

**Assembly Bill No. 2384**

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Passed the Assembly August 27, 2014

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*Chief Clerk of the Assembly*

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Passed the Senate August 26, 2014

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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, the Education Code, relating to schoolsite councils.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2384, Bradford. Schoolsite councils.

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, the proposed expenditure of funds received through various categorical programs.

Existing law, enacted in 2013, revised provisions of the public school financing system, 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 add provisions separate from the School-Based Program Coordination Act that would authorize a school district to establish a schoolsite council at any school, composed as specified, and subject to prescribed conditions and requirements, with responsibility for developing and annually reviewing a specified school plan. The bill would specify that if any provision that would be added by the bill conflicts with the provisions of the School-Based Program Coordination Act, the provisions of the School-Based Program Coordination Act shall prevail. The bill

would make conforming changes by updating cross-references and making various nonsubstantive changes.

This bill would incorporate additional changes to Section 64001 of the Education Code proposed by AB 2380 that would become operative if this bill and AB 2380 are both enacted and this bill is enacted last.

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

SECTION 1. Section 32281 of the Education Code is amended to read:

32281. (a) Each school district and county office of education is responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to former Section 52012, as it existed before July 1, 2005, or Section 52781 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

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

(A) The principal or the principal's designee.

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

(C) One parent whose child attends the school.

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

(E) Other members, if desired.

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

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

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

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

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

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal’s designee may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a “violent crime” shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

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

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

portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

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

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

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

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

#### CHAPTER 11.5. SCHOOLSITE COUNCILS

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

52781. (a) Pursuant to authorization by the governing board of a school district, 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) Classroom teachers, to be selected by teachers at the school.
- (2) School employees other than classroom 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 disadvantaged pupils, foster youth, and English learners are represented on the schoolsite council.

(c) A schoolsite council is encouraged to include participation from community organizations that participate at the schoolsite and that are focused on the educational outcomes of the school. A schoolsite council that elects to include participation from community organizations is not required to have the community organization members be official voting members of the council.

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

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

52784. The governing board of a school district shall require a schoolsite council to establish bylaws.

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

52786. An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment is not disqualified by virtue of this employment from serving as a parent representative on the

schools site council established at the school that his or her child or ward attends.

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

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

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

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

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

(B) Educationally disadvantaged pupils.

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

(D) Foster youth.

(E) Gifted and talented pupils.

(F) Pupils with exceptional needs.

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

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

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

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

(b) A schoolsite council is encouraged to support professional development programs for teachers, other school employees, and volunteers.

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

52789. The governing board of the school district shall review and approve or disapprove school plans. A school plan shall not be approved unless it was developed and recommended by the schoolsite council. If a plan is not approved by the governing board of the school district, specific reasons for that action shall be communicated to the schoolsite council. Modifications to any

school plan shall be developed, recommended, and approved or disapproved in the same manner.

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

52852. (a) Notwithstanding any other law, a schoolsite council shall be established at each school that participates in school-based program coordination. The schoolsite council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

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

(2) At the secondary level the schoolsite council shall be constituted to ensure parity between (A) the principal, classroom teachers, and other school personnel; and (B) equal numbers of parents, or other community members selected by parents, and pupils.

(3) At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under subparagraph (A) of paragraphs (1) and (2).

(c) Existing schoolwide advisory groups or school support groups may be utilized as the schoolsite council if those groups conform to this section.

(d) The Superintendent shall provide several examples of selection and replacement procedures that may be considered by schoolsite councils.

(e) An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment, is not disqualified by virtue of this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

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

64001. (a) (1) Notwithstanding any other law, school districts shall not be required to submit to the department, as part of the

consolidated application, school plans for categorical programs subject to this part. School districts shall ensure in the consolidated application, that the Single Plan for Pupil Achievement established pursuant to subdivision (d) has been prepared in accordance with law, that schoolsite councils have developed and approved a plan, to be known as the Single Plan for Pupil Achievement for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. The Single Plan for Pupil Achievement may also be referred to as the Single Plan for Student Achievement. The consolidated application shall also include certifications by appropriate district advisory committees that the application was developed with review and advice of those committees.

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

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

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

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

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

(e) Plans developed pursuant to subdivision (d) of Section 52054, and Section 6314 and following of Title 20 of the United States Code, shall satisfy this requirement.

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

(g) The plan required by this section shall be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application, by the schoolsite council, or, if the school does not have a schoolsite council, by schoolwide advisory groups or school support groups that conform

to the requirements of Section 52781 or 52852. The plans shall be reviewed and approved by the governing board of the local education agency at a regularly scheduled meeting whenever there are material changes that affect the academic programs for students covered by programs identified in Section 64000.

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

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

SEC. 4.5. Section 64001 of the Education Code is amended to read:

64001. (a) (1) Notwithstanding any other law, a school district shall not be required to submit to the department, as part of the consolidated application, a school plan for categorical programs that are subject to this part. A school district shall ensure, in the consolidated application, that the single plan for pupil achievement established pursuant to subdivision (d) has been prepared in accordance with law, that schoolsite councils have developed and approved a plan, to be known as the single plan for pupil achievement, for schools participating in programs funded through the consolidated application process and through the local control funding formula established pursuant to Section 42238.02, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of applicable school advisory committees, including advisory committees established pursuant to Section 52176. The single plan for pupil achievement may also be referred to as the single plan for student achievement. The consolidated application shall also include certifications by appropriate school district advisory committees, including advisory committees established pursuant to Section 52176, that the application was developed with the review and advice of those committees.

(2) If a consolidated application does not include the necessary certifications or assurances, the department shall initiate an

investigation to determine whether the consolidated application and single plan for pupil achievement were developed in accordance with law and with the involvement of applicable advisory committees, including advisory committees established pursuant to Section 52176, and schoolsite councils.

(b) Onsite school and district compliance reviews of categorical programs shall continue, and school plans shall be required and reviewed as part of these onsite visits and compliance reviews. The Superintendent shall establish the process and frequency for conducting reviews of school district achievement and compliance with state and federal categorical program requirements. In addition, the Superintendent shall establish the content of these instruments, including any criteria for differentiating these reviews based on the achievement of pupils, as demonstrated by the Academic Performance Index developed pursuant to Section 52052, and evidence of district compliance with state and federal law. The state board shall review the content of these instruments for consistency with state board policy. If the department makes materials or information available to school districts to assist them in the development of their single plan for pupil achievement, the department shall ensure that all materials and information emphasize that the plan be consistent with and, to the extent possible, support the goals and outcomes specified in the school district's local control and accountability plan, required pursuant to Section 52060.

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

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

(d) (1) Notwithstanding any other law, as a condition of receiving funding for a categorical program pursuant to Section 64000, and instead of the information submission requirements that were required by this section before January 1, 2002, a school district shall ensure that each school in its jurisdiction that operates categorical programs subject to this part consolidates the plans

that are required by those programs into a single plan. Schools may consolidate any plans that are required by federal programs subject to this part into this plan, unless otherwise prohibited by federal law. That plan shall be known as the single plan for pupil achievement or may be referred to as the single plan for student achievement.

(2) To facilitate the alignment of required activities and avoid the duplication of effort, as referenced in Sections 52063 and 52064 with respect to school plans, local control and accountability plans, and federal law, a school district shall develop the local control and accountability plan and annual updates in consultation with schoolsite level advisory groups and ensure that the local control and accountability plan and its specific actions are consistent with, and reflective of, the goals and plans of schoolsites.

(e) Notwithstanding any other law, the content of a single plan for pupil achievement shall be aligned with school goals for improving pupil achievement. School goals shall be based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052 and the English language development test developed pursuant to Section 60810, and may include any data voluntarily developed by school districts to measure pupil achievement. The single plan for pupil achievement shall, at a minimum, address how moneys provided to the school through any of the sources identified in Section 64000 will be used to improve the academic performance of all pupils to the level of the performance goals, as established by the Academic Performance Index developed pursuant to Section 52052. The plan shall also identify the schools' means of evaluating progress toward accomplishing those goals and how state and federal law governing these programs will be implemented. The plan shall also align with the school district's goals for unduplicated pupils in the state and local priority areas identified pursuant to Section 52060.

(f) (1) The plan required by this section shall be reviewed annually and updated by the schoolsite council or, if the school does not have a schoolsite council, by schoolwide advisory groups or school support groups that conform to the requirements of Section 52781 or 52852, to include, but not be limited to, both of the following:

(A) Proposed expenditures of funds allocated to the school through the consolidated application.

(B) Alignment with the school district's local control and accountability plan and a minimization of the duplication of efforts.

(2) The plan shall be approved by the governing board of the school district at a regularly scheduled meeting whenever there are material changes that affect the academic programs for pupils covered by programs identified in Section 64000.

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

(h) This section does not prevent a school district, at its discretion, from conducting an independent review pursuant to subdivision (c) of this section as it read on January 1, 2001.

SEC. 5. Section 4.5 of this bill incorporates amendments to Section 64001 of the Education Code proposed by both this bill and Assembly Bill 2380. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 64001 of the Education Code, and (3) this bill is enacted after Assembly Bill 2380, in which case Section 4 of this bill shall not become operative.



Approved \_\_\_\_\_, 2014

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*Governor*