

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2384

Introduced by Assembly Member Bradford

February 21, 2014

An act to *amend Sections 32281, 52852, and 64001 of, and to add Chapter 11.5 (commencing with Section 52780) to Part 28 of Division 4 of Title 2 of, and to repeal Chapter 12 (commencing with Section 52800) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to schoolsite councils.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2384, as amended, Bradford. Schoolsite councils.

~~Under existing~~

Existing law, the School-Based Program Coordination Act, which is applicable only to school districts and schools that participate in school-based coordinated categorical programs, is established to provide flexibility to coordinate categorical funds. The act requires a school that participates in school-based program coordination to establish a schoolsite council, composed of the school principal, teachers, and other prescribed members, and requires the schoolsite council to establish a school plan that includes, among other things, curricula, instructional strategies, and materials responsive to the individual needs and learning styles of each pupil, and the proposed expenditure of funds received through various categorical programs.

Existing law, enacted in 2013, revised provisions of the public school financing system, and requires state funding for schools to be calculated pursuant to a local control funding formula, and authorizes local educational agencies to expend for any local educational purpose funds previously required to be spent for various categorical education programs. Existing law requires the governing board of each school district to adopt a local control and accountability plan that includes, among other things, a description of the annual goals to be achieved for each of the state priorities identified pursuant to specified provisions.

~~This bill would repeal the School-Based Program Coordination Act, and would instead authorize any school to establish a schoolsite council. The bill would specify that schoolsite councils operating pursuant to the School-Based Program Coordination Act may continue in existence and operate pursuant to the bill's provisions. The bill would enact provisions relating to the functions, composition, and duties of a schoolsite council that are similar, but not identical, to the provisions in the School-Based Program Coordination Act.~~ *add provisions separate from the School-Based Program Coordination Act that would authorize the establishment of schoolsite councils by any school, composed as specified, and subject to prescribed conditions and requirements. The bill would specify that if any provision of the School-Based Program Coordination Act conflicts with the provisions that would be added by the bill, the provisions being added by the bill shall prevail. The bill would make conforming changes by updating cross-references and making various nonsubstantive changes.*

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 32281 of the Education Code is amended
- 2 to read:
- 3 32281. (a) Each school district and county office of education
- 4 is responsible for the overall development of all comprehensive
- 5 school safety plans for its schools operating kindergarten or any
- 6 of grades 1 to 12, inclusive.
- 7 (b) (1) Except as provided in subdivision (d) with regard to a
- 8 small school district, the schoolsite council established pursuant
- 9 to former Section 52012, as it existed before July 1, 2005, or
- 10 Section 52781 or 52852 shall write and develop a comprehensive

1 school safety plan relevant to the needs and resources of that
2 particular school.

3 (2) The schoolsite council may delegate this responsibility to a
4 school safety planning committee made up of the following
5 members:

6 (A) The principal or the principal’s designee.

7 (B) One teacher who is a representative of the recognized
8 certificated employee organization.

9 (C) One parent whose child attends the school.

10 (D) One classified employee who is a representative of the
11 recognized classified employee organization.

12 (E) Other members, if desired.

13 (3) The schoolsite council shall consult with a representative
14 from a law enforcement agency in the writing and development
15 of the comprehensive school safety plan.

16 (4) In the absence of a schoolsite council, the members specified
17 in paragraph (2) shall serve as the school safety planning
18 committee.

19 (c) Nothing in this article shall limit or take away the authority
20 of school boards as guaranteed under this code.

21 (d) (1) Subdivision (b) shall not apply to a small school district,
22 as defined in paragraph (2), if the small school district develops a
23 districtwide comprehensive school safety plan that is applicable
24 to each schoolsite.

25 (2) As used in this article, “small school district” means a school
26 district that has fewer than 2,501 units of average daily attendance
27 at the beginning of each fiscal year.

28 (e) (1) When a principal or his or her designee verifies through
29 local law enforcement officials that a report has been filed of the
30 occurrence of a violent crime on the schoolsite of an elementary
31 or secondary school at which he or she is the principal, the principal
32 or the principal’s designee may send to each pupil’s parent or legal
33 guardian and each school employee a written notice of the
34 occurrence and general nature of the crime. If the principal or his
35 or her designee chooses to send the written notice, the Legislature
36 encourages the notice be sent no later than the end of business on
37 the second regular work day after the verification. If, at the time
38 of verification, local law enforcement officials determine that
39 notification of the violent crime would hinder an ongoing
40 investigation, the notification authorized by this subdivision shall

1 be made within a reasonable period of time, to be determined by
 2 the local law enforcement agency and the school district. For
 3 purposes of this section, an act that is considered a “violent crime”
 4 shall meet the definition of Section 67381 and be an act for which
 5 a pupil could or would be expelled pursuant to Section 48915.

6 (2) Nothing in this subdivision shall create any liability in a
 7 school district or its employees for complying with paragraph (1).

8 (f) (1) Notwithstanding subdivision (b), a school district or
 9 county office of education may, in consultation with law
 10 enforcement officials, elect to not have its schoolsite council
 11 develop and write those portions of its comprehensive school safety
 12 plan that include tactical responses to criminal incidents that may
 13 result in death or serious bodily injury at the schoolsite. The
 14 portions of a school safety plan that include tactical responses to
 15 criminal incidents may be developed by administrators of the
 16 school district or county office of education in consultation with
 17 law enforcement officials and with a representative of an exclusive
 18 bargaining unit of employees of that school district or county office
 19 of education, if he or she chooses to participate. The school district
 20 or county office of education may elect not to disclose those
 21 portions of the comprehensive school safety plan that include
 22 tactical responses to criminal incidents.

23 (2) As used in this article, “tactical responses to criminal
 24 incidents” means steps taken to safeguard pupils and staff, to secure
 25 the affected school premises, and to apprehend the criminal
 26 perpetrator or perpetrators.

27 (3) Nothing in this subdivision precludes the governing board
 28 of a school district or county office of education from conferring
 29 in a closed session with law enforcement officials pursuant to
 30 Section 54957 of the Government Code to approve a tactical
 31 response plan developed in consultation with those officials
 32 pursuant to this subdivision. Any vote to approve the tactical
 33 response plan shall be announced in open session following the
 34 closed session.

35 (4) Nothing in this subdivision shall be construed to reduce or
 36 eliminate the requirements of Section 32282.

37 **SECTION 1.**

38 *SEC. 2.* Chapter 11.5 (commencing with Section 52780) is
 39 added to Part 28 of Division 4 of Title 2 of the Education Code,
 40 to read:

CHAPTER 11.5. SCHOOLSITE COUNCILS

~~52780. Parent advisory committees and schoolsite councils operating pursuant to Chapter 12 (commencing with Section 52800), as that chapter existed on January 1, 2014, may continue in existence in accordance with the provisions of this chapter.~~

52780. If any provision in Chapter 12 (commencing with Section 52800) conflicts with the provisions of this chapter, the provisions of this chapter shall prevail.

52781. (a) A schoolsite council may be established at any school in accordance with this chapter. A schoolsite council shall include, but is not limited to, representatives from the following groups:

(1) Teachers, to be selected by teachers at the school.

(2) School employees other than teachers, to be selected by nonteaching school employees at the school.

(3) Parents of pupils attending the school, to be selected by parents of pupils attending the school.

(4) In secondary schools, pupils, to be selected by pupils attending the school.

(b) The schoolsite council or the governing board of the school district may expand the composition of a schoolsite council based on the operational structure of the school, in accordance with the following:

(1) For an elementary school, the schoolsite council shall be composed to ensure parity between the following two groups:

(A) The principal, classroom teachers, and other school employees. Classroom teachers shall comprise the majority of persons from this group. To the extent possible, the school shall ensure that at least one classified employee is part of this group.

(B) Parents.

(2) For a secondary school, the schoolsite council shall be composed to ensure parity between the following two groups:

(A) The principal, classroom teachers, and other school employees. Classroom teachers shall comprise the majority of persons from this group. To the extent possible, the school shall ensure that at least one classified employee is part of this group.

(B) An equal number of parents and pupils. To the extent possible, the school shall ensure that socioeconomically

1 disadvantaged pupils, foster youth, and English learners are
2 represented on the schoolsite council.

3 (c) A schoolsite council is encouraged to include participation
4 from community organizations that participate at the schoolsite
5 and that are focused on the educational outcomes of the school.
6 Members of this group shall not be included for purposes of
7 ensuring parity pursuant to subdivision (b). *A schoolsite council*
8 *that elects to include participation from community organizations*
9 *is not required to have the community organization members be*
10 *official voting members of the council.*

11 52782. A schoolwide advisory group or a school support group
12 may also be used as a schoolsite council, in accordance with the
13 provisions of this chapter.

14 52783. The Superintendent shall provide several examples of
15 selection and replacement procedures that may be considered by
16 schoolsite councils.

17 52784. The governing board of a school district shall set term
18 limits for schoolsite council members other than the principal.

19 52785. A schoolsite council shall maximize public input and
20 other means of advancing a democratic process.

21 52786. A school employee who is also a parent or guardian
22 of a pupil who attends another school in the school district may
23 serve on the schoolsite council of the school of his or her
24 employment as a teacher or other school employee representative.
25 The school employee may also serve on the schoolsite council of
26 the school that his or her child or ward attends as a parent
27 representative.

28 52787. (a) A school district operating a schoolsite council
29 shall provide training to members of the schoolsite council on the
30 purpose and role of the schoolsite council.

31 52788. (a) A schoolsite council shall develop a school plan
32 that includes, but is not limited to, all of the following:

33 (1) Curricula, instructional strategies, and materials that address
34 the individual needs and learning styles of each pupil.

35 (2) Instructional and auxiliary services to meet the special needs
36 of the following pupils:

37 (A) Pupils of limited English proficiency, including instruction
38 in a language these pupils understand.

39 (B) Educationally disadvantaged pupils.

40 (C) Pupils eligible for free or reduced-price meals.

1 (D) Foster youth.

2 (E) Gifted and talented pupils.

3 (F) Pupils with exceptional needs.

4 (3) Ongoing evaluation of the educational program of the school.

5 (4) Other activities and objectives, as established by the
6 schoolsite council.

7 (5) The proposed expenditure of funds available to the school,
8 including funds available to the school through federal programs.

9 (6) Mechanisms to ensure that the objectives in the school
10 district's local control and accountability plan are being ~~met~~. *met,*
11 *with specific focus on the local control and accountability plan*
12 *goals around school climate, parent engagement, and pupil*
13 *engagement.*

14 (b) A schoolsite council is encouraged to ~~develop a support~~
15 ~~professional development program~~ *programs* for teachers, other
16 school employees, and volunteers.

17 (c) The schoolsite council shall annually review the school plan,
18 establish a new budget, and, if necessary, make other modifications
19 in the school plan to reflect changing needs and priorities.

20 52789. The governing board of the school district shall review
21 and approve or disapprove school plans. A school plan shall not
22 be approved unless it was developed and recommended by the
23 schoolsite council. If a plan is not approved by the governing board
24 of the school district, specific reasons for that action shall be
25 communicated to the schoolsite council. Modifications to any
26 school plan shall be developed, recommended, and approved or
27 disapproved in the same manner.

28 ~~SEC. 2. Chapter 12 (commencing with Section 52800) of Part~~
29 ~~28 of Division 4 of Title 2 of the Education Code is repealed.~~

30 *SEC. 3. Section 52852 of the Education Code is amended to*
31 *read:*

32 52852. ~~A~~ *(a) Notwithstanding any other law, a schoolsite*
33 *council shall be established at each school which that* participates
34 in school-based program coordination. The *schoolsite* council shall
35 be composed of the principal and representatives of: teachers
36 selected by teachers at the school; other school personnel selected
37 by other school personnel at the school; parents of pupils attending
38 the school selected by such parents; and, in secondary schools,
39 pupils selected by pupils attending the school.

40 ~~At~~

1 (b) (1) At the elementary level the *schools* council shall be
 2 constituted to ensure parity between ~~(a)~~ (A) the principal, classroom
 3 teachers, and other school personnel; and ~~(b)~~ (B) parents or other
 4 community members selected by parents.

5 ~~At~~
 6 (2) At the secondary level the *schools* council shall be
 7 constituted to ensure parity between ~~(a)~~ (A) the principal, classroom
 8 teachers, and other school personnel; and ~~(b)~~ (B) equal numbers
 9 of parents, or other community members selected by parents, and
 10 pupils.

11 ~~At~~
 12 (3) At both the elementary and secondary levels, classroom
 13 teachers shall comprise the majority of persons represented under
 14 category ~~(a)~~: *subparagraph (A) of paragraphs (1) and (2)*.

15 ~~Existing~~
 16 (c) *Existing* schoolwide advisory groups or school support
 17 groups may be utilized as the *schools* council if those groups
 18 conform to this section.

19 ~~The~~
 20 (d) ~~The Superintendent of Public Instruction~~ shall provide
 21 several examples of selection and replacement procedures that
 22 may be considered by *schools* councils.

23 ~~An~~
 24 (e) *An employee* of a school who is also a parent or guardian of
 25 a pupil who attends a school other than the school of the parent's
 26 or guardian's employment, is not disqualified by virtue of this
 27 employment from serving as a parent representative on the
 28 *schools* council established for the school that his or her child
 29 or ward attends.

30 *SEC. 4. Section 64001 of the Education Code is amended to*
 31 *read:*

32 64001. (a) (1) Notwithstanding any other ~~provision of~~ law,
 33 school districts shall not be required to submit to the department,
 34 as part of the consolidated application, school plans for categorical
 35 programs subject to this part. School districts shall assure, in the
 36 consolidated application, that the Single Plan for Pupil
 37 Achievement established pursuant to subdivision (d) has been
 38 prepared in accordance with law, that *schools* councils have
 39 developed and approved a plan, to be known as the Single Plan
 40 for Pupil Achievement for schools participating in programs funded

1 through the consolidated application process, and any other school
2 program they choose to include, and that school plans were
3 developed with the review, certification, and advice of any
4 applicable school advisory committees. The Single Plan for Pupil
5 Achievement may also be referred to as the Single Plan for Student
6 Achievement. The consolidated application shall also include
7 certifications by appropriate district advisory committees that the
8 application was developed with review and advice of those
9 committees.

10 ~~For~~

11 (2) *For* any consolidated application that does not include the
12 necessary certifications or assurances, the department shall initiate
13 an investigation to determine whether the consolidated application
14 and Single Plan for Pupil Achievement were developed in
15 accordance with law and with the involvement of applicable
16 advisory committees and schoolsite councils.

17 (b) Onsite school and district compliance reviews of categorical
18 programs shall continue, and school plans shall be required and
19 reviewed as part of these onsite visits and compliance reviews.
20 The Superintendent shall establish the process and frequency for
21 conducting reviews of district achievement and compliance with
22 state and federal categorical program requirements. In addition,
23 ~~the Superintendent of Public Instruction~~ shall establish the content
24 of these instruments, including any criteria for differentiating these
25 reviews based on the achievement of pupils, as demonstrated by
26 the Academic Performance Index developed pursuant to Section
27 52052, and evidence of district compliance with state and federal
28 law. The state board shall review the content of these instruments
29 for consistency with state board policy.

30 (c) (1) A school district shall submit school plans whenever
31 the department requires the plans in order to effectively administer
32 any categorical program subject to this part. The department may
33 require submission of the school plan for any school that is the
34 specific subject of a complaint involving any categorical program
35 or service subject to this part.

36 ~~The~~

37 (2) *The* department may require a school district to submit other
38 data or information as may be necessary for the department to
39 effectively administer any categorical program subject to this part.

1 (d) Notwithstanding any other ~~provision~~ of law, as a condition
2 of receiving state funding for a categorical program pursuant to
3 Section 64000, and in lieu of the information submission
4 requirements that were previously required by this section prior
5 to the amendments that added this subdivision and subdivisions
6 (e) to (i), inclusive, school districts shall ensure that each school
7 in a district that operates any categorical programs subject to this
8 part consolidates any plans that are required by those programs
9 into a single plan. Schools may consolidate any plans that are
10 required by federal programs subject to this part into this plan,
11 unless otherwise prohibited by federal law. That plan shall be
12 known as the Single Plan for Pupil Achievement or may be referred
13 to as the Single Plan for Student Achievement.

14 (e) Plans developed pursuant to subdivision (d) of *former*
15 Section 52054, *as it existed before July 1, 2013*, and Section 6314
16 and following of Title 20 of the United States Code, shall satisfy
17 this requirement.

18 (f) Notwithstanding any other ~~provision~~ of law, the content of
19 a Single Plan for Pupil Achievement shall be aligned with school
20 goals for improving pupil achievement. School goals shall be based
21 upon an analysis of verifiable state data, including the Academic
22 Performance Index developed pursuant to Section 52052 and the
23 English Language Development test developed pursuant to Section
24 60810, and may include any data voluntarily developed by *school*
25 districts to measure pupil achievement. The Single Plan for Pupil
26 Achievement shall, at a minimum, address how funds provided to
27 the school through any of the sources identified in Section 64000
28 will be used to improve the academic performance of all pupils to
29 the level of the performance goals, as established by the Academic
30 Performance Index developed pursuant to Section 52052. The plan
31 shall also identify the schools' means of evaluating progress toward
32 accomplishing those goals and how state and federal law governing
33 these programs will be implemented.

34 (g) The plan required by this section shall be reviewed annually
35 and updated, including proposed expenditure of funds allocated
36 to the school through the consolidated application, by the schoolsite
37 council, or, if the school does not have a schoolsite council, by
38 schoolwide advisory groups or school support groups that conform
39 to the requirements of Section 52781 *or* 52852. The plans shall be
40 reviewed and approved by the governing board of the local

1 education agency at a regularly scheduled meeting whenever there
2 are material changes that affect the academic programs for ~~students~~
3 *pupils* covered by programs identified in Section 64000.

4 (h) The school plan and subsequent revisions shall be reviewed
5 and approved by the governing board of the school district. School
6 district governing boards shall certify that, to the extent allowable
7 under federal law, plans developed for purposes of this section are
8 consistent with district local improvement plans that are required
9 as a condition of receiving federal funding.

10 (i) Nothing in this ~~act~~ *part* may be construed to prevent a school
11 district, at its discretion, from conducting an independent review
12 pursuant to subdivision (c) of Section 64001 as that section read
13 on January 1, 2001.