

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 734

Introduced by Assembly Member Kim
(Principal coauthor: Senator Huff)

February 25, 2015

An act to ~~amend Section 53300 of~~ *add Section 53304 to* the Education Code, relating to school intervention.

LEGISLATIVE COUNSEL'S DIGEST

AB 734, as amended, Kim. School intervention: parent ~~empowerment~~. *empowerment: petition appeal.*

Existing law requires a local educational agency to implement one of several specified interventions for a school not identified as a persistently lowest-achieving school that, after one full school year, is subject to corrective action, as specified, and fails to meet specified criteria and has a specified percentage of parents and legal guardians of pupils sign a petition requesting the local educational agency to implement at least one of 5 specified interventions. Existing law requires a local educational agency to implement the intervention option requested by the petition unless the agency makes a specified finding in a regularly scheduled public hearing.

~~This bill would apply these petition provisions to schools identified as persistently lowest-achieving schools, and to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index. The bill would make nonsubstantive changes by updating cross-references and reorganizing language. By imposing additional duties on school districts, the bill would impose a state-mandated local program.~~

If a local educational agency receives a petition and does not implement the option requested in the petition in its final disposition of the petition, this bill would authorize the petitioners to appeal the final disposition to the county board of education. The bill would authorize the county board of education to approve the appeal if it finds that the local educational agency acted in violation of specified requirements or did not act in good faith. If the county board of education approves the appeal, the bill would require the local educational agency to implement the option requested in the petition. To the extent that these provisions impose additional duties on a county board of education or a local educational agency, the bill would impose a state-mandated local program.

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 53300 of the Education Code is amended~~
- 2 ~~to read:~~
- 3 ~~53300. (a) A petition may be submitted to a local educational~~
- 4 ~~agency requesting the agency to implement one or more of the~~
- 5 ~~four interventions identified pursuant to paragraphs (1) to (4);~~
- 6 ~~inclusive, of subdivision (a) of Section 53202 or the federally~~
- 7 ~~mandated alternative governance arrangement pursuant to Section~~
- 8 ~~6316(b)(8)(B)(v) of the federal Elementary and Secondary~~
- 9 ~~Education Act (20 U.S.C. Sec. 6301 et seq.), if both of the~~
- 10 ~~following criteria are satisfied:~~
- 11 ~~(1) At least one-half of the parents or legal guardians of pupils~~
- 12 ~~attending the school, or a combination of at least one-half of the~~
- 13 ~~parents or legal guardians of pupils attending the school and the~~
- 14 ~~elementary or middle schools that normally matriculate into the~~
- 15 ~~middle or high school, as applicable, sign the petition.~~
- 16 ~~(2) The school meets one or both of the following requirements:~~

1 (A) The school, after one full school year, is subject to corrective
2 action pursuant to Section 6316(b)(7) of the federal Elementary
3 and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.);
4 continues to fail to make adequate yearly progress, and has an
5 Academic Performance Index (API) score of less than 800.

6 (B) The school is ranked in any of deciles 1 to 3, inclusive, on
7 the API.

8 (b) A local educational agency that receives a petition pursuant
9 to subdivision (a) shall implement the option requested in the
10 petition unless, in a regularly scheduled public hearing, the local
11 educational agency makes a finding in writing stating the reason
12 it cannot implement the specific requested option and instead
13 designates in writing which of the other options described in this
14 section it will implement in the subsequent school year consistent
15 with requirements specified in federal regulations and guidelines
16 for schools subject to restructuring under Section 6316(b)(8) of
17 the federal Elementary and Secondary Education Act (20 U.S.C.
18 Sec. 6301 et seq.) and regulations and guidelines for the four
19 interventions.

20 SECTION 1. Section 53304 is added to the Education Code,
21 to read:

22 53304. (a) If a local educational agency receives a petition
23 pursuant to Section 53300 and does not implement the option
24 requested in the petition in its final disposition of the petition, the
25 petitioners may appeal the final disposition of the petition to the
26 county board of education.

27 (b) The county board of education may approve the appeal if it
28 finds that the local educational agency acted in violation of any
29 requirement of this article or Chapter 5.2.5 (commencing with
30 Section 4800) of Division 1 of Title 5 of the California Code of
31 Regulations, or did not act in good faith. If the county board of
32 education approves the appeal, the local educational agency shall
33 implement the option requested in the petition.

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.