

AMENDED IN ASSEMBLY AUGUST 15, 2013

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**

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**Introduced by Senator Padilla**

February 20, 2013

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An act to amend 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 schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as amended, Padilla. 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 *a program budget and certain expenditures* in its local control and accountability plan ~~how the school district will maintain schoolsite councils and English learner advisory committees~~, *as specified*. 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. *Existing law additionally requires the governing board of a school district to establish an English learner parent advisory committee if the enrollment of the school district includes at least 15% English learners and the school district enrolls at least 50 pupils who are English learners.*

~~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. *instead require the governing board of a school district to establish a districtwide parent advisory committee and, as a condition of supplemental state grant funds, if the enrollment of the school district includes at least 15% English learners or the school district enrolls at least 50 pupils who are English learners, to establish a districtwide English learner parent advisory committee. The bill would require the districtwide English learner parent advisory committee to advise the governing board on specified tasks, including, among others, the development of a district master plan for education programs and services for English learners and the conducting of a districtwide needs assessment on a school-by-school basis.*~~

(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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: 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 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  
16 for in Sections 1240.1, 1240.2, 1621, 1623, 33131, 42127, and  
17 42127.1.

18 (b) The Superintendent, the Controller, and the Director of  
19 Finance shall update the standards and criteria developed pursuant  
20 to subdivision (a) on or before September 1, 2005. The updated  
21 standards and criteria shall be reviewed and adopted pursuant to  
22 the procedure established by subdivision (a) and are applicable to  
23 local educational agency budgets commencing with the 2006–07  
24 fiscal year and each fiscal year thereafter.

25 (c) The Superintendent, the Controller, and the Director of  
26 Finance shall update the standards and criteria developed pursuant  
27 to subdivision (a) on or before January 1, 2014, to address the  
28 requirements of Article 4.5 (commencing with Section 52060) of  
29 Chapter 6.1 of Part 28. The updated standards and criteria shall be  
30 reviewed and adopted pursuant to the procedure established by  
31 subdivision (a) and are applicable to local educational agency  
32 budgets commencing with the 2014–15 fiscal year and each fiscal  
33 year thereafter.

34 (d) After January 1, 2014, to the extent necessary, any revisions  
35 or updates to the standards and criteria shall be developed by the  
36 Superintendent, the Controller, and the Director of Finance  
37 pursuant the procedure established by subdivision (a). The revisions

1 or updates shall specify the fiscal year in which the revisions or  
2 updates are applicable.

3 SEC. 2. Section 41020 of the Education Code is amended to  
4 read:

5 41020. (a) It is the intent of the Legislature to encourage sound  
6 fiscal management practices among local educational agencies for  
7 the most efficient and effective use of public funds for the  
8 education of children in California by strengthening fiscal  
9 accountability at the school district, county, and state levels.

10 (b) (1) Not later than the first day of May of each fiscal year,  
11 each county superintendent of schools shall provide for an audit  
12 of all funds under his or her jurisdiction and control and the  
13 governing board of each local educational agency shall either  
14 provide for an audit of the books and accounts of the local  
15 educational agency, including an audit of income and expenditures  
16 by source of funds, or make arrangements with the county  
17 superintendent of schools having jurisdiction over the local  
18 educational agency to provide for that auditing.

19 (2) A contract to perform the audit of a local educational agency  
20 that has a disapproved budget or has received a negative  
21 certification on any budget or interim financial report during the  
22 current fiscal year or either of the two preceding fiscal years, or  
23 for which the county superintendent of schools has otherwise  
24 determined that a lack of going concern exists, is not valid unless  
25 approved by the responsible county superintendent of schools and  
26 the governing board.

27 (3) If the governing board of a local educational agency has not  
28 provided for an audit of the books and accounts of the local  
29 educational agency by April 1, the county superintendent of schools  
30 having jurisdiction over the local educational agency shall provide  
31 for the audit of each local educational agency.

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

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

37 (c) Each audit conducted in accordance with this section shall  
38 include all funds of the local educational agency, including the  
39 student body and cafeteria funds and accounts and any other funds  
40 under the control or jurisdiction of the local educational agency.

1 Each audit shall also include an audit of pupil attendance  
2 procedures. Each audit shall include a determination of whether  
3 funds were expended pursuant to a local control and accountability  
4 plan or an approved annual update to a local control and  
5 accountability plan pursuant to Article 4.5 (commencing with  
6 Section 52060) of Chapter 6.1 of Part 28 of Division 4 and whether  
7 expenditures were in compliance with the regulations adopted  
8 pursuant to Section 42238.07.

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

12 (e) (1) The cost of the audits provided for by the county  
13 superintendent of schools shall be paid from the county school  
14 service fund and the county superintendent of schools shall transfer  
15 the pro rata share of the cost chargeable to each school district  
16 from school district funds.

17 (2) The cost of the audit provided for by a governing board of  
18 a local educational agency shall be paid from local educational  
19 agency funds. The audit of the funds under the jurisdiction and  
20 control of the county superintendent of schools shall be paid from  
21 the county school service fund.

22 (f) (1) The audits shall be made by a certified public accountant  
23 or a public accountant, licensed by the California Board of  
24 Accountancy, and selected by the local educational agency, as  
25 applicable, from a directory of certified public accountants and  
26 public accountants deemed by the Controller as qualified to conduct  
27 audits of local educational agencies, which shall be published by  
28 the Controller not later than December 31 of each year.

29 (2) Commencing with the 2003–04 fiscal year and except as  
30 provided in subdivision (d) of Section 41320.1, it is unlawful for  
31 a public accounting firm to provide audit services to a local  
32 educational agency if the lead audit partner, or coordinating audit  
33 partner, having primary responsibility for the audit, or the audit  
34 partner responsible for reviewing the audit, has performed audit  
35 services for that local educational agency in each of the six previous  
36 fiscal years. The Education Audits Appeal Panel may waive this  
37 requirement if the panel finds that no otherwise eligible auditor is  
38 available to perform the audit.

39 (3) It is the intent of the Legislature that, notwithstanding  
40 paragraph (2), the rotation within public accounting firms conform

1 to provisions of the federal Sarbanes-Oxley Act of 2002 (Public  
2 Law 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of  
3 the report required by the act of the Comptroller General of the  
4 United States addressing the mandatory rotation of registered  
5 public accounting firms, the Legislature intends to reconsider the  
6 provisions of paragraph (2). In determining which certified public  
7 accountants and public accountants shall be included in the  
8 directory, the Controller shall use the following criteria:

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

11 (B) The certified public accountants or public accountants, as  
12 a result of a quality control review conducted by the Controller  
13 pursuant to Section 14504.2, shall not have been found to have  
14 conducted an audit in a manner constituting noncompliance with  
15 subdivision (a) of Section 14503.

16 (g) (1) The auditor's report shall include each of the following:

17 (A) A statement that the audit was conducted pursuant to  
18 standards and procedures developed in accordance with Chapter  
19 3 (commencing with Section 14500) of Part 9 of Division 1 of  
20 Title 1.

21 (B) A summary of audit exceptions and management  
22 improvement recommendations.

23 (C) Each audit of a local educational agency shall include an  
24 evaluation by the auditor on whether there is substantial doubt  
25 about the ability of the local educational agency to continue as a  
26 going concern for a reasonable period of time. This evaluation  
27 shall be based on the Statement on Auditing Standards (SAS) No.  
28 59, as issued by the AICPA regarding disclosure requirements  
29 relating to the ability of the entity to continue as a going concern.

30 (2) To the extent possible, a description of correction or plan  
31 of correction shall be incorporated in the audit report, describing  
32 the specific actions that are planned to be taken, or that have been  
33 taken, to correct the problem identified by the auditor. The  
34 descriptions of specific actions to be taken or that have been taken  
35 shall not solely consist of general comments such as "will  
36 implement," "accepted the recommendation," or "will discuss at  
37 a later date."

38 (h) Not later than December 15, a report of each local  
39 educational agency audit for the preceding fiscal year shall be filed  
40 with the county superintendent of schools of the county in which

1 the local educational agency is located, the department, and the  
2 Controller. The Superintendent shall make any adjustments  
3 necessary in future apportionments of all state funds, to correct  
4 any audit exceptions revealed by those audit reports.

5 (i) (1) Commencing with the 2002–03 audit of local educational  
6 agencies pursuant to this section and subdivision (d) of Section  
7 41320.1, each county superintendent of schools shall be responsible  
8 for reviewing the audit exceptions contained in an audit of a local  
9 educational agency under his or her jurisdiction related to  
10 attendance, inventory of equipment, internal control, and any  
11 miscellaneous items, and determining whether the exceptions have  
12 been either corrected or an acceptable plan of correction has been  
13 developed.

14 (2) Commencing with the 2004–05 audit of local educational  
15 agencies pursuant to this section and subdivision (d) of Section  
16 41320.1, each county superintendent of schools shall include in  
17 the review of audit exceptions performed pursuant to this  
18 subdivision those audit exceptions related to use of instructional  
19 materials program funds, teacher misassignments pursuant to  
20 Section 44258.9, information reported on the school accountability  
21 report card required pursuant to Section 33126 and shall determine  
22 whether the exceptions are either corrected or an acceptable plan  
23 of correction has been developed.

24 (j) Upon submission of the final audit report to the governing  
25 board of each local educational agency and subsequent receipt of  
26 the audit by the county superintendent of schools having  
27 jurisdiction over the local educational agency, the county office  
28 of education shall do all of the following:

29 (1) Review audit exceptions related to attendance, inventory of  
30 equipment, internal control, and other miscellaneous exceptions.  
31 Attendance exceptions or issues shall include, but not be limited  
32 to, those related to local control funding formula allocations  
33 pursuant to Section 42238.02, as implemented by Section 42238.03,  
34 and independent study.

35 (2) If a description of the correction or plan of correction has  
36 not been provided as part of the audit required by this section, then  
37 the county superintendent of schools shall notify the local  
38 educational agency and request the governing board of the local  
39 educational agency to provide to the county superintendent of



1 schools a description of the corrections or plan of correction by  
2 March 15.

3 (3) Review the description of correction or plan of correction  
4 and determine its adequacy. If the description of the correction or  
5 plan of correction is not adequate, the county superintendent of  
6 schools shall require the local educational agency to resubmit that  
7 portion of its response that is inadequate.

8 (k) Each county superintendent of schools shall certify to the  
9 Superintendent and the Controller, not later than May 15, that his  
10 or her staff has reviewed all audits of local educational agencies  
11 under his or her jurisdiction for the prior fiscal year, that all  
12 exceptions that the county superintendent was required to review  
13 were reviewed, and that all of those exceptions, except as otherwise  
14 noted in the certification, have been corrected by the local  
15 educational agency or that an acceptable plan of correction has  
16 been submitted to the county superintendent of schools. In addition,  
17 the county superintendent shall identify, by local educational  
18 agency, any attendance-related audit exception or exceptions  
19 involving state funds, and require the local educational agency to  
20 which the audit exceptions were directed to submit appropriate  
21 reporting forms for processing by the Superintendent.

22 (l) In the audit of a local educational agency for a subsequent  
23 year, the auditor shall review the correction or plan or plans of  
24 correction submitted by the local educational agency to determine  
25 if the exceptions have been resolved. If not, the auditor shall  
26 immediately notify the appropriate county office of education and  
27 the department and restate the exception in the audit report. After  
28 receiving that notification, the department shall either consult with  
29 the local educational agency to resolve the exception or require  
30 the county superintendent of schools to follow up with the local  
31 educational agency.

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

35 (A) All federal and state compliance audit exceptions identified  
36 in the audit.

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

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

1 (2) In addition, the Superintendent shall be responsible for  
2 ensuring that county superintendents of schools and each county  
3 board of education that serves as the governing board of a local  
4 educational agency either correct all audit exceptions identified in  
5 the audits of county superintendents of schools and of the local  
6 educational agencies for which the county boards of education  
7 serve as the governing boards or develop acceptable plans of  
8 correction for those exceptions.

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

15 (n) To facilitate correction of the exceptions identified by the  
16 audits issued pursuant to this section, commencing with 2002–03  
17 audits pursuant to this section, the Controller shall require auditors  
18 to categorize audit exceptions in each audit report in a manner that  
19 will make it clear to both the county superintendent of schools and  
20 the Superintendent which exceptions they are responsible for  
21 ensuring the correction of by a local educational agency. In  
22 addition, the Controller annually shall select a sampling of county  
23 superintendents of schools and perform a followup of the audit  
24 resolution process of those county superintendents of schools and  
25 report the results of that followup to the Superintendent and the  
26 county superintendents of schools that were reviewed.

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

30 (p) If a governing board or county superintendent of schools  
31 fails or is unable to make satisfactory arrangements for the audit  
32 pursuant to this section, the Controller shall make arrangements  
33 for the audit and the cost of the audit shall be paid from local  
34 educational agency funds or the county school service fund, as the  
35 case may be.

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

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

1 (s) Notwithstanding any other ~~provision of law, a nonauditing,~~  
2 *an auditing,* management, or other consulting service to be  
3 provided to a local educational agency by a certified public  
4 accounting firm while the certified public accounting firm is  
5 performing an audit of the agency pursuant to this section must be  
6 in accord with Government Accounting Standards, Amendment  
7 No. 3, as published by the United States General Accounting  
8 Office.

9 SEC. 3. Section 42127 of the Education Code is amended to  
10 read:

11 42127. (a) On or before July 1 of each year, the governing  
12 board of each school district shall accomplish the following:

13 (1) Hold a public hearing on the budget to be adopted for the  
14 subsequent fiscal year. The budget to be adopted shall be prepared  
15 in accordance with Section 42126. The agenda for that hearing  
16 shall be posted at least 72 hours before the public hearing and shall  
17 include the location where the budget will be available for public  
18 inspection.

19 (A) For the 2011–12 fiscal year, notwithstanding any of the  
20 standards and criteria adopted by the state board pursuant to Section  
21 33127, each school district budget shall project the same level of  
22 revenue per unit of average daily attendance as it received in the  
23 2010–11 fiscal year and shall maintain staffing and program levels  
24 commensurate with that level.

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

28 (2) Adopt a budget. Not later than five days after that adoption  
29 or by July 1, whichever occurs first, the governing board of the  
30 school district shall file that budget with the county superintendent  
31 of schools. The budget and supporting data shall be maintained  
32 and made available for public review. If the governing board of  
33 the school district does not want all or a portion of the property  
34 tax requirement levied for the purpose of making payments for the  
35 interest and redemption charges on indebtedness as described in  
36 paragraph (1) or (2) of subdivision (b) of Section 1 of Article  
37 XIII A of the California Constitution, the budget shall include a  
38 statement of the amount or portion for which a levy shall not be  
39 made. For the 2014–15 fiscal year and each fiscal year thereafter,  
40 the governing board of the school district shall not adopt a budget

1 before the governing board of the school district adopts a local  
2 control and accountability plan, if an existing local control and  
3 accountability plan or annual update to a local control and  
4 accountability plan is not effective for the budget year. The  
5 governing board of a school district shall not adopt a budget that  
6 does not include the expenditures necessary to implement the local  
7 control and accountability plan or the annual update to a local  
8 control and accountability plan that is effective during the  
9 subsequent fiscal year.

10 (b) The county superintendent of schools may accept changes  
11 in any statement included in the budget, pursuant to subdivision  
12 (a), of the amount or portion for which a property tax levy shall  
13 not be made. The county superintendent of schools or the county  
14 auditor shall compute the actual amounts to be levied on the  
15 property tax rolls of the school district for purposes that exceed  
16 apportionments to the school district pursuant to Chapter 6  
17 (commencing with Section 95) of Part 0.5 of Division 1 of the  
18 Revenue and Taxation Code. Each school district shall provide all  
19 data needed by the county superintendent of schools or the county  
20 auditor to compute the amounts. On or before August 15, the  
21 county superintendent of schools shall transmit the amounts  
22 computed to the county auditor who shall compute the tax rates  
23 necessary to produce the amounts. On or before September 1, the  
24 county auditor shall submit the rate computed to the board of  
25 supervisors for adoption.

26 (c) The county superintendent of schools shall do all of the  
27 following:

28 (1) Examine the adopted budget to determine whether it  
29 complies with the standards and criteria adopted by the state board  
30 pursuant to Section 33127 for application to final local educational  
31 agency budgets. The county superintendent of schools shall  
32 identify, if necessary, technical corrections that are required to be  
33 made to bring the budget into compliance with those standards  
34 and criteria.

35 (2) Determine whether the adopted budget will allow the school  
36 district to meet its financial obligations during the fiscal year and  
37 is consistent with a financial plan that will enable the school district  
38 to satisfy its multiyear financial commitments. In addition to his  
39 or her own analysis of the budget of each school district, the county  
40 superintendent of schools shall review and consider studies, reports,

1 evaluations, or audits of the school district that were commissioned  
2 by the school district, the county superintendent of schools, the  
3 Superintendent, and state control agencies and that contain  
4 evidence that the school district is showing fiscal distress under  
5 the standards and criteria adopted in Section 33127 or that contain  
6 a finding by an external reviewer that more than three of the 15  
7 most common predictors of a school district needing intervention,  
8 as determined by the County Office Fiscal Crisis and Management  
9 Assistance Team, are present. The county superintendent of schools  
10 shall either conditionally approve or disapprove a budget that does  
11 not provide adequate assurance that the school district will meet  
12 its current and future obligations and resolve any problems  
13 identified in studies, reports, evaluations, or audits described in  
14 this paragraph.

15 (3) Determine whether the adopted budget includes the  
16 expenditures necessary to implement the local control and  
17 accountability plan or annual update to the local control and  
18 accountability plan approved by the county superintendent of  
19 schools and whether those expenditures comply with the  
20 regulations adopted pursuant to Section 42238.07.

21 (d) On or before August 15, the county superintendent of schools  
22 shall approve, conditionally approve, or disapprove the adopted  
23 budget for each school district. For the 2014–15 fiscal year and  
24 each fiscal year thereafter, the county superintendent of schools  
25 shall disapprove a budget if the county superintendent of schools  
26 determines that the budget does not include the expenditures  
27 necessary to implement a local control and accountability plan or  
28 an annual update to the local control and accountability plan  
29 approved by the county superintendent of schools or does not  
30 comply with the regulations adopted pursuant to Section 42238.07.  
31 If a school district does not submit a budget to the county  
32 superintendent of schools, the county superintendent of schools  
33 shall develop, at school district expense, a budget for that school  
34 district by September 15 and transmit that budget to the governing  
35 board of the school district. The budget prepared by the county  
36 superintendent of schools shall be deemed adopted, unless the  
37 county superintendent of schools approves any modifications made  
38 by the governing board of the school district. The approved budget  
39 shall be used as a guide for the school district’s priorities. The  
40 Superintendent shall review and certify the budget approved by

1 the county. If, pursuant to the review conducted pursuant to  
2 subdivision (c), the county superintendent of schools determines  
3 that the adopted budget for a school district does not satisfy  
4 paragraph (1) or (2) of that subdivision, he or she shall  
5 conditionally approve or disapprove the budget and, not later than  
6 August 15, transmit to the governing board of the school district,  
7 in writing, his or her recommendations regarding revision of the  
8 budget and the reasons for those recommendations, including, but  
9 not limited to, the amounts of any budget adjustments needed  
10 before he or she can approve that budget. The county  
11 superintendent of schools may assign a fiscal adviser to assist the  
12 school district to develop a budget in compliance with those  
13 revisions. In addition, the county superintendent of schools may  
14 appoint a committee to examine and comment on the  
15 superintendent's review and recommendations, subject to the  
16 requirement that the committee report its findings to the county  
17 superintendent of schools no later than August 20. For the 2011–12  
18 fiscal year, notwithstanding any of the standards and criteria  
19 adopted by the state board pursuant to Section 33127, the county  
20 superintendent of schools, as a condition on approval of a school  
21 district budget, shall not require a school district to project a lower  
22 level of revenue per unit of average daily attendance than it  
23 received in the 2010–11 fiscal year nor require the school district  
24 to demonstrate that it is able to meet its financial obligations for  
25 the two subsequent fiscal years.

26 (e) On or before September 8, the governing board of the school  
27 district shall revise the adopted budget to reflect changes in  
28 projected income or expenditures subsequent to July 1, and to  
29 include any response to the recommendations of the county  
30 superintendent of schools, shall adopt the revised budget, and shall  
31 file the revised budget with the county superintendent of schools.  
32 Before revising the budget, the governing board of the school  
33 district shall hold a public hearing regarding the proposed revisions,  
34 to be conducted in accordance with Section 42103. In addition, if  
35 the adopted budget is disapproved pursuant to subdivision (d), the  
36 governing board of the school district and the county  
37 superintendent of schools shall review the disapproval and the  
38 recommendations of the county superintendent of schools regarding  
39 revision of the budget at the public hearing. The revised budget

1 and supporting data shall be maintained and made available for  
2 public review.

3 (1) For the 2011–12 fiscal year, notwithstanding any of the  
4 standards and criteria adopted by the state board pursuant to Section  
5 33127, each school district budget shall project the same level of  
6 revenue per unit of average daily attendance as it received in the  
7 2010–11 fiscal year and shall maintain staffing and program levels  
8 commensurate with that level.

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

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

15 (g) The county superintendent of schools shall examine the  
16 revised budget to determine whether it (1) complies with the  
17 standards and criteria adopted by the state board pursuant to Section  
18 33127 for application to final local educational agency budgets,  
19 (2) allows the school district to meet its financial obligations during  
20 the fiscal year, (3) satisfies all conditions established by the county  
21 superintendent of schools in the case of a conditionally approved  
22 budget, and (4) is consistent with a financial plan that will enable  
23 the school district to satisfy its multiyear financial commitments,  
24 and, not later than October 8, shall approve or disapprove the  
25 revised budget. If the county superintendent of schools disapproves  
26 the budget, he or she shall call for the formation of a budget review  
27 committee pursuant to Section 42127.1, unless the governing board  
28 of the school district and the county superintendent of schools  
29 agree to waive the requirement that a budget review committee be  
30 formed and the department approves the waiver after determining  
31 that a budget review committee is not necessary. Upon the grant  
32 of a waiver, the county superintendent of schools immediately has  
33 the authority and responsibility provided in Section 42127.3. Upon  
34 approving a waiver of the budget review committee, the department  
35 shall ensure that a balanced budget is adopted for the school district  
36 by November 30. If no budget is adopted by November 30, the  
37 Superintendent may adopt a budget for the school district. The  
38 Superintendent shall report to the Legislature and the Director of  
39 Finance by December 10 if any school district, including a school  
40 district that has received a waiver of the budget review committee

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

15 (h) Not later than October 8, the county superintendent of  
16 schools shall submit a report to the Superintendent identifying all  
17 school districts for which budgets have been disapproved or budget  
18 review committees waived. The report shall include a copy of the  
19 written response transmitted to each of those school districts  
20 pursuant to subdivision (d).

21 (i) Notwithstanding any other provision of this section, the  
22 budget review for a school district shall be governed by paragraphs  
23 (1), (2), and (3), rather than by subdivisions (e) and (g), if the  
24 governing board of the school district so elects and notifies the  
25 county superintendent of schools in writing of that decision, not  
26 later than October 31 of the immediately preceding calendar year.  
27 On or before July 1, the governing board of a school district for  
28 which the budget review is governed by this subdivision, rather  
29 than by subdivisions (e) and (g), shall conduct a public hearing  
30 regarding its proposed budget in accordance with Section 42103.

31 (1) If the adopted budget of a school district is disapproved  
32 pursuant to subdivision (d), on or before September 8, the  
33 governing board of the school district, in conjunction with the  
34 county superintendent of schools, shall review the superintendent's  
35 recommendations at a regular meeting of the governing board of  
36 the school district and respond to those recommendations. The  
37 response shall include any revisions to the adopted budget and  
38 other proposed actions to be taken, if any, as a result of those  
39 recommendations.



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

4 (3) Not later than October 8, after receiving the response  
5 required under paragraph (1), the county superintendent of schools  
6 shall review that response and either approve or disapprove the  
7 budget. If the county superintendent of schools disapproves the  
8 budget, he or she shall call for the formation of a budget review  
9 committee pursuant to Section 42127.1, unless the governing board  
10 of the school district and the county superintendent of schools  
11 agree to waive the requirement that a budget review committee be  
12 formed and the department approves the waiver after determining  
13 that a budget review committee is not necessary. Upon the grant  
14 of a waiver, the county superintendent has the authority and  
15 responsibility provided to a budget review committee in Section  
16 42127.3. Upon approving a waiver of the budget review committee,  
17 the department shall ensure that a balanced budget is adopted for  
18 the school district by November 30. The Superintendent shall  
19 report to the Legislature and the Director of Finance by December  
20 10 if any school district, including a school district that has received  
21 a waiver of the budget review committee process, does not have  
22 an adopted budget by November 30. This report shall include the  
23 reasons why a budget has not been adopted by the deadline, the  
24 steps being taken to finalize budget adoption, and the date the  
25 adopted budget is anticipated. 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 (4) Not later than 45 days after the Governor signs the annual  
35 Budget Act, the school district shall make available for public  
36 review any revisions in revenues and expenditures that it has made  
37 to its budget to reflect the funding made available by that Budget  
38 Act.

39 (j) Any school district for which the county board of education  
40 serves as the governing board of the school district is not subject

1 to subdivisions (c) to (h), inclusive, but is governed instead by the  
2 budget procedures set forth in Section 1622.

3 SEC. 4. Section 42238.07 of the Education Code is amended  
4 to read:

5 42238.07. (a) On or before January 31, 2014, the state board  
6 shall adopt regulations that govern the expenditure of funds  
7 apportioned on the basis of the number and concentration of  
8 unduplicated pupils pursuant to Sections 2574, 2575, 42238.02,  
9 and 42238.03. The regulations shall include, but are not limited  
10 to, provisions that do all of the following:

11 (1) Require a school district, county office of education, or  
12 charter school to increase or improve services for unduplicated  
13 pupils in proportion to the increase in funds apportioned on the  
14 basis of the number and concentration of unduplicated pupils in  
15 the school district, county office of education, or charter school.

16 (2) Authorize a school district, county office of education, or  
17 charter school to use funds apportioned on the basis of the number  
18 of unduplicated pupils for schoolwide purposes, or, for school  
19 districts, districtwide purposes, for county offices of education,  
20 countywide purposes, or for charter schools, charterwide purposes,  
21 in a manner that is consistent with paragraph (1). The regulations  
22 governing the expenditures of moneys for schoolwide purposes  
23 shall not be more restrictive than the restrictions provided for in  
24 Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C.  
25 Sec. 6301, et seq.).

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

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

32 SEC. 5. Section 52052 of the Education Code is amended to  
33 read:

34 52052. (a) (1) The Superintendent, with approval of the state  
35 board, shall develop an Academic Performance Index (API), to  
36 measure the performance of schools and school districts, especially  
37 the academic performance of pupils.

38 (2) A school or school district shall demonstrate comparable  
39 improvement in academic achievement as measured by the API

1 by all numerically significant pupil subgroups at the school or  
2 school district, including:

- 3 (A) Ethnic subgroups.
- 4 (B) Socioeconomically disadvantaged pupils.
- 5 (C) English learners.
- 6 (D) Pupils with disabilities.
- 7 (E) Foster youth.
- 8 (F) Reclassified English learners.

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

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

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

19 (4) (A) The API shall consist of a variety of indicators currently  
20 reported to the department, including, but not limited to, the results  
21 of the achievement test administered pursuant to Section 60640,  
22 attendance rates for pupils in elementary schools, middle schools,  
23 and secondary schools, and the graduation rates for pupils in  
24 secondary schools.

25 (B) The Superintendent, with the approval of the state board,  
26 may also incorporate into the API the rates at which pupils  
27 successfully promote from one grade to the next in middle school  
28 and high school, and successfully matriculate from middle school  
29 to high school.

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

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

37 (ii) The number of pupils entering grade 9 for the first time in  
38 the school year three school years before the current school year,  
39 plus the number of pupils who transferred into the class graduating  
40 at the end of the current school year between the school year that

1 was three school years before the current school year and the date  
2 of graduation, less the number of pupils who transferred out of the  
3 school between the school year that was three school years before  
4 the current school year and the date of graduation who were  
5 members of the class that is graduating at the end of the current  
6 school year.

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

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

21 (v) Six-year graduation rates shall be calculated by taking the  
22 number of pupils who graduated on time for the current school  
23 year, which is considered to be five school years after the pupils  
24 entered grade 9 for the first time, and dividing that number by the  
25 total calculated in clause (vi).

26 (vi) The number of pupils entering grade 9 for the first time in  
27 the school year five years before the current school year, plus the  
28 number of pupils who transferred into the class graduating at the  
29 end of the current school year between the school year that was  
30 five school years before the current school year and the date of  
31 graduation, less the number of pupils who transferred out of the  
32 school between the school year that was five years before the  
33 current school year and the date of graduation who were members  
34 of the class that is graduating at the end of the current school year.

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

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

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

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

9 (E) The pupil data collected for the API that comes from the  
10 achievement test administered pursuant to Section 60640 and the  
11 high school exit examination administered pursuant to Section  
12 60851, when fully implemented, shall be disaggregated by special  
13 education status, English learners, socioeconomic status, gender,  
14 and ethnic group. Only the test scores of pupils who were counted  
15 as part of the enrollment in the annual data collection of the  
16 California Basic Educational Data System for the current fiscal  
17 year and who were continuously enrolled during that year may be  
18 included in the test result reports in the API score of the school.

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

23 (ii) In addition to the elements required by this paragraph, the  
24 Superintendent, with approval of the state board, may incorporate  
25 into the index for secondary schools valid, reliable, and stable  
26 measures of pupil preparedness for postsecondary education and  
27 career.

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

31 (H) It is the intent of the Legislature that the state's system of  
32 public school accountability be more closely aligned with both the  
33 public's expectations for public education and the workforce needs  
34 of the state's economy. It is therefore necessary that the  
35 accountability system evolve beyond its narrow focus on pupil test  
36 scores to encompass other valuable information about school  
37 performance, including, but not limited to, pupil preparedness for  
38 college and career, as well as the high school graduation rates  
39 already required by law.

1 (I) The Superintendent shall annually determine the accuracy  
2 of the graduation rate data. Notwithstanding any other law,  
3 graduation rates for pupils in dropout recovery high schools shall  
4 not be included in the API. For purposes of this subparagraph,  
5 “dropout recovery high school” means a high school in which 50  
6 percent or more of its pupils have been designated as dropouts  
7 pursuant to the exit/withdrawal codes developed by the department  
8 or left a school and were not otherwise enrolled in a school for a  
9 period of at least 180 days.

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

16 (K) The Superintendent shall annually provide to local  
17 educational agencies and the public a transparent and  
18 understandable explanation of the individual components of the  
19 API and their relative values within the API.

20 (L) An additional element chosen by the Superintendent and  
21 the state board for inclusion in the API pursuant to this paragraph  
22 shall not be incorporated into the API until at least one full school  
23 year after the state board’s decision to include the element into the  
24 API.

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

28 (1) The standards-based achievement tests provided for in  
29 Section 60642.5.

30 (2) The high school exit examination.

31 (c) Based on the API, the Superintendent shall develop, and the  
32 state board shall adopt, expected annual percentage growth targets  
33 for all schools based on their API baseline score from the previous  
34 year. Schools are expected to meet these growth targets through  
35 effective allocation of available resources. For schools below the  
36 statewide API performance target adopted by the state board  
37 pursuant to subdivision (d), the minimum annual percentage growth  
38 target shall be 5 percent of the difference between the actual API  
39 score of a school and the statewide API performance target, or one  
40 API point, whichever is greater. Schools at or above the statewide

1 API performance target shall have, as their growth target,  
2 maintenance of their API score above the statewide API  
3 performance target. However, the state board may set differential  
4 growth targets based on grade level of instruction and may set  
5 higher growth targets for the lowest performing schools because  
6 they have the greatest room for improvement. To meet its growth  
7 target, a school shall demonstrate that the annual growth in its API  
8 is equal to or more than its schoolwide annual percentage growth  
9 target and that all numerically significant pupil subgroups, as  
10 defined in subdivision (a), are making comparable improvement.

11 (d) Upon adoption of state performance standards by the state  
12 board, the Superintendent shall recommend, and the state board  
13 shall adopt, a statewide API performance target that includes  
14 consideration of performance standards and represents the  
15 proficiency level required to meet the state performance target.

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

20 (2) A school or school district annually shall receive an API  
21 score, unless the Superintendent determines that an API score  
22 would be an invalid measure of the performance of the school or  
23 school district for one or more of the following reasons:

24 (A) Irregularities in testing procedures occurred.

25 (B) The data used to calculate the API score of the school or  
26 school district are not representative of the pupil population at the  
27 school or school district.

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

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

32 (E) Insufficient pupil participation in the assessments included  
33 in the API.

34 (3) If a school or school district has fewer than 100 pupils with  
35 valid test scores, the calculation of the API or adequate yearly  
36 progress pursuant to the federal No Child Left Behind Act of 2001  
37 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be  
38 calculated over more than one annual administration of the tests  
39 administered pursuant to Section 60640 and the high school exit

1 examination administered pursuant to Section 60851, consistent  
2 with regulations adopted by the state board.

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

5 (g) The Superintendent, with the approval of the state board,  
6 shall develop an alternative accountability system for schools under  
7 the jurisdiction of a county board of education or a county  
8 superintendent of schools, community day schools, nonpublic,  
9 nonsectarian schools pursuant to Section 56366, and alternative  
10 schools serving high-risk pupils, including continuation high  
11 schools and opportunity schools. Schools in the alternative  
12 accountability system may receive an API score, but shall not be  
13 included in the API rankings.

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

16 SEC. 6. Section 52060 of the Education Code is amended to  
17 read:

18 52060. (a) On or before July 1, 2014, the governing board of  
19 each school district shall adopt a local control and accountability  
20 plan using a template adopted by the state board.

21 (b) A local control and accountability plan adopted by a  
22 governing board of a school district shall be effective for a period  
23 of three years, and shall be updated on or before July 1 of each  
24 year.

25 (c) A local control and accountability plan adopted by a  
26 governing board of a school district shall include, for the school  
27 district and each school within the school district, a description of  
28 all of the following:

29 (1) The annual goals, for all pupils and each subgroup of pupils  
30 identified pursuant to Section 52052, to be achieved for each of  
31 the state priorities identified in subdivision (d) and for any  
32 additional local priorities identified by the governing board of the  
33 school district. For purposes of this article, a subgroup of pupils  
34 identified pursuant to Section 52052 shall be a numerically  
35 significant pupil subgroup as specified in paragraphs (2) and (3)  
36 of subdivision (a) of Section 52052.

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



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

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

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

10 (5) The expenditures necessary to implement the actions  
11 identified in paragraph (2).

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

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

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

27 (3) Parental involvement, including efforts the school district  
28 makes to seek parent input in making decisions for the school  
29 district and each individual schoolsite, and including how the  
30 school district will promote parental participation in programs for  
31 unduplicated pupils and individuals with exceptional needs,  
32 including, but not limited to, how the school district will maintain  
33 schoolsite councils, pursuant to Sections 52852 and 62002.5, and  
34 English learner parent advisory committees, pursuant to Sections  
35 52176 and 62002.5. *needs.*

36 (4) Pupil achievement for each subgroup as identified in Section  
37 52052, as measured by all of the following, as applicable:

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

1 (B) The Academic Performance Index, as described in Section  
2 52052.

3 (C) The percentage of pupils, by subgroups as identified in  
4 Section 52052, who have successfully completed courses that  
5 satisfy the requirements for entrance to the University of California  
6 and the California State University, or career technical education  
7 sequences or clusters of courses that satisfy the requirements of  
8 subdivision (a) of Section 52302, subdivision (a) of Section  
9 52372.5, or paragraph (2) of subdivision (e) of Section 54692, and  
10 align with state board-approved career technical education  
11 standards and frameworks.

12 (D) The percentage of English learner pupils who make progress  
13 toward English proficiency as measured by the California English  
14 Language Development Test or any subsequent assessment of  
15 English proficiency, as certified by the state board.

16 (E) The English learner reclassification rate.

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

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

24 (5) Pupil engagement for each subgroup as identified in Section  
25 52052, as measured by all of the following, as applicable:

26 (A) School attendance rates.

27 (B) Chronic absenteeism rates.

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

30 (D) High school dropout rates.

31 (E) High school graduation rates.

32 (6) School climate, as measured by all of the following, as  
33 applicable:

34 (A) Pupil suspension rates.

35 (B) Pupil expulsion rates.

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

38 (7) The extent to which pupils have access to, and are enrolled  
39 in, a broad course of study that includes all of the subject areas  
40 described in Section 51210 and subdivisions (a) to (i), inclusive,

1 of Section 51220, as applicable, including the programs and  
2 services developed and provided to unduplicated pupils and  
3 individuals with exceptional needs, and the program and services  
4 that are provided to benefit these pupils as a result of the funding  
5 received pursuant to Section 42238.02, as implemented by Section  
6 42238.03.

7 (8) Pupil outcomes, if available, in the subject areas described  
8 in Section 51210 and subdivisions (a) to (i), inclusive, of Section  
9 51220, as applicable.

10 (9) The extent to which teachers, administrators, and staff  
11 receive professional development or participate in induction  
12 programs.

13 (e) For purposes of the descriptions required by subdivision (c),  
14 a governing board of a school district may consider qualitative  
15 information, including, but not limited to, findings that result from  
16 school quality reviews conducted pursuant to subparagraph (J) or  
17 paragraph (4) of subdivision (a) of Section 52052 or any other  
18 reviews.

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

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

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

28 (i) The expenditures identified in subdivision (c) shall be  
29 classified using the California School Accounting Manual pursuant  
30 to Section 41010.

31 SEC. 7. Section 52061 of the Education Code is amended to  
32 read:

33 52061. (a) On or before July 1, 2015, and each year thereafter,  
34 a school district shall update the local control and accountability  
35 plan. The annual update shall be developed using a template  
36 developed pursuant to Section 52064 and shall include all of the  
37 following:

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

1 (2) A review of the progress toward the goals included in the  
2 existing local control and accountability plan, an assessment of  
3 the effectiveness of the specific actions described in the existing  
4 local control and accountability plan toward achieving the goals,  
5 and a description of changes to the specific actions the school  
6 district and each school within the school district will make as a  
7 result of the review and assessment.

8 (3) A listing and description of the expenditures for the fiscal  
9 year implementing the specific actions for the school district and  
10 each school within the school district included in the local control  
11 and accountability plan, including the changes to the specific  
12 actions made as a result of the reviews and assessment required  
13 by paragraphs (1) and (2).

14 (4) A listing and description of expenditures for the school  
15 district and each school within the school district for the fiscal year  
16 that will serve the pupils to whom one or more of the definitions  
17 in Section 42238.01 apply and pupils redesignated as fluent English  
18 proficient.

19 (b) The expenditures identified in subdivision (a) shall be  
20 classified using the California School Accounting Manual pursuant  
21 to Section 41010.

22 SEC. 8. Section 52062 of the Education Code is amended to  
23 read:

24 52062. (a) Before the governing board of a school district  
25 considers the adoption of a local control and accountability plan  
26 or an annual update to the local control and accountability plan,  
27 all of the following shall occur:

28 (1) The superintendent of the school district shall present the  
29 local control and accountability plan or annual update to the local  
30 control and accountability plan to the parent advisory committee  
31 established pursuant to Section 52063 for review and comment.  
32 The superintendent of the school district shall respond, in writing,  
33 to comments received from the parent advisory committee.

34 (2) The superintendent of the school district shall present the  
35 local control and accountability plan or annual update to the local  
36 control and accountability plan to the English learner parent  
37 advisory committee established pursuant to Section 52063, if  
38 applicable, for review and comment. The superintendent of the  
39 school district shall respond, in writing, to comments received  
40 from the English learner parent advisory committee.

1 (3) The superintendent of the school district shall notify  
2 members of the public of the opportunity to submit written  
3 comments regarding the specific actions and expenditures proposed  
4 to be included in the local control and accountability plan or annual  
5 update to the local control and accountability plan, using the most  
6 efficient and effective method of notification possible. This  
7 paragraph shall not require a school district to produce printed  
8 notices or to send notices by mail, but any written notifications  
9 provided to parents shall be subject to Section 48985.

10 (4) The superintendent of the school district shall review school  
11 plans submitted pursuant to Section 64001 for schools within the  
12 school district and ensure that the specific actions included in the  
13 local control and accountability plan or annual update to the local  
14 control and accountability plan are consistent with strategies  
15 included in the school plans submitted pursuant to Section 64001.

16 (b) (1) A governing board of a school district shall hold at least  
17 one public hearing to solicit the recommendations and comments  
18 of members of the public regarding the specific actions and  
19 expenditures proposed to be included in the local control and  
20 accountability plan or annual update to the local control and  
21 accountability plan. The agenda for the public hearing shall be  
22 posted at least 72 hours before the public hearing and shall include  
23 the location where the local control and accountability plan or  
24 annual update to the local control and accountability plan will be  
25 available for public inspection. The public hearing shall be held  
26 at the same meeting as the public hearing required by paragraph  
27 (1) of subdivision (a) of Section 42127.

28 (2) A governing board of a school district shall adopt a local  
29 control and accountability plan or annual update to the local control  
30 and accountability plan in a public meeting. This meeting shall be  
31 held after, but not on the same day as, the public hearing held  
32 pursuant to paragraph (1). This meeting shall be the same meeting  
33 as that during which the governing board of the school district  
34 adopts a budget pursuant to paragraph (2) of subdivision (a) of  
35 Section 42127.

36 (c) A governing board of a school district may adopt revisions  
37 to a local control and accountability plan during the period the  
38 local control and accountability plan is in effect. A governing board  
39 of a school district may only adopt a revision to a local control  
40 and accountability plan if it follows the process to adopt a local

1 control and accountability plan pursuant to this section and the  
2 revisions are adopted in a public meeting.

3 SEC. 9. Section 52063 of the Education Code is amended to  
4 read:

5 52063. (a) (1) The governing board of a school district shall  
6 establish a *districtwide* parent advisory committee to provide advice  
7 to the governing board of the school district and the superintendent  
8 of the school district regarding the requirements of this article.

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

12 (3) This subdivision shall not require the governing board of  
13 the school district to establish a new *districtwide* parent advisory  
14 committee if the governing board of the school district already has  
15 established a ~~district-level~~ *districtwide* parent advisory committee  
16 that meets the requirements of this subdivision, including any  
17 committee established to meet the requirements of the federal No  
18 Child Left Behind Act of 2001 (Public Law 107-110) pursuant to  
19 Section 1112 of Subpart 1 of Part A of Title I of that act.

20 (b) As a condition of receipt of state supplemental grant funds,  
21 the governing board of a school district shall establish ~~an~~ a  
22 *districtwide* English learner parent advisory committee if the  
23 enrollment of the school district includes at least 15 percent English  
24 learners or the school district enrolls at least 50 pupils who are  
25 English learners.

26 ~~(e) As a condition of receipt of state supplemental grant funds,~~  
27 ~~parent advisory committees on education programs and services~~  
28 ~~for English learners shall be established in each school with more~~  
29 ~~than 20 English learners in attendance. Both school district and~~  
30 ~~schoolsite parent advisory committees shall be established in~~  
31 ~~accordance with Section 62002.5, as that section operated prior to~~  
32 ~~the repeal of former Section 52012.~~

33 ~~(d) The parents or guardians of English learners shall elect the~~  
34 ~~parent members of the schoolsite English learner parent advisory~~  
35 ~~committee. Each school parent advisory committee shall have the~~  
36 ~~opportunity to elect at least one member to the school district parent~~  
37 ~~advisory committee, except that school districts with more than~~  
38 ~~30 school parent advisory committees may use a system of~~  
39 ~~proportional or regional representation.~~

40 (e)

1 (c) (1) ~~School district~~ *Districtwide English learner* parent  
2 advisory committees shall advise the governing board of the school  
3 district on at least the following tasks:

4 (A) Development of a district master plan for education  
5 programs and services for English learners. The district master  
6 plan shall take into consideration the schoolsite master plans.

7 (B) Conducting of a districtwide needs assessment on a  
8 school-by-school basis.

9 (C) Establishment of school district goals and objectives for  
10 programs and services for English learners.

11 (D) Development of a plan to ensure compliance with any  
12 applicable teacher or teacher aide requirements.

13 (E) Administration of the annual language census.

14 (2) ~~School district~~ *Districtwide English learner* parent advisory  
15 committees shall review and comment on school district  
16 reclassification ~~procedures and the written notifications required~~  
17 ~~to be sent to parents and guardians pursuant to Section 52062.~~  
18 *procedures.*

19 (f) (1) ~~As a condition of receipt of state supplemental grant~~  
20 ~~funds, school districts shall provide all members of school district~~  
21 ~~and school parent advisory committees with appropriate training~~  
22 ~~materials and training that will assist them in carrying out their~~  
23 ~~responsibilities pursuant to subdivision (e). Training provided to~~  
24 ~~parent advisory committee members in accordance with this~~  
25 ~~subdivision shall be planned in consultation with the members,~~  
26 ~~and moneys provided pursuant to this chapter may be used to meet~~  
27 ~~the costs of providing the training, including the costs associated~~  
28 ~~with the attendance of the members at training sessions.~~

29 (g)

30 (d) This section shall not require the governing board of the  
31 school district to establish a new *districtwide* English learner parent  
32 advisory committee at the school district or schoolsite level if the  
33 governing board of the school district already has established a  
34 school district or schoolsite level parent advisory committee that  
35 meets the applicable requirements of this section.

36 SEC. 10. Section 52064 of the Education Code is amended to  
37 read:

38 52064. (a) On or before March 31, 2014, the state board shall  
39 adopt templates for the following purposes:

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

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

5 (3) For use by charter schools to meet the requirements of  
6 Section 47606.5.

7 (b) The templates developed by the state board shall allow a  
8 school district, county superintendent of schools, or charter school  
9 to complete a single local control and accountability plan to meet  
10 the requirements of this article, the requirements of the federal No  
11 Child Left Behind Act of 2001 related to local educational agency  
12 plans pursuant to Section 1112 of Subpart 1 of Part A of Title I of  
13 Public Law 107-110, and the requirements of the federal No Child  
14 Left Behind Act of 2001 (Public Law 107-110) and Section 64001  
15 related to the Single Plan for Pupil Achievement, including the  
16 requirements of Title III of the federal No Child Left Behind Act  
17 of 2001 (Public Law 107-110). The state board shall also take steps  
18 to minimize duplication of effort at the local level to the greatest  
19 extent possible.

20 (c) The templates developed by the state board shall ensure that  
21 each school district, county superintendent of schools, or charter  
22 school that receives federal or state supplemental funds for English  
23 learners includes all of the following in its local control and  
24 accountability plan:

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

26 (2) A description of how the ~~base, supplemental,~~ *supplemental*  
27 and concentration funds, as applicable, will be used to meet all of  
28 the following:

29 (A) All annual measurable achievement objectives for English  
30 learners.

31 (B) State common core standards and English language  
32 development standards.

33 (C) Activities described in the local control and accountability  
34 plan.

35 (3) A listing of the services and programs providing access to  
36 a full curriculum for English learners, categorized by proficiency  
37 level, and a description of how the services and programs are  
38 aligned to the core program of instruction.

39 ~~(4) A description of how the local educational agency's~~  
40 ~~procedures will hold elementary schools and secondary schools~~



1 accountable for the monitoring of the English proficiency programs  
2 and services provided to English learners so they meet state  
3 common core standards and the English language development  
4 standards to the same extent as their English-speaking peers and  
5 the monitoring of the reclassification of English learners pursuant  
6 to Sections 313 and 52164.6. The monitoring procedures shall  
7 include methods for verification of programs to determine that  
8 procedures are followed by school districts.

9 (5) A description of the procedures used to confirm that each  
10 member of the school district or schoolsite staff assigned to teach  
11 English learners is informed of which pupils are designated as  
12 English learners, and the programs and services that are to be  
13 provided under the local control and accountability plan for their  
14 benefit. The description shall address how the school district  
15 confirms the appropriate programs and services are provided.

16 (6) Language census data from the prior three years regarding  
17 the types of instructional services received by English learners in  
18 each year, including the unduplicated counts of English learners  
19 receiving each type of instructional services and the total number  
20 of English learners.

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

27 (8)

28 (4) A description of the comprehensive program of English  
29 language development.

30 (9)

31 (5) A listing of the instructional materials provided for English  
32 learners, in English and home language.

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

36 (11) Professional development plans targeting skills needed to  
37 instruct the different profiles of English learners for school district  
38 and schoolsite staff, including principals, administrators, and  
39 teachers.

40 (12)

1 (6) A description of how professional development programs  
2 assist in meeting the English learner annual measurable objectives  
3 and annual measurable achievement objectives pursuant to Titles  
4 I and III of the federal No Child Left Behind Act (Public Law  
5 107-110). These professional development programs shall include  
6 teacher induction programs administered by the local educational  
7 agency.

8 ~~(13)~~

9 (7) A description of the monitoring of reclassified English  
10 learners pursuant to Sections 313.5 and 52164.6.

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

16 (e) The state board shall adopt the template pursuant to the  
17 requirements of the Administrative Procedure Act (Chapter 3.5  
18 commencing with Section 11340) of Part 1 of Division 3 of Title  
19 2 of the Government Code). The state board may adopt emergency  
20 regulations for purposes of implementing this section.

21 (f) Revisions to a template or evaluation rubric shall be approved  
22 by the state board by January 31 before the fiscal year during which  
23 the template or evaluation rubric is to be used by a school district,  
24 county superintendent of schools, or charter school.

25 (g) The adoption of a template or evaluation rubric by the state  
26 board shall not create a requirement for a governing board of a  
27 school district, a county board of education, or a governing body  
28 of a charter school to submit a local control and accountability  
29 plan to the state board, unless otherwise required by federal law.  
30 The Superintendent shall not require a local control and  
31 accountability plan to be submitted by a governing board of a  
32 school district or the governing body of a charter school to the  
33 state board. The state board may adopt a template or evaluation  
34 rubric that would authorize a school district or a charter school to  
35 submit to the state board only the sections of the local control and  
36 accountability plan required by federal law.

37 SEC. 11. Section 52066 of the Education Code is amended to  
38 read:

39 52066. (a) On or before July 1, 2014, each county  
40 superintendent of schools shall develop, and present to the county

1 board of education for adoption, a local control and accountability  
2 plan using a template adopted by the state board.

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

6 (c) A local control and accountability plan adopted by a county  
7 board of education shall include, for each school or program  
8 operated by the county superintendent of schools, a description of  
9 all of the following:

10 (1) The annual goals, for all pupils and each subgroup of pupils  
11 identified pursuant to Section 52052, to be achieved for each of  
12 the state priorities identified in subdivision (d), as applicable to  
13 the pupils served, and for any additional local priorities identified  
14 by the county board of education.

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

21 (3) A listing and description of the expenditures implementing  
22 the specific actions included in the local control and accountability  
23 plan pursuant to paragraph (2) for the initial fiscal year covered  
24 by the plan.

25 (4) A listing and description of expenditures for the initial fiscal  
26 year covered by the local control and accountability plan that will  
27 serve the pupils to whom one or more of the definitions in Section  
28 42238.01 apply and pupils redesignated as fluent English proficient.

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

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

39 (2) Implementation of the academic content and performance  
40 standards adopted by the state board, including how the programs

1 and services will enable English learners to access the common  
2 core academic content standards adopted pursuant to Section  
3 60605.8 and the English language development standards adopted  
4 pursuant to Section 60811.3 for purposes of gaining academic  
5 content knowledge and English language proficiency.

6 (3) Parental involvement, including efforts the county  
7 superintendent of schools makes to seek parent input in making  
8 decisions for each individual schoolsite and program operated by  
9 a county superintendent of schools, and including how the county  
10 superintendent of schools will promote parental participation in  
11 programs for unduplicated pupils and individuals with exceptional  
12 needs, including, but not limited to, how the county superintendent  
13 of schools will maintain schoolsite councils pursuant to Sections  
14 52852 and 62002.5 and English learner parent advisory committees  
15 pursuant to Sections 52176 and 62002.5. *needs.*

16 (4) Pupil achievement for each of the subgroups identified  
17 pursuant to Section 52052, as measured by all of the following, as  
18 applicable:

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

22 (B) The Academic Performance Index, as described in Section  
23 52052.

24 (C) The percentage of pupils, by subgroups identified pursuant  
25 to Section 52052, who have successfully completed courses that  
26 satisfy the requirements for entrance to the University of California  
27 and the California State University, or career technical education  
28 sequences or clusters of courses that satisfy the requirements of  
29 subdivision (a) of Section 52302, subdivision (a) of Section  
30 52372.5, or paragraph (2) of subdivision (e) of Section 54692, and  
31 align with state board-approved career technical education  
32 standards and frameworks.

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

37 (E) The English learner reclassification rate.

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

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

6 (5) Pupil engagement for each of the subgroups identified  
7 pursuant to Section 52052, as measured by all of the following, as  
8 applicable:

9 (A) School attendance rates.

10 (B) Chronic absenteeism rates.

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

13 (D) High school dropout rates.

14 (E) High school graduation rates.

15 (6) School climate, as measured by all of the following, as  
16 applicable:

17 (A) Pupil suspension rates.

18 (B) Pupil expulsion rates.

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

21 (7) The extent to which pupils have access to, and are enrolled  
22 in, a broad course of study that includes all of the subject areas  
23 described in Section 51210 and subdivisions (a) to (i), inclusive,  
24 of Section 51220, as applicable, including the programs and  
25 services developed and provided to unduplicated pupils and  
26 individuals with exceptional needs, and the program and services  
27 that are provided to benefit these pupils as a result of the funding  
28 received pursuant to Section 42238.02, as implemented by Section  
29 42238.03.

30 (8) Pupil outcomes, if available, in the subject areas described  
31 in Section 51210 and subdivisions (a) to (i), inclusive, of Section  
32 51220, as applicable.

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

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

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

1 (B) Providing education-related information to the county child  
2 welfare agency to assist the county child welfare agency in the  
3 delivery of services to foster children, including, but not limited  
4 to, educational status and progress information that is required to  
5 be included in court reports.

6 (C) Responding to requests from the juvenile court for  
7 information and working with the juvenile court to ensure the  
8 delivery and coordination of necessary educational services.

9 (D) Establishing a mechanism for the efficient expeditious  
10 transfer of health and education records and the health and  
11 education passport.

12 (11) The extent to which teachers, administrators, and staff  
13 receive professional development or participate in induction  
14 programs.

15 (e) For purposes of the descriptions required by subdivision (c),  
16 a county board of education may consider qualitative information,  
17 including, but not limited to, findings that result from school quality  
18 reviews conducted pursuant to subparagraph (J) or paragraph (4)  
19 of subdivision (a) of Section 52052 or any other reviews.

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

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

26 (h) A county board of education may identify local priorities,  
27 goals in regard to the local priorities, and the method for measuring  
28 the county office of education's progress toward achieving those  
29 goals.

30 (i) The expenditures identified in subdivision (c) shall be  
31 classified using the California School Accounting Manual pursuant  
32 to Section 41010.

33 SEC. 12. Section 52067 of the Education Code is amended to  
34 read:

35 52067. (a) On or before July 1, 2015, and each year thereafter,  
36 a county board of education shall update the local control and  
37 accountability plan. The annual update shall be developed using  
38 a template developed pursuant to Section 52064 and shall include  
39 all of the following:

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

3 (2) A review of the progress toward the goals included in the  
4 existing local control and accountability plan, an assessment of  
5 the effectiveness of the specific actions described in the existing  
6 local control and accountability plan toward achieving the goals,  
7 and a description of changes to the specific actions the county  
8 office of education and each school will make as a result of the  
9 review and assessment.

10 (3) A listing and description of the expenditures for the fiscal  
11 year implementing the specific actions for the county office of  
12 education and each school included in the local control and  
13 accountability plan, including the changes to the specific actions  
14 made as a result of the reviews and assessment required by  
15 paragraphs (1) and (2).

16 (4) A listing and description of expenditures for the county  
17 office of education and each school for the fiscal year that will  
18 serve the pupils to whom one or more of the definitions in Section  
19 42238.01 apply and pupils redesignated as fluent English proficient.

20 (b) The expenditures identified in subdivision (a) shall be  
21 classified using the California School Accounting Manual pursuant  
22 to Section 41010.

23 SEC. 13. Section 52068 of the Education Code is amended to  
24 read:

25 52068. (a) Before the county board of education considers the  
26 adoption of a local control and accountability plan or an annual  
27 update to the local control and accountability plan, all of the  
28 following shall occur:

29 (1) The county superintendent of schools shall present the local  
30 control and accountability plan or annual update to the local control  
31 and accountability plan to a parent advisory committee established  
32 pursuant to Section 52069 for review and comment. The county  
33 superintendent of schools shall respond, in writing, to comments  
34 received from the parent advisory committee.

35 (2) The county superintendent of schools shall present the local  
36 control and accountability plan or annual update to the local control  
37 and accountability plan to the English learner parent advisory  
38 committee established pursuant to Section 52069, if applicable,  
39 for review and comment. The county superintendent of schools

1 shall respond, in writing, to comments received from the English  
2 learner parent advisory committee.

3 (3) The county superintendent of schools shall notify members  
4 of the public of the opportunity to submit written comments  
5 regarding the specific actions and expenditures proposed to be  
6 included in the local control and accountability plan or annual  
7 update to the local control and accountability plan, using the most  
8 efficient and effective method of notification possible. This  
9 paragraph shall not require a county superintendent of schools to  
10 produce printed notices or to send notices by mail, but the  
11 notifications provided to parents shall be subject to Section 48985.

12 (4) The county superintendent of schools shall review school  
13 plans submitted pursuant to Section 64001 for schools operated  
14 by the county superintendent of schools and ensure that the specific  
15 actions included in the local control and accountability plan or  
16 annual update to the local control and accountability plan are  
17 consistent with strategies included in the school plans, submitted  
18 pursuant to Section 64001.

19 (b) (1) The county board of education shall hold at least one  
20 public hearing to solicit the recommendations and comments of  
21 members of the public regarding the specific actions and  
22 expenditures proposed to be included in the local control and  
23 accountability plan or annual update to the local control and  
24 accountability plan. The agenda for the public hearing shall be  
25 posted at least 72 hours before the public hearing and shall include  
26 the location where the local control and accountability plan or  
27 annual update to the local control and accountability plan, and any  
28 comments received pursuant to paragraphs (1) to (3), inclusive, of  
29 subdivision (a), will be available for public inspection. The public  
30 hearing shall be held at the same meeting as the public hearing  
31 required by Section 1620.

32 (2) The county board of education shall adopt a local control  
33 and accountability plan or annual update to the local control and  
34 accountability plan in a public meeting. This meeting shall be held  
35 after, but not on the same day as, the public hearing held pursuant  
36 to paragraph (1). This meeting shall be the same meeting as that  
37 during which the county board of education adopts a budget  
38 pursuant to Section 1622.

39 (c) A county superintendent of schools may develop and present  
40 to a county board of education for adoption revisions to a local



1 control and accountability plan during the period the local control  
2 and accountability plan is in effect. The county board of education  
3 may only adopt a revision to a local control and accountability  
4 plan if it follows the process to adopt a local control and  
5 accountability plan pursuant to this section and the revisions are  
6 adopted in a public meeting.

7 SEC. 14. Section 52069 of the Education Code is amended to  
8 read:

9 52069. (a) (1) A county superintendent of schools shall  
10 establish a parent advisory committee to provide advice to the  
11 county board of education and the county superintendent of schools  
12 regarding the requirements of this article.

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

16 (3) This subdivision shall not require the county superintendent  
17 of schools to establish a new parent advisory committee if the  
18 county superintendent of schools already has established a parent  
19 advisory committee that meets the requirements of this subdivision,  
20 including any committee established to meet the requirements of  
21 the federal No Child Left Behind Act of 2001 (Public Law  
22 107-110) pursuant to Section 1112 of Subpart 1 of Part A of Title  
23 I of that act.

24 (b) (1) A county superintendent of schools shall establish an  
25 English learner parent advisory committee if the enrollment of the  
26 pupils in the schools and programs operated by the county  
27 superintendent of schools includes at least 15 percent English  
28 learners and the schools and programs operated by the county  
29 superintendent of schools enroll at least 50 pupils who are English  
30 learners.

31 (2) This subdivision shall not require the county superintendent  
32 of schools to establish a new English learner parent advisory  
33 committee if the county superintendent of schools already has  
34 established a committee that meets the requirements of this  
35 subdivision.

36 (3) A representative of the English learner parent advisory  
37 committee shall be a member of the parent advisory committee  
38 established pursuant to paragraph (1).

39 SEC. 15. Section 52070 of the Education Code is amended to  
40 read:

1 52070. (a) Not later than five days after adoption of a local  
2 control and accountability plan or annual update to a local control  
3 and accountability plan, the governing board of a school district  
4 shall file the local control and accountability plan or annual update  
5 to the local control and accountability plan with the county  
6 superintendent of schools.

7 (b) On or before August 15 of each year, the county  
8 superintendent of schools may seek clarification, in writing, from  
9 the governing board of a school district about the contents of the  
10 local control and accountability plan or annual update to the local  
11 control and accountability plan. Within 15 days the governing  
12 board of a school district shall respond, in writing, to requests for  
13 clarification.

14 (c) Within 15 days of receiving the response from the governing  
15 board of the school district, the county superintendent of schools  
16 may submit recommendations, in writing, for amendments to the  
17 local control and accountability plan or annual update to the local  
18 control and accountability plan. The governing board of a school  
19 district shall consider the recommendations submitted by the county  
20 superintendent of schools in a public meeting within 15 days of  
21 receiving the recommendations.

22 (d) The county superintendent of schools shall approve a local  
23 control and accountability plan or annual update to a local control  
24 and accountability plan on or before October 8, if he or she  
25 determines all of the following:

26 (1) ~~(A)~~ The local control and accountability plan or annual  
27 update to the local control and accountability plan adheres to the  
28 template adopted by the state board pursuant to Section 52064.

29 ~~(B)~~ The county superintendent shall determine the need for  
30 additional staff and may employ short-term analytical assistance  
31 or expertise to validate financial information if the county does  
32 not have the expertise or staff to perform program reviews of the  
33 components of the local control and accountability plan or annual  
34 update to the local control and accountability plan set forth in  
35 subdivision (e) of Section 52064 for the purpose of providing  
36 technical assistance and support pursuant to Section 52071.

37 (2) (A) The budget for the applicable fiscal year adopted by  
38 the governing board of the school district includes expenditures  
39 sufficient to implement the specific actions and strategies included  
40 in the local control and accountability plan adopted by the

1 governing board of the school district, based on the projections of  
2 the costs included in the plan.

3 (B) The Superintendent shall provide training to persons  
4 reviewing budgets for purposes of this paragraph.

5 (3) The expenditures included in the budget for the applicable  
6 fiscal year adopted by the governing board of the school district  
7 to implement the specific actions and strategies included in the  
8 local control and accountability plan or annual update to the local  
9 control and accountability plan comply with the regulations adopted  
10 pursuant to Section 42238.07.

11 (e) If a county superintendent of schools has jurisdiction over  
12 a single school district, the Superintendent shall designate a county  
13 superintendent of schools of an adjoining county to perform the  
14 duties specified in this section.

15 SEC. 16. Section 52070.5 of the Education Code is amended  
16 to read:

17 52070.5. (a) Not later than five days after adoption of a local  
18 control and accountability plan or annual update to a local control  
19 and accountability plan, the county board of education shall file  
20 the local control and accountability plan or annual update to the  
21 local control and accountability plan with the Superintendent.

22 (b) On or before August 15 of each year, the Superintendent  
23 may seek clarification, in writing, from the county board of  
24 education about the contents of the local control and accountability  
25 plan or annual update to the local control and accountability plan.  
26 Within 15 days the county board of education shall respond, in  
27 writing, to requests for clarification.

28 (c) Within 15 days of receiving the response from the county  
29 board of education, the Superintendent may submit  
30 recommendations, in writing, for amendments to the local control  
31 and accountability plan or annual update to the local control and  
32 accountability plan. The county board of education shall consider  
33 the recommendations submitted by the Superintendent in a public  
34 meeting within 15 days of receiving the recommendations.

35 (d) The Superintendent shall approve a local control and  
36 accountability plan or annual update to a local control and  
37 accountability plan on or before October 8, if he or she determines  
38 all of the following:

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

4 (2) The budget for the applicable fiscal year adopted by the  
5 county board of education includes expenditures sufficient to  
6 implement the specific actions and strategies included in the local  
7 control and accountability plan adopted by the county board of  
8 education, based on the projections of the costs included in the  
9 plan.

10 (3) The expenditures included in the budget for the applicable  
11 fiscal year adopted by the governing board of the school district  
12 to implement the specific actions and strategies included in the  
13 local control and accountability plan or annual update to the local  
14 control and accountability plan comply with the regulations adopted  
15 pursuant to Section 42238.07.

16 SEC. 17. Section 52071 of the Education Code is amended to  
17 read:

18 52071. (a) If a county superintendent of schools does not  
19 approve a local control and accountability plan or annual update  
20 to the local control and accountability plan approved by a  
21 governing board of a school district, or if the governing board of  
22 a school district requests technical assistance, the county  
23 superintendent of schools shall provide technical assistance,  
24 including, among other things, any of the following:

25 (1) Identification of the school district’s strengths and  
26 weaknesses in regard to the state priorities described in subdivision  
27 (d) of Section 52060, communicated in writing to the school  
28 district. This identification shall include a review of effective,  
29 evidence-based programs that apply to the school district’s goals.

30 (2) Assignment of an academic expert or team of academic  
31 experts to assist the school district in identifying and implementing  
32 effective programs that are designed to improve the outcomes for  
33 all pupil subgroups identified pursuant to Section 52052. The  
34 county superintendent of schools may also solicit another school  
35 district within the county to act as a partner to the school district  
36 in need of technical assistance.

37 (3) Request that the Superintendent assign the California  
38 Collaborative for Educational Excellence to provide advice and  
39 assistance to the school district.

1 (b) Using an evaluation rubric adopted by the state board  
2 pursuant to Section 52064.5, the county superintendent of schools  
3 shall provide the technical assistance described in subdivision (a)  
4 to any school district that fails to improve pupil achievement across  
5 more than one state priority described in subdivision (d) of Section  
6 52060 for each pupil subgroup identified pursuant to Section  
7 52052.

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

11 SEC. 18. Section 52071.5 of the Education Code is amended  
12 to read:

13 52071.5. (a) If the Superintendent does not approve a local  
14 control and accountability plan or annual update to the local control  
15 and accountability plan approved by a county board of education,  
16 or if the county board of education requests technical assistance,  
17 the Superintendent shall provide technical assistance, including,  
18 among other things, any of the following:

19 (1) Identification of the county board of education’s strengths  
20 and weaknesses in regard to the state priorities described in  
21 subdivision (d) of Section 52066, communicated in writing to the  
22 county board of education. This identification shall include a  
23 review of effective, evidence-based programs that apply to the  
24 board’s goals.

25 (2) Assignment of an academic expert or team of academic  
26 experts, or the California Collaborative for Educational Excellence  
27 established pursuant to Section 52074, to assist the county board  
28 of education in identifying and implementing effective programs  
29 that are designed to improve the outcomes for all pupil subgroups  
30 identified pursuant to Section 52052. The Superintendent may also  
31 solicit another county office of education to act as a partner to the  
32 county office of education in need of technical assistance.

33 (b) Using an evaluation rubric adopted by the state board  
34 pursuant to Section 52064.5, the Superintendent shall provide the  
35 technical assistance described in subdivision (a) to any county  
36 office of education that fails to improve pupil achievement in  
37 regard to more than one state priority described in subdivision (d)  
38 of Section 52066 for each pupil subgroup identified pursuant to  
39 Section 52052.

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

4 SEC. 19. Section 52072 of the Education Code is amended to  
5 read:

6 52072. (a) The Superintendent may, with the approval of the  
7 state board, identify school districts in need of intervention.

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

10 (1) The school district did not improve the outcomes for three  
11 or more pupil subgroups identified pursuant to Section 52052 or,  
12 if the school district has less than three pupil subgroups, all of the  
13 school district’s pupil subgroups, in regard to more than one state  
14 or local priority in three out of four consecutive school years, or  
15 has failed to improve the outcomes for one or more pupil subgroups  
16 identified pursuant to Section 52052 in regard to three or more  
17 state or local priorities in three out of four consecutive school  
18 years.

19 (2) The California Collaborative for Educational Excellence  
20 has provided advice and assistance to the school district pursuant  
21 to Section 52071 and submits either of the following findings to  
22 the Superintendent:

23 (A) That the school district has failed, or is unable, to implement  
24 the recommendations of the California Collaborative for  
25 Educational Excellence.

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

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

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

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

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

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

8 (d) The Superintendent shall notify the county superintendent  
9 of schools, the county board of education, the superintendent of  
10 the school district, and the governing board of the school district  
11 of any action by the state board to direct him or her to exercise  
12 any of the powers and authorities specified in this section.

13 SEC. 20. Section 52072.5 of the Education Code is amended  
14 to read:

15 52072.5. (a) The Superintendent may, with the approval of  
16 the state board, identify county offices of education in need of  
17 intervention.

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

20 (1) The county office of education did not improve the outcomes  
21 for three or more pupil subgroups identified pursuant to Section  
22 52052 or, if the county office of education has less than three pupil  
23 subgroups, all of the county office of education's pupil subgroups,  
24 in regard to more than one state or local priority in three out of  
25 four consecutive school years, or has failed to improve the  
26 outcomes for one or more pupil subgroups identified pursuant to  
27 Section 52052 in regard to three or more state or local priorities  
28 in three out of four consecutive school years.

29 (2) The California Collaborative for Educational Excellence  
30 has provided advice and assistance to the county office of education  
31 pursuant to Section 52071.5 and submits either of the following  
32 findings to the Superintendent:

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

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

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

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

6 (2) Develop and impose a budget revision, in conjunction with  
7 revisions to the local control and accountability plan, that the  
8 Superintendent determines would allow the county office of  
9 education to improve the outcomes for all pupil subgroups  
10 identified pursuant to Section 52052 in regard to state and local  
11 priorities.

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

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

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

23 SEC. 21. Section 52075 of the Education Code is amended to  
24 read:

25 52075. (a) A complaint that a school district, county  
26 superintendent of schools, or charter school has not complied with  
27 the requirements of this article, Section 42238.07 and the  
28 regulations adopted pursuant to that section, or Sections 47606.5  
29 and 47607.3, as applicable, may be filed with a school district,  
30 county superintendent of schools, or charter school pursuant to the  
31 Uniform Complaint Procedures set forth in Chapter 5.1  
32 (commencing with Section 4600) of Division 1 of Title 5 of the  
33 California Code of Regulations.

34 (b) A complaint may be filed anonymously if the complaint  
35 provides evidence or information leading to evidence to support  
36 an allegation of noncompliance with the requirements of this  
37 article.

38 (c) A complainant not satisfied with the decision of a school  
39 district, county superintendent of schools, or charter school may  
40 appeal the decision to the Superintendent and shall receive a written



1 appeal decision within 60 days of the Superintendent's receipt of  
2 the appeal.

3 (d) If a school district, county superintendent of schools, or  
4 charter school finds merit in a complaint, or the Superintendent  
5 finds merit in an appeal, the school district, county superintendent  
6 of schools, or charter school shall provide a remedy to all affected  
7 pupils, parents, and guardians, which, to the greatest extent  
8 possible, shall be implemented by the beginning of the school year  
9 following ~~submission of the complaint~~ *the date that a remedy is*  
10 *determined* and, if not by that time, then during the school year  
11 following ~~submission of the complaint~~. ~~If an appeal has merit, the~~  
12 ~~remedy required by the Superintendent shall include the school~~  
13 ~~district, charter school, or county superintendent of schools filing~~  
14 ~~a corrective action plan with the Superintendent, subject to approval~~  
15 ~~by the state board, to remedy the finding of noncompliance.~~ *the*  
16 *date that a remedy is determined.*

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

22 (f) School districts, county superintendents of schools, and  
23 charter schools shall establish local policies and procedures to  
24 implement the provisions of this section on or before June 30,  
25 2014.

26 SEC. 22. If the Commission on State Mandates determines  
27 that this act contains costs mandated by the state, reimbursement  
28 to local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.

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