pursuant to Section 6 of Article XIII B of the California
2 Constitution on the amount so reduced.

3 (2) (A) As a condition of receipt of funds, the governing board
4 of the school district or governing board of the county office of
5 education, as appropriate, at a regularly scheduled open public
6 hearing shall take testimony from the public, discuss, approve or
7 disapprove the proposed use of funding, and make explicit for each
8 of the budget items in paragraph (2) of subdivision (a) the purposes
9 for which the funds will be used.

10 (B) The regularly scheduled open public hearing held pursuant
11 to subparagraph (A) shall be held before and independent of a
12 meeting where the governing board of the school district or
13 governing board of the county office of education adopts a budget.
14 If the governing board intends to close a program funded by the
15 items listed in paragraph (2) of subdivision (a), the governing board
16 shall identify, in the notice of the agenda of the public hearing or
17 at another public hearing, the program or programs proposed to
18 be closed.

19 (3) Using the Standardized Account Code Structure reporting
20 process, a local educational agency shall report expenditures of
21 funds pursuant to the authority of this section by using the
22 appropriate function codes to indicate the activities for which these
23 funds are expended. The department shall collect and provide this
24 information to the Department of Finance and the appropriate
25 policy and budget committees of the Legislature by April 15, 2010,
26 and annually thereafter on April 15 until, and including, April 15,
27 2016.

28 (d) For the 2008–09 fiscal year to the 2014–15 fiscal year,
29 inclusive, local educational agencies that use the flexibility
30 provision of this section shall be deemed to be in compliance with
31 the program and funding requirements contained in statutory,
32 regulatory, and provisional language, associated with the items
33 enumerated in subdivision (a).

34 (e) Notwithstanding subdivision (d), the following requirements
35 shall continue to apply:

36 (1) For Item 6110-105-0001 of Section 2.00 of the annual
37 Budget Act, the amount authorized for flexibility shall exclude the
38 funding provided to fund remedial educational services pursuant
39 to Provision 4. For Item 6110-156-0001 of Section 2.00 of the
40 annual Budget Act, the amount authorized for flexibility shall

1 exclude the funding provided for instruction of CalWORKs-eligible
2 students *pupils* pursuant to Schedules (2) and (3) and Provisions
3 2 and 4.

4 (2) (A) Any instructional materials purchased by a local
5 educational agency for kindergarten and grades 1 to 8, inclusive,
6 and for grades 9 to 12, inclusive, shall be aligned with the state
7 standards adopted pursuant to Section 60605 or 60605.8, and shall
8 also meet the reporting and sufficiency requirements contained in
9 Section 60119.

10 (B) For purposes of this section, ~~“sufficiency” means~~
11 *“sufficiency requirements” are the requirements* that each pupil
12 has sufficient textbooks and instructional materials in the four core
13 areas as defined by Section 60119 and that all pupils within the
14 local educational agency who are enrolled in the same course shall
15 have identical textbooks and instructional materials, as specified
16 in Section 1240.3.

17 (3) For Item 6110-195-0001 of Section 2.00 of the annual
18 Budget Act, the item shall exclude moneys that are required to
19 fund awards for teachers that have previously met the requirements
20 necessary to obtain these awards, until the award is paid in full.

21 (4) For Item 6110-266-0001 of Section 2.00 of the annual
22 Budget Act, a county office of education shall conduct at least one
23 site visit to each of the required schoolsites pursuant to Section
24 1240 and shall fulfill all of the duties set forth in Sections 1240
25 and 44258.9.

26 (5) For Item 6110-198-0001 of Section 2.00 of the annual
27 Budget Act, a school district or county office of education that
28 operates the child care component of the Cal-SAFE program shall
29 comply with paragraphs (5) and (6) of subdivision (c) of Section
30 54746.

31 (f) This section does not invalidate any state law pertaining to
32 teacher credentialing requirements or the functions that require
33 credentials.

34 *SEC. 3. Section 44279.2 of the Education Code is amended to*
35 *read:*

36 44279.2. (a) The Superintendent and the commission shall
37 jointly administer the California Beginning Teacher Support and
38 Assessment System pursuant to this chapter. In administering this
39 section, the Superintendent and the commission shall provide or
40 contract for the provision of all of the following:

- 1 (1) Establishing requirements for reviewing and approving
2 teacher induction programs.
- 3 (2) Developing and administering a system for ensuring teacher
4 induction program quality and effectiveness. For purposes of this
5 section, “program effectiveness” means producing excellent
6 program outcomes in relation to the purposes defined in subdivision
7 (b) of Section 44279.1. For purposes of this section, “program
8 quality” means excellence with respect to program factors,
9 including, but not limited to, all of the following:
- 10 (A) Program goals.
11 (B) Design resources.
12 (C) Management, evaluation, and improvement of the program.
13 (D) School context and working conditions.
14 (E) Support and assessment services to each beginning teacher.
- 15 (3) Developing purposes and functions for reviewing and
16 approving supplemental grants and standards for program clusters
17 and program consultants, as defined pursuant to Section 44279.7.
- 18 (4) Improving and refining the formative assessment system.
- 19 (5) Improving and refining professional development materials
20 and strategies for all personnel involved in implementing induction
21 programs.
- 22 (6) Conducting and tracking research related to beginning
23 teacher induction.
- 24 (7) Periodically evaluating the validity of the California
25 Standards for the Teaching Profession adopted by the commission
26 and the Standards of Quality and Effectiveness for Beginning
27 Teacher Support and Assessment Program adopted by the
28 commission and making changes to those documents, as necessary.
- 29 (8) *Performing onsite reviews for all approved teacher induction*
30 *programs at least every five years.*
- 31 (9) *Notwithstanding Section 42605, implementing high-quality*
32 *teacher induction programs per certification criteria, pursuant to*
33 *subdivision (b) of Section 44279.1 and subdivision (e) of Section*
34 *44279.25, and enforcing each teacher induction program’s*
35 *standards to meet state standards.*
- 36 (b) As part of the California Beginning Teacher Support and
37 Assessment System, the commission and the Superintendent shall
38 establish requirements for local teacher induction programs.
- 39 (c) A school district or consortium of school districts may apply
40 to the Superintendent for funding to establish a local teacher

1 induction program pursuant to this section. From amounts
 2 appropriated for purposes of this section, the Superintendent shall
 3 allocate three thousand dollars (\$3,000) for each beginning teacher
 4 participating in the program. That amount shall be adjusted each
 5 fiscal year by the inflation factor set forth in Section 42238.1. To
 6 be eligible to receive funding, a school district or consortium of
 7 school districts shall, at a minimum, meet all of the following
 8 requirements:

9 (1) Develop, implement, and evaluate teacher induction
 10 programs that meet the Quality and Effectiveness for Beginning
 11 Teacher Induction Program Standards adopted by the commission.

12 (2) Support beginning teachers in meeting the competencies
 13 described in the California Standards for the Teaching Profession
 14 adopted by the commission.

15 (3) Meet criteria for the cost-effective delivery of program
 16 services.

17 (4) From amounts received from local, state, or resources
 18 available for purposes of teacher induction programs, contribute
 19 not less than two thousand dollars (\$2,000) for the costs of each
 20 beginning teacher served in the induction program.

21 (d) Teachers who have received their preliminary credential in
 22 a district intern program pursuant to Article 7.5 (commencing with
 23 Section 44325) or an intern program pursuant to Article 3
 24 (commencing with Section 44450) of Chapter 3 and who are
 25 participating in an induction program pursuant to this section are
 26 not eligible for funding pursuant to Article 11 (commencing with
 27 Section 44380) of Chapter 2.

28 ~~SECTION 1. Section 32280 of the Education Code is amended~~
 29 ~~to read:~~

30 ~~32280. It is the intent of the Legislature that all California~~
 31 ~~public schools, in kindergarten, and grades 1 to 12, inclusive,~~
 32 ~~operated by school districts, in cooperation with local law~~
 33 ~~enforcement agencies, community leaders, parents, pupils, teachers,~~
 34 ~~administrators, and other persons who may be interested in the~~
 35 ~~prevention of campus crime and violence, develop a comprehensive~~
 36 ~~school safety plan that addresses the safety concerns identified~~
 37 ~~through a systematic planning process. For purposes of this section,~~
 38 ~~law enforcement agencies include local police departments, county~~
 39 ~~sheriffs' offices, school district police or security departments,~~
 40 ~~probation departments, and district attorneys' offices. For purposes~~

1 of this section, a “safety plan” means a plan to develop strategies
2 aimed at the prevention of, and education about, potential incidents
3 involving crime and violence on the school campus.

O