

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

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

Introduced by Senator Padilla

February 20, 2013

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 *and 52071.5 of*, and to add Section 54030 to, 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, *as provided*, 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~~ *listing and description of* certain expenditures in its local control and accountability plan, 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~~ *receives supplemental and concentration funds for English learners includes unduplicated pupils include* 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 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~~ *establishment of school district goals and objectives for programs and services for English learners and school district reclassification procedures.*

(5) *Existing law requires a county superintendent of schools to establish an English learner parent advisory committee if the enrollment of the pupils in the schools and programs operated by the county superintendent of schools includes at least 15% English learners and the schools and programs operated by the county superintendent of schools enroll at least 50 pupils who are English learners.*

This bill would instead require a county superintendent of schools to establish an English learner parent advisory committee if the enrollment of the pupils in the schools and programs operated by the county superintendent of schools includes at least 15% English learners or the

schools and programs operated by the county superintendent of schools enroll at least 50 pupils who are English learners.

(5)

(6) 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.~~

1 ~~(e) The Superintendent, the Controller, and the Director of~~
2 ~~Finance shall update the standards and criteria developed pursuant~~
3 ~~to subdivision (a) on or before January 1, 2014, to address the~~
4 ~~requirements of Article 4.5 (commencing with Section 52060) of~~
5 ~~Chapter 6.1 of Part 28. The updated standards and criteria shall be~~
6 ~~reviewed and adopted pursuant to the procedure established by~~
7 ~~subdivision (a) and are applicable to local educational agency~~
8 ~~budgets commencing with the 2014–15 fiscal year and each fiscal~~
9 ~~year thereafter.~~

10 ~~(d) After January 1, 2014, to the extent necessary, any revisions~~
11 ~~or updates to the standards and criteria shall be developed by the~~
12 ~~Superintendent, the Controller, and the Director of Finance~~
13 ~~pursuant the procedure established by subdivision (a). The revisions~~
14 ~~or updates shall specify the fiscal year in which the revisions or~~
15 ~~updates are applicable.~~

16 ~~SEC. 2.~~

17 *SECTION 1.* Section 41020 of the Education Code is amended
18 to read:

19 41020. (a) It is the intent of the Legislature to encourage sound
20 fiscal management practices among local educational agencies for
21 the most efficient and effective use of public funds for the
22 education of children in California by strengthening fiscal
23 accountability at the school district, county, and state levels.

24 (b) (1) Not later than the first day of May of each fiscal year,
25 each county superintendent of schools shall provide for an audit
26 of all funds under his or her jurisdiction and control and the
27 governing board of each local educational agency shall either
28 provide for an audit of the books and accounts of the local
29 educational agency, including an audit of income and expenditures
30 by source of funds, or make arrangements with the county
31 superintendent of schools having jurisdiction over the local
32 educational agency to provide for that auditing.

33 (2) A contract to perform the audit of a local educational agency
34 that has a disapproved budget or has received a negative
35 certification on any budget or interim financial report during the
36 current fiscal year or either of the two preceding fiscal years, or
37 for which the county superintendent of schools has otherwise
38 determined that a lack of going concern exists, is not valid unless
39 approved by the responsible county superintendent of schools and
40 the governing board.

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

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

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

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

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

26 (e) (1) The cost of the audits provided for by the county
27 superintendent of schools shall be paid from the county school
28 service fund and the county superintendent of schools shall transfer
29 the pro rata share of the cost chargeable to each school district
30 from school district funds.

31 (2) The cost of the audit provided for by a governing board of
32 a local educational agency shall be paid from local educational
33 agency funds. The audit of the funds under the jurisdiction and
34 control of the county superintendent of schools shall be paid from
35 the county school service fund.

36 (f) (1) The audits shall be made by a certified public accountant
37 or a public accountant, licensed by the California Board of
38 Accountancy, and selected by the local educational agency, as
39 applicable, from a directory of certified public accountants and
40 public accountants deemed by the Controller as qualified to conduct

1 audits of local educational agencies, which shall be published by
2 the Controller not later than December 31 of each year.

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

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

23 (A) The certified public accountants or public accountants shall
24 be in good standing as certified by the *California* Board of
25 Accountancy.

26 (B) The certified public accountants or public accountants, as
27 a result of a quality control review conducted by the Controller
28 pursuant to Section 14504.2, shall not have been found to have
29 conducted an audit in a manner constituting noncompliance with
30 subdivision (a) of Section 14503.

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

32 (A) A statement that the audit was conducted pursuant to
33 standards and procedures developed in accordance with Chapter
34 3 (commencing with Section 14500) of Part 9 of Division 1 of
35 Title 1.

36 (B) A summary of audit exceptions and management
37 improvement recommendations.

38 (C) Each audit of a local educational agency shall include an
39 evaluation by the auditor on whether there is substantial doubt
40 about the ability of the local educational agency to continue as a

1 going concern for a reasonable period of time. This evaluation
2 shall be based on the Statement on Auditing Standards (SAS) No.
3 59, as issued by the AICPA regarding disclosure requirements
4 relating to the ability of the entity to continue as a going concern.

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

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

20 (i) (1) Commencing with the 2002–03 audit of local educational
21 agencies pursuant to this section and subdivision (d) of Section
22 41320.1, each county superintendent of schools shall be responsible
23 for reviewing the audit exceptions contained in an audit of a local
24 educational agency under his or her jurisdiction related to
25 attendance, inventory of equipment, internal control, and any
26 miscellaneous items, and determining whether the exceptions have
27 been either corrected or an acceptable plan of correction has been
28 developed.

29 (2) Commencing with the 2004–05 audit of local educational
30 agencies pursuant to this section and subdivision (d) of Section
31 41320.1, each county superintendent of schools shall include in
32 the review of audit exceptions performed pursuant to this
33 subdivision those audit exceptions related to use of instructional
34 materials program funds, teacher misassignments pursuant to
35 Section 44258.9, information reported on the school accountability
36 report card required pursuant to Section 33126 and shall determine
37 whether the exceptions are either corrected or an acceptable plan
38 of correction has been developed.

39 (j) Upon submission of the final audit report to the governing
40 board of each local educational agency and subsequent receipt of

1 the audit by the county superintendent of schools having
2 jurisdiction over the local educational agency, the county office
3 of education shall do all of the following:

4 (1) Review audit exceptions related to attendance, inventory of
5 equipment, internal control, and other miscellaneous exceptions.
6 Attendance exceptions or issues shall include, but not be limited
7 to, those related to local control funding formula allocations
8 pursuant to Section 42238.02, as implemented by Section 42238.03,
9 and independent study.

10 (2) If a description of the correction or plan of correction has
11 not been provided as part of the audit required by this section, then
12 the county superintendent of schools shall notify the local
13 educational agency and request the governing board of the local
14 educational agency to provide to the county superintendent of
15 schools a description of the corrections or plan of correction by
16 March 15.

17 (3) Review the description of correction or plan of correction
18 and determine its adequacy. If the description of the correction or
19 plan of correction is not adequate, the county superintendent of
20 schools shall require the local educational agency to resubmit that
21 portion of its response that is inadequate.

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

36 (l) In the audit of a local educational agency for a subsequent
37 year, the auditor shall review the correction or plan or plans of
38 correction submitted by the local educational agency to determine
39 if the exceptions have been resolved. If not, the auditor shall
40 immediately notify the appropriate county office of education and

1 the department and restate the exception in the audit report. After
2 receiving that notification, the department shall either consult with
3 the local educational agency to resolve the exception or require
4 the county superintendent of schools to follow up with the local
5 educational agency.

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

9 (A) All federal and state compliance audit exceptions identified
10 in the audit.

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

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

15 (2) In addition, the Superintendent shall be responsible for
16 ensuring that county superintendents of schools and each county
17 board of education that serves as the governing board of a local
18 educational agency either correct all audit exceptions identified in
19 the audits of county superintendents of schools and of the local
20 educational agencies for which the county boards of education
21 serve as the governing boards or develop acceptable plans of
22 correction for those exceptions.

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

29 (n) To facilitate correction of the exceptions identified by the
30 audits issued pursuant to this section, commencing with 2002–03
31 audits pursuant to this section, the Controller shall require auditors
32 to categorize audit exceptions in each audit report in a manner that
33 will make it clear to both the county superintendent of schools and
34 the Superintendent which exceptions they are responsible for
35 ensuring the correction of by a local educational agency. In
36 addition, the Controller annually shall select a sampling of county
37 superintendents of schools and perform a followup of the audit
38 resolution process of those county superintendents of schools and
39 report the results of that followup to the Superintendent and the
40 county superintendents of schools that were reviewed.

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

4 (p) If a governing board or county superintendent of schools
5 fails or is unable to make satisfactory arrangements for the audit
6 pursuant to this section, the Controller shall make arrangements
7 for the audit and the cost of the audit shall be paid from local
8 educational agency funds or the county school service fund, as the
9 case may be.

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

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

15 (s) Notwithstanding any other law, an auditing, management,
16 or other consulting service to be provided to a local educational
17 agency by a certified public accounting firm while the certified
18 public accounting firm is performing an audit of the agency
19 pursuant to this section must be in accord with Government
20 Accounting Standards, Amendment No. 3, as published by the
21 United States General Accounting Office.

22 ~~SEC. 3.~~

23 *SEC. 2.* Section 42127 of the Education Code is amended to
24 read:

25 42127. (a) On or before July 1 of each year, the governing
26 board of each school district shall accomplish the following:

27 (1) Hold a public hearing on the budget to be adopted for the
28 subsequent fiscal year. The budget to be adopted shall be prepared
29 in accordance with Section 42126. The agenda for that hearing
30 shall be posted at least 72 hours before the public hearing and shall
31 include the location where the budget will be available for public
32 inspection.

33 (A) For the 2011–12 fiscal year, notwithstanding any of the
34 standards and criteria adopted by the state board pursuant to Section
35 33127, each school district budget shall project the same level of
36 revenue per unit of average daily attendance as it received in the
37 2010–11 fiscal year and shall maintain staffing and program levels
38 commensurate with that level.

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

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

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

1 county auditor shall submit the rate computed to the board of
2 supervisors for adoption.

3 (c) The county superintendent of schools shall do all of the
4 following:

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

12 (2) Determine whether the adopted budget will allow the school
13 district to meet its financial obligations during the fiscal year and
14 is consistent with a financial plan that will enable the school district
15 to satisfy its multiyear financial commitments. In addition to his
16 or her own analysis of the budget of each school district, the county
17 superintendent of schools shall review and consider studies, reports,
18 evaluations, or audits of the school district that were commissioned
19 by the school district, the county superintendent of schools, the
20 Superintendent, and state control agencies and that contain
21 evidence that the school district is showing fiscal distress under
22 the standards and criteria adopted in Section 33127 or that contain
23 a finding by an external reviewer that more than ~~three~~ 3 of the 15
24 most common predictors of a school district needing intervention,
25 as determined by the County Office Fiscal Crisis and Management
26 Assistance Team, are present. The county superintendent of schools
27 shall either conditionally approve or disapprove a budget that does
28 not provide adequate assurance that the school district will meet
29 its current and future obligations and resolve any problems
30 identified in studies, reports, evaluations, or audits described in
31 this paragraph.

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

38 (d) On or before August 15, the county superintendent of schools
39 shall approve, conditionally approve, or disapprove the adopted
40 budget for each school district. For the 2014–15 fiscal year and

1 each fiscal year thereafter, the county superintendent of schools
2 shall disapprove a budget if the county superintendent of schools
3 determines that the budget does not include the expenditures
4 necessary to implement a local control and accountability plan or
5 an annual update to the local control and accountability plan
6 approved by the county superintendent of schools or does not
7 comply with the regulations adopted pursuant to Section 42238.07.
8 If a school district does not submit a budget to the county
9 superintendent of schools, the county superintendent of schools
10 shall develop, at school district expense, a budget for that school
11 district by September 15 and transmit that budget to the governing
12 board of the school district. The budget prepared by the county
13 superintendent of schools shall be deemed adopted, unless the
14 county superintendent of schools approves any modifications made
15 by the governing board of the school district. The approved budget
16 shall be used as a guide for the school district's priorities. The
17 Superintendent shall review and certify the budget approved by
18 the county. If, pursuant to the review conducted pursuant to
19 subdivision (c), the county superintendent of schools determines
20 that the adopted budget for a school district does not satisfy
21 paragraph (1) or (2) of that subdivision, he or she shall
22 conditionally approve or disapprove the budget and, not later than
23 August 15, transmit to the governing board of the school district,
24 in writing, his or her recommendations regarding revision of the
25 budget and the reasons for those recommendations, including, but
26 not limited to, the amounts of any budget adjustments needed
27 before he or she can approve that budget. The county
28 superintendent of schools may assign a fiscal adviser to assist the
29 school district to develop a budget in compliance with those
30 revisions. In addition, the county superintendent of schools may
31 appoint a committee to examine and comment on the
32 superintendent's review and recommendations, subject to the
33 requirement that the committee report its findings to the county
34 superintendent of schools no later than August 20. For the 2011–12
35 fiscal year, notwithstanding any of the standards and criteria
36 adopted by the state board pursuant to Section 33127, the county
37 superintendent of schools, as a condition on approval of a school
38 district budget, shall not require a school district to project a lower
39 level of revenue per unit of average daily attendance than it
40 received in the 2010–11 fiscal year nor require the school district

1 to demonstrate that it is able to meet its financial obligations for
2 the two subsequent fiscal years.

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

19 (1) 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 (2) 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 (f) On or before September 22, the county superintendent of
29 schools shall provide a list to the Superintendent identifying all
30 school districts for which budgets may be disapproved.

31 (g) The county superintendent of schools shall examine the
32 revised budget to determine whether it (1) complies with the
33 standards and criteria adopted by the state board pursuant to Section
34 33127 for application to final local educational agency budgets,
35 (2) allows the school district to meet its financial obligations during
36 the fiscal year, (3) satisfies all conditions established by the county
37 superintendent of schools in the case of a conditionally approved
38 budget, and (4) is consistent with a financial plan that will enable
39 the school district to satisfy its multiyear financial commitments,
40 and, not later than October 8, shall approve or disapprove the

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

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

37 (i) Notwithstanding any other provision of this section, the
38 budget review for a school district shall be governed by paragraphs
39 (1), (2), and (3), rather than by subdivisions (e) and (g), if the
40 governing board of the school district so elects and notifies the

1 county superintendent of schools in writing of that decision, not
2 later than October 31 of the immediately preceding calendar year.
3 On or before July 1, the governing board of a school district for
4 which the budget review is governed by this subdivision, rather
5 than by subdivisions (e) and (g), shall conduct a public hearing
6 regarding its proposed budget in accordance with Section 42103.

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

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

19 (3) Not later than October 8, after receiving the response
20 required under paragraph (1), the county superintendent of schools
21 shall review that response and either approve or disapprove the
22 budget. If the county superintendent of schools disapproves the
23 budget, he or she shall call for the formation of a budget review
24 committee pursuant to Section 42127.1, unless the governing board
25 of the school district and the county superintendent of schools
26 agree to waive the requirement that a budget review committee be
27 formed and the department approves the waiver after determining
28 that a budget review committee is not necessary. Upon the grant
29 of a waiver, the county superintendent has the authority and
30 responsibility provided to a budget review committee in Section
31 42127.3. Upon approving a waiver of the budget review committee,
32 the department shall ensure that a balanced budget is adopted for
33 the school district by November 30. The Superintendent shall
34 report to the Legislature and the Director of Finance by December
35 10 if any school district, including a school district that has received
36 a waiver of the budget review committee process, does not have
37 an adopted budget by November 30. This report shall include the
38 reasons why a budget has not been adopted by the deadline, the
39 steps being taken to finalize budget adoption, and the date the
40 adopted budget is anticipated. For the 2011–12 fiscal year,

1 notwithstanding any of the standards and criteria adopted by the
 2 state board pursuant to Section 33127, the county superintendent
 3 of schools, as a condition on approval of a school district budget,
 4 shall not require a school district to project a lower level of revenue
 5 per unit of average daily attendance than it received in the 2010–11
 6 fiscal year nor require the school district to demonstrate that it is
 7 able to meet its financial obligations for the two subsequent fiscal
 8 years.

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

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

18 ~~SEC. 4.~~

19 *SEC. 3.* Section 42238.07 of the Education Code is amended
 20 to read:

21 42238.07. (a) On or before January 31, 2014, the state board
 22 shall adopt regulations that govern the expenditure of funds
 23 apportioned on the basis of the number and concentration of
 24 unduplicated pupils pursuant to Sections 2574, 2575, 42238.02,
 25 and 42238.03. The regulations shall include, but are not limited
 26 to, provisions that do all of the following:

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

32 (2) Authorize a school district, county office of education, or
 33 charter school to use funds apportioned on the basis of the number
 34 *and concentration* of unduplicated pupils for schoolwide purposes,
 35 ~~or, for school districts, districtwide purposes, for county offices~~
 36 ~~of education, countywide purposes, or for charter schools,~~
 37 ~~charterwide purposes, in a manner that is consistent with paragraph~~
 38 ~~(1):~~ *purposes.* The regulations governing the expenditures of
 39 moneys for schoolwide purposes shall not be more restrictive than

1 the restrictions provided for in Title I of the federal No Child Left
2 Behind Act of 2001 (20 U.S.C. Sec. ~~6301~~, 6301 et seq.).

3 (3) *Authorize a school district or county office of education to*
4 *use of funds apportioned on the basis of the number and*
5 *concentration of unduplicated pupils, for school districts, for*
6 *districtwide purposes, or, for county offices of education, for*
7 *countywide purposes.*

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

10 ~~(e) Local educational agencies shall expend unexpended~~
11 ~~economic impact aid received pursuant to Part 29 (commencing~~
12 ~~with Section 54000) of Division 4 only for purposes authorized in~~
13 ~~that part.~~

14 ~~SEC. 5.~~

15 *SEC. 4.* Section 52052 of the Education Code is amended to
16 read:

17 52052. (a) (1) The Superintendent, with approval of the state
18 board, shall develop an Academic Performance Index (API), to
19 measure the performance of schools and school districts, especially
20 the academic performance of pupils.

21 (2) A school or school district shall demonstrate comparable
22 improvement in academic achievement as measured by the API
23 by all numerically significant pupil subgroups at the school or
24 school district, including:

25 (A) Ethnic subgroups.

26 (B) Socioeconomically disadvantaged pupils.

27 (C) English learners.

28 (D) Pupils with disabilities.

29 (E) Foster youth.

30 (F) Reclassified English learners. *The inclusion of reclassified*
31 *English learners in the API shall, at a minimum, be consistent with*
32 *the manner in which reclassified English learners are included in*
33 *the determination of adequate yearly progress, as required by*
34 *Section 6311(b)(2)(B) of the federal No Child Left Behind Act of*
35 *2001 (20 U.S.C. 6301 et seq.).*

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

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

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

8 (4) (A) The API shall consist of a variety of indicators currently
9 reported to the department, including, but not limited to, the results
10 of the achievement test administered pursuant to Section 60640,
11 attendance rates for pupils in elementary schools, middle schools,
12 and secondary schools, and the graduation rates for pupils in
13 secondary schools.

14 (B) The Superintendent, with the approval of the state board,
15 may also incorporate into the API the rates at which pupils
16 successfully promote from one grade to the next in middle school
17 and high school, and successfully matriculate from middle school
18 to high school.

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

21 (i) Four-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 three school years after the pupils
24 entered grade 9 for the first time, and dividing that number by the
25 total calculated in clause (ii).

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

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

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

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

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

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

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

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

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

37 (E) The pupil data collected for the API that comes from the
38 achievement test administered pursuant to Section 60640 and the
39 high school exit examination administered pursuant to Section
40 60851, when fully implemented, shall be disaggregated by special

1 education status, English learners, socioeconomic status, gender,
2 and ethnic group. Only the test scores of pupils who were counted
3 as part of the enrollment in the annual data collection of the
4 California Basic Educational Data System for the current fiscal
5 year and who were continuously enrolled during that year may be
6 included in the test result reports in the API score of the school.

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

11 (ii) In addition to the elements required by this paragraph, the
12 Superintendent, with approval of the state board, may incorporate
13 into the index for secondary schools valid, reliable, and stable
14 measures of pupil preparedness for postsecondary education and
15 career.

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

19 (H) It is the intent of the Legislature that the state's system of
20 public school accountability be more closely aligned with both the
21 public's expectations for public education and the workforce needs
22 of the state's economy. It is therefore necessary that the
23 accountability system evolve beyond its narrow focus on pupil test
24 scores to encompass other valuable information about school
25 performance, including, but not limited to, pupil preparedness for
26 college and career, as well as the high school graduation rates
27 already required by law.

28 (I) The Superintendent shall annually determine the accuracy
29 of the graduation rate data. Notwithstanding any other law,
30 graduation rates for pupils in dropout recovery high schools shall
31 not be included in the API. For purposes of this subparagraph,
32 "dropout recovery high school" means a high school in which 50
33 percent or more of its pupils have been designated as dropouts
34 pursuant to the exit/withdrawal codes developed by the department
35 or left a school and were not otherwise enrolled in a school for a
36 period of at least 180 days.

37 (J) To complement the API, the Superintendent, with the
38 approval of the state board, may develop and implement a program
39 of school quality review that features locally convened panels to
40 visit schools, observe teachers, interview pupils, and examine pupil

1 work, if an appropriation for this purpose is made in the annual
2 Budget Act.

3 (K) The Superintendent shall annually provide to local
4 educational agencies and the public a transparent and
5 understandable explanation of the individual components of the
6 API and their relative values within the API.

7 (L) An additional element chosen by the Superintendent and
8 the state board for inclusion in the API pursuant to this paragraph
9 shall not be incorporated into the API until at least one full school
10 year after the state board's decision to include the element into the
11 API.

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

15 (1) The standards-based achievement tests provided for in
16 Section 60642.5.

17 (2) The high school exit examination.

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

38 (d) Upon adoption of state performance standards by the state
39 board, the Superintendent shall recommend, and the state board
40 shall adopt, a statewide API performance target that includes

1 consideration of performance standards and represents the
2 proficiency level required to meet the state performance target.

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

7 (2) A school or school district annually shall receive an API
8 score, unless the Superintendent determines that an API score
9 would be an invalid measure of the performance of the school or
10 school district for one or more of the following reasons:

11 (A) Irregularities in testing procedures occurred.

12 (B) The data used to calculate the API score of the school or
13 school district are not representative of the pupil population at the
14 school or school district.

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

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

19 (E) Insufficient pupil participation in the assessments included
20 in the API.

21 (3) If a school or school district has fewer than 100 pupils with
22 valid test scores, the calculation of the API or adequate yearly
23 progress pursuant to the federal No Child Left Behind Act of 2001
24 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be
25 calculated over more than one annual administration of the tests
26 administered pursuant to Section 60640 and the high school exit
27 examination administered pursuant to Section 60851, consistent
28 with regulations adopted by the state board.

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

31 (g) The Superintendent, with the approval of the state board,
32 shall develop an alternative accountability system for schools under
33 the jurisdiction of a county board of education or a county
34 superintendent of schools, community day schools, nonpublic,
35 nonsectarian schools pursuant to Section 56366, and alternative
36 schools serving high-risk pupils, including continuation high
37 schools and opportunity schools. Schools in the alternative
38 accountability system may receive an API score, but shall not be
39 included in the API rankings.

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

3 ~~SEC. 6.~~

4 *SEC. 5.* Section 52060 of the Education Code is amended to
5 read:

6 52060. (a) On or before July 1, 2014, the governing board of
7 each school district shall adopt a local control and accountability
8 plan using a template adopted by the state board.

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

13 (c) A local control and accountability plan adopted by a
14 governing board of a school district shall include, for the school
15 district and each school within the school district, a description of
16 all of the following:

17 (1) The annual goals, for all pupils and each subgroup of pupils
18 identified pursuant to Section 52052, to be achieved for each of
19 the state priorities identified in subdivision (d) and for any
20 additional local priorities identified by the governing board of the
21 school district. For purposes of this article, a subgroup of pupils
22 identified pursuant to Section 52052 shall be a numerically
23 significant pupil subgroup as specified in paragraphs (2) and (3)
24 of subdivision (a) of Section 52052.

25 (2) The specific actions the school district will take during each
26 year of the local control and accountability plan to achieve the
27 goals identified in paragraph (1), including the enumeration of any
28 specific actions necessary for that year to correct any deficiencies
29 in regard to the state priorities listed in paragraph (1) of subdivision
30 (d).

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

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

38 ~~(5) The expenditures necessary to implement the actions~~
39 ~~identified in paragraph (2).~~

1 (3) *A listing and description of the expenditures for the initial*
2 *fiscal year implementing the specific actions included in the local*
3 *control and accountability plan, as a result of the goals and actions*
4 *required by paragraphs (1) and (2).*

5 (4) *A listing and description of the expenditures for the initial*
6 *fiscal year that will serve pupils to whom one or more of the*
7 *definitions in Section 42238.01 apply and pupils reclassified as*
8 *fluent English proficient.*

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

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

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

24 (3) Parental involvement, including efforts the school district
25 makes to seek parent input in making decisions for the school
26 district and each individual schoolsite, and including how the
27 school district will promote parental participation in programs for
28 unduplicated pupils and individuals with exceptional needs.

29 (4) ~~Pupil achievement~~ *achievement, including* for each subgroup
30 as identified in Section 52052, as measured by all of the following,
31 as applicable:

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

35 (B) The Academic Performance Index, as described in Section
36 52052.

37 (C) ~~The percentage of pupils, by subgroups as identified in~~
38 ~~Section 52052,~~ *pupils* who have successfully completed courses
39 that satisfy the requirements for entrance to the University of
40 California and the California State University, or career technical

1 education sequences or clusters of courses that satisfy the
2 requirements of subdivision (a) of Section 52302, subdivision (a)
3 of Section 52372.5, or paragraph (2) of subdivision (e) of Section
4 54692, and align with state board-approved career technical
5 education standards and frameworks.

6 (D) The percentage of English learner pupils who make progress
7 toward English proficiency as measured by the California English
8 Language Development Test or any subsequent assessment of
9 English proficiency, as certified by the state board.

10 (E) The English learner reclassification rate.

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

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

18 (5) ~~Pupil engagement for each subgroup as identified in Section~~
19 ~~52052, engagement~~, as measured by all of the following, as
20 applicable:

21 (A) School attendance rates.

22 (B) Chronic absenteeism rates.

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

25 (D) High school dropout rates.

26 (E) High school graduation rates.

27 (6) School climate, as measured by all of the following, as
28 applicable:

29 (A) Pupil suspension rates.

30 (B) Pupil expulsion rates.

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

33 (7) The extent to which pupils have access to, and are enrolled
34 in, a broad course of study that includes all of the subject areas
35 described in Section 51210 and subdivisions (a) to (i), inclusive,
36 of Section 51220, as applicable, including the programs and
37 services developed and provided to unduplicated pupils and
38 individuals with exceptional needs, and the program and services
39 that are provided to benefit these pupils as a result of the funding

1 received pursuant to Section 42238.02, as implemented by Section
2 42238.03.

3 (8) Pupil outcomes, if available, in the subject areas described
4 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
5 51220, as applicable.

6 (9) The extent to which teachers, administrators, and staff
7 receive professional development or participate in induction
8 ~~programs.~~ *programs, including the type and subject areas of the*
9 *professional development provided.*

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

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

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

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

25 ~~(i) The expenditures identified in subdivision (e) shall be~~
26 ~~classified using the California School Accounting Manual pursuant~~
27 ~~to Section 41010.~~

28 ~~SEC. 7.~~

29 *SEC. 6.* Section 52061 of the Education Code is amended to
30 read:

31 52061. (a) On or before July 1, 2015, and each year thereafter,
32 a school district shall update the local control and accountability
33 plan. The annual update shall be developed using a template
34 developed pursuant to Section 52064 and shall include all of the
35 following:

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

38 (2) A review of the progress toward the goals included in the
39 existing local control and accountability plan, an assessment of
40 the effectiveness of the specific actions described in the existing

1 local control and accountability plan toward achieving the goals,
2 and a description of changes to the specific actions the school
3 district ~~and each school within the school district~~ will make as a
4 result of the review and assessment.

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

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

16 (b) The expenditures identified in subdivision (a) *of this section*
17 *and subdivision (c) of Section 52060* shall be classified using the
18 California School Accounting Manual pursuant to Section 41010.

19 ~~SEC. 8.~~

20 *SEC. 7.* Section 52062 of the Education Code is amended to
21 read:

22 52062. (a) Before the governing board of a school district
23 considers the adoption of a local control and accountability plan
24 or an annual update to the local control and accountability plan,
25 all of the following shall occur:

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

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

39 (3) The superintendent of the school district shall notify
40 members of the public of the opportunity to submit written

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

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

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

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

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

1 ~~SEC. 9.~~

2 *SEC. 8.* Section 52063 of the Education Code is amended to
3 read:

4 52063. (a) (1) The governing board of a school district shall
5 establish a districtwide parent advisory committee to provide advice
6 to the governing board of the school district and the superintendent
7 of the school district regarding the requirements of this article.

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

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

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

24 (c) ~~(1)~~ Districtwide English learner parent advisory committees
25 shall advise the governing board of the school district on at least
26 the following tasks:

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

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

32 ~~(C)~~

33 *(1)* Establishment of school district goals and objectives for
34 programs and services for English learners: *learners to ensure that*
35 *the academic and language proficiency needs of English learners,*
36 *including long-term English learners and English learners at risk*
37 *of becoming long-term English learners, as defined in Section*
38 *313.1, are being met.*

39 ~~(D) Development of a plan to ensure compliance with any~~
40 ~~applicable teacher or teacher aide requirements.~~

1 ~~(E)~~
2 (2) Administration of the ~~annual language census~~. *home*
3 *language survey*.

4 ~~(2) Districtwide English learner parent advisory committees~~
5 ~~shall review and comment on school district reclassification~~
6 ~~procedures.~~

7 (3) *School district reclassification procedures, consistent with*
8 *the procedures developed pursuant to subdivision (f) of Section*
9 *313.*

10 (d) This section shall not require the governing board of the
11 school district to establish a new districtwide English learner parent
12 advisory committee if the governing board of the school district
13 already has established a school district level parent advisory
14 committee that meets the applicable requirements of this section.

15 ~~SEC. 10.~~

16 ~~SEC. 9.~~ Section 52064 of the Education Code is amended to
17 read:

18 52064. (a) On or before March 31, 2014, the state board shall
19 adopt templates for the following purposes:

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

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

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

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

39 (c) The templates developed by the state board shall ensure that
40 each school district, county superintendent of schools, or charter

1 school that receives federal or state supplemental *and concentration*
2 funds for ~~English learners~~ includes all of the following
3 *unduplicated pupils, pursuant to Sections 2574, 2575, 42238.02,*
4 *and 42238.03, include information on the instructional programs*
5 *and services provided to unduplicated pupils for the purpose of*
6 *increasing their academic achievement, as referenced in Sections*
7 *52060 and 52066, in its local control and accountability plan: plan.*
8 (1) ~~The components specified in subdivision (b) of Section 443.~~
9 (2) ~~A description of how the supplemental and concentration~~
10 ~~funds, as applicable, will be used to meet all of the following:~~
11 (A) ~~All annual measurable achievement objectives for English~~
12 ~~learners.~~
13 (B) ~~State common core standards and English language~~
14 ~~development standards.~~
15 (C) ~~Activities described in the local control and accountability~~
16 ~~plan.~~
17 (3) ~~A listing of the services and programs providing access to~~
18 ~~a full curriculum for English learners, categorized by proficiency~~
19 ~~level, and a description of how the services and programs are~~
20 ~~aligned to the core program of instruction.~~
21 (4) ~~A description of the comprehensive program of English~~
22 ~~language development.~~
23 (5) ~~A listing of the instructional materials provided for English~~
24 ~~learners, in English and home language.~~
25 (6) ~~A description of how professional development programs~~
26 ~~assist in meeting the English learner annual measurable objectives~~
27 ~~and annual measurable achievement objectives pursuant to Titles~~
28 ~~I and III of the federal No Child Left Behind Act (Public Law~~
29 ~~107-110). These professional development programs shall include~~
30 ~~teacher induction programs administered by the local educational~~
31 ~~agency.~~
32 (7) ~~A description of the monitoring of reclassified English~~
33 ~~learners pursuant to Sections 313.5 and 52164.6.~~
34 (d) *The templates shall ensure that school districts, county*
35 *superintendents of schools, or charter schools include information*
36 *on the types of English language development instructional*
37 *programs provided to English learners, and how those programs*
38 *support the core instructional program, including, but not limited*
39 *to, the types of instructional materials provided to pupils and the*
40 *professional development provided to schoolsite staff.*

1 ~~(d)~~
 2 (e) If possible, the templates identified in paragraph (2) of
 3 subdivision (a) for use by county superintendents of schools shall
 4 allow a county superintendent of schools to develop a single local
 5 control and accountability plan that would also satisfy the
 6 requirements of Section 48926.

7 ~~(e)~~
 8 (f) The state board shall adopt the template pursuant to the
 9 requirements of the Administrative Procedure Act (Chapter 3.5
 10 commencing with Section 11340) of Part 1 of Division 3 of Title
 11 2 of the Government Code). The state board may adopt emergency
 12 regulations for purposes of implementing this section.

13 ~~(f)~~
 14 (g) Revisions to a template or evaluation rubric shall be
 15 approved by the state board by January 31 before the fiscal year
 16 during which the template or evaluation rubric is to be used by a
 17 school district, county superintendent of schools, or charter school.

18 ~~(g)~~
 19 (h) The adoption of a template or evaluation rubric by the state
 20 board shall not create a requirement for a governing board of a
 21 school district, a county board of education, or a governing body
 22 of a charter school to submit a local control and accountability
 23 plan to the state board, unless otherwise required by federal law.
 24 The Superintendent shall not require a local control and
 25 accountability plan to be submitted by a governing board of a
 26 school district or the governing body of a charter school to the
 27 state board. The state board may adopt a template or evaluation
 28 rubric that would authorize a school district or a charter school to
 29 submit to the state board only the sections of the local control and
 30 accountability plan required by federal law.

31 ~~SEC. 11.~~

32 SEC. 10. Section 52066 of the Education Code is amended to
 33 read:

34 52066. (a) On or before July 1, 2014, each county
 35 superintendent of schools shall develop, and present to the county
 36 board of education for adoption, a local control and accountability
 37 plan using a template adopted by the state board.

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

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

5 (1) The annual goals, for all pupils and each subgroup of pupils
6 identified pursuant to Section 52052, to be achieved for each of
7 the state priorities identified in subdivision (d), as applicable to
8 the pupils served, and for any additional local priorities identified
9 by the county board of education.

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

16 (3) A listing and description of the expenditures ~~implementing~~
17 ~~the specific actions included in the local control and accountability~~
18 ~~plan pursuant to paragraph (2) for the initial fiscal year covered~~
19 ~~by the plan.~~ *for the initial fiscal year implementing the specific*
20 *actions included in the local control and accountability plan, as*
21 *a result of the goals and actions required by paragraphs (1) and*
22 *(2).*

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

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

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

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

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

4 (3) Parental involvement, including efforts the county
5 superintendent of schools makes to seek parent input in making
6 decisions for each individual schoolsite and program operated by
7 a county superintendent of schools, and including how the county
8 superintendent of schools will promote parental participation in
9 programs for unduplicated pupils and individuals with exceptional
10 needs.

11 (4) ~~Pupil achievement~~ *achievement, including* for each of the
12 subgroups identified pursuant to Section 52052, as measured by
13 all of the following, as applicable:

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

17 (B) The Academic Performance Index, as described in Section
18 52052.

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

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

32 (E) The English learner reclassification rate.

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

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

- 1 (5) ~~Pupil engagement for each of the subgroups identified~~
2 ~~pursuant to Section 52052, engagement~~, as measured by all of the
3 following, as applicable:
- 4 (A) School attendance rates.
 - 5 (B) Chronic absenteeism rates.
 - 6 (C) Middle school dropout rates, as described in paragraph (3)
7 of subdivision (a) of Section 52052.1.
 - 8 (D) High school dropout rates.
 - 9 (E) High school graduation rates.
- 10 (6) School climate, as measured by all of the following, as
11 applicable:
- 12 (A) Pupil suspension rates.
 - 13 (B) Pupil expulsion rates.
 - 14 (C) Other local measures, including surveys of pupils, parents,
15 and teachers on the sense of safety and school connectedness.
 - 16 (7) The extent to which pupils have access to, and are enrolled
17 in, a broad course of study that includes all of the subject areas
18 described in Section 51210 and subdivisions (a) to (i), inclusive,
19 of Section 51220, as applicable, including the programs and
20 services developed and provided to unduplicated pupils and
21 individuals with exceptional needs, and the program and services
22 that are provided to benefit these pupils as a result of the funding
23 received pursuant to Section 42238.02, as implemented by Section
24 42238.03.
 - 25 (8) Pupil outcomes, if available, in the subject areas described
26 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
27 51220, as applicable.
 - 28 (9) How the county superintendent of schools will coordinate
29 instruction of expelled pupils pursuant to Section 48926.
 - 30 (10) How the county superintendent of schools will coordinate
31 services for foster children, including, but not limited to, all of the
32 following:
 - 33 (A) Working with the county child welfare agency to minimize
34 changes in school placement.
 - 35 (B) Providing education-related information to the county child
36 welfare agency to assist the county child welfare agency in the
37 delivery of services to foster children, including, but not limited
38 to, educational status and progress information that is required to
39 be included in court reports.

1 (C) Responding to requests from the juvenile court for
2 information and working with the juvenile court to ensure the
3 delivery and coordination of necessary educational services.

4 (D) Establishing a mechanism for the efficient expeditious
5 transfer of health and education records and the health and
6 education passport.

7 (11) The extent to which teachers, administrators, and staff
8 receive professional development or participate in induction
9 ~~programs.~~ *programs, including the type and subject areas of the*
10 *professional development provided.*

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

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

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

22 (h) A county board of education may identify local priorities,
23 goals in regard to the local priorities, and the method for measuring
24 the county office of education's progress toward achieving those
25 goals.

26 ~~(i) The expenditures identified in subdivision (e) shall be~~
27 ~~classified using the California School Accounting Manual pursuant~~
28 ~~to Section 41010.~~

29 ~~SEC. 12.~~

30 *SEC. 11.* Section 52067 of the Education Code is amended to
31 read:

32 52067. (a) On or before July 1, 2015, and each year thereafter,
33 a county board of education shall update the local control and
34 accountability plan. The annual update shall be developed using
35 a template developed pursuant to Section 52064 and shall include
36 all of the following:

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

39 (2) A review of the progress toward the goals included in the
40 existing local control and accountability plan, an assessment of

1 the effectiveness of the specific actions described in the existing
2 local control and accountability plan toward achieving the goals,
3 and a description of changes to the specific actions the county
4 office of education ~~and each school~~ will make as a result of the
5 review and assessment.

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

12 (4) A listing and description of expenditures for the county
13 office of education and each school for the fiscal year that will
14 serve the pupils to whom one or more of the definitions in Section
15 42238.01 apply and pupils redesignated as fluent English proficient.

16 (b) The expenditures identified in subdivision (a) *of this section*
17 *and subdivision (c) of Section 52066* shall be classified using the
18 California School Accounting Manual pursuant to Section 41010.

19 ~~SEC. 13.~~

20 *SEC. 12.* Section 52068 of the Education Code is amended to
21 read:

22 52068. (a) Before the county board of education considers the
23 adoption of a local control and accountability plan or an annual
24 update to the local control and accountability plan, all of the
25 following shall occur:

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

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

39 (3) The county superintendent of schools shall notify members
40 of the public of the opportunity to submit written comments

1 regarding the specific actions and expenditures proposed to be
2 included in the local control and accountability plan or annual
3 update to the local control and accountability plan, using the most
4 efficient~~—and—~~effective method of notification possible. This
5 paragraph shall not require a county superintendent of schools to
6 produce printed notices or to send notices by mail, but the
7 notifications provided to parents shall be subject to Section 48985.

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

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

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

35 (c) A county superintendent of schools may develop and present
36 to a county board of education for adoption revisions to a local
37 control and accountability plan during the period the local control
38 and accountability plan is in effect. The county board of education
39 may only adopt a revision to a local control and accountability
40 plan if it follows the process to adopt a local control and

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

3 ~~SEC. 14.~~

4 *SEC. 13.* Section 52069 of the Education Code is amended to
5 read:

6 52069. (a) (1) A county superintendent of schools shall
7 establish a parent advisory committee to provide advice to the
8 county board of education and the county superintendent of schools
9 regarding the requirements of this article.

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

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

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

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

33 (3) A representative of the English learner parent advisory
34 committee shall be a member of the parent advisory committee
35 established pursuant to paragraph ~~(1)~~: (1) of subdivision (a).

36 ~~SEC. 15.~~

37 *SEC. 14.* Section 52070 of the Education Code is amended to
38 read:

39 52070. (a) Not later than five days after adoption of a local
40 control and accountability plan or annual update to a local control

1 and accountability plan, the governing board of a school district
2 shall file the local control and accountability plan or annual update
3 to the local control and accountability plan with the county
4 superintendent of schools.

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

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

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

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

27 (2) ~~(A)~~ The budget for the applicable fiscal year adopted by
28 the governing board of the school district includes expenditures
29 sufficient to implement the specific actions and strategies included
30 in the local control and accountability plan adopted by the
31 governing board of the school district, based on the projections of
32 the costs included in the plan.

33 ~~(B) The Superintendent shall provide training to persons
34 reviewing budgets for purposes of this paragraph.~~

35 ~~(3) The expenditures included in the budget for the applicable
36 fiscal year adopted by the governing board of the school district
37 to implement the specific actions and strategies included in the
38 local control and accountability plan or annual update to the local
39 control and accountability plan comply with the regulations adopted
40 pursuant to Section 42238.07.~~

1 (3) *The local control and accountability plan or annual update*
2 *to the local control and accountability plan adheres to the*
3 *expenditure requirements pursuant to Section 42238.07 for funds*
4 *apportioned on the basis of the number and concentration of*
5 *unduplicated pupils pursuant to Sections 42238.02 and 42238.03.*

6 (e) If a county superintendent of schools has jurisdiction over
7 a single school district, the Superintendent shall designate a county
8 superintendent of schools of an adjoining county to perform the
9 duties specified in this section.

10 ~~SEC. 16.~~

11 *SEC. 15.* Section 52070.5 of the Education Code is amended
12 to read:

13 52070.5. (a) Not later than five days after adoption of a local
14 control and accountability plan or annual update to a local control
15 and accountability plan, the county board of education shall file
16 the local control and accountability plan or annual update to the
17 local control and accountability plan with the Superintendent.

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

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

31 (d) The Superintendent shall approve a local control and
32 accountability plan or annual update to a local control and
33 accountability plan on or before October 8, if he or she determines
34 all of the following:

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

38 (2) The budget for the applicable fiscal year adopted by the
39 county board of education includes expenditures sufficient to
40 implement the specific actions and strategies included in the local

1 control and accountability plan adopted by the county board of
2 education, based on the projections of the costs included in the
3 plan.

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

10 *(3) The local control and accountability plan or annual update
11 to the local control and accountability plan adheres to the
12 expenditure requirements pursuant to Section 42238.07 for funds
13 apportioned on the basis of the number and concentration of
14 unduplicated pupils pursuant to Sections 2574 and 2575.*

15 ~~SEC. 17.~~

16 *SEC. 16.* 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~~ *one or more pupil subgroups*
7 identified pursuant to Section 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.~~

12 *SEC. 17.* Section 52071.5 of the Education Code is amended
13 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(c) A complainant not satisfied with the decision of a school district, county superintendent of schools, or charter school may 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 the date that a remedy is determined and, if not by that~~
10 ~~time, then during the school year following the date that a remedy~~
11 ~~is determined.~~

12 ~~(e) Information regarding the requirements of this article shall~~
13 ~~be included in the annual notification distributed to pupils, parents~~
14 ~~and guardians, employees, and other interested parties pursuant to~~
15 ~~Section 4622 of Title 5 of the California Code of Regulations or~~
16 ~~any successor regulation.~~

17 ~~(f) School districts, county superintendents of schools, and~~
18 ~~charter schools shall establish local policies and procedures to~~
19 ~~implement the provisions of this section on or before June 30,~~
20 ~~2014.~~

21 *SEC. 18. Section 54030 is added to the Education Code, to*
22 *read:*

23 *54030. A local educational agency shall expend unexpended*
24 *economic impact aid balances received pursuant to this part only*
25 *for purposes authorized in this part as it and adopted regulations*
26 *read on June 30, 2013.*

27 ~~SEC. 22.~~

28 *SEC. 19. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*