

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE MAY 8, 2013

AMENDED IN SENATE APRIL 17, 2013

SENATE BILL

No. 344

Introduced by Senator Padilla

February 20, 2013

An act to amend ~~Section 52852 of, and to add Section 41976.3 to, Sections 33127, 41020, 42127, 42238.07, 52052, 52060, 52061, 52062, 52063, 52064, 52066, 52067, 52068, 52069, 52070, 52070.5, 52071, 52071.5, 52072, 52072.5, and 52075 of the Education Code, relating to English learners: schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as amended, Padilla. ~~English learners: supplemental funding: school district master plans: Schools.~~

(1) Existing law establishes the public school system in this state and, among other things, provides for the establishment of county superintendents of schools, school districts, and charter schools throughout the state. Existing law provides for the provision of instruction at the public elementary and secondary schools maintained by these local educational agencies. Existing law establishes a public school financing system.

This bill would add parent representatives to a committee that assists in the development of standards and criteria to be used by local educational agencies for specified fiscal management purposes. This bill would also require an audit of a school district to include whether expenditures were in compliance with the regulations related to the

expenditure of moneys apportioned on the basis of the number and concentration of unduplicated pupils, as defined.

(2) Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index to measure the performance of schools and school districts, especially the academic performance of pupils. Existing law requires a school or school district to demonstrate comparable improvement in academic achievement as measured by the Academic Performance Index by all numerically significant pupil subgroups at the school or school district, as specified.

This bill would add reclassified English learners to the list of pupil subgroups concerning which a school or school district is required to demonstrate this improvement, if the subgroup is numerically significant. By adding to the duties of local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a county board of education and a governing board of a school district to annually adopt or revise a local control and accountability plan that aligns with its annual budget and contains certain elements and that, among other things, was developed in consultation with teachers, principals, administrators, other school personnel, parents, and pupils. Existing law requires a charter for a charter school to include many of the local control and accountability plan elements and requires the charter school to annually update its plan related to those elements.

Existing law, an initiative measure, requires that all children in public schools, with certain exceptions, be taught English by being taught in English, requires that all children be placed in English language classrooms, and requires that children who are English learners be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

This bill would revise provisions regarding local control and accountability plans, primarily in regard to English learners, including requiring the governing board of a school district to include in its local control and accountability plan how the school district will maintain schoolsite councils and English learner advisory committees. The bill would require that specified templates developed by the State Board of Education ensure that each school district, county superintendent of schools, or charter school that receives federal or state supplemental funds for English learners includes specified information in its local control and accountability plan. The bill would expand the conditions

under which a failure to improve pupil achievement, as specified in a local control and accountability plan, would require technical assistance or authorize state intervention. By adding to the duties of local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law requires the governing board of a school district to establish a parent advisory committee to provide advice to the governing board of the school district and the superintendent of the school district, as specified.

This bill would require, as a condition of receipt of supplemental grant funds, the establishment of school parent advisory committees on education programs and services for English learners in each school with more than 20 English learners in attendance, as specified.

(5) 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.

~~(1) Existing law, an initiative measure, requires that all children in public schools, with certain exceptions, be taught English by being taught in English, requires that all children be placed in English language classrooms, and requires that children who are English learners be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.~~

~~Existing federal law, the Limited English Proficient Student Program, provides supplemental funding to state educational agencies to provide grants to eligible local educational agencies for English learners.~~

~~This bill, commencing with the 2014–15 fiscal year, would require, as a condition for receiving supplemental funds for English learners under the Limited English Proficient Student Program, a school district that applies to the State Department of Education for these funds to adopt a master plan for how those supplemental funds will be spent. The bill would require the master plan to cover expenditures of these supplemental funds by the school district and at each affected school within the district. The bill would specify the information to be included in the master plans. The bill would require school districts, in developing or renewing master plans under the bill, to seek input from teachers,~~

~~principals, administrators, English learner advisory committees, schoolsite councils, and parents, both districtwide and from each school.~~

~~The bill, commencing with the 2014–15 school year, would require schools and school districts receiving supplemental funding from the Limited English Proficient Student Program to establish advisory committees, with prescribed membership, to which proposed master plans would be submitted for review and approval. The bill would also require a school district that receives this supplemental funding to post certain contact information on its Internet Web site, as specified.~~

~~(2) Existing law, the School-Based Program Coordination Act, among other things, implements legislative intent to provide flexibility for schools and school districts to coordinate the categorical funds they receive. The act requires that a schoolsite council be established at each school that participates in school-based program coordination.~~

~~This bill, commencing with the 2014–15 school year, would require a school that is required to establish a schoolsite council, and that receives supplemental funds for English learners under the Limited English Proficient Student Program, to include parents and teachers of English learners on its schoolsite council.~~

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

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

1 SECTION 1. Section 33127 of the Education Code is amended
2 to read:
3 33127. (a) The Superintendent, the Controller, and the Director
4 of Finance shall develop, on or before March 1, 1989, standards
5 and criteria to be reviewed and adopted by the state board, and to
6 be used by local educational agencies in the development of annual
7 budgets and the management of subsequent expenditures from that
8 budget. During the development of the standards and criteria, the
9 Superintendent shall convene a committee composed of
10 representatives ~~from~~ of school districts, county offices of education,
11 state agencies, the Legislature, *parents*, and appropriate labor and
12 professional organizations. The committee may review and
13 comment on the proposal standards and criteria before their
14 adoption. In addition, the standards and criteria shall be used to
15 monitor the fiscal stability of local educational agencies as provided

1 for in Sections 1240.1, 1240.2, 1621, 1623, 33131, 42127, and
2 42127.1.

3 (b) The Superintendent, the Controller, and the Director of
4 Finance shall update the standards and criteria developed pursuant
5 to subdivision (a) on or before September 1, 2005. The updated
6 standards and criteria shall be reviewed and adopted pursuant to
7 the procedure established by subdivision (a) and are applicable to
8 local educational agency budgets commencing with the 2006–07
9 fiscal year and each fiscal year thereafter.

10 (c) The Superintendent, the Controller, and the Director of
11 Finance shall update the standards and criteria developed pursuant
12 to subdivision (a) on or before January 1, 2014, to address the
13 requirements of Article 4.5 (commencing with Section 52060) of
14 Chapter 6.1 of Part 28. The updated standards and criteria shall be
15 reviewed and adopted pursuant to the procedure established by
16 subdivision (a) and are applicable to local educational agency
17 budgets commencing with the 2014–15 fiscal year and each fiscal
18 year thereafter.

19 (d) After January 1, 2014, to the extent necessary, any revisions
20 or updates to the standards and criteria shall be developed by the
21 Superintendent, the Controller, and the Director of Finance
22 pursuant the procedure established by subdivision (a). The revisions
23 or updates shall specify the fiscal year in which the revisions or
24 updates are applicable.

25 *SEC. 2. Section 41020 of the Education Code is amended to*
26 *read:*

27 41020. (a) It is the intent of the Legislature to encourage sound
28 fiscal management practices among local educational agencies for
29 the most efficient and effective use of public funds for the
30 education of children in California by strengthening fiscal
31 accountability at the school district, county, and state levels.

32 (b) (1) Not later than the first day of May of each fiscal year,
33 each county superintendent of schools shall provide for an audit
34 of all funds under his or her jurisdiction and control and the
35 governing board of each local educational agency shall either
36 provide for an audit of the books and accounts of the local
37 educational agency, including an audit of income and expenditures
38 by source of funds, or make arrangements with the county
39 superintendent of schools having jurisdiction over the local
40 educational agency to provide for that auditing.

1 (2) A contract to perform the audit of a local educational agency
2 that has a disapproved budget or has received a negative
3 certification on any budget or interim financial report during the
4 current fiscal year or either of the two preceding fiscal years, or
5 for which the county superintendent of schools has otherwise
6 determined that a lack of going concern exists, is not valid unless
7 approved by the responsible county superintendent of schools and
8 the governing board.

9 (3) If the governing board of a local educational agency has not
10 provided for an audit of the books and accounts of the local
11 educational agency by April 1, the county superintendent of schools
12 having jurisdiction over the local educational agency shall provide
13 for the audit of each local educational agency.

14 (4) An audit conducted pursuant to this section shall comply
15 fully with the Government Auditing Standards issued by the
16 Comptroller General of the United States.

17 (5) For purposes of this section, “local educational agency” does
18 not include community colleges.

19 (c) Each audit conducted in accordance with this section shall
20 include all funds of the local educational agency, including the
21 student body and cafeteria funds and accounts and any other funds
22 under the control or jurisdiction of the local educational agency.
23 Each audit shall also include an audit of pupil attendance
24 procedures. Each audit shall include a determination of whether
25 funds were expended pursuant to a local control and accountability
26 plan or an approved annual update to a local control and
27 accountability plan pursuant to Article 4.5 (commencing with
28 Section 52060) of Chapter 6.1 of Part 28 of Division 4 *and whether*
29 *expenditures were in compliance with the regulations adopted*
30 *pursuant to Section 42238.07.*

31 (d) All audit reports for each fiscal year shall be developed and
32 reported using a format established by the Controller after
33 consultation with the Superintendent and the Director of Finance.

34 (e) (1) The cost of the audits provided for by the county
35 superintendent of schools shall be paid from the county school
36 service fund and the county superintendent of schools shall transfer
37 the pro rata share of the cost chargeable to each school district
38 from school district funds.

39 (2) The cost of the audit provided for by a governing board of
40 a local educational agency shall be paid from local educational

1 agency funds. The audit of the funds under the jurisdiction and
2 control of the county superintendent of schools shall be paid from
3 the county school service fund.

4 (f) (1) The audits shall be made by a certified public accountant
5 or a public accountant, licensed by the California Board of
6 Accountancy, and selected by the local educational agency, as
7 applicable, from a directory of certified public accountants and
8 public accountants deemed by the Controller as qualified to conduct
9 audits of local educational agencies, which shall be published by
10 the Controller not later than December 31 of each year.

11 (2) Commencing with the 2003–04 fiscal year and except as
12 provided in subdivision (d) of Section 41320.1, it is unlawful for
13 a public accounting firm to provide audit services to a local
14 educational agency if the lead audit partner, or coordinating audit
15 partner, having primary responsibility for the audit, or the audit
16 partner responsible for reviewing the audit, has performed audit
17 services for that local educational agency in each of the six previous
18 fiscal years. The Education Audits Appeal Panel may waive this
19 requirement if the panel finds that no otherwise eligible auditor is
20 available to perform the audit.

21 (3) It is the intent of the Legislature that, notwithstanding
22 paragraph (2), the rotation within public accounting firms conform
23 to provisions of the federal Sarbanes-Oxley Act of 2002 (Public
24 Law 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of
25 the report required by the act of the Comptroller General of the
26 United States addressing the mandatory rotation of registered
27 public accounting firms, the Legislature intends to reconsider the
28 provisions of paragraph (2). In determining which certified public
29 accountants and public accountants shall be included in the
30 directory, the Controller shall use the following criteria:

31 (A) The certified public accountants or public accountants shall
32 be in good standing as certified by the Board of Accountancy.

33 (B) The certified public accountants or public accountants, as
34 a result of a quality control review conducted by the Controller
35 pursuant to Section 14504.2, shall not have been found to have
36 conducted an audit in a manner constituting noncompliance with
37 subdivision (a) of Section 14503.

38 (g) (1) The auditor’s report shall include each of the following:

39 (A) A statement that the audit was conducted pursuant to
40 standards and procedures developed in accordance with Chapter

1 3 (commencing with Section 14500) of Part 9 of Division 1 of
2 Title 1.

3 (B) A summary of audit exceptions and management
4 improvement recommendations.

5 (C) Each audit of a local educational agency shall include an
6 evaluation by the auditor on whether there is substantial doubt
7 about the ability of the local educational agency to continue as a
8 going concern for a reasonable period of time. This evaluation
9 shall be based on the Statement on Auditing Standards (SAS) No.
10 59, as issued by the AICPA regarding disclosure requirements
11 relating to the ability of the entity to continue as a going concern.

12 (2) To the extent possible, a description of correction or plan
13 of correction shall be incorporated in the audit report, describing
14 the specific actions that are planned to be taken, or that have been
15 taken, to correct the problem identified by the auditor. The
16 descriptions of specific actions to be taken or that have been taken
17 shall not solely consist of general comments such as “will
18 implement,” “accepted the recommendation,” or “will discuss at
19 a later date.”

20 (h) Not later than December 15, a report of each local
21 educational agency audit for the preceding fiscal year shall be filed
22 with the county superintendent of schools of the county in which
23 the local educational agency is located, the department, and the
24 Controller. The Superintendent shall make any adjustments
25 necessary in future apportionments of all state funds, to correct
26 any audit exceptions revealed by those audit reports.

27 (i) (1) Commencing with the 2002–03 audit of local educational
28 agencies pursuant to this section and subdivision (d) of Section
29 41320.1, each county superintendent of schools shall be responsible
30 for reviewing the audit exceptions contained in an audit of a local
31 educational agency under his or her jurisdiction related to
32 attendance, inventory of equipment, internal control, and any
33 miscellaneous items, and determining whether the exceptions have
34 been either corrected or an acceptable plan of correction has been
35 developed.

36 (2) Commencing with the 2004–05 audit of local educational
37 agencies pursuant to this section and subdivision (d) of Section
38 41320.1, each county superintendent of schools shall include in
39 the review of audit exceptions performed pursuant to this
40 subdivision those audit exceptions related to use of instructional

1 materials program funds, teacher misassignments pursuant to
2 Section 44258.9, information reported on the school accountability
3 report card required pursuant to Section 33126 and shall determine
4 whether the exceptions are either corrected or an acceptable plan
5 of correction has been developed.

6 (j) Upon submission of the final audit report to the governing
7 board of each local educational agency and subsequent receipt of
8 the audit by the county superintendent of schools having
9 jurisdiction over the local educational agency, the county office
10 of education shall do all of the following:

11 (1) Review audit exceptions related to attendance, inventory of
12 equipment, internal control, and other miscellaneous exceptions.
13 Attendance exceptions or issues shall include, but not be limited
14 to, those related to local control funding formula allocations
15 pursuant to Section 42238.02, as implemented by Section 42238.03,
16 and independent study.

17 (2) If a description of the correction or plan of correction has
18 not been provided as part of the audit required by this section, then
19 the county superintendent of schools shall notify the local
20 educational agency and request the governing board of the local
21 educational agency to provide to the county superintendent of
22 schools a description of the corrections or plan of correction by
23 March 15.

24 (3) Review the description of correction or plan of correction
25 and determine its adequacy. If the description of the correction or
26 plan of correction is not adequate, the county superintendent of
27 schools shall require the local educational agency to resubmit that
28 portion of its response that is inadequate.

29 (k) Each county superintendent of schools shall certify to the
30 Superintendent and the Controller, not later than May 15, that his
31 or her staff has reviewed all audits of local educational agencies
32 under his or her jurisdiction for the prior fiscal year, that all
33 exceptions that the county superintendent was required to review
34 were reviewed, and that all of those exceptions, except as otherwise
35 noted in the certification, have been corrected by the local
36 educational agency or that an acceptable plan of correction has
37 been submitted to the county superintendent of schools. In addition,
38 the county superintendent shall identify, by local educational
39 agency, any attendance-related audit exception or exceptions
40 involving state funds, and require the local educational agency to

1 which the audit exceptions were directed to submit appropriate
2 reporting forms for processing by the Superintendent.

3 (l) In the audit of a local educational agency for a subsequent
4 year, the auditor shall review the correction or plan or plans of
5 correction submitted by the local educational agency to determine
6 if the exceptions have been resolved. If not, the auditor shall
7 immediately notify the appropriate county office of education and
8 the department and restate the exception in the audit report. After
9 receiving that notification, the department shall either consult with
10 the local educational agency to resolve the exception or require
11 the county superintendent of schools to follow up with the local
12 educational agency.

13 (m) (1) The Superintendent shall be responsible for ensuring
14 that local educational agencies have either corrected or developed
15 plans of correction for any one or more of the following:

16 (A) All federal and state compliance audit exceptions identified
17 in the audit.

18 (B) Any exceptions that the county superintendent certifies as
19 of May 15 have not been corrected.

20 (C) Any repeat audit exceptions that are not assigned to a county
21 superintendent to correct.

22 (2) In addition, the Superintendent shall be responsible for
23 ensuring that county superintendents of schools and each county
24 board of education that serves as the governing board of a local
25 educational agency either correct all audit exceptions identified in
26 the audits of county superintendents of schools and of the local
27 educational agencies for which the county boards of education
28 serve as the governing boards or develop acceptable plans of
29 correction for those exceptions.

30 (3) The Superintendent shall report annually to the Controller
31 on his or her actions to ensure that school districts, county
32 superintendents of schools, and each county board of education
33 that serves as the governing board of a school district have either
34 corrected or developed plans of correction for any of the exceptions
35 noted pursuant to paragraph (1).

36 (n) To facilitate correction of the exceptions identified by the
37 audits issued pursuant to this section, commencing with 2002–03
38 audits pursuant to this section, the Controller shall require auditors
39 to categorize audit exceptions in each audit report in a manner that
40 will make it clear to both the county superintendent of schools and

1 the Superintendent which exceptions they are responsible for
2 ensuring the correction of by a local educational agency. In
3 addition, the Controller annually shall select a sampling of county
4 superintendents of schools and perform a followup of the audit
5 resolution process of those county superintendents of schools and
6 report the results of that followup to the Superintendent and the
7 county superintendents of schools that were reviewed.

8 (o) County superintendents of schools shall adjust subsequent
9 local property tax requirements to correct audit exceptions relating
10 to local educational agency tax rates and tax revenues.

11 (p) If a governing board or county superintendent of schools
12 fails or is unable to make satisfactory arrangements for the audit
13 pursuant to this section, the Controller shall make arrangements
14 for the audit and the cost of the audit shall be paid from local
15 educational agency funds or the county school service fund, as the
16 case may be.

17 (q) Audits of regional occupational centers and programs are
18 subject to the provisions of this section.

19 (r) This section does not authorize examination of, or reports
20 on, the curriculum used or provided for in any local educational
21 agency.

22 (s) Notwithstanding any other provision of law, a nonauditing,
23 management, or other consulting service to be provided to a local
24 educational agency by a certified public accounting firm while the
25 certified public accounting firm is performing an audit of the
26 agency pursuant to this section must be in accord with Government
27 Accounting Standards, Amendment No. 3, as published by the
28 United States General Accounting Office.

29 *SEC. 3. Section 42127 of the Education Code is amended to*
30 *read:*

31 42127. (a) On or before July 1 of each year, the governing
32 board of each school district shall accomplish the following:

33 (1) Hold a public hearing on the budget to be adopted for the
34 subsequent fiscal year. The budget to be adopted shall be prepared
35 in accordance with Section 42126. The agenda for that hearing
36 shall be posted at least 72 hours before the public hearing and shall
37 include the location where the budget will be available for public
38 inspection.

39 (A) For the 2011–12 fiscal year, notwithstanding any of the
40 standards and criteria adopted by the state board pursuant to Section

1 33127, each school district budget shall project the same level of
2 revenue per unit of average daily attendance as it received in the
3 2010–11 fiscal year and shall maintain staffing and program levels
4 commensurate with that level.

5 (B) For the 2011–12 fiscal year, the school district shall not be
6 required to demonstrate that it is able to meet its financial
7 obligations for the two subsequent fiscal years.

8 (2) Adopt a budget. Not later than five days after that adoption
9 or by July 1, whichever occurs first, the governing board of the
10 school district shall file that budget with the county superintendent
11 of schools. The budget and supporting data shall be maintained
12 and made available for public review. If the governing board of
13 the school district does not want all or a portion of the property
14 tax requirement levied for the purpose of making payments for the
15 interest and redemption charges on indebtedness as described in
16 paragraph (1) or (2) of subdivision (b) of Section 1 of Article
17 XIII A of the California Constitution, the budget shall include a
18 statement of the amount or portion for which a levy shall not be
19 made. For the 2014–15 fiscal year and each fiscal year thereafter,
20 the governing board of the school district shall not adopt a budget
21 before the governing board of the school district adopts a local
22 control and accountability plan, if an existing local control and
23 accountability plan or annual update to a local control and
24 accountability plan is not effective for the budget year. The
25 governing board of a school district shall not adopt a budget that
26 does not include the expenditures necessary to implement the local
27 control and accountability plan or the annual update to a local
28 control and accountability plan that is effective during the
29 subsequent fiscal year.

30 (b) The county superintendent of schools may accept changes
31 in any statement included in the budget, pursuant to subdivision
32 (a), of the amount or portion for which a property tax levy shall
33 not be made. The county superintendent of schools or the county
34 auditor shall compute the actual amounts to be levied on the
35 property tax rolls of the school district for purposes that exceed
36 apportionments to the school district pursuant to Chapter 6
37 (commencing with Section 95) of Part 0.5 of Division 1 of the
38 Revenue and Taxation Code. Each school district shall provide all
39 data needed by the county superintendent of schools or the county
40 auditor to compute the amounts. On or before August 15, the

1 county superintendent of schools shall transmit the amounts
2 computed to the county auditor who shall compute the tax rates
3 necessary to produce the amounts. On or before September 1, the
4 county auditor shall submit the rate computed to the board of
5 supervisors for adoption.

6 (c) The county superintendent of schools shall do all of the
7 following:

8 (1) Examine the adopted budget to determine whether it
9 complies with the standards and criteria adopted by the state board
10 pursuant to Section 33127 for application to final local educational
11 agency budgets. The county superintendent of schools shall
12 identify, if necessary, technical corrections that are required to be
13 made to bring the budget into compliance with those standards
14 and criteria.

15 (2) Determine whether the adopted budget will allow the school
16 district to meet its financial obligations during the fiscal year and
17 is consistent with a financial plan that will enable the school district
18 to satisfy its multiyear financial commitments. In addition to his
19 or her own analysis of the budget of each school district, the county
20 superintendent of schools shall review and consider studies, reports,
21 evaluations, or audits of the school district that were commissioned
22 by the school district, the county superintendent of schools, the
23 Superintendent, and state control agencies and that contain
24 evidence that the school district is showing fiscal distress under
25 the standards and criteria adopted in Section 33127 or that contain
26 a finding by an external reviewer that more than three of the 15
27 most common predictors of a school district needing intervention,
28 as determined by the County Office Fiscal Crisis and Management
29 Assistance Team, are present. The county superintendent of schools
30 shall either conditionally approve or disapprove a budget that does
31 not provide adequate assurance that the school district will meet
32 its current and future obligations and resolve any problems
33 identified in studies, reports, evaluations, or audits described in
34 this paragraph.

35 (3) Determine whether the adopted budget includes the
36 expenditures necessary to implement the local control and
37 accountability plan or annual update to the local control and
38 accountability plan approved by the county superintendent of
39 schools *and whether those expenditures comply with the*
40 *regulations adopted pursuant to Section 42238.07.*

1 (d) On or before August 15, the county superintendent of schools
2 shall approve, conditionally approve, or disapprove the adopted
3 budget for each school district. For the 2014–15 fiscal year and
4 each fiscal year thereafter, the county superintendent of schools
5 shall disapprove a budget if the county superintendent of schools
6 determines that the budget does not include the expenditures
7 necessary to implement a local control and accountability plan or
8 an annual update to the local control and accountability plan
9 approved by the county superintendent of schools *or does not*
10 *comply with the regulations adopted pursuant to Section 42238.07.*
11 If a school district does not submit a budget to the county
12 superintendent of schools, the county superintendent of schools
13 shall develop, at school district expense, a budget for that school
14 district by September 15 and transmit that budget to the governing
15 board of the school district. The budget prepared by the county
16 superintendent of schools shall be deemed adopted, unless the
17 county superintendent of schools approves any modifications made
18 by the governing board of the school district. The approved budget
19 shall be used as a guide for the school district’s priorities. The
20 Superintendent shall review and certify the budget approved by
21 the county. If, pursuant to the review conducted pursuant to
22 subdivision (c), the county superintendent of schools determines
23 that the adopted budget for a school district does not satisfy
24 paragraph (1) or (2) of that subdivision, he or she shall
25 conditionally approve or disapprove the budget and, not later than
26 August 15, transmit to the governing board of the school district,
27 in writing, his or her recommendations regarding revision of the
28 budget and the reasons for those recommendations, including, but
29 not limited to, the amounts of any budget adjustments needed
30 before he or she can approve that budget. The county
31 superintendent of schools may assign a fiscal adviser to assist the
32 school district to develop a budget in compliance with those
33 revisions. In addition, the county superintendent of schools may
34 appoint a committee to examine and comment on the
35 superintendent’s review and recommendations, subject to the
36 requirement that the committee report its findings to the county
37 superintendent of schools no later than August 20. For the 2011–12
38 fiscal year, notwithstanding any of the standards and criteria
39 adopted by the state board pursuant to Section 33127, the county
40 superintendent of schools, as a condition on approval of a school

1 district budget, shall not require a school district to project a lower
2 level of revenue per unit of average daily attendance than it
3 received in the 2010–11 fiscal year nor require the school district
4 to demonstrate that it is able to meet its financial obligations for
5 the two subsequent fiscal years.

6 (e) On or before September 8, the governing board of the school
7 district shall revise the adopted budget to reflect changes in
8 projected income or expenditures subsequent to July 1, and to
9 include any response to the recommendations of the county
10 superintendent of schools, shall adopt the revised budget, and shall
11 file the revised budget with the county superintendent of schools.
12 Before revising the budget, the governing board of the school
13 district shall hold a public hearing regarding the proposed revisions,
14 to be conducted in accordance with Section 42103. In addition, if
15 the adopted budget is disapproved pursuant to subdivision (d), the
16 governing board of the school district and the county
17 superintendent of schools shall review the disapproval and the
18 recommendations of the county superintendent of schools regarding
19 revision of the budget at the public hearing. The revised budget
20 and supporting data shall be maintained and made available for
21 public review.

22 (1) For the 2011–12 fiscal year, notwithstanding any of the
23 standards and criteria adopted by the state board pursuant to Section
24 33127, each school district budget shall project the same level of
25 revenue per unit of average daily attendance as it received in the
26 2010–11 fiscal year and shall maintain staffing and program levels
27 commensurate with that level.

28 (2) For the 2011–12 fiscal year, the school district shall not be
29 required to demonstrate that it is able to meet its financial
30 obligations for the two subsequent fiscal years.

31 (f) On or before September 22, the county superintendent of
32 schools shall provide a list to the Superintendent identifying all
33 school districts for which budgets may be disapproved.

34 (g) The county superintendent of schools shall examine the
35 revised budget to determine whether it (1) complies with the
36 standards and criteria adopted by the state board pursuant to Section
37 33127 for application to final local educational agency budgets,
38 (2) allows the school district to meet its financial obligations during
39 the fiscal year, (3) satisfies all conditions established by the county
40 superintendent of schools in the case of a conditionally approved

1 budget, and (4) is consistent with a financial plan that will enable
2 the school district to satisfy its multiyear financial commitments,
3 and, not later than October 8, shall approve or disapprove the
4 revised budget. If the county superintendent of schools disapproves
5 the budget, he or she shall call for the formation of a budget review
6 committee pursuant to Section 42127.1, unless the governing board
7 of the school district and the county superintendent of schools
8 agree to waive the requirement that a budget review committee be
9 formed and the department approves the waiver after determining
10 that a budget review committee is not necessary. Upon the grant
11 of a waiver, the county superintendent of schools immediately has
12 the authority and responsibility provided in Section 42127.3. Upon
13 approving a waiver of the budget review committee, the department
14 shall ensure that a balanced budget is adopted for the school district
15 by November 30. If no budget is adopted by November 30, the
16 Superintendent may adopt a budget for the school district. The
17 Superintendent shall report to the Legislature and the Director of
18 Finance by December 10 if any school district, including a school
19 district that has received a waiver of the budget review committee
20 process, does not have an adopted budget by November 30. This
21 report shall include the reasons why a budget has not been adopted
22 by the deadline, the steps being taken to finalize budget adoption,
23 the date the adopted budget is anticipated, and whether the
24 Superintendent has or will exercise his or her authority to adopt a
25 budget for the school district. For the 2011–12 fiscal year,
26 notwithstanding any of the standards and criteria adopted by the
27 state board pursuant to Section 33127, the county superintendent
28 of schools, as a condition on approval of a school district budget,
29 shall not require a school district to project a lower level of revenue
30 per unit of average daily attendance than it received in the 2010–11
31 fiscal year nor require the school district to demonstrate that it is
32 able to meet its financial obligations for the two subsequent fiscal
33 years.

34 (h) Not later than October 8, the county superintendent of
35 schools shall submit a report to the Superintendent identifying all
36 school districts for which budgets have been disapproved or budget
37 review committees waived. The report shall include a copy of the
38 written response transmitted to each of those school districts
39 pursuant to subdivision (d).

1 (i) Notwithstanding any other provision of this section, the
2 budget review for a school district shall be governed by paragraphs
3 (1), (2), and (3), rather than by subdivisions (e) and (g), if the
4 governing board of the school district so elects and notifies the
5 county superintendent of schools in writing of that decision, not
6 later than October 31 of the immediately preceding calendar year.
7 On or before July 1, the governing board of a school district for
8 which the budget review is governed by this subdivision, rather
9 than by subdivisions (e) and (g), shall conduct a public hearing
10 regarding its proposed budget in accordance with Section 42103.

11 (1) If the adopted budget of a school district is disapproved
12 pursuant to subdivision (d), on or before September 8, the
13 governing board of the school district, in conjunction with the
14 county superintendent of schools, shall review the superintendent's
15 recommendations at a regular meeting of the governing board of
16 the school district and respond to those recommendations. The
17 response shall include any revisions to the adopted budget and
18 other proposed actions to be taken, if any, as a result of those
19 recommendations.

20 (2) On or before September 22, the county superintendent of
21 schools shall provide a list to the Superintendent identifying all
22 school districts for which a budget may be tentatively disapproved.

23 (3) Not later than October 8, after receiving the response
24 required under paragraph (1), the county superintendent of schools
25 shall review that response and either approve or disapprove the
26 budget. If the county superintendent of schools disapproves the
27 budget, he or she shall call for the formation of a budget review
28 committee pursuant to Section 42127.1, unless the governing board
29 of the school district and the county superintendent of schools
30 agree to waive the requirement that a budget review committee be
31 formed and the department approves the waiver after determining
32 that a budget review committee is not necessary. Upon the grant
33 of a waiver, the county superintendent has the authority and
34 responsibility provided to a budget review committee in Section
35 42127.3. Upon approving a waiver of the budget review committee,
36 the department shall ensure that a balanced budget is adopted for
37 the school district by November 30. The Superintendent shall
38 report to the Legislature and the Director of Finance by December
39 10 if any school district, including a school district that has received
40 a waiver of the budget review committee process, does not have

1 an adopted budget by November 30. This report shall include the
 2 reasons why a budget has not been adopted by the deadline, the
 3 steps being taken to finalize budget adoption, and the date the
 4 adopted budget is anticipated. For the 2011–12 fiscal year,
 5 notwithstanding any of the standards and criteria adopted by the
 6 state board pursuant to Section 33127, the county superintendent
 7 of schools, as a condition on approval of a school district budget,
 8 shall not require a school district to project a lower level of revenue
 9 per unit of average daily attendance than it received in the 2010–11
 10 fiscal year nor require the school district to demonstrate that it is
 11 able to meet its financial obligations for the two subsequent fiscal
 12 years.

13 (4) Not later than 45 days after the Governor signs the annual
 14 Budget Act, the school district shall make available for public
 15 review any revisions in revenues and expenditures that it has made
 16 to its budget to reflect the funding made available by that Budget
 17 Act.

18 (j) Any school district for which the county board of education
 19 serves as the governing board of the school district is not subject
 20 to subdivisions (c) to (h), inclusive, but is governed instead by the
 21 budget procedures set forth in Section 1622.

22 *SEC. 4. Section 42238.07 of the Education Code is amended*
 23 *to read:*

24 42238.07. (a) On or before January 31, 2014, the state board
 25 shall adopt regulations that govern the expenditure of funds
 26 apportioned on the basis of the number and concentration of
 27 unduplicated pupils pursuant to Sections 2574, 2575, 42238.02,
 28 and 42238.03. The regulations shall include, but are not limited
 29 to, provisions that do all of the following:

30 (1) Require a school district, county office of education, or
 31 charter school to increase or improve services for unduplicated
 32 pupils in proportion to the increase in funds apportioned on the
 33 basis of the number and concentration of unduplicated pupils in
 34 the school district, county office of education, or charter school.

35 (2) Authorize a school district, county office of education, or
 36 charter school to use funds apportioned on the basis of the number
 37 of unduplicated pupils for schoolwide purposes, or, for school
 38 districts, districtwide purposes, for county offices of education,
 39 countywide purposes, or for charter schools, charterwide purposes,
 40 in a manner that is ~~not~~ *consistent with paragraph (1). The*

1 *regulations governing the expenditures of moneys for schoolwide*
2 *purposes shall not be more restrictive than the restrictions provided*
3 *for in Title I of the federal No Child Left Behind Act of 2001 (20*
4 *U.S.C. Sec. 6301, et seq.).*

5 (b) The state board may adopt emergency regulations for
6 purposes of this section.

7 (c) *Local educational agencies shall not expend unexpended*
8 *economic impact aid received pursuant to Part 29 (commencing*
9 *with Section 54000) of Division 4 for purposes other than those*
10 *authorized in that part.*

11 *SEC. 5. Section 52052 of the Education Code is amended to*
12 *read:*

13 52052. (a) (1) The Superintendent, with approval of the state
14 board, shall develop an Academic Performance Index (API), to
15 measure the performance of schools and school districts, especially
16 the academic performance of pupils.

17 (2) A school or school district shall demonstrate comparable
18 improvement in academic achievement as measured by the API
19 by all numerically significant pupil subgroups at the school or
20 school district, including:

21 (A) Ethnic subgroups.

22 (B) Socioeconomically disadvantaged pupils.

23 (C) English learners.

24 (D) Pupils with disabilities.

25 (E) Foster youth.

26 (F) *Reclassified English learners.*

27 (3) (A) For purposes of this section, a numerically significant
28 pupil subgroup is one that consists of at least 30 pupils, each of
29 whom has a valid test score.

30 (B) Notwithstanding subparagraph (A), for a subgroup of pupils
31 who are foster youth, a numerically significant pupil subgroup is
32 one that consists of at least 15 pupils.

33 (C) For a school or school district with an API score that is
34 based on no fewer than 11 and no more than 99 pupils with valid
35 test scores, numerically significant pupil subgroups shall be defined
36 by the Superintendent, with approval by the state board.

37 (4) (A) The API shall consist of a variety of indicators currently
38 reported to the department, including, but not limited to, the results
39 of the achievement test administered pursuant to Section 60640,
40 attendance rates for pupils in elementary schools, middle schools,

1 and secondary schools, and the graduation rates for pupils in
2 secondary schools.

3 (B) The Superintendent, with the approval of the state board,
4 may also incorporate into the API the rates at which pupils
5 successfully promote from one grade to the next in middle school
6 and high school, and successfully matriculate from middle school
7 to high school.

8 (C) Graduation rates for pupils in secondary schools shall be
9 calculated for the API as follows:

10 (i) Four-year graduation rates shall be calculated by taking the
11 number of pupils who graduated on time for the current school
12 year, which is considered to be three school years after the pupils
13 entered grade 9 for the first time, and dividing that number by the
14 total calculated in clause (ii).

15 (ii) The number of pupils entering grade 9 for the first time in
16 the school year three school years before the current school year,
17 plus the number of pupils who transferred into the class graduating
18 at the end of the current school year between the school year that
19 was three school years before the current school year and the date
20 of graduation, less the number of pupils who transferred out of the
21 school between the school year that was three school years before
22 the current school year and the date of graduation who were
23 members of the class that is graduating at the end of the current
24 school year.

25 (iii) Five-year graduation rates shall be calculated by taking the
26 number of pupils who graduated on time for the current school
27 year, which is considered to be four school years after the pupils
28 entered grade 9 for the first time, and dividing that number by the
29 total calculated in clause (iv).

30 (iv) The number of pupils entering grade 9 for the first time in
31 the school year four years before the current school year, plus the
32 number of pupils who transferred into the class graduating at the
33 end of the current school year between the school year that was
34 four school years before the current school year and the date of
35 graduation, less the number of pupils who transferred out of the
36 school between the school year that was four years before the
37 current school year and the date of graduation who were members
38 of the class that is graduating at the end of the current school year.

39 (v) Six-year graduation rates shall be calculated by taking the
40 number of pupils who graduated on time for the current school

1 year, which is considered to be five school years after the pupils
2 entered grade 9 for the first time, and dividing that number by the
3 total calculated in clause (vi).

4 (vi) The number of pupils entering grade 9 for the first time in
5 the school year five years before the current school year, plus the
6 number of pupils who transferred into the class graduating at the
7 end of the current school year between the school year that was
8 five school years before the current school year and the date of
9 graduation, less the number of pupils who transferred out of the
10 school between the school year that was five years before the
11 current school year and the date of graduation who were members
12 of the class that is graduating at the end of the current school year.

13 (D) The inclusion of five- and six-year graduation rates for
14 pupils in secondary schools shall meet the following requirements:

15 (i) Schools shall be granted one-half the credit in their API
16 scores for graduating pupils in five years that they are granted for
17 graduating pupils in four years.

18 (ii) Schools and school districts shall be granted one-quarter the
19 credit in their API scores for graduating pupils in six years that
20 they are granted for graduating pupils in four years.

21 (iii) Notwithstanding clauses (i) and (ii), schools and school
22 districts shall be granted full credit in their API scores for
23 graduating in five or six years a pupil with disabilities who
24 graduates in accordance with his or her individualized education
25 program.

26 (E) The pupil data collected for the API that comes from the
27 achievement test administered pursuant to Section 60640 and the
28 high school exit examination administered pursuant to Section
29 60851, when fully implemented, shall be disaggregated by special
30 education status, English learners, socioeconomic status, gender,
31 and ethnic group. Only the test scores of pupils who were counted
32 as part of the enrollment in the annual data collection of the
33 California Basic Educational Data System for the current fiscal
34 year and who were continuously enrolled during that year may be
35 included in the test result reports in the API score of the school.

36 (F) (i) Commencing with the baseline API calculation in 2016,
37 and for each year thereafter, results of the achievement test and
38 other tests specified in subdivision (b) shall constitute no more
39 than 60 percent of the value of the index for secondary schools.

1 (ii) In addition to the elements required by this paragraph, the
2 Superintendent, with approval of the state board, may incorporate
3 into the index for secondary schools valid, reliable, and stable
4 measures of pupil preparedness for postsecondary education and
5 career.

6 (G) Results of the achievement test and other tests specified in
7 subdivision (b) shall constitute at least 60 percent of the value of
8 the index for primary schools and middle schools.

9 (H) It is the intent of the Legislature that the state’s system of
10 public school accountability be more closely aligned with both the
11 public’s expectations for public education and the workforce needs
12 of the state’s economy. It is therefore necessary that the
13 accountability system evolve beyond its narrow focus on pupil test
14 scores to encompass other valuable information about school
15 performance, including, but not limited to, pupil preparedness for
16 college and career, as well as the high school graduation rates
17 already required by law.

18 (I) The Superintendent shall annually determine the accuracy
19 of the graduation rate data. Notwithstanding any other law,
20 graduation rates for pupils in dropout recovery high schools shall
21 not be included in the API. For purposes of this subparagraph,
22 “dropout recovery high school” means a high school in which 50
23 percent or more of its pupils have been designated as dropouts
24 pursuant to the exit/withdrawal codes developed by the department
25 or left a school and were not otherwise enrolled in a school for a
26 period of at least 180 days.

27 (J) To complement the API, the Superintendent, with the
28 approval of the state board, may develop and implement a program
29 of school quality review that features locally convened panels to
30 visit schools, observe teachers, interview pupils, and examine pupil
31 work, if an appropriation for this purpose is made in the annual
32 Budget Act.

33 (K) The Superintendent shall annually provide to local
34 educational agencies and the public a transparent and
35 understandable explanation of the individual components of the
36 API and their relative values within the API.

37 (L) An additional element chosen by the Superintendent and
38 the state board for inclusion in the API pursuant to this paragraph
39 shall not be incorporated into the API until at least one full school

1 year after the state board’s decision to include the element into the
2 API.

3 (b) Pupil scores from the following tests, when available and
4 when found to be valid and reliable for this purpose, shall be
5 incorporated into the API:

6 (1) The standards-based achievement tests provided for in
7 Section 60642.5.

8 (2) The high school exit examination.

9 (c) Based on the API, the Superintendent shall develop, and the
10 state board shall adopt, expected annual percentage growth targets
11 for all schools based on their API baseline score from the previous
12 year. Schools are expected to meet these growth targets through
13 effective allocation of available resources. For schools below the
14 statewide API performance target adopted by the state board
15 pursuant to subdivision (d), the minimum annual percentage growth
16 target shall be 5 percent of the difference between the actual API
17 score of a school and the statewide API performance target, or one
18 API point, whichever is greater. Schools at or above the statewide
19 API performance target shall have, as their growth target,
20 maintenance of their API score above the statewide API
21 performance target. However, the state board may set differential
22 growth targets based on grade level of instruction and may set
23 higher growth targets for the lowest performing schools because
24 they have the greatest room for improvement. To meet its growth
25 target, a school shall demonstrate that the annual growth in its API
26 is equal to or more than its schoolwide annual percentage growth
27 target and that all numerically significant pupil subgroups, as
28 defined in subdivision (a), are making comparable improvement.

29 (d) Upon adoption of state performance standards by the state
30 board, the Superintendent shall recommend, and the state board
31 shall adopt, a statewide API performance target that includes
32 consideration of performance standards and represents the
33 proficiency level required to meet the state performance target.

34 (e) (1) A school or school district with 11 to 99 pupils with
35 valid test scores shall receive an API score with an asterisk that
36 indicates less statistical certainty than API scores based on 100 or
37 more test scores.

38 (2) A school or school district annually shall receive an API
39 score, unless the Superintendent determines that an API score

1 would be an invalid measure of the performance of the school or
2 school district for one or more of the following reasons:

3 (A) Irregularities in testing procedures occurred.

4 (B) The data used to calculate the API score of the school or
5 school district are not representative of the pupil population at the
6 school or school district.

7 (C) Significant demographic changes in the pupil population
8 render year-to-year comparisons of pupil performance invalid.

9 (D) The department discovers or receives information indicating
10 that the integrity of the API score has been compromised.

11 (E) Insufficient pupil participation in the assessments included
12 in the API.

13 (3) If a school or school district has fewer than 100 pupils with
14 valid test scores, the calculation of the API or adequate yearly
15 progress pursuant to the federal No Child Left Behind Act of 2001
16 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be
17 calculated over more than one annual administration of the tests
18 administered pursuant to Section 60640 and the high school exit
19 examination administered pursuant to Section 60851, consistent
20 with regulations adopted by the state board.

21 (f) Only schools with 100 or more test scores contributing to
22 the API may be included in the API rankings.

23 (g) The Superintendent, with the approval of the state board,
24 shall develop an alternative accountability system for schools under
25 the jurisdiction of a county board of education or a county
26 superintendent of schools, community day schools, nonpublic,
27 nonsectarian schools pursuant to Section 56366, and alternative
28 schools serving high-risk pupils, including continuation high
29 schools and opportunity schools. Schools in the alternative
30 accountability system may receive an API score, but shall not be
31 included in the API rankings.

32 (h) For purposes of this section, county offices of education
33 shall be considered school districts.

34 *SEC. 6. Section 52060 of the Education Code is amended to*
35 *read:*

36 52060. (a) On or before July 1, 2014, the governing board of
37 each school district shall adopt a local control and accountability
38 plan using a template adopted by the state board.

39 (b) A local control and accountability plan adopted by a
40 governing board of a school district shall be effective for a period

1 of three years, and shall be updated on or before July 1 of each
2 year.

3 (c) A local control and accountability plan adopted by a
4 governing board of a school district shall include, for the school
5 district and each school within the school district, a description of
6 ~~both~~ all of the following:

7 (1) The annual goals, for all pupils and each subgroup of pupils
8 identified pursuant to Section 52052, to be achieved for each of
9 the state priorities identified in subdivision (d) and for any
10 additional local priorities identified by the governing board of the
11 school district. For purposes of this article, a subgroup of pupils
12 identified pursuant to Section 52052 shall be a numerically
13 significant pupil subgroup as specified in paragraphs (2) and (3)
14 of subdivision (a) of Section 52052.

15 (2) The specific actions the school district will take during each
16 year of the local control and accountability plan to achieve the
17 goals identified in paragraph (1), including the enumeration of any
18 specific actions necessary for that year to correct any deficiencies
19 in regard to the state priorities listed in paragraph (1) of subdivision
20 (d).

21 (3) *A program budget implementing the specific actions included*
22 *in the local control and accountability plan pursuant to paragraph*
23 *(2) for the initial fiscal year covered by the plan.*

24 (4) *A program budget for the initial fiscal year covered by the*
25 *local control and accountability plan that will serve the pupils to*
26 *whom one or more of the definitions in Section 42238.01 apply*
27 *and pupils redesignated as fluent English proficient.*

28 (5) *The expenditures necessary to implement the actions*
29 *identified in paragraph (2).*

30 (d) All of the following are state priorities:

31 (1) The degree to which the teachers of the school district are
32 appropriately assigned in accordance with Section 44258.9, and
33 fully credentialed in the subject areas, and, for the pupils they are
34 teaching, every pupil in the school district has sufficient access to
35 the standards-aligned instructional materials as determined pursuant
36 to Section 60119, and school facilities are maintained in good
37 repair as specified in subdivision (d) of Section 17002.

38 (2) Implementation of the academic content and performance
39 standards adopted by the state board, including how the programs
40 and services will enable English learners to access the common

1 core academic content standards adopted pursuant to Section
2 60605.8 and the English language development standards adopted
3 pursuant to Section 60811.3 for purposes of gaining academic
4 content knowledge and English language proficiency.

5 (3) Parental involvement, including efforts the school district
6 makes to seek parent input in making decisions for the school
7 district and each individual schoolsite, and including how the
8 school district will promote parental participation in programs for
9 unduplicated pupils and individuals with exceptional needs,
10 *including, but not limited to, how the school district will maintain*
11 *schoolsite councils, pursuant to Sections 52852 and 62002.5, and*
12 *English learner parent advisory committees, pursuant to Sections*
13 *52176 and 62002.5.*

14 (4) Pupil achievement *for each subgroup as identified in Section*
15 *52052*, as measured by all of the following, as applicable:

16 (A) Statewide assessments administered pursuant to Article 4
17 (commencing with Section 60640) of Chapter 5 of Part 33 or any
18 subsequent assessment, as certified by the state board.

19 (B) The Academic Performance Index, as described in Section
20 52052.

21 (C) The percentage of pupils, *by subgroups as identified in*
22 *Section 52052*, who have successfully completed courses that
23 satisfy the requirements for entrance to the University of California
24 and the California State University, or career technical education
25 sequences or clusters of courses that satisfy the requirements of
26 subdivision (a) of Section 52302, subdivision (a) of Section
27 52372.5, or paragraph (2) of subdivision (e) of Section 54692, and
28 align with state board-approved career technical education
29 standards and frameworks.

30 (D) The percentage of English learner pupils who make progress
31 toward English proficiency as measured by the California English
32 Language Development Test or any subsequent assessment of
33 English proficiency, as certified by the state board.

34 (E) The English learner reclassification rate.

35 (F) The percentage of pupils who have passed an advanced
36 placement examination with a score of 3 or higher.

37 (G) The percentage of pupils who participate in, and demonstrate
38 college preparedness pursuant to, the Early Assessment Program,
39 as described in Chapter 6 (commencing with Section 99300) of

1 Part 65 of Division 14 of Title 3, or any subsequent assessment of
2 college preparedness.

3 (5) Pupil engagement *for each subgroup as identified in Section*
4 *52052*, as measured by all of the following, as applicable:

5 (A) School attendance rates.

6 (B) Chronic absenteeism rates.

7 (C) Middle school dropout rates, as described in paragraph (3)
8 of subdivision (a) of Section 52052.1.

9 (D) High school dropout rates.

10 (E) High school graduation rates.

11 (6) School climate, as measured by all of the following, as
12 applicable:

13 (A) Pupil suspension rates.

14 (B) Pupil expulsion rates.

15 (C) Other local measures, including surveys of pupils, parents,
16 and teachers on the sense of safety and school connectedness.

17 (7) The extent to which pupils have access to, and are enrolled
18 in, a broad course of study that includes all of the subject areas
19 described in Section 51210 and subdivisions (a) to (i), inclusive,
20 of Section 51220, as applicable, including the programs and
21 services developed and provided to unduplicated pupils and
22 individuals with exceptional needs, and the program and services
23 that are provided to benefit these pupils as a result of the funding
24 received pursuant to Section 42238.02, as implemented by Section
25 42238.03.

26 (8) Pupil outcomes, if available, in the subject areas described
27 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
28 51220, as applicable.

29 (9) *The extent to which teachers, administrators, and staff*
30 *receive professional development or participate in induction*
31 *programs.*

32 (e) For purposes of the descriptions required by subdivision (c),
33 a governing board of a school district may consider qualitative
34 information, including, but not limited to, findings that result from
35 school quality reviews conducted pursuant to subparagraph (J) or
36 paragraph (4) of subdivision (a) of Section 52052 or any other
37 reviews.

38 (f) To the extent practicable, data reported in a local control and
39 accountability plan shall be reported in a manner consistent with
40 how information is reported on a school accountability report card.

1 (g) A governing board of a school district shall consult with
2 teachers, principals, administrators, other school personnel, parents,
3 and pupils in developing a local control and accountability plan.

4 (h) A school district may identify local priorities, goals in regard
5 to the local priorities, and the method for measuring the school
6 district's progress toward achieving those goals.

7 (i) *The expenditures identified in subdivision (c) shall be*
8 *classified using the California School Accounting Manual pursuant*
9 *to Section 41010.*

10 SEC. 7. *Section 52061 of the Education Code is amended to*
11 *read:*

12 52061. (a) On or before July 1, 2015, and each year thereafter,
13 a school district shall update the local control and accountability
14 plan. The annual update shall be developed using a template
15 developed pursuant to Section 52064 and shall include all of the
16 following:

17 (1) A review of any changes in the applicability of the goals
18 described in paragraph (1) of subdivision (c) of Section 52060.

19 (2) A review of the progress toward the goals included in the
20 existing local control and accountability plan, an assessment of
21 the effectiveness of the specific actions described in the existing
22 local control and accountability plan toward achieving the goals,
23 and a description of changes to the specific actions the school
24 district *and each school within the school district* will make as a
25 result of the review and assessment.

26 (3) A listing and description of the expenditures for the fiscal
27 year implementing the specific actions *for the school district and*
28 *each school within the school district* included in the local control
29 and accountability plan, *including the changes to the specific*
30 *actions made* as a result of the reviews and assessment required
31 by paragraphs (1) and (2).

32 (4) A listing and description of expenditures *for the school*
33 *district and each school within the school district* for the fiscal
34 year that will serve the pupils to whom one or more of the
35 definitions in Section 42238.01 apply and pupils redesignated as
36 fluent English proficient.

37 (b) The expenditures identified in subdivision (a) shall be
38 classified using the California School Accounting Manual pursuant
39 to Section 41010.

1 SEC. 8. Section 52062 of the Education Code is amended to
2 read:

3 52062. (a) Before the governing board of a school district
4 considers the adoption of a local control and accountability plan
5 or an annual update to the local control and accountability plan,
6 all of the following shall occur:

7 (1) The superintendent of the school district shall present the
8 local control and accountability plan or annual update to the local
9 control and accountability plan to the parent advisory committee
10 established pursuant to Section 52063 for review and comment.
11 The superintendent of the school district shall respond, in writing,
12 to comments received from the parent advisory committee.

13 (2) The superintendent of the school district shall present the
14 local control and accountability plan or annual update to the local
15 control and accountability plan to the English learner parent
16 advisory committee established pursuant to Section 52063, if
17 applicable, for review and comment. The superintendent of the
18 school district shall respond, in writing, to comments received
19 from the English learner parent advisory committee.

20 (3) The superintendent of the school district shall notify
21 members of the public of the opportunity to submit written
22 comments regarding the specific actions and expenditures proposed
23 to be included in the local control and accountability plan or annual
24 update to the local control and accountability plan, using the most
25 efficient *and effective* method of notification possible. This
26 paragraph shall not require a school district to produce printed
27 notices or to send notices by mail, *but any written notifications*
28 *provided to parents shall be subject to Section 48985.*

29 (4) The superintendent of the school district shall review school
30 plans submitted pursuant to Section 64001 for schools within the
31 school district and ensure that the specific actions included in the
32 local control and accountability plan or annual update to the local
33 control and accountability plan are consistent with strategies
34 included in the school plans submitted pursuant to Section 64001.

35 (b) (1) A governing board of a school district shall hold at least
36 one public hearing to solicit the recommendations and comments
37 of members of the public regarding the specific actions and
38 expenditures proposed to be included in the local control and
39 accountability plan or annual update to the local control and
40 accountability plan. The agenda for the public hearing shall be

1 posted at least 72 hours before the public hearing and shall include
2 the location where the local control and accountability plan or
3 annual update to the local control and accountability plan will be
4 available for public inspection. The public hearing shall be held
5 at the same meeting as the public hearing required by paragraph
6 (1) of subdivision (a) of Section 42127.

7 (2) A governing board of a school district shall adopt a local
8 control and accountability plan or annual update to the local control
9 and accountability plan in a public meeting. This meeting shall be
10 held after, but not on the same day as, the public hearing held
11 pursuant to paragraph (1). This meeting shall be the same meeting
12 as that during which the governing board of the school district
13 adopts a budget pursuant to paragraph (2) of subdivision (a) of
14 Section 42127.

15 (c) A governing board of a school district may adopt revisions
16 to a local control and accountability plan during the period the
17 local control and accountability plan is in effect. A governing board
18 of a school district may only adopt a revision to a local control
19 and accountability plan if it follows the process to adopt a local
20 control and accountability plan pursuant to this section and the
21 revisions are adopted in a public meeting.

22 *SEC. 9. Section 52063 of the Education Code is amended to*
23 *read:*

24 52063. (a) (1) The governing board of a school district shall
25 establish a parent advisory committee to provide advice to the
26 governing board of the school district and the superintendent of
27 the school district regarding the requirements of this article.

28 (2) A parent advisory committee shall include parents or legal
29 guardians of pupils to whom one or more of the definitions in
30 Section 42238.01 apply.

31 (3) This subdivision shall not require the governing board of
32 the school district to establish a new parent advisory committee if
33 the governing board of the school district already has established
34 a *district-level* parent advisory committee that meets the
35 requirements of this subdivision, including any committee
36 established to meet the requirements of the federal No Child Left
37 Behind Act of 2001 (Public Law 107-110) pursuant to Section
38 1112 of Subpart 1 of Part A of Title I of that act.

39 (b) ~~(1) The~~ *As a condition of receipt of state supplemental grant*
40 *funds, the* governing board of a school district shall establish an

1 English learner parent advisory committee if the enrollment of the
2 school district includes at least 15 percent English learners ~~and or~~
3 the school district enrolls at least 50 pupils who are English
4 learners.

5 ~~(2) This subdivision shall not require the governing board of~~
6 ~~the school district to establish a new English learner parent advisory~~
7 ~~committee if the governing board of the school district already has~~
8 ~~established a committee that meets the requirements of this~~
9 ~~subdivision.~~

10 *(c) As a condition of receipt of state supplemental grant funds,*
11 *parent advisory committees on education programs and services*
12 *for English learners shall be established in each school with more*
13 *than 20 English learners in attendance. Both school district and*
14 *schoolsite parent advisory committees shall be established in*
15 *accordance with Section 62002.5, as that section operated prior*
16 *to the repeal of former Section 52012.*

17 *(d) The parents or guardians of English learners shall elect the*
18 *parent members of the schoolsite English learner parent advisory*
19 *committee. Each school parent advisory committee shall have the*
20 *opportunity to elect at least one member to the school district*
21 *parent advisory committee, except that school districts with more*
22 *than 30 school parent advisory committees may use a system of*
23 *proportional or regional representation.*

24 *(e) (1) School district parent advisory committees shall advise*
25 *the governing board of the school district on at least the following*
26 *tasks:*

27 *(A) Development of a district master plan for education*
28 *programs and services for English learners. The district master*
29 *plan shall take into consideration the schoolsite master plans.*

30 *(B) Conducting of a districtwide needs assessment on a*
31 *school-by-school basis.*

32 *(C) Establishment of school district goals and objectives for*
33 *programs and services for English learners.*

34 *(D) Development of a plan to ensure compliance with any*
35 *applicable teacher or teacher aide requirements.*

36 *(E) Administration of the annual language census.*

37 *(2) School district parent advisory committees shall review and*
38 *comment on school district reclassification procedures and the*
39 *written notifications required to be sent to parents and guardians*
40 *pursuant to Section 52062.*

1 (f) (1) *As a condition of receipt of state supplemental grant*
 2 *funds, school districts shall provide all members of school district*
 3 *and school parent advisory committees with appropriate training*
 4 *materials and training that will assist them in carrying out their*
 5 *responsibilities pursuant to subdivision (e). Training provided to*
 6 *parent advisory committee members in accordance with this*
 7 *subdivision shall be planned in consultation with the members,*
 8 *and moneys provided pursuant to this chapter may be used to meet*
 9 *the costs of providing the training, including the costs associated*
 10 *with the attendance of the members at training sessions.*

11 (g) *This section shall not require the governing board of the*
 12 *school district to establish a new English learner parent advisory*
 13 *committee at the school district or schoolsite level if the governing*
 14 *board of the school district already has established a school district*
 15 *or schoolsite level parent advisory committee that meets the*
 16 *applicable requirements of this section.*

17 SEC. 10. *Section 52064 of the Education Code is amended to*
 18 *read:*

19 52064. (a) *On or before March 31, 2014, the state board shall*
 20 *adopt templates for the following purposes:*

21 (1) *For use by school districts to meet the requirements of*
 22 *Sections 52060 to 52063, inclusive.*

23 (2) *For use by county superintendents of schools to meet the*
 24 *requirements of Sections 52066 to 52069, inclusive.*

25 (3) *For use by charter schools to meet the requirements of*
 26 *Section 47606.5.*

27 (b) *The templates developed by the state board shall allow a*
 28 *school district, county superintendent of schools, or charter school*
 29 *to complete a single local control and accountability plan to meet*
 30 *the requirements of this ~~article~~ and ~~article~~, the requirements of the*
 31 *federal No Child Left Behind Act of 2001 related to local*
 32 *educational agency plans pursuant to Section 1112 of Subpart 1*
 33 *of Part A of Title I of Public Law 107-110, and the requirements*
 34 *of the federal No Child Left Behind Act of 2001 (Public Law*
 35 *107-110) and Section 64001 related to the Single Plan for Pupil*
 36 *Achievement, including the requirements of Title III of the federal*
 37 *No Child Left Behind Act of 2001 (Public Law 107-110). The state*
 38 *board shall also take steps to minimize duplication of effort at the*
 39 *local level to the greatest extent possible.*

1 (c) *The templates developed by the state board shall ensure that*
2 *each school district, county superintendent of schools, or charter*
3 *school that receives federal or state supplemental funds for English*
4 *learners includes all of the following in its local control and*
5 *accountability plan:*

6 (1) *The components specified in subdivision (b) of Section 443.*

7 (2) *A description of how the base, supplemental, and*
8 *concentration funds, as applicable, will be used to meet all of the*
9 *following:*

10 (A) *All annual measurable achievement objectives for English*
11 *learners.*

12 (B) *State common core standards and English language*
13 *development standards.*

14 (C) *Activities described in the local control and accountability*
15 *plan.*

16 (3) *A listing of the services and programs providing access to*
17 *a full curriculum for English learners, categorized by proficiency*
18 *level, and a description of how the services and programs are*
19 *aligned to the core program of instruction.*

20 (4) *A description of how the local educational agency's*
21 *procedures will hold elementary schools and secondary schools*
22 *accountable for the monitoring of the English proficiency programs*
23 *and services provided to English learners so they meet state*
24 *common core standards and the English language development*
25 *standards to the same extent as their English-speaking peers and*
26 *the monitoring of the reclassification of English learners pursuant*
27 *to Sections 313 and 52164.6. The monitoring procedures shall*
28 *include methods for verification of programs to determine that*
29 *procedures are followed by school districts.*

30 (5) *A description of the procedures used to confirm that each*
31 *member of the school district or schoolsite staff assigned to teach*
32 *English learners is informed of which pupils are designated as*
33 *English learners, and the programs and services that are to be*
34 *provided under the local control and accountability plan for their*
35 *benefit. The description shall address how the school district*
36 *confirms the appropriate programs and services are provided.*

37 (6) *Language census data from the prior three years regarding*
38 *the types of instructional services received by English learners in*
39 *each year, including the unduplicated counts of English learners*

1 receiving each type of instructional services and the total number
2 of English learners.

3 (7) Differentiated instructional program options pursuant to
4 Sections 310 and 311 for diverse English learner types, such as
5 newcomers, long-term English learners, initially fluent English
6 proficient, and reclassified fluent English proficient, including
7 biliteracy pathways leading to the State Seal of Biliteracy as well
8 as access to advanced placement courses.

9 (8) A description of the comprehensive program of English
10 language development.

11 (9) A listing of the instructional materials provided for English
12 learners, in English and home language.

13 (10) Positions, credentials, and authorizations for each member
14 of the school district or schoolsite staff assigned to teach English
15 learners to promote successful implementation of the plan.

16 (11) Professional development plans targeting skills needed to
17 instruct the different profiles of English learners for school district
18 and schoolsite staff, including principals, administrators, and
19 teachers.

20 (12) A description of how professional development programs
21 assist in meeting the English learner annual measurable objectives
22 and annual measurable achievement objectives pursuant to Titles
23 I and III of the federal No Child Left Behind Act (Public Law
24 107-110). These professional development programs shall include
25 teacher induction programs administered by the local educational
26 agency.

27 (13) A description of the monitoring of reclassified English
28 learners pursuant to Sections 313.5 and 52164.6.

29 (e)

30 (d) If possible, the templates identified in paragraph (2) of
31 subdivision (a) for use by county superintendents of schools shall
32 allow a county superintendent of schools to develop a single local
33 control and accountability plan that would also satisfy the
34 requirements of Section 48926.

35 (d)

36 (e) The state board shall adopt the template pursuant to the
37 requirements of the Administrative Procedure Act (Chapter 3.5
38 (commencing with Section 11340) of Part 1 of Division 3 of Title
39 2 of the Government Code). The state board may adopt emergency
40 regulations for purposes of implementing this section.

1 (e)
2 (f) Revisions to a template or evaluation rubric shall be approved
3 by the state board by January 31 before the fiscal year during which
4 the template or evaluation rubric is to be used by a school district,
5 county superintendent of schools, or charter school.

6 (f)
7 (g) The adoption of a template or evaluation rubric by the state
8 board shall not create a requirement for a governing board of a
9 school district, a county board of education, or a governing body
10 of a charter school to submit a local control and accountability
11 plan to the state board, unless otherwise required by federal law.
12 The Superintendent shall not require a local control and
13 accountability plan to be submitted by a governing board of a
14 school district or the governing body of a charter school to the
15 state board. The state board may adopt a template or evaluation
16 rubric that would authorize a school district or a charter school to
17 submit to the state board only the sections of the local control and
18 accountability plan required by federal law.

19 *SEC. 11. Section 52066 of the Education Code is amended to*
20 *read:*

21 52066. (a) On or before July 1, 2014, each county
22 superintendent of schools shall develop, and present to the county
23 board of education for adoption, a local control and accountability
24 plan using a template adopted by the state board.

25 (b) A local control and accountability plan adopted by a county
26 board of education shall be effective for a period of three years,
27 and shall be updated on or before July 1 of each year.

28 (c) A local control and accountability plan adopted by a county
29 board of education shall include, for each school or program
30 operated by the county superintendent of schools, a description of
31 ~~both~~ all of the following:

32 (1) The annual goals, for all pupils and each subgroup of pupils
33 identified pursuant to Section 52052, to be achieved for each of
34 the state priorities identified in subdivision (d), as applicable to
35 the pupils served, and for any additional local priorities identified
36 by the county board of education.

37 (2) The specific actions the county superintendent of schools
38 will take during each year of the local control and accountability
39 plan to achieve the goals identified in paragraph (1), including the
40 enumeration of any specific actions necessary for that year to

1 correct any deficiencies in regard to the state priorities listed in
2 paragraph (1) of subdivision (d).

3 *(3) A listing and description of the expenditures implementing*
4 *the specific actions included in the local control and accountability*
5 *plan pursuant to paragraph (2) for the initial fiscal year covered*
6 *by the plan.*

7 *(4) A listing and description of expenditures for the initial fiscal*
8 *year covered by the local control and accountability plan that will*
9 *serve the pupils to whom one or more of the definitions in Section*
10 *42238.01 apply and pupils redesignated as fluent English*
11 *proficient.*

12 (d) All of the following are state priorities:

13 (1) The degree to which the teachers in the schools or programs
14 operated by the county superintendent of schools are appropriately
15 assigned in accordance with Section 44258.9 and fully credentialed
16 in the subject areas, and, for the pupils they are teaching, every
17 pupil in the schools or programs operated by the county
18 superintendent of schools has sufficient access to the
19 standards-aligned instructional materials as determined pursuant
20 to Section 60119, and school facilities are maintained in good
21 repair as specified in subdivision (d) of Section 17002.

22 (2) Implementation of the academic content and performance
23 standards adopted by the state board, including how the programs
24 and services will enable English learners to access the common
25 core academic content standards adopted pursuant to Section
26 60605.8 and the English language development standards adopted
27 pursuant to Section 60811.3 for purposes of gaining academic
28 content knowledge and English language proficiency.

29 (3) Parental involvement, including efforts the county
30 superintendent of schools makes to seek parent input in making
31 decisions for each individual schoolsite and program operated by
32 a county superintendent of schools, and including how the county
33 superintendent of schools will promote parental participation in
34 programs for unduplicated pupils and individuals with exceptional
35 needs, *including, but not limited to, how the county superintendent*
36 *of schools will maintain schoolsite councils pursuant to Sections*
37 *52852 and 62002.5 and English learner parent advisory*
38 *committees pursuant to Sections 52176 and 62002.5.*

1 (4) Pupil achievement *for each of the subgroups identified*
2 *pursuant to Section 52052*, as measured by all of the following,
3 as applicable:

4 (A) Statewide assessments administered pursuant to Article 4
5 (commencing with Section 60640) of Chapter 5 of Part 33 or any
6 subsequent assessment, as certified by the state board.

7 (B) The Academic Performance Index, as described in Section
8 52052.

9 (C) The percentage of pupils, *by subgroups identified pursuant*
10 *to Section 52052*, who have successfully completed courses that
11 satisfy the requirements for entrance to the University of California
12 and the California State University, or career technical education
13 sequences or clusters of courses that satisfy the requirements of
14 subdivision (a) of Section 52302, subdivision (a) of Section
15 52372.5, or paragraph (2) of subdivision (e) of Section 54692, and
16 align with state board-approved career technical education
17 standards and frameworks.

18 (D) The percentage of English learner pupils who make progress
19 toward English proficiency as measured by the California English
20 Language Development Test or any subsequent assessment of
21 English proficiency, as certified by the state board.

22 (E) The English learner reclassification rate.

23 (F) The percentage of pupils who have passed an advanced
24 placement examination with a score of 3 or higher.

25 (G) The percentage of pupils who participate in, and demonstrate
26 college preparedness pursuant to, the Early Assessment Program,
27 as described in Chapter 6 (commencing with Section 99300) of
28 Part 65 of Division 14 of Title 3, or any subsequent assessment of
29 college preparedness.

30 (5) Pupil engagement *for each of the subgroups identified*
31 *pursuant to Section 52052*, as measured by all of the following,
32 as applicable:

33 (A) School attendance rates.

34 (B) Chronic absenteeism rates.

35 (C) Middle school dropout rates, as described in paragraph (3)
36 of subdivision (a) of Section 52052.1.

37 (D) High school dropout rates.

38 (E) High school graduation rates.

39 (6) School climate, as measured by all of the following, as
40 applicable:

1 (A) Pupil suspension rates.

2 (B) Pupil expulsion rates.

3 (C) Other local measures, including surveys of pupils, parents,
4 and teachers on the sense of safety and school connectedness.

5 (7) The extent to which pupils have access to, and are enrolled
6 in, a broad course of study that includes all of the subject areas
7 described in Section 51210 and subdivisions (a) to (i), inclusive,
8 of Section 51220, as applicable, including the programs and
9 services developed and provided to unduplicated pupils and
10 individuals with exceptional needs, and the program and services
11 that are provided to benefit these pupils as a result of the funding
12 received pursuant to Section 42238.02, as implemented by Section
13 42238.03.

14 (8) Pupil outcomes, if available, in the subject areas described
15 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
16 51220, as applicable.

17 (9) How the county superintendent of schools will coordinate
18 instruction of expelled pupils pursuant to Section 48926.

19 (10) How the county superintendent of schools will coordinate
20 services for foster children, including, but not limited to, all of the
21 following:

22 (A) Working with the county child welfare agency to minimize
23 changes in school placement.

24 (B) Providing education-related information to the county child
25 welfare agency to assist the county child welfare agency in the
26 delivery of services to foster children, including, but not limited
27 to, educational status and progress information that is required to
28 be included in court reports.

29 (C) Responding to requests from the juvenile court for
30 information and working with the juvenile court to ensure the
31 delivery and coordination of necessary educational services.

32 (D) Establishing a mechanism for the efficient expeditious
33 transfer of health and education records and the health and
34 education passport.

35 *(11) The extent to which teachers, administrators, and staff*
36 *receive professional development or participate in induction*
37 *programs.*

38 (e) For purposes of the descriptions required by subdivision (c),
39 a county board of education may consider qualitative information,
40 including, but not limited to, findings that result from school quality

1 reviews conducted pursuant to subparagraph (J) or paragraph (4)
2 of subdivision (a) of Section 52052 or any other reviews.

3 (f) To the extent practicable, data reported in a local control and
4 accountability plan shall be reported in a manner consistent with
5 how information is reported on a school accountability report card.

6 (g) The county superintendent of schools shall consult with
7 teachers, principals, administrators, other school personnel, parents,
8 and pupils in developing a local control and accountability plan.

9 (h) A county board of education may identify local priorities,
10 goals in regard to the local priorities, and the method for measuring
11 the county office of education's progress toward achieving those
12 goals.

13 (i) *The expenditures identified in subdivision (c) shall be*
14 *classified using the California School Accounting Manual pursuant*
15 *to Section 41010.*

16 *SEC. 12. Section 52067 of the Education Code is amended to*
17 *read:*

18 52067. (a) On or before July 1, 2015, and each year thereafter,
19 a county board of education shall update the local control and
20 accountability plan. The annual update shall be developed using
21 a template developed pursuant to Section 52064 and shall include
22 all of the following:

23 (1) A review of any changes in the applicability of the goals
24 described in paragraph (1) of subdivision (c) of Section 52066.

25 (2) A review of the progress toward the goals included in the
26 existing local control and accountability plan, an assessment of
27 the effectiveness of the specific actions described in the existing
28 local control and accountability plan toward achieving the goals,
29 and a description of changes to the specific actions the county
30 office of education *and each school* will make as a result of the
31 review and assessment.

32 (3) A listing and description of the expenditures for the fiscal
33 year implementing the specific actions *for the county office of*
34 *education and each school* included in the local control and
35 accountability plan, *including the changes to the specific actions*
36 *made* as a result of the reviews and assessment required by
37 paragraphs (1) and (2).

38 (4) A listing and description of expenditures for *the county office*
39 *of education and each school* for the fiscal year that will serve the

1 pupils to whom one or more of the definitions in Section 42238.01
2 apply and pupils redesignated as fluent English proficient.

3 (b) The expenditures identified in subdivision (a) shall be
4 classified using the California School Accounting Manual pursuant
5 to Section 41010.

6 *SEC. 13. Section 52068 of the Education Code is amended to*
7 *read:*

8 52068. (a) Before the county board of education considers the
9 adoption of a local control and accountability plan or an annual
10 update to the local control and accountability plan, all of the
11 following shall occur:

12 (1) The county superintendent of schools shall present the local
13 control and accountability plan or annual update to the local control
14 and accountability plan to a parent advisory committee established
15 pursuant to Section 52069 for review and comment. The county
16 superintendent of schools shall respond, in writing, to comments
17 received from the parent advisory committee.

18 (2) The county superintendent of schools shall present the local
19 control and accountability plan or annual update to the local control
20 and accountability plan to the English learner parent advisory
21 committee established pursuant to Section 52069, if applicable,
22 for review and comment. The county superintendent of schools
23 shall respond, in writing, to comments received from the English
24 learner parent advisory committee.

25 (3) The county superintendent of schools shall notify members
26 of the public of the opportunity to submit written comments
27 regarding the specific actions and expenditures proposed to be
28 included in the local control and accountability plan or annual
29 update to the local control and accountability plan, using the most
30 efficient *and effective* method of notification possible. This
31 paragraph shall not require a county superintendent of schools to
32 produce printed notices or to send notices by mail, *but the*
33 *notifications provided to parents shall be subject to Section 48985.*

34 (4) The county superintendent of schools shall review school
35 plans submitted pursuant to Section 64001 for schools operated
36 by the county superintendent of schools and ensure that the specific
37 actions included in the local control and accountability plan or
38 annual update to the local control and accountability plan are
39 consistent with strategies included in the school plans, submitted
40 pursuant to Section 64001.

1 (b) (1) The county board of education shall hold at least one
2 public hearing to solicit the recommendations and comments of
3 members of the public regarding the specific actions and
4 expenditures proposed to be included in the local control and
5 accountability plan or annual update to the local control and
6 accountability plan. The agenda for the public hearing shall be
7 posted at least 72 hours before the public hearing and shall include
8 the location where the local control and accountability plan or
9 annual update to the local control and accountability plan, and any
10 comments received pursuant to paragraphs (1) to (3), inclusive, of
11 subdivision (a), will be available for public inspection. The public
12 hearing shall be held at the same meeting as the public hearing
13 required by Section 1620.

14 (2) The county board of education shall adopt a local control
15 and accountability plan or annual update to the local control and
16 accountability plan in a public meeting. This meeting shall be held
17 after, but not on the same day as, the public hearing held pursuant
18 to paragraph (1). This meeting shall be the same meeting as that
19 during which the county board of education adopts a budget
20 pursuant to Section 1622.

21 (c) A county superintendent of schools may develop and present
22 to a county board of education for adoption revisions to a local
23 control and accountability plan during the period the local control
24 and accountability plan is in effect. The county board of education
25 may only adopt a revision to a local control and accountability
26 plan if it follows the process to adopt a local control and
27 accountability plan pursuant to this section and the revisions are
28 adopted in a public meeting.

29 *SEC. 14. Section 52069 of the Education Code is amended to*
30 *read:*

31 52069. (a) (1) A county superintendent of schools shall
32 establish a parent advisory committee to provide advice to the
33 county board of education and the county superintendent of schools
34 regarding the requirements of this article.

35 (2) A parent advisory committee shall include parents or legal
36 guardians of pupils to whom one or more of the definitions in
37 Section 42238.01 apply.

38 (3) This subdivision shall not require the county superintendent
39 of schools to establish a new parent advisory committee if the
40 county superintendent of schools already has established a parent

1 advisory committee that meets the requirements of this subdivision,
2 including any committee established to meet the requirements of
3 the federal No Child Left Behind Act of 2001 (Public Law
4 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title
5 I of that act.

6 (b) (1) A county superintendent of schools shall establish an
7 English learner parent advisory committee if the enrollment of the
8 pupils in the schools and programs operated by the county
9 superintendent of schools includes at least 15 percent English
10 learners and the schools and programs operated by the county
11 superintendent of schools enroll at least 50 pupils who are English
12 learners.

13 (2) This subdivision shall not require the county superintendent
14 of schools to establish a new English learner parent advisory
15 committee if the county superintendent of schools already has
16 established a committee that meets the requirements of this
17 subdivision.

18 (3) *A representative of the English learner parent advisory*
19 *committee shall be a member of the parent advisory committee*
20 *established pursuant to paragraph (1).*

21 *SEC. 15. Section 52070 of the Education Code is amended to*
22 *read:*

23 52070. (a) Not later than five days after adoption of a local
24 control and accountability plan or annual update to a local control
25 and accountability plan, the governing board of a school district
26 shall file the local control and accountability plan or annual update
27 to the local control and accountability plan with the county
28 superintendent of schools.

29 (b) On or before August 15 of each year, the county
30 superintendent of schools may seek clarification, in writing, from
31 the governing board of a school district about the contents of the
32 local control and accountability plan or annual update to the local
33 control and accountability plan. Within 15 days the governing
34 board of a school district shall respond, in writing, to requests for
35 clarification.

36 (c) Within 15 days of receiving the response from the governing
37 board of the school district, the county superintendent of schools
38 may submit recommendations, in writing, for amendments to the
39 local control and accountability plan or annual update to the local
40 control and accountability plan. The governing board of a school

1 district shall consider the recommendations submitted by the county
2 superintendent of schools in a public meeting within 15 days of
3 receiving the recommendations.

4 (d) The county superintendent of schools shall approve a local
5 control and accountability plan or annual update to a local control
6 and accountability plan on or before October 8, if he or she
7 determines ~~both~~ all of the following:

8 (1) (A) The local control and accountability plan or annual
9 update to the local control and accountability plan adheres to the
10 template adopted by the state board pursuant to Section 52064.

11 (B) *The county superintendent shall determine the need for*
12 *additional staff and may employ short-term analytical assistance*
13 *or expertise to validate financial information if the county does*
14 *not have the expertise or staff to perform program reviews of the*
15 *components of the local control and accountability plan or annual*
16 *update to the local control and accountability plan set forth in*
17 *subdivision (c) of Section 52064 for the purpose of providing*
18 *technical assistance and support pursuant to Section 52071.*

19 (2) (A) The budget for the applicable fiscal year adopted by
20 the governing board of the school district includes expenditures
21 sufficient to implement the specific actions and strategies included
22 in the local control and accountability plan adopted by the
23 governing board of the school district, based on the projections of
24 the costs included in the plan.

25 (B) *The Superintendent shall provide training to persons*
26 *reviewing budgets for purposes of this paragraph.*

27 (3) *The expenditures included in the budget for the applicable*
28 *fiscal year adopted by the governing board of the school district*
29 *to implement the specific actions and strategies included in the*
30 *local control and accountability plan or annual update to the local*
31 *control and accountability plan comply with the regulations*
32 *adopted pursuant to Section 42238.07.*

33 (e) If a county superintendent of schools has jurisdiction over
34 a single school district, the Superintendent shall designate a county
35 superintendent of schools of an adjoining county to perform the
36 duties specified in this section.

37 *SEC. 16. Section 52070.5 of the Education Code is amended*
38 *to read:*

39 52070.5. (a) Not later than five days after adoption of a local
40 control and accountability plan or annual update to a local control

1 and accountability plan, the county board of education shall file
2 the local control and accountability plan or annual update to the
3 local control and accountability plan with the Superintendent.

4 (b) On or before August 15 of each year, the Superintendent
5 may seek clarification, in writing, from the county board of
6 education about the contents of the local control and accountability
7 plan or annual update to the local control and accountability plan.
8 Within 15 days the county board of education shall respond, in
9 writing, to requests for clarification.

10 (c) Within 15 days of receiving the response from the county
11 board of education, the Superintendent may submit
12 recommendations, in writing, for amendments to the local control
13 and accountability plan or annual update to the local control and
14 accountability plan. The county board of education shall consider
15 the recommendations submitted by the Superintendent in a public
16 meeting within 15 days of receiving the recommendations.

17 (d) The Superintendent shall approve a local control and
18 accountability plan or annual update to a local control and
19 accountability plan on or before October 8, if he or she determines
20 ~~both~~ all of the following:

21 (1) The local control and accountability plan or annual update
22 to the local control and accountability plan adheres to the template
23 adopted by the state board pursuant to Section 52064.

24 (2) The budget for the applicable fiscal year adopted by the
25 county board of education includes expenditures sufficient to
26 implement the specific actions and strategies included in the local
27 control and accountability plan adopted by the county board of
28 education, based on the projections of the costs included in the
29 plan.

30 (3) *The expenditures included in the budget for the applicable*
31 *fiscal year adopted by the governing board of the school district*
32 *to implement the specific actions and strategies included in the*
33 *local control and accountability plan or annual update to the local*
34 *control and accountability plan comply with the regulations*
35 *adopted pursuant to Section 42238.07.*

36 *SEC. 17. Section 52071 of the Education Code is amended to*
37 *read:*

38 52071. (a) If a county superintendent of schools does not
39 approve a local control and accountability plan or annual update
40 to the local control and accountability plan approved by a

1 governing board of a school district, or if the governing board of
2 a school district requests technical assistance, the county
3 superintendent of schools shall provide technical assistance,
4 including, among other things, any of the following:

5 (1) Identification of the school district's strengths and
6 weaknesses in regard to the state priorities described in subdivision
7 (d) of Section 52060, communicated in writing to the school
8 district. This identification shall include a review of effective,
9 evidence-based programs that apply to the school district's goals.

10 (2) Assignment of an academic expert or team of academic
11 experts to assist the school district in identifying and implementing
12 effective programs that are designed to improve the outcomes for
13 all pupil subgroups identified pursuant to Section 52052. The
14 county superintendent of schools may also solicit another school
15 district within the county to act as a partner to the school district
16 in need of technical assistance.

17 (3) Request that the Superintendent assign the California
18 Collaborative for Educational Excellence to provide advice and
19 assistance to the school district.

20 (b) Using an evaluation rubric adopted by the state board
21 pursuant to Section 52064.5, the county superintendent of schools
22 shall provide the technical assistance described in subdivision (a)
23 to any school district that fails to improve pupil achievement across
24 more than one state priority described in subdivision (d) of Section
25 52060 for ~~one or more~~ *each* pupil subgroup identified pursuant to
26 Section 52052.

27 (c) Technical assistance provided pursuant to this section at the
28 request of a school district shall be paid for by the school district
29 requesting the assistance.

30 *SEC. 18. Section 52071.5 of the Education Code is amended*
31 *to read:*

32 52071.5. (a) If the Superintendent does not approve a local
33 control and accountability plan or annual update to the local control
34 and accountability plan approved by a county board of education,
35 or if the county board of education requests technical assistance,
36 the Superintendent shall provide technical assistance, including,
37 among other things, any of the following:

38 (1) Identification of the county board of education's strengths
39 and weaknesses in regard to the state priorities described in
40 subdivision (d) of Section 52066, communicated in writing to the

1 county board of education. This identification shall include a
2 review of effective, evidence-based programs that apply to the
3 board's goals.

4 (2) Assignment of an academic expert or team of academic
5 experts, or the California Collaborative for Educational Excellence
6 established pursuant to Section 52074, to assist the county board
7 of education in identifying and implementing effective programs
8 that are designed to improve the outcomes for all pupil subgroups
9 identified pursuant to Section 52052. The Superintendent may also
10 solicit another county office of education to act as a partner to the
11 county office of education in need of technical assistance.

12 (b) Using an evaluation rubric adopted by the state board
13 pursuant to Section 52064.5, the Superintendent shall provide the
14 technical assistance described in subdivision (a) to any county
15 office of education that fails to improve pupil achievement in
16 regard to more than one state priority described in subdivision (d)
17 of Section 52066 for ~~one or more~~ *each pupil-subgroups subgroup*
18 identified pursuant to Section 52052.

19 (c) Technical assistance provided pursuant to this section at the
20 request of a county board of education shall be paid for by the
21 county board of education receiving assistance.

22 *SEC. 19. Section 52072 of the Education Code is amended to*
23 *read:*

24 52072. (a) The Superintendent may, with the approval of the
25 state board, identify school districts in need of intervention.

26 (b) The Superintendent shall only intervene in a school district
27 that meets both of the following criteria:

28 (1) The school district did not improve the outcomes for three
29 or more pupil subgroups identified pursuant to Section 52052 or,
30 if the school district has less than three pupil subgroups, all of the
31 school district's pupil subgroups, in regard to more than one state
32 or local priority in three out of four consecutive school years, *or*
33 *has failed to improve the outcomes for one or more pupil subgroups*
34 *identified pursuant to Section 52052 in regard to three or more*
35 *state or local priorities in three out of four consecutive school*
36 *years.*

37 (2) The California Collaborative for Educational Excellence
38 has provided advice and assistance to the school district pursuant
39 to Section 52071 and submits either of the following findings to
40 the Superintendent:

1 (A) That the school district has failed, or is unable, to implement
2 the recommendations of the California Collaborative for
3 Educational Excellence.

4 (B) That the inadequate performance of the school district, based
5 upon an evaluation rubric adopted pursuant to Section 52064.5, is
6 either so persistent or acute as to require intervention by the
7 Superintendent.

8 (c) For school districts identified pursuant to subdivision (a),
9 the Superintendent may, with the approval of the state board, do
10 one or more of the following:

11 (1) Make changes to a local control and accountability plan
12 adopted by the governing board of the school district.

13 (2) Develop and impose a budget revision, in conjunction with
14 revisions to the local control and accountability plan, that the
15 Superintendent determines would allow the school district to
16 improve the outcomes for all pupil subgroups identified pursuant
17 to Section 52052 in regard to state and local priorities.

18 (3) Stay or rescind an action, if that action is not required by a
19 local collective bargaining agreement, that would prevent the
20 school district from improving outcomes for all pupil subgroups
21 identified pursuant to Section 52052 in regard to state or local
22 priorities.

23 (4) Appoint an academic trustee to exercise the powers and
24 authority specified in this section on his or her behalf.

25 (d) The Superintendent shall notify the county superintendent
26 of schools, the county board of education, the superintendent of
27 the school district, and the governing board of the school district
28 of any action by the state board to direct him or her to exercise
29 any of the powers and authorities specified in this section.

30 *SEC. 20. Section 52072.5 of the Education Code is amended*
31 *to read:*

32 52072.5. (a) The Superintendent may, with the approval of
33 the state board, identify county offices of education in need of
34 intervention.

35 (b) The Superintendent shall only intervene in a county office
36 of education that meets both of the following criteria:

37 (1) The county office of education did not improve the outcomes
38 for three or more pupil subgroups identified pursuant to Section
39 52052 or, if the county office of education has less than three pupil
40 subgroups, all of the county office of education's pupil subgroups,

1 in regard to more than one state or local priority in three out of
2 four consecutive school years, *or has failed to improve the*
3 *outcomes for one or more pupil subgroups identified pursuant to*
4 *Section 52052 in regard to three or more state or local priorities*
5 *in three out of four consecutive school years.*

6 (2) The California Collaborative for Educational Excellence
7 has provided advice and assistance to the county office of education
8 pursuant to Section 52071.5 and submits either of the following
9 findings to the Superintendent:

10 (A) That the county office of education has failed, or is unable,
11 to implement the recommendations of the California Collaborative
12 for Educational Excellence.

13 (B) That the inadequate performance of the county office of
14 education, based upon an evaluation rubric adopted pursuant to
15 Section 52064.5, is either so persistent or acute as to require
16 intervention by the Superintendent.

17 (c) For county offices of education identified pursuant to
18 subdivision (a), the Superintendent may, with the approval of the
19 state board, do one or more of the following:

20 (1) Make changes to a local control and accountability plan
21 adopted by the county board of education.

22 (2) Develop and impose a budget revision, in conjunction with
23 revisions to the local control and accountability plan, that the
24 Superintendent determines would allow the county office of
25 education to improve the outcomes for all pupil subgroups
26 identified pursuant to Section 52052 in regard to state and local
27 priorities.

28 (3) Stay or rescind an action, if that action is not required by a
29 local collective bargaining agreement, that would prevent the
30 county office of education from improving outcomes for all pupil
31 subgroups identified pursuant to Section 52052 in regard to state
32 or local priorities.

33 (4) Appoint an academic trustee to exercise the powers and
34 authority specified in this section on his or her behalf.

35 (d) The Superintendent shall notify the county board of
36 education and the county superintendent of schools, in writing, of
37 any action by the state board to direct him or her to exercise any
38 of the powers and authorities specified in this section.

39 *SEC. 21. Section 52075 of the Education Code is amended to*
40 *read:*

1 52075. (a) A complaint that a school district, county
2 superintendent of schools, or charter school has not complied with
3 the requirements of this article, *Section 42238.07 and the*
4 *regulations adopted pursuant to that section*, or Sections 47606.5
5 and 47607.3, as applicable, may be filed with a school district,
6 county superintendent of schools, or charter school pursuant to the
7 Uniform Complaint Procedures set forth in Chapter 5.1
8 (commencing with Section 4600) of Division 1 of Title 5 of the
9 California Code of Regulations.

10 (b) A complaint may be filed anonymously if the complaint
11 provides evidence or information leading to evidence to support
12 an allegation of noncompliance with the requirements of this
13 article.

14 (c) A complainant not satisfied with the decision of a school
15 district, county superintendent of schools, or charter school may
16 appeal the decision to the Superintendent and shall receive a written
17 appeal decision within 60 days of the Superintendent's receipt of
18 the appeal.

19 (d) If a school district, county superintendent of schools, or
20 charter school finds merit in a complaint, or the Superintendent
21 finds merit in an appeal, the school district, county superintendent
22 of schools, or charter school shall provide a remedy to all affected
23 pupils, parents, and guardians, *which, to the greatest extent*
24 *possible, shall be implemented by the beginning of the school year*
25 *following submission of the complaint and, if not by that time, then*
26 *during the school year following submission of the complaint. If*
27 *an appeal has merit, the remedy required by the Superintendent*
28 *shall include the school district, charter school, or county*
29 *superintendent of schools filing a corrective action plan with the*
30 *Superintendent, subject to approval by the state board, to remedy*
31 *the finding of noncompliance.*

32 (e) Information regarding the requirements of this article shall
33 be included in the annual notification distributed to pupils, parents
34 and guardians, employees, and other interested parties pursuant to
35 Section 4622 of Title 5 of the California Code of Regulations or
36 any successor regulation.

37 (f) School districts, county superintendents of schools, and
38 charter schools shall establish local policies and procedures to
39 implement the provisions of this section on or before June 30,
40 2014.

1 SEC. 22. *If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 SECTION 1. ~~Section 41976.3 is added to the Education Code,~~
7 ~~to read:~~

8 ~~41976.3.— (a) Commencing with the 2014–15 fiscal year, as a~~
9 ~~condition for receiving supplemental funds for English learners,~~
10 ~~including, but not limited to, economic impact aid pursuant to~~
11 ~~Article 2 (commencing with Section 54020) of Chapter 1 of Part~~
12 ~~29 of Division 4, under the Limited English Proficient Student~~
13 ~~Program, a school district that applies to the department for these~~
14 ~~funds shall adopt a master plan for how those supplemental funds~~
15 ~~will be spent. The master plan shall cover expenditures from these~~
16 ~~supplemental funds by the school district at each affected school~~
17 ~~within the district. The master plan shall include the requirements~~
18 ~~specified in subdivision (b) of Section 443 and all of the following:~~

19 ~~(1) A requirement that the information described in Section~~
20 ~~54029 be posted on the school district’s Internet Web site.~~

21 ~~(2) A listing of the instructional materials provided for English~~
22 ~~learners, categorized by proficiency level.~~

23 ~~(3) A description of how teacher induction programs and~~
24 ~~professional development programs will assist in meeting the~~
25 ~~annual measurable achievement objectives specified in paragraph~~
26 ~~(7).~~

27 ~~(4) A calendar for the release of pupil data. The release of pupil~~
28 ~~data shall allow parents to make informed decisions in a timely~~
29 ~~manner.~~

30 ~~(5) A description of the monitoring of reclassified English~~
31 ~~learners and long-term English learners.~~

32 ~~(6) The process and criteria for reclassification.~~

33 ~~(7) Annual measurable achievement objectives, including, but~~
34 ~~not limited to:~~

35 ~~(A) Academic Performance Index.~~

36 ~~(B) High school graduation rate.~~

37 ~~(C) Access to classes necessary for college admission.~~

38 ~~(D) Academic content standards.~~

39 ~~(8) A description of how the school district will meet the annual~~
40 ~~measurable achievement objectives specified in paragraph (7).~~

1 ~~(9) The collection and publishing of relevant data relating to~~
2 ~~English learners. The data shall be disaggregated by “English~~
3 ~~learner,” “long-term English learner,” “English learner at risk of~~
4 ~~becoming a long-term English learner,” and “reclassified English~~
5 ~~learner” status.~~

6 ~~(b) A master plan developed and adopted under this section~~
7 ~~shall be renewed every three years. In developing or renewing its~~
8 ~~master plan under this section, a school district shall seek input~~
9 ~~from teachers, principals, administrators, English learner advisory~~
10 ~~committees, schoolsite councils, and parents, both districtwide and~~
11 ~~from each school.~~

12 ~~(c) A master plan developed and adopted under this section~~
13 ~~shall be easily available to, and accessible by, the public.~~

14 ~~(d) Commencing with the 2014–15 school year:~~

15 ~~(1) Each school that receives supplemental funds for English~~
16 ~~learners under the Limited English Proficient Student Program~~
17 ~~shall establish a school English learner advisory committee~~
18 ~~composed of parents of English learners, English learner pupils,~~
19 ~~and staff working on English learner education.~~

20 ~~(2) Each school district that receives supplemental funds for~~
21 ~~English learners under the Limited English Proficient Student~~
22 ~~Program shall establish a district English learner advisory~~
23 ~~committee composed of members from the school English learner~~
24 ~~advisory committees established under paragraph (1).~~

25 ~~(e) Each school’s contribution to the master plan shall be~~
26 ~~submitted to, and reviewed and approved by, the school English~~
27 ~~learner advisory committee established under paragraph (1) of~~
28 ~~subdivision (d). A proposed school district master plan shall be~~
29 ~~submitted to, and reviewed and approved by, the district English~~
30 ~~learner advisory committee established under paragraph (2) of~~
31 ~~subdivision (d).~~

32 ~~(f) A school district that receives supplemental funds for English~~
33 ~~learners under the Limited English Proficient Student Program~~
34 ~~shall post the contact information for its English learner program~~
35 ~~staff in an easily accessible location on its Internet Web site.~~

36 ~~SEC. 2. Section 52852 of the Education Code is amended to~~
37 ~~read:~~

38 ~~52852. (a) A schoolsite council shall be established at each~~
39 ~~school that participates in school-based program coordination. The~~
40 ~~council shall be composed of the principal and representatives of:~~

1 teachers selected by teachers at the school; other school personnel
2 selected by other school personnel at the school; parents of pupils
3 attending the school selected by such parents; and, in secondary
4 schools, pupils selected by pupils attending the school.
5 Commencing with the 2014–15 school year, a school to which this
6 section applies that receives supplemental funds for English
7 learners, including, but not limited to, economic impact aid
8 pursuant to Article 2 (commencing with Section 54020) of Chapter
9 1 of Part 29, under the Limited English Proficient Student Program
10 shall include parents and teachers of English learners on its
11 schoolsite council.

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

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

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

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

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

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