

AMENDED IN ASSEMBLY APRIL 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2659

**Introduced by Committee on Education (Assembly Members
O'Donnell (Chair), Olsen (Vice Chair), Kim, McCarty, Santiago,
Thurmond, and Weber)**

February 19, 2016

An act to amend Sections ~~56030.5, 8261, 35147, 35514, 35531, 35545, 35555, 35556, 35559, 35561, 35562, 35563, 35566, 35572, 35574, 35576, 35577, 35578, 35579, 35700.1, 35705.5, 35706, 35706.5, 35708, 35709, 35710, 35711, 35720.5, 35736, 35740, 35753, 35754, 35755, 35759, 35780, 35780.1, 37223, 41326, 41327.2, 41339, 42103, 42127.1, 47605.1, 47605.6, 47612.1, 48300, 51781, 52302.8, 52520, 56337.5, 56339, 56426.6, and 56441.11~~ of 56441.11, 56475, 60800, and 60900 of, and to repeal Sections 32253, 41020.6, 41320.3, and 49082 of, the Education Code, and to amend Section 12 of Chapter 525 of the Statutes of 1995, relating to ~~special elementary and secondary~~ education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as amended, Committee on Education. ~~Special education.~~
Elementary and secondary education: omnibus revisions.

Existing law establishes a system of public elementary and secondary schools throughout the state. These schools are operated by local educational agencies and provide instruction to pupils in kindergarten and grades 1 to 12, inclusive.

Existing law requires a free appropriate public education to be made available to individuals with exceptional needs in accordance with

specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act.

This bill would make changes ~~to~~ *in statutes relating to public elementary and secondary schools, including specified statutes relating to the educational services provided to individuals with exceptional needs. The bill would make clarifying changes in numerous terms and phrases, conform state statutes to federal regulations regulations, and would update cross-references to statutes and to state regulations adopted pursuant to federal regulations. The bill would delete requirements for the submission of numerous reports relating to elementary and secondary education.*

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

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

1 ~~SECTION 1. Section 56030.5 of the Education Code is~~
2 ~~amended to read:~~
3 ~~56030.5. "Severely disabled" means individuals with~~
4 ~~exceptional needs who require intensive instruction and training~~
5 ~~in programs serving pupils with the following profound disabilities:~~
6 ~~autism, blindness, deafness, severe orthopedic impairments,~~
7 ~~emotional disturbances, severe intellectual disability, and those~~
8 ~~individuals who would have been eligible for enrollment in a~~
9 ~~development center for handicapped pupils under Chapter 6~~
10 ~~(commencing with Section 56800), as it read on January 1, 1980.~~

11 ~~SECTION 1. Section 8261 of the Education Code is amended~~
12 ~~to read:~~

13 ~~8261. (a) The Superintendent shall adopt rules and regulations~~
14 ~~pursuant to this chapter. The rules and regulations shall include,~~
15 ~~but not be limited to, provisions that do all of the following:~~

16 ~~(1) Provide clear guidelines for the selection of agencies when~~
17 ~~child development contracts are let, including, but not limited to,~~
18 ~~specification that any agency headquartered in the proposed service~~
19 ~~area on January 1, 1985, will be given priority for a new contract~~
20 ~~in that area, unless the department makes a written determination~~
21 ~~that (A) the agency is not able to deliver the level of services~~
22 ~~specified in the request for proposal, or (B) the department has~~
23 ~~notified the agency that it is not in compliance with the terms of~~
24 ~~its contract.~~

1 (2) Provide for a contract monitoring system to ensure that
2 agencies expend funds received pursuant to this chapter in
3 accordance with the provisions of their contracts.

4 (3) Specify adequate standards of agency performance.

5 (4) Establish reporting requirements for service reports,
6 including provisions for varying the frequency with which these
7 reports are to be submitted on the basis of agency performance.

8 (5) Specify standards for withholding payments to agencies that
9 fail to submit required fiscal reports.

10 (6) Set forth standards for department site visits to contracting
11 agencies, including, but not limited to, specification as to the
12 purpose of the visits, the personnel that will perform these visits,
13 and the frequency of these visits which shall be as frequently as
14 staff and budget resources permit. ~~By September 1 of each year,
15 the department shall report to the Senate Education, Senate Health
16 and Human Services, Assembly Education, and Assembly Human
17 Services Committees on the number of visits conducted during
18 the previous fiscal year pursuant to this paragraph.~~

19 (7) Authorize the department to develop a process that requires
20 every contracting agency to recompete for continued funding no
21 less frequently than every five years.

22 (b) The Superintendent shall consult with the State Department
23 of Social Services with respect to rules and regulations adopted
24 relative to the disbursement of federal funds under Title XX of the
25 federal Social Security Act.

26 (c) For purposes of expediting the implementation of state or
27 federal legislation to expand child care services, the Superintendent
28 may waive (1) the regulations regarding the point qualifications
29 for, and the process and scoring of, interviews of contract
30 applicants pursuant to Section 18002 of Title 5 of the California
31 Code of Regulations, or (2) the time limitations for scheduling and
32 notification of appeal hearings and their results pursuant to Section
33 18003 of Title 5 of the California Code of Regulations. The
34 Superintendent shall ensure that the appeal hearings provided for
35 in Section 18003 of Title 5 of the California Code of Regulations
36 are conducted in a timely manner.

37 (d) (1) Child care and development programs operated under
38 contract from funds made available pursuant to the federal Child
39 Care and Development Fund, shall be administered according to
40 Chapter 19 (commencing with Section 17906) of Division 1 of

1 Title 5 of the California Code of Regulations, unless provisions
 2 of these regulations conflict with federal regulations. If state and
 3 federal regulations conflict, the federal regulations shall apply
 4 unless a waiver of federal regulations is authorized.

5 (2) For purposes of this section, “Child Care and Development
 6 Fund” has the same meaning as in Section 98.2 of Title 45 of the
 7 Code of Federal Regulations.

8 *SEC. 2. Section 32253 of the Education Code is repealed.*

9 ~~32253. The Department of Education shall evaluate the~~
 10 ~~effectiveness of the School Safety and Security Resources Unit~~
 11 ~~and shall submit a report thereof to the Legislature for each fiscal~~
 12 ~~year subsequent to the fiscal year in which funds are made available~~
 13 ~~pursuant to Section 32254.~~

14 *SEC. 3. Section 35147 of the Education Code is amended to*
 15 *read:*

16 35147. (a) Except as specified in this section, any meeting of
 17 the councils or committees specified in subdivision (b) is exempt
 18 from the provisions of this article, the Bagley-Keene Open Meeting
 19 Act (Article 9 (commencing with Section 11120) of Chapter 1 of
 20 Division 3 of Title 2 of the Government Code), and the Ralph M.
 21 Brown Act (Chapter 9 (commencing with Section 54950) of
 22 Division 2 of Title 5 of the Government Code).

23 (b) The councils and schoolsite advisory committees established
 24 pursuant to Sections ~~52012, 52065, 52063, 52069, 52176, and~~
 25 ~~52852, subdivision (b) of Section 54425, Sections 54444.2, 54724,~~
 26 ~~54444.2 and 62002.5, and committees formed pursuant to Section~~
 27 ~~11503 or Section 2604 of Title 25 of the United States Code, are~~
 28 subject to this section.

29 (c) (1) Any meeting held by a council or committee specified
 30 in subdivision (b) shall be open to the public and any member of
 31 the public shall be able to address the council or committee during
 32 the meeting on any item within the subject matter jurisdiction of
 33 the council or committee. Notice of the meeting shall be posted at
 34 the schoolsite, or other appropriate place accessible to the public,
 35 at least 72 hours before the time set for the meeting. The notice
 36 shall specify the date, time, and location of the meeting and contain
 37 an agenda describing each item of business to be discussed or acted
 38 upon. The council or committee may not take any action on any
 39 item of business unless that item appeared on the posted agenda
 40 or unless the council or committee members present, by unanimous

1 vote, find that there is a need to take immediate action and that the
2 need for action came to the attention of the council or committee
3 subsequent to the posting of the agenda. ~~Questions~~

4 (2) *Questions* or brief statements made at a meeting by members
5 of the council, committee, or public that do not have a significant
6 effect on pupils or employees in the school or school ~~district~~
7 *district*, or that can be resolved solely by the provision of
8 information need not be described on an agenda as items of
9 business. If a council or committee violates the procedural meeting
10 requirements of this section and upon demand of any person, the
11 council or committee shall reconsider the item at its next meeting,
12 after allowing for public input on the item.

13 (d) Any materials provided to a schoolsite council shall be made
14 available to any member of the public who requests the materials
15 pursuant to the California Public Records Act (Chapter 3.5
16 (commencing with Section 6250) of Division 7 of Title ~~4~~: *1 of*
17 *the Government Code*).

18 *SEC. 4. Section 35514 of the Education Code is amended to*
19 *read:*

20 35514. As used in this chapter and in Chapter 4 (commencing
21 with Section 35700):

22 (a) “Affected district” means a *school* district that has been, or
23 is proposed to be, affected by an action to reorganize pursuant to
24 Section 35511 or by an action to lapse a *school* district pursuant
25 to Section 35780.1. Affected districts include all of the following
26 *school* district types:

27 (1) “Original district” means a *school* district as it existed before
28 an action to reorganize pursuant to Section 35511 or before an
29 action to lapse a *school* district pursuant to Section 35780.1. The
30 boundaries of an “original district” are those of the *school* district
31 as it existed immediately before the action to reorganize or lapse.

32 (2) “Former district” means a *school* district that has been wholly
33 included in another *school* district, or has had all of its territory
34 made part of two or more other *school* districts, through any action
35 taken pursuant to Section 35511 or through a ~~lapse~~ *lapsation*
36 pursuant to Section 35780.1. The boundaries of a former district
37 are those of the *school* district as it existed immediately before an
38 action to reorganize or lapse.

39 (3) “New district” means a *school* district that is formed from
40 all or portions of one or more other *school* districts by an action

1 to reorganize taken pursuant to subdivision (a) of Section 35511.
2 A new district does not exist before such an action.

3 (4) “Acquiring district” means a *school* district that has all or
4 portions of one or more other *school* districts transferred into, or
5 lapsed into, its boundaries pursuant to subdivision (b) of Section
6 35511 or Section 35780.1.

7 (5) “Divided district” means a *school* district that has had a
8 portion of its territory become part of a new *school* district or
9 transferred into one or more other *school* districts by an action to
10 reorganize taken pursuant to Section 35511.

11 (A) The “reorganized portion of a divided district” means the
12 portion of the divided *school* district’s territory that becomes part
13 of a new *school* district or is transferred into one or more other
14 *school* districts.

15 (B) The “remaining portion of a divided district” means the
16 portion of the divided *school* district’s territory that does not
17 become part of a new *school* district or that is not transferred into
18 one or more other *school* districts.

19 (6) “Reorganized district” means a *school* district that is a “new
20 district,” an “acquiring district,” or a “divided district.”

21 (b) “Districts” means school districts of every kind or class.

22 *SEC. 5. Section 35531 of the Education Code is amended to*
23 *read:*

24 35531. An action to form a unified school district pursuant to
25 Section ~~35543~~ 35542 is complete upon the date of completion of
26 the action by which the boundaries of the *school* districts
27 comprising the unified school district become coterminous.

28 *SEC. 6. Section 35545 of the Education Code is amended to*
29 *read:*

30 35545. (a) ~~Prior to~~ *Before* the date upon which a ~~newly~~
31 ~~organized or~~ reorganized district becomes effective for all purposes,
32 the county committee may include all, or part of, the territory in
33 plans and recommendations for further reorganization.

34 (b) During the first five years after the effective date for all
35 purposes of the formation of a ~~school~~ *new* district, no territory
36 shall be removed from the *school* district without the consent of
37 the governing board of the *school* district.

38 *SEC. 7. Section 35555 of the Education Code is amended to*
39 *read:*

1 35555. (a) The reorganization of any school district or *school*
2 districts shall not affect the classification of certificated employees
3 already employed by any school district affected. Those employees
4 have the same status with respect to their classification by the
5 *school* district, including time served as probationary employees
6 of the *school* district, after the reorganization as they had ~~prior to~~
7 *before* it. If the reorganization results in the school or other place
8 in which the employee is employed being maintained by another
9 *school* district, the employee, if a permanent employee of the
10 *school* district that formerly maintained the school or other place
11 of employment, shall be employed as a permanent employee of
12 the *school* district ~~which~~ *that* thereafter maintains the school or
13 other place of employment, unless the employee elects ~~prior to~~
14 *before* February 1 of the year in which the action will become
15 effective for all purposes to continue in the employ of the first
16 *school* district.

17 ~~¶~~

18 (b) If the employee is a probationary employee of the *school*
19 district ~~which~~ *that* formerly maintained the school or other place
20 of employment, he or she shall be employed by the *school* district
21 that thereafter maintains the school or other place of employment,
22 unless the probationary employee is terminated by the *school*
23 district pursuant to Section 44929.21, 44948, 44948.3, 44949, or
24 44955, and, if not so terminated, his or her status with respect to
25 classification by the *school* district shall be the same as it would
26 have been had the school or other place of employment continued
27 to be maintained by the *school* district ~~which~~ *that* formerly
28 maintained it. As used in this paragraph, “the school or other place
29 in which the employee is employed” and all references thereto,
30 includes, but is not *necessarily* limited to, the school services or
31 school program ~~which~~, *that*, as a result of any reorganization of a
32 school district, will be provided by another *school* district,
33 ~~regardless~~ *irrespective* of whether any particular building or
34 buildings in which the schoolwork or school program was
35 conducted is physically located in the ~~new reorganized~~ district
36 and ~~regardless~~ *irrespective* of whether any ~~new reorganized~~ district
37 ~~resulting from the reorganization~~ elects to provide for the education
38 of its pupils by contracting with another school district until the
39 ~~new reorganized~~ district constructs its own facilities.

1 *SEC. 8. Section 35556 of the Education Code is amended to*
2 *read:*

3 35556. (a) The reorganization of any school district, or *school*
4 *districts*, shall not affect the rights of persons employed in positions
5 not requiring certification qualifications to retain the salary, leaves,
6 and other benefits—~~which~~ *that* they would have had if the
7 reorganization had not occurred. These persons shall be treated in
8 the manner provided in this section.

9 (b) All employees of every school district that is included in
10 any other *school* district, or all *school* districts included in a new
11 district, shall become employees of the new district.

12 (c) (1) When a portion of the territory of any *school* district
13 becomes part of another *school* district, employees regularly
14 assigned to perform their duties in the territory affected shall
15 become employees of the acquiring district unless, in a manner
16 consistent with relevant provisions of this code and with any
17 applicable collective bargaining agreement, one of the following
18 *events* occurs:

19 (A) An employee elects to accept a vacant position, for which
20 he or she qualifies, that the ~~first~~ *original* district elects to fill.

21 (B) An employee elects to fill, by exercise of his or her rights
22 of seniority under existing law or the collective bargaining
23 agreement with the ~~first~~ *original* district, a position, for which he
24 or she qualifies, in the ~~first~~ *original* district.

25 (C) An employee elects to have his or her name entered on a
26 reemployment list of the ~~first~~ *original* district.

27 (2) Employees whose assignments pertained to the affected
28 territory, but whose employment situs was not in that territory,
29 may elect to remain with the original district or become employees
30 of the acquiring district.

31 (d) When the territory of any *school* district is divided between,
32 or among, two or more ~~districts~~ *new or acquiring districts*, and
33 the original district ceases to exist, employees of the original
34 district regularly assigned to perform their duties in any specific
35 territory of the *school* district shall become employees of the *school*
36 district acquiring the territory. Employees not assigned to specific
37 territory within the original district shall become employees of
38 any acquiring district at the election of the employees.

39 (e) An employee regularly assigned by the original district to
40 any school in the *school* district shall be an employee of the *school*

1 district in which the school is located unless that employee elects
2 to continue in the employ of the ~~first~~ *original* district pursuant to
3 subdivision (c).

4 (f) Except as otherwise provided in this section, nothing in this
5 section shall be construed to deprive the governing board of the
6 *new or* acquiring district from making reasonable reassignments
7 of duties.

8 (g) The amendments to this section made during the 1999–2000
9 Regular Session of the Legislature shall apply only to school
10 district reorganizations commenced on or after January 1, 2000.

11 *SEC. 9. Section 35559 of the Education Code is amended to*
12 *read:*

13 35559. Notwithstanding Sections ~~35105 and 5000~~, *5000 and*
14 *35105*, when the first elected board of any ~~newly formed~~ *new*
15 district is elected on the same date that the election is held for
16 adopting the proposal for the formation of the new district and
17 when the terms of several members of the first governing board
18 would expire ~~prior to~~ *before* the date on which the *school* district
19 becomes effective for all purposes, no election shall be held in
20 November of that odd-numbered year, but the several members
21 whose terms expire shall serve until April ~~30th~~ *30* of the next
22 succeeding even-numbered year. A governing board election shall
23 be held on the second Tuesday in April of that even-numbered
24 year to fill the offices of ~~such~~ *the* members whose terms expire on
25 *the April 30th 30* next succeeding the election. The terms of office
26 of the members so elected shall expire on the first Friday in
27 December of the second succeeding odd-numbered year. Their
28 successors shall be elected pursuant to Section 5000.

29 *SEC. 10. Section 35561 of the Education Code is amended to*
30 *read:*

31 35561. Any funds derived from the sale of the school bonds
32 issued by the ~~former~~ *original* district shall be used for the
33 acquisition, construction, or improvement of school property only
34 in the territory ~~which~~ *that* comprised the ~~former~~ *original* district
35 or to discharge bonded indebtedness of the ~~former~~ *original* district,
36 except ~~that~~ *that*, if the bonded indebtedness is assumed by the new
37 *or acquiring* district, the funds may be used in any area of the new
38 district for the purposes for which the bonds were originally voted.

39 *SEC. 11. Section 35562 of the Education Code is amended to*
40 *read:*

1 35562. If all the territory of ~~any~~ a school district becomes part
 2 of two or more *school* districts of any type, and the inclusion in
 3 the two or more new ~~school or acquiring~~ districts of the several
 4 portions of territory comprising the whole of the ~~original former~~
 5 district is effective for all purposes on the same date, the records
 6 of the ~~original former~~ district shall be disposed of as follows:

7 (a) All records of the ~~original former~~ district ~~which that~~ are
 8 required by law to be kept on file shall be deposited with the
 9 governing board of the *school* district which, after the
 10 reorganization has become effective for all purposes, has located
 11 within its boundaries the former office of the superintendent of
 12 the original district.

13 (b) Records of employees shall be transferred to the *school*
 14 district thereafter employing the personnel or thereafter maintaining
 15 the last place of employment.

16 (c) Records of pupils shall be transferred to the *school* district
 17 ~~which, that~~, after the date on which the reorganization becomes
 18 effective for all purposes, maintains the school in which a pupil
 19 was last enrolled.

20 *SEC. 12. Section 35563 of the Education Code is amended to*
 21 *read:*

22 35563. (a) If all of the territory of ~~any~~ a school district becomes
 23 part of two or more school districts of any type, and the inclusion
 24 in the two or more new school districts of the several portions of
 25 territory comprising the ~~original former~~ district is effective for all
 26 purposes on the same date, the county superintendent of schools
 27 having jurisdiction over the ~~original former~~ district shall assume
 28 responsibility for all of the following:

29 (1) Completing all records and reports of the ~~original former~~
 30 district.

31 (2) Paying all outstanding obligations, except obligations
 32 resulting from contracts ~~which that~~ are to be assumed by a
 33 ~~succeeding~~ *new or acquiring* district.

34 (3) Preparing for proper filing all records of the *former* district
 35 required to be kept permanently by the provisions of any applicable
 36 code.

37 (4) Distributing records as provided in Section 35562.

38 (5) Employing an auditor as required in Section 41020.

39 (6) Discharging ~~such~~ other functions ~~as that~~ he or she ~~shall deem~~
 40 *deems* necessary to the dissolution of the *school* district.

1 (b) In discharging these duties, the county superintendent of
2 *schools* may request the services of employees of the original
3 *district or the new or acquiring* district, and the ~~succeeding new~~
4 ~~or acquiring~~ districts shall release ~~such those~~ employees to the
5 county superintendent of *schools* for the purpose of accomplishing
6 the requirements of this section. The salaries of ~~such those~~
7 employees and all other necessary expenses of completing the
8 requirements of this section shall be charged against the
9 accumulated funds of the ~~dissolved former~~ district ~~prior to before~~
10 the final distribution of ~~such those~~ funds to the ~~succeeding new or~~
11 ~~acquiring~~ districts.

12 *SEC. 13. Section 35566 of the Education Code is amended to*
13 *read:*

14 35566. Notwithstanding any ~~provisions other provision~~ of this
15 article, exchanges of property tax revenues between school districts
16 as a result of ~~reorganization an action to reorganize~~ shall be
17 determined pursuant to subdivision (i) of Section 99 of the Revenue
18 and Taxation Code if one or more affected ~~school~~ districts receive
19 only basic aid apportionments required by Section 6 of Article IX
20 of the California Constitution.

21 *SEC. 14. Section 35572 of the Education Code is amended to*
22 *read:*

23 35572. No territory shall be taken from any school district
24 having any outstanding bonded indebtedness and made a part of
25 another *school* district where the action, if taken, would so reduce
26 the last equalized assessed valuation of ~~a the divided~~ district ~~from~~
27 ~~which the territory was taken~~ so that the outstanding bonded
28 indebtedness of the *divided* district would exceed 5 percent of the
29 assessed valuation ~~remaining~~ in the *remaining territory of the*
30 *divided* district for each level maintained, on the date the
31 reorganization is effective pursuant to Section 35766.

32 *SEC. 15. Section 35574 of the Education Code is amended to*
33 *read:*

34 35574. Notwithstanding any other provision of this code, for
35 the purposes of applying the State School Building Aid Law of
36 ~~1952, Chapter 8 1952 (Chapter 6~~ (commencing with Section
37 16000) of Part ~~10, 10 of Division 1 of Title 1~~), the amount of
38 outstanding bonded indebtedness, exclusive of interest, of the
39 ~~former or divided~~ districts ~~which that~~ is equal to the liability
40 incurred by the *new or acquiring* district pursuant to Section 35576

1 shall be considered a liability of the *new or* acquiring district for
2 purposes of computing *the* bonding capacity of the *school* district.

3 *SEC. 16. Section 35576 of the Education Code is amended to*
4 *read:*

5 35576. (a) If territory is taken from one *school* district and
6 annexed to, or included in, ~~another district or~~ a *new or acquiring*
7 district by any ~~procedure~~ *procedure*, and the area transferred
8 contains real property, the *new or acquiring* district ~~to which the~~
9 ~~territory is annexed~~ shall take possession of the real property,
10 pursuant to paragraph (1) of subdivision (a) of Section 35560, on
11 the day when the ~~annexation~~ *action to reorganize* becomes
12 effective for all purposes. The *reorganized* territory ~~transferred~~
13 shall cease to be liable for the bonded indebtedness of the *school*
14 district of which it was formerly a ~~part~~ *part*, and shall automatically
15 assume its proportionate share of the outstanding bonded
16 indebtedness of any *school* district of which it becomes a part.

17 (b) The *new or* acquiring district shall be liable for the greater
18 of the amounts determined under provisions of paragraph (1) or
19 (2), or the amount determined pursuant to a method prescribed
20 under Section 35738.

21 (1) The proportionate share of the outstanding bonded
22 indebtedness of the original district, which proportionate share
23 shall be in the ratio that the total assessed valuation of the
24 transferring territory bears to the total assessed valuation of the
25 original district in the year immediately preceding the date on
26 which the ~~annexation~~ *action to reorganize* is effective for all
27 purposes. This ratio shall be used each year until the bonded
28 indebtedness for which the *new or* acquiring district is liable has
29 been repaid.

30 (2) The portion of the outstanding bonded indebtedness of the
31 original district that was incurred for the acquisition or
32 improvement of real property, or fixtures located on the real
33 property, and situated in the ~~territory transferred.~~ *reorganized*
34 *territory*.

35 (c) The county board of supervisors shall compute for the
36 ~~reorganized district~~ *districts* an annual tax rate for bond interest
37 and redemption that will include the bond interest and redemption
38 on the outstanding bonded indebtedness specified in paragraph (1)
39 or (2) of subdivision (b), or the amount determined pursuant to a
40 method prescribed under Section 35738. The county board of

1 supervisors shall also compute tax rates for the annual charge and
2 use charge prescribed by former Sections 1822.2 and 1825, as they
3 read on July 1, 1970, when ~~such~~ *those* charges were established
4 before November 23, 1970. All ~~such of those~~ tax rates shall be
5 levied in excess of any other ad valorem property tax authorized
6 or required by ~~law~~ *law*, and shall not be included in the
7 computation of the limitation specified in subdivision (a) of Section
8 1 of Article XIII A of the California Constitution.

9 *SEC. 17. Section 35577 of the Education Code is amended to*
10 *read:*

11 35577. Whenever ~~an existing~~ *a* school district having
12 authorized but unsold bonds is completely divided between two
13 or more *new or acquiring* districts so that the ~~existing original~~
14 district ceases to exist, pursuant to any provision of this chapter,
15 the board of supervisors shall, ~~prior to~~ *before* the date the action
16 is effective for the purposes of Section 35534, make and enter an
17 order in the minutes of its proceedings that the authorization to
18 issue the unsold bonds be divided between ~~the districts~~ *each new*
19 *or acquiring district* in the ratio ~~which that~~ the assessed valuation
20 of the *reorganized territory transferred to the districts included in*
21 *each school district* bears to the total assessed valuation of the
22 former district. The bonds, if issued by any *new or acquiring*
23 district, shall be considered a liability of the ~~new school~~ *new school*
24 district for purposes of computing the bonding capacity of the ~~new school~~
25 district when applying the State School Building Aid Law of ~~1952,~~
26 ~~Chapter 8 1952 (Chapter 6~~ (commencing with Section 16000) of
27 ~~Part 10 of Division 1 of Title 1).~~

28 *SEC. 18. Section 35578 of the Education Code is amended to*
29 *read:*

30 35578. Any unsold bonds of an elementary, high, or unified
31 school district ~~which that~~ is included as a whole in a *new or*
32 *acquiring school* district through any kind of reorganization may
33 be issued by the board of supervisors in the name of the *new or*
34 *acquiring* district and the proceeds derived upon the sale thereof
35 shall be the funds of the *new or acquiring* district. However, the
36 proceeds derived upon the sale thereof shall be expended only for
37 the purpose, or purposes, for which ~~such those~~ bonds were
38 authorized.

39 *SEC. 19. Section 35579 of the Education Code is amended to*
40 *read:*

1 35579. Any unsold bonds of an elementary, high, or unified
 2 school district ~~which~~ *that* is included as a whole in a new *or*
 3 *acquiring-school* district through any kind of reorganization, if
 4 issued by the board of supervisors in the names of the ~~old districts,~~
 5 *former districts* shall be considered a liability of the new *or*
 6 *acquiring* district for purposes of computing the bonding capacity
 7 of the ~~new school~~ district when applying the State School Building
 8 Aid Law of ~~1952, Chapter 8~~ 1952 (*Chapter 6* (commencing with
 9 Section 16000) of Part ~~10,~~ *10 of Division 1 of Title 1*).

10 *SEC. 20. Section 35700.1 of the Education Code is amended*
 11 *to read:*

12 35700.1. (a) A county superintendent of schools may do any
 13 of the following, as necessary, with respect to the reorganization
 14 of school districts within the jurisdiction of a county superintendent
 15 of schools:

16 (1) ~~Prior to~~ *Before* the initiation of an action to reorganize, a
 17 county superintendent of schools may do any of the following:

18 (A) Provide information, coordination, and guidance to potential
 19 petitioners for reorganization and to other parties inquiring about
 20 the petition process.

21 (B) Provide procedural advice and counseling.

22 (C) Provide information and assistance for community meetings,
 23 information sessions, and briefing sessions.

24 (D) Provide for coordination of media and community relations.

25 (2) A county superintendent of schools may perform the
 26 following duties for the processing and evaluation of multiple
 27 petitions to reorganize one or more school districts:

28 (A) Ensure compliance with all requirements pertaining to the
 29 petitions.

30 (B) Ensure compliance with all required timelines or deadlines
 31 for petitions.

32 (C) Apply new and preexisting evaluation criteria to the petition.

33 (3) A county superintendent of schools may provide assistance
 34 to ~~newly reorganized-school~~ districts during the interim period, as
 35 follows:

36 (A) To ensure smooth transitions with minimum disruption to
 37 pupils and staff.

38 (B) To provide advisory and consulting expertise on any of the
 39 following:

40 (i) Board and administrative policies and regulations.

- 1 (ii) Personnel policies.
- 2 (iii) Curriculum.
- 3 (iv) Instructional programs and services.
- 4 (v) Financial and budgeting functions.
- 5 (vi) Distribution of assets and liabilities.

6 (b) No funds *appropriated in the annual Budget Act or another*
7 *statute and* allocated to the Los Angeles County Office of
8 ~~Education pursuant to the Budget Act~~ *Education* shall be used to
9 instigate, solicit, or promote the development of plans to reorganize
10 a school district or school districts within the jurisdiction of the
11 county office of education; ~~provided, however, education, except~~
12 that the funds may be used to support the research necessary to
13 review and make recommendations regarding reorganization plans
14 that are submitted to the county office of education.

15 *SEC. 21. Section 35705.5 of the Education Code is amended*
16 *to read:*

17 35705.5. (a) The county committee may add to the petition
18 any of the appropriate provisions specified in Article 3
19 (commencing with Section 35730) ~~which that~~ were not included
20 in the petition as filed and may amend any such provision ~~which~~
21 *that* was so included.

22 (b) At least 10 days before the public hearing, or hearings, on
23 the petition, the county committee shall make available to the
24 public and to the governing boards affected by the petition a
25 description of the petition, including all of the following:

26 (1) The rights of the employees in the affected districts to
27 continued employment.

28 (2) ~~The revenue limit per unit of average daily attendance local~~
29 *control funding formula allocation pursuant to Section 42238.02,*
30 *as implemented by Section 42238.03, per pupil,* for each affected
31 district and the effect of the petition, if approved, ~~on such revenue~~
32 ~~limit.~~ *that allocation.*

33 (3) Whether the *school* districts involved will be governed, in
34 part, by provisions of a city charter and, if so, in what way.

35 (4) Whether the governing boards of any proposed new district
36 will have five or seven members.

37 (5) A description of the territory or *school* districts in which the
38 election, if any, will be held.

39 (6) Where the proposal is to create two or more *new* districts,
40 whether the proposal will be voted on as a single proposition.

1 (7) Whether the governing board of any new district will have
2 trustee areas and, if so, whether the trustees will be elected by only
3 the voters of that trustee area or by the voters of the entire *school*
4 district.

5 (8) A description of how the property, obligations, and bonded
6 indebtedness of ~~existing~~ *original* districts will be divided.

7 (9) A description of when the first governing board of any new
8 district will be elected and how the terms of office for each new
9 trustee will be determined.

10 *SEC. 22. Section 35706 of the Education Code is amended to*
11 *read:*

12 35706. (a) Within 120 days of the commencement of the first
13 public hearing on the petition, the county committee shall
14 recommend approval or disapproval of a petition ~~for unification~~
15 ~~of school to form one or more new~~ districts or for the division of
16 the *entire* territory of ~~an existing~~ a school district into two or more
17 ~~separate school~~ *new or acquiring* districts, as the petition may be
18 augmented, or shall approve or disapprove a petition for the transfer
19 of territory, as the petition may be augmented. *The county*
20 *committee also shall approve or disapprove a petition to form one*
21 *or more new districts if the conditions of subdivision (b) of Section*
22 *35710 are met.*

23 (b) The 120-day period for approving or disapproving a petition
24 pursuant to Section 35709 or 35710 shall commence after
25 certification of an environmental impact report, approval of a
26 negative declaration, or a determination that the project is exempt
27 from the California Environmental Quality Act (Division 13
28 (commencing with Section 21000) of the Public Resources Code).

29 *SEC. 23. Section 35706.5 of the Education Code is amended*
30 *to read:*

31 35706.5. (a) No action to reorganize ~~the boundaries of~~ a school
32 district shall be initiated or completed without the consent of a
33 majority of all of the members of the governing board of the ~~school~~
34 *affected* district if both of the following conditions apply to the
35 school district:

36 (1) It has obtained an emergency apportionment loan from the
37 State of California, but the Superintendent ~~of Public Instruction~~
38 has determined that a state administrator is no longer necessary,
39 and has restored, ~~prior to~~ *before* the effective date of this section,

1 the legal rights, duties, and powers of the governing board of the
2 *school* district pursuant to Section 41326.

3 (2) It has a ~~student~~ *pupil* population 70 percent of which is from
4 either a “lower income household” or “very low income household”
5 as those terms are defined in Sections 50079.5 and 50105,
6 respectively, of the Health and Safety Code.

7 (b) For purposes of this section, for any school district that meets
8 the description specified in paragraph ~~(1)~~; (1) of subdivision (a),
9 consent to an action to reorganize the boundaries of the school
10 district shall no longer be required when 10 years have elapsed
11 from the date of final payment by the school district of the
12 emergency loan to the State of California.

13 *SEC. 24. Section 35708 of the Education Code is amended to*
14 *read:*

15 35708. Except for a petition to form one or more ~~school~~ *new*
16 districts approved pursuant to subdivision (b) of Section 35710, a
17 petition transmitted pursuant to Section 35707, including the plans
18 and recommendations included therein, if any, together with the
19 recommended approval or disapproval and the plans and
20 recommendations, if any, of the county committee shall be heard
21 by the state board as provided in Article 4 (commencing with
22 Section 35750).

23 *SEC. 25. Section 35709 of the Education Code is amended to*
24 *read:*

25 35709. If the following conditions are met, the county
26 committee may approve the petition and order that the petition be
27 granted, and shall so notify the county board of supervisors:

28 (a) The county committee finds that the conditions enumerated
29 in paragraphs (1) to (10), inclusive, of subdivision (a) of Section
30 35753 are substantially met, and:

31 (b) Either:

32 (1) The petition is to transfer uninhabited territory from one
33 *school* district to another and the owner of the territory, or a
34 majority of the owners of the territory, and the governing ~~boards~~
35 *board* of ~~all each affected school districts involved in the transfer~~
36 ~~consent~~ *district consents* to the transfer; or

37 (2) The petition is to transfer inhabited territory of less than 10
38 percent of the assessed valuation of the *school* district from which
39 the territory is being transferred, and the governing board of each

1 ~~school~~ affected district involved in the transfer consents
2 to the transfer.

3 SEC. 26. Section 35710 of the Education Code is amended to
4 read:

5 35710. (a) For all other petitions to transfer territory, if the
6 county committee finds that the conditions enumerated in
7 paragraphs (1) to (10), inclusive, of subdivision (a) of Section
8 35753 substantially are met, the county committee may approve
9 the petition and, if approved, shall notify the county superintendent
10 of schools who shall call an election in the territory of the *affected*
11 districts as determined by the county committee, to be conducted
12 at the next election of any kind in accordance with either of the
13 following:

14 (1) Section 1002 of the Elections Code and Part 4 (commencing
15 with Section 5000) of Division 1 of Title 1.

16 (2) Division 4 (commencing with Section 4000) of the Elections
17 Code.

18 (b) A county committee also may approve a petition to form
19 one or more ~~school~~ new districts if the requirements of subdivision
20 (a), and the following conditions, are met:

21 (1) Each county superintendent of schools with jurisdiction over
22 an affected ~~school~~ district elects to grant approval authority to the
23 county committee on school district organization for which he or
24 she is secretary pursuant to Section 4012, and that county
25 committee chooses to accept that authority.

26 (2) The governing board of each of the affected ~~school~~ districts
27 consents to the petition.

28 (3) The secretary of the county committee designated as the
29 lead agency pursuant to Section 35710.3 or subdivision (a) of
30 Section 35520.5 enters into an agreement on behalf of the county
31 committee for any or all affected ~~school~~ districts to share among
32 those districts the costs of complying with the requirements of the
33 California Environmental Quality Act (Division 13 (commencing
34 with Section 21000) of the Public Resources Code).

35 (c) A petition to form one or more ~~school~~ new districts that
36 meets the conditions described in subdivision (b), but is not
37 approved by the county committee, shall be transmitted to the state
38 board pursuant to subdivision (a) of Section 35707 and heard by
39 the state board pursuant to Section 35708. The state board, rather
40 than the county committee, shall be the lead agency, as defined in

1 Section 21067 of the Public Resources Code, for purposes of the
2 California Environmental Quality Act (Division 13 (commencing
3 with Section 21000) of the Public Resources Code) for each
4 petition transmitted pursuant to this subdivision, including a
5 petition disapproved by the county committee after determining
6 the project is exempt from the California Environmental Quality
7 Act pursuant to paragraph (5) of subdivision (b) of Section 21080
8 of the Public Resources Code.

9 *SEC. 27. Section 35711 of the Education Code is amended to*
10 *read:*

11 35711. (a) A person questioning the finding of the county
12 committee pursuant to Section 35709 or 35710 that the action to
13 transfer territory or form one or more ~~school~~ *new* districts will not
14 adversely affect the racial or ethnic integration of the schools of
15 the districts affected, may appeal a decision based on that finding.
16 The appeal shall be made to the state board within 30 days. The
17 appeal shall be based upon factual and statistical evidence.

18 (b) If the state board denies the appeal, the decision of the county
19 committee shall stand. If the state board approves the appeal, it
20 shall review the findings of the county committee at a regular
21 meeting of the state board.

22 (c) The state board shall notify the county committee of its
23 decision on the appeal. If the state board approves the appeal, the
24 county committee shall transmit a copy of the proceedings to the
25 state board within 30 days after receipt of notice. The state board
26 shall review the transcript, considering all factors involved. The
27 state board may reverse, or may affirm, the decision of the county
28 committee, or if it appears that inadequate consideration was given
29 to the effect of the transfer on integration of the schools of the
30 *school* districts affected, it shall direct the county committee to
31 reconsider its decision and for this purpose to hold another hearing.

32 *SEC. 28. Section 35720.5 of the Education Code is amended*
33 *to read:*

34 35720.5. (a) The county committee shall adopt a tentative
35 recommendation following which action it shall hold one or more
36 public hearings in the area proposed for reorganization at least 30
37 days ~~prior to~~ *before* submission of a final recommendation for
38 unification or other reorganization to the ~~State Board of Education.~~
39 *state board.*

1 (b) The public hearing required by this section shall be called
2 when both of the following conditions are met :

3 (1) Notice is sent to the governing board of each ~~school~~ *affected*
4 ~~district involved~~ at least 10 days before the hearing.

5 (2) Notice of the hearing is either published in a newspaper of
6 general circulation or posted in every schoolhouse and at least
7 three public places in the affected territory, *school* district, or
8 *school* districts.

9 (c) The notice shall contain information as to the time, place,
10 and purpose of the hearing.

11 *SEC. 29. Section 35736 of the Education Code is amended to*
12 *read:*

13 35736. Plans and recommendations may include a proposal
14 for dividing the property, other than real property, and obligations
15 of any school district proposed to be divided between two or more
16 ~~school~~ *new or acquiring* districts, or proposed to be partially
17 included in one or more ~~school~~ *new or acquiring* districts. As used
18 in this section, “property” includes funds, cash on hand, and
19 moneys due but uncollected on the date reorganization becomes
20 effective for all purposes, and state apportionments based on
21 average daily attendance earned in the year immediately preceding
22 the date reorganization becomes effective for all purposes. In
23 providing for this division, the plans and recommendations may
24 consider the assessed valuation of each portion of the school
25 district, the local control funding formula allocation pursuant to
26 Section 42238.02, as implemented by Section 42238.03, in each
27 school district, the number of children of schoolage residing in
28 each portion of the school district, the value and location of the
29 school property, and ~~such~~ other matters ~~as~~ *that* may be deemed
30 pertinent and equitable. Any such proposal shall be an integral
31 part of the proposal and not a separate proposition.

32 *SEC. 30. Section 35740 of the Education Code is amended to*
33 *read:*

34 35740. In addition to satisfying the requirements of subdivision
35 (j) of Section 42127.6, upon the approval of a petition for
36 reorganization and continuing after the certification of the election
37 results for a ~~newly organized~~ *an action to reorganize a school*
38 district pursuant to Section 35763, or upon the appointment of an
39 interim governing board pursuant to Section 35100, until the
40 effective date of the ~~newly organized or newly formed school~~

1 *reorganized* district in accordance with Article 4 (commencing
2 with Section 35530) of Chapter 3, ~~a school an affected~~ district
3 ~~involved in a reorganization as an existing, proposed, newly~~
4 ~~formed, or newly organized school district~~ is subject to all of the
5 following:

6 (a) (1) The interim board or the governing board of the ~~existing~~
7 ~~school original~~ district or districts, and, where applicable, the
8 administrators of the ~~existing school original~~ district or districts,
9 shall notify the county superintendent of schools in ~~writing~~ *writing*,
10 and provide relevant documents and information no less than 10
11 schooldays before taking any action on any matter that could have
12 a material fiscal impact on, or impose a debt or liability on, the
13 ~~existing, original, proposed, newly formed, or newly organized~~
14 *or reorganized* school district.

15 (2) Notwithstanding any other law, failure to provide the notice
16 and relevant documents and information required by paragraph
17 (1) shall nullify the action taken by the board or administrator of
18 the ~~school affected~~ district or districts.

19 (3) As used in this section, “schoolday” means a day upon which
20 the schools of the district are in session or ~~non-holiday~~ *nonholiday*
21 weekdays during the summer recess.

22 (b) The county superintendent of schools may review any action
23 taken or proposed to be taken by any interim or existing governing
24 board or school district administrators to determine whether that
25 action would have a material fiscal impact, debt, or liability on the
26 ~~existing, original, proposed, newly formed, or newly organized~~
27 *or reorganized* school district. If, based on the review of the county
28 superintendent of schools, the county superintendent of schools
29 determines that the action or proposed action would have a material
30 fiscal impact on the ~~existing, original, proposed, newly formed,~~
31 ~~or newly organized or reorganized~~ school district, and that action
32 is unnecessary for the immediate functioning of the ~~existing or~~
33 ~~newly formed original or reorganized~~ school district, the county
34 superintendent of schools may stay or rescind that action. The
35 county superintendent of schools shall inform the ~~existing original~~
36 or interim reorganized school district governing board or the school
37 district administrators in writing of his or her justification for the
38 exercise of authority under this subdivision to stay or rescind any
39 action of the interim or ~~existing original school district~~ governing
40 ~~board or the school district administrators:~~ *board*.

1 (c) A school district shall provide any documents or information
2 requested by the county superintendent of schools in a timely
3 manner related to proposed actions that are under review pursuant
4 to this section.

5 (d) The provisions of this section shall apply irrespective of a
6 school district's budget or certification status under Article 2
7 (commencing with Section 42120) or Article 3 (commencing with
8 Section 42130) of Chapter 6 of Part 24.

9 *SEC. 31. Section 35753 of the Education Code is amended to*
10 *read:*

11 35753. (a) ~~The State Board of Education~~ *state board* may
12 approve proposals for the reorganization of *school* districts, if the
13 *state* board has determined, with respect to the proposal and the
14 resulting *school* districts, that all of the following conditions are
15 substantially met:

16 (1) The reorganized districts will be adequate in terms of number
17 of pupils enrolled.

18 (2) The *school* districts are each organized on the basis of a
19 substantial community identity.

20 (3) The proposal will result in an equitable division of property
21 and facilities of the original district or districts.

22 (4) The reorganization of the *school* districts will preserve each
23 affected district's ability to educate ~~students~~ *pupils* in an integrated
24 environment and will not promote racial or ethnic discrimination
25 or segregation.

26 (5) Any increase in costs to the state as a result of the proposed
27 reorganization will be insignificant and otherwise incidental to the
28 reorganization.

29 (6) The proposed reorganization will continue to promote sound
30 education performance and will not significantly disrupt the
31 educational programs in the ~~districts affected by the proposed~~
32 ~~reorganization.~~ *affected districts.*

33 (7) Any increase in school facilities costs as a result of the
34 proposed reorganization will be insignificant and otherwise
35 incidental to the reorganization.

36 (8) The proposed reorganization is primarily designed for
37 purposes other than to significantly increase property values.

38 (9) The proposed reorganization will continue to promote sound
39 fiscal management and not cause a substantial negative effect on

1 the fiscal status of the ~~proposed district or any existing district~~
2 ~~affected by the proposed reorganization.~~ *affected district.*

3 (10) Any other criteria ~~as that~~ the *state* board may, by regulation,
4 prescribe.

5 (b) ~~The State Board of Education~~ *state board* may approve a
6 proposal for the reorganization of school districts if the *state* board
7 determines that it is not practical or possible to apply the criteria
8 of this section literally, and that the circumstances with respect to
9 the proposals provide an exceptional situation sufficient to justify
10 approval of the proposals.

11 *SEC. 32. Section 35754 of the Education Code is amended to*
12 *read:*

13 35754. After affording interested persons an opportunity to
14 present their views on the petition *to reorganize school districts,*
15 and after hearing any findings and recommendations of the ~~State~~
16 ~~Superintendent of Public Instruction,~~ the ~~State Board of Education~~
17 *Superintendent, the state board* shall approve or disapprove the
18 ~~formation of the proposed new district.~~ *petition.* If the *state* board
19 approves the ~~formation,~~ *petition,* it may amend or include in the
20 proposal any of the appropriate provisions of Article 3
21 (commencing with Section 35730).

22 *SEC. 33. Section 35755 of the Education Code is amended to*
23 *read:*

24 35755. After the ~~State Board of Education~~ *state board* has
25 approved the plans and recommendations for the unification or
26 other reorganization of the school districts in any ~~area~~ *area,*
27 *including approval through affirmation or reversal of the action*
28 *of a county committee,* the secretary of the ~~State Board of Education~~
29 *state board* shall give notice of the approval to the county
30 superintendent of schools having jurisdiction over any of the *school*
31 districts whose boundaries or status would be affected by the
32 reorganization as proposed.

33 *SEC. 34. Section 35759 of the Education Code is amended to*
34 *read:*

35 35759. The cost of preparation and distribution of the statement
36 setting forth the arguments in favor of, and those opposed to, the
37 recommendations of the county board, and the cost of any election
38 held pursuant to this article shall be a charge against the general
39 fund of the county. ~~If such~~ *the proposed reorganized* district is
40 situated in more than one county, the cost of the election shall be

1 prorated against each county in the same proportion as the assessed
 2 valuation of the territory of the proposed ~~new reorganized~~ district
 3 lying in ~~such~~ *that* county bears to the total assessed valuation of
 4 the proposed ~~new reorganized~~ districts.

5 *SEC. 35. Section 35780 of the Education Code is amended to*
 6 *read:*

7 35780. (a) ~~Any~~ A school district ~~which~~ *that* has been organized
 8 for more than three years shall be lapsed as provided in this article
 9 if the number of registered electors in the *school* district is less
 10 than six or if the average daily attendance of pupils in the school
 11 or schools maintained by the *school* district is less than six in
 12 grades 1 through 8 or is less than 11 in grades 9 through 12, except
 13 that for any unified district ~~which~~ *that* has established and continues
 14 to operate at least one senior high school, the board of supervisors
 15 shall defer the lapsation of the *school* district for one year upon a
 16 written request of the governing board of the *school* district and
 17 written concurrence of the county committee. The board of
 18 supervisors shall make no more than three such deferments.

19 (b) For a ~~newly organized school~~ *new* district that has been
 20 unable to provide the school facilities necessary for instructional
 21 services by employees of the *school* district to all of the pupils
 22 who are residents of the *school* district after five years from the
 23 date that the reorganization became effective, the county committee
 24 on school district organization, upon direction from the ~~State Board~~
 25 ~~of Education~~, *state board*, shall initiate lapsation procedures
 26 pursuant to Section 35783 or revert the reorganized district to its
 27 original status.

28 (c) A school district may also be lapsed when there are no school
 29 facilities or sites on which to maintain any school in the *school*
 30 district.

31 *SEC. 36. Section 35780.1 of the Education Code is amended*
 32 *to read:*

33 35780.1. For purposes of this ~~article~~, ~~“lapse”~~ *article*, the
 34 *following terms have the following meanings:*

35 (a) *“Lapse”* means ~~an action to dissolve~~ *dissolving* a school
 36 district and ~~annex~~ *annexing* the entire territory of that *school* district
 37 to one or more adjoining school districts.

38 (b) *“Lapsation”* means *an action to lapse as defined by this*
 39 *section.*

1 *SEC. 37. Section 37223 of the Education Code is amended to*
2 *read:*

3 37223. (a) The governing board of any elementary, high
4 school, or unified school district or any county superintendent of
5 schools may maintain classes on Saturday or Sunday, or both. *The*
6 *classes maintained pursuant to this section may include, but are*
7 *not necessarily limited to, all of the following:*

8 ~~The classes may include, but are not limited to, continuation~~
9 ~~classes, special~~

10 (1) *Continuation classes.*

11 (2) *Special day classes for mentally gifted minors, makeup*
12 *minors.*

13 (3) *Makeup classes for unexcused absences occurring during*
14 *the week, and the week.*

15 (4) *The programs of a regional occupational center or regional*
16 *occupational program.*

17 (b) Except as otherwise provided in this code, the attendance
18 of any pupil in a class or program held on a Saturday or Sunday
19 shall not result in the crediting of more than five days of attendance
20 for the pupil per week.

21 (c) Attendance at classes conducted on Saturday or Sunday, or
22 both, shall be at the election of the pupil or, in the case of a minor
23 pupil, the parent or guardian of the pupil. However, the governing
24 board may require truants, as defined by Section 48260, to attend
25 makeup classes conducted on one day of a weekend.

26 (d) Except as otherwise provided in this code, any class ~~which~~
27 *that* is offered on a Saturday or Sunday shall be one offered during
28 the regular Monday through Friday school week.

29 (e) The voluntary attendance of pupils in approved programs
30 for mentally gifted minors, as defined in Section 52200, in special
31 educational activities conducted on Saturday or Sunday shall not
32 be included in the computation of the average daily attendance of
33 the *school* district.

34 (f) Subdivisions (b) and (d) ~~of this section~~ shall not apply to
35 regional occupational centers or programs.

36 *SEC. 38. Section 41020.6 of the Education Code is repealed.*

37 ~~41020.6. On October 1, 2001, and each year thereafter, the~~
38 ~~State Department of Education shall report to the Joint Legislative~~
39 ~~Audit Committee on the actions taken by the department to~~

1 ~~eliminate audit exceptions and comply with management~~
2 ~~improvement recommendations.~~

3 *SEC. 39. Section 41320.3 of the Education Code is repealed.*

4 ~~41320.3. On or before February 15 of each year, the State~~
5 ~~Department of Education shall report to the Legislature on the~~
6 ~~status of school districts that have received emergency~~
7 ~~apportionments pursuant to this article or some other specific~~
8 ~~statutory apportionment.~~

9 *SEC. 40. Section 41326 of the Education Code is amended to*
10 *read:*

11 41326. (a) Notwithstanding any other provision of this code,
12 the acceptance by a school district of an apportionment made
13 pursuant to Section 41320 that exceeds an amount equal to 200
14 percent of the amount of the reserve recommended for that school
15 district under the standards and criteria adopted pursuant to Section
16 33127 constitutes the agreement by the school district to the
17 conditions set forth in this article. Before applying for an
18 emergency apportionment in the amount identified in this
19 subdivision, the governing board of a school district shall discuss
20 the need for that apportionment at a regular or special meeting of
21 the governing board of the school district and, at that meeting,
22 shall receive testimony regarding the apportionment from parents,
23 exclusive representatives of employees of the school district, and
24 other members of the community. For purposes of this article,
25 “qualifying school district” means a school district that accepts a
26 loan as described in this subdivision.

27 (b) The Superintendent shall assume all the legal rights, duties,
28 and powers of the governing board of a qualifying school district.
29 The Superintendent, in consultation with the county superintendent
30 of schools, shall appoint an administrator to act on his or her behalf
31 in exercising the authority described in this subdivision in
32 accordance with all of the following:

33 (1) The administrator shall serve under the direction and
34 supervision of the Superintendent until terminated by the
35 Superintendent at his or her discretion. The Superintendent shall
36 consult with the county superintendent of schools before
37 terminating the administrator.

38 (2) The administrator shall have recognized expertise in
39 management and finance.

1 (3) To facilitate the appointment of the administrator and the
2 employment of necessary staff, for purposes of this section, the
3 Superintendent is exempt from the requirements of Article 6
4 (commencing with Section 999) of Chapter 6 of Division 4 of the
5 Military and Veterans Code and Part 2 (commencing with Section
6 10100) of Division 2 of the Public Contract Code.

7 (4) Notwithstanding any other law, the Superintendent may
8 appoint an employee of the state or the office of the county
9 superintendent of schools to act as administrator for up to the
10 duration of the administratorship. During the tenure of his or her
11 appointment, the administrator, if he or she is an employee of the
12 state or the office of the county superintendent of schools, is an
13 employee of the qualifying school district, but shall remain in the
14 same retirement system under the same plan that has been provided
15 by his or her employment with the state or the office of the county
16 superintendent of schools. Upon the expiration or termination of
17 the appointment, the employee shall have the right to return to his
18 or her former position, or to a position at substantially the same
19 level as that position, with the state or the office of the county
20 superintendent of schools. The time served in the appointment
21 shall be counted for all purposes as if the administrator had served
22 that time in his or her former position with the state or the office
23 of the county superintendent of schools.

24 (5) Except for an individual appointed as an administrator by
25 the Superintendent pursuant to paragraph (4), the administrator
26 shall be a member of the State Teachers' Retirement System, if
27 qualified, for the period of service as administrator, unless he or
28 she elects in writing not to become a member. A person who is a
29 member or retirant of the State Teachers' Retirement System at
30 the time of appointment shall continue to be a member or retirant
31 of the system for the duration of the appointment. If the
32 administrator chooses to become a member or is already a member,
33 the administrator shall be placed on the payroll of the qualifying
34 school district for purposes of providing appropriate contributions
35 to the system. The Superintendent may also require the
36 administrator to be placed on the payroll of the qualifying school
37 district for purposes of remuneration, other benefits, and payroll
38 deductions.

39 (6) For purposes of workers' compensation benefits, the
40 administrator is an employee of the qualifying school district,

1 except that an administrator appointed pursuant to paragraph (4)
2 may be deemed an employee of the state or office of the county
3 superintendent of schools, as applicable.

4 (7) The qualifying school district shall add the administrator as
5 a covered employee of the qualifying school district for all purposes
6 of errors and omissions liability insurance policies.

7 (8) The salary and benefits of the administrator shall be
8 established by the Superintendent and paid by the qualifying school
9 district.

10 (9) The Superintendent or the administrator may employ, on a
11 short-term basis and at the expense of the qualifying school district,
12 any staff necessary to assist the administrator, including, but not
13 limited to, a certified public accountant.

14 (10) The administrator may do all of the following:

15 (A) Implement substantial changes in the fiscal policies and
16 practices of the qualifying school district, including, if necessary,
17 the filing of a petition under Chapter 9 (commencing with Section
18 901) of Title 11 of the United States Code for the adjustment of
19 indebtedness.

20 (B) Revise the educational program of the qualifying school
21 district to reflect realistic income projections and pupil performance
22 relative to state standards.

23 (C) Encourage all members of the school community to accept
24 a fair share of the burden of the fiscal recovery of the qualifying
25 school district.

26 (D) Consult, for the purposes described in this subdivision, with
27 the governing board of the qualifying school district, the exclusive
28 representatives of the employees of the qualifying school district,
29 parents, and the community.

30 (E) Consult with, and seek recommendations from, the
31 Superintendent, the county superintendent of schools, and the
32 County Office Fiscal Crisis and Management Assistance Team
33 authorized pursuant to subdivision (c) of Section 42127.8 for
34 purposes described in this article.

35 (F) With the approval of the Superintendent, enter into
36 agreements on behalf of the qualifying school district and, subject
37 to any contractual obligation of the qualifying school district,
38 change existing school district rules, regulations, policies, or
39 practices as necessary for the effective implementation of the
40 recovery plans referred to in Sections 41327 and 41327.1.

1 (G) Request the advice and assistance of the California
2 Collaborative for Educational Excellence pursuant to paragraph
3 (1) of subdivision (f) of Section 52074.

4 (c) (1) Except as provided for in paragraph (2), the period of
5 time during which the Superintendent exercises the authority
6 described in subdivision (b), the governing board of the qualifying
7 school district shall serve as an advisory body reporting to the
8 state-appointed administrator, and has no rights, duties, or powers,
9 and is not entitled to any stipend, benefits, or other compensation
10 from the qualifying school district.

11 (2) (A) After one complete fiscal year has elapsed following
12 the qualifying school district's acceptance of an emergency
13 apportionment, the governing board of the qualifying school district
14 may conduct an annual advisory evaluation of an administrator
15 for the duration of the administratorship.

16 (B) An advisory evaluation of an administrator shall focus on
17 the administrator's effectiveness in leading the qualifying school
18 district toward fiscal recovery and improved academic
19 achievement. Advisory evaluation criteria shall be agreed upon
20 by the governing board of the qualifying school district and the
21 administrator before the advisory evaluation. The advisory
22 evaluation shall include, but not be limited to, all of the following:

- 23 (i) Goals and standards consistent with Section 41327.1.
- 24 (ii) Commendations in the areas of the administrator's strengths
25 and achievements.
- 26 (iii) Recommendations for improving the administrator's
27 effectiveness in areas of concern and unsatisfactory performance.

28 (C) An advisory evaluation of an administrator conducted by
29 the governing board of a qualifying school district shall be
30 submitted to the Governor, the Legislature, the Superintendent,
31 and the County Office Fiscal Crisis and Management Assistance
32 Team.

33 (3) Upon the appointment of an administrator pursuant to this
34 section, the district superintendent *of schools* is no longer an
35 employee of the qualifying school district.

36 (4) A determination of the severance compensation for the
37 district superintendent *of schools* shall be made pursuant to
38 subdivision (j).

39 (d) Notwithstanding Section 35031 or any other law, the
40 administrator, after according the affected employee reasonable

1 notice and the opportunity for a hearing, may terminate the
 2 employment of a deputy, associate, assistant superintendent, or
 3 other school district level administrator who is employed by a
 4 qualifying school district under a contract of employment signed
 5 or renewed after January 1, 1992, if the employee fails to
 6 document, to the satisfaction of the administrator, that before the
 7 date of the acceptance of the emergency apportionment he or she
 8 either advised the governing board of the qualifying school district,
 9 or his or her superior, that actions contemplated or taken by the
 10 governing board of the qualifying school district could result in
 11 the fiscal insolvency of the qualifying school district, or took other
 12 appropriate action to avert that fiscal insolvency.

13 (e) The authority of the Superintendent, and the administrator,
 14 under this section shall continue until all of the following occur:

15 (1) (A) After one complete fiscal year has elapsed following
 16 the qualifying school district’s acceptance of an emergency
 17 apportionment as described in subdivision (a), the administrator
 18 determines, and so notifies the Superintendent and the county
 19 superintendent of schools, that future compliance by the qualifying
 20 school district with the recovery plans approved pursuant to
 21 paragraph (2) is probable.

22 (B) The Superintendent may return power to the governing
 23 board of the qualifying school district for an area listed in
 24 subdivision (a) of Section 41327.1 if performance under the
 25 recovery plan for that area has been demonstrated to the satisfaction
 26 of the Superintendent.

27 (2) The Superintendent has approved all of the recovery plans
 28 referred to in subdivision (a) of Section 41327 and the County
 29 Office Fiscal Crisis and Management Assistance Team completes
 30 the improvement plans specified in Section 41327.1 and has
 31 completed a minimum of two reports identifying the qualifying
 32 school district’s progress in implementing the improvement plans.

33 (3) The administrator certifies that all necessary collective
 34 bargaining agreements have been negotiated and ratified, and that
 35 the agreements are consistent with the terms of the recovery plans.

36 (4) The qualifying school district has completed all reports
 37 required by the Superintendent and the administrator.

38 (5) The Superintendent determines that future compliance by
 39 the qualifying school district with the recovery plans approved
 40 pursuant to paragraph (2) is probable.

1 (f) When the conditions stated in subdivision (e) have been met,
2 and at least 60 days after the Superintendent has notified the
3 Legislature, the Department of Finance, the Controller, and the
4 county superintendent of schools that he or she expects the
5 conditions prescribed pursuant to this section to be met, the
6 governing board of the qualifying school district shall regain all
7 of its legal rights, duties, and powers, except for the powers held
8 by the trustee provided for pursuant to Article 2 (commencing with
9 Section 41320). The Superintendent shall appoint a trustee under
10 Section 41320.1 to monitor and review the operations of the
11 qualifying school district until the conditions of subdivision (b)
12 of that section have been met.

13 (g) Notwithstanding subdivision (f), if the qualifying school
14 district violates a provision of the recovery plans approved by the
15 Superintendent pursuant to this article within five years after the
16 trustee appointed pursuant to Section 41320.1 is removed or after
17 the emergency apportionment is repaid, whichever occurs later,
18 or the improvement plans specified in Section 41327.1 during the
19 period of the trustee's appointment, the Superintendent may
20 reassume, either directly or through an administrator appointed in
21 accordance with this section, all of the legal rights, duties, and
22 powers of the governing board of the qualifying school district.
23 The Superintendent shall return to the governing board of the
24 qualifying school district all of its legal rights, duties, and powers
25 reassumed under this subdivision when he or she determines that
26 future compliance with the approved recovery plans is probable,
27 or after a period of one year, whichever occurs later.

28 (h) Article 2 (commencing with Section 41320) shall apply
29 except as otherwise specified in this article.

30 (i) It is the intent of the Legislature that the legislative budget
31 subcommittees annually conduct a review of each qualifying school
32 district that includes an evaluation of the financial condition of the
33 qualifying school district, the impact of the recovery plans upon
34 the qualifying school district's educational program, and the efforts
35 made by the state-appointed administrator to obtain input from the
36 community and the governing board of the qualifying school
37 district.

38 (j) (1) The district superintendent *of schools* is entitled to a due
39 process hearing for purposes of determining final compensation.
40 The final compensation of the district superintendent *of schools*

1 shall be between zero and six times his or her monthly salary. The
2 outcome of the due process hearing shall be reported to the
3 Superintendent and the public. The information provided to the
4 public shall explain the rationale for the compensation.

5 (2) This subdivision applies only to a contract for employment
6 negotiated on or after June 21, 2004.

7 (k) (1) When the Superintendent assumes control over a
8 qualifying school district pursuant to subdivision (b), he or she
9 shall, in consultation with the County Office Fiscal Crisis and
10 Management Assistance Team, review the fiscal oversight of the
11 qualifying school district by the county superintendent of schools.
12 The Superintendent may consult with other fiscal experts, including
13 other county superintendents of schools and regional fiscal teams,
14 in conducting this review.

15 (2) Within three months of assuming control over a qualifying
16 school district, the Superintendent shall report his or her findings
17 to the Legislature and shall provide a copy of that report to the
18 Department of Finance. This report shall include findings as to
19 fiscal oversight actions that were or were not taken and may include
20 recommendations as to an appropriate legislative response to
21 improve fiscal oversight.

22 (3) If, after performing the duties described in paragraphs (1)
23 and (2), the Superintendent determines that the county
24 superintendent of schools failed to carry out his or her
25 responsibilities for fiscal oversight as required by this code, the
26 Superintendent may exercise the authority of the county
27 superintendent of schools who has oversight responsibilities for a
28 qualifying school district. If the Superintendent finds, based on
29 the report required in paragraph (2), that the county superintendent
30 of schools failed to appropriately take into account particular types
31 of indicators of financial distress, or failed to take appropriate
32 remedial actions in the qualifying school district, the
33 Superintendent shall further investigate whether the county
34 superintendent of schools failed to take into account those
35 indicators, or similarly failed to take appropriate actions in other
36 school districts with negative or qualified ~~certifications, and shall~~
37 ~~provide an additional report on the fiscal oversight practices of the~~
38 ~~county superintendent of schools to the appropriate policy and~~
39 ~~fiscal committees of each house of the Legislature and the~~
40 ~~Department of Finance: *certifications.*~~

1 *SEC. 41. Section 41327.2 of the Education Code is amended*
2 *to read:*

3 41327.2. (a) The appointment of an administrator pursuant to
4 Section 41326 does not remove any statutory rights, duties, or
5 obligations from the county superintendent of schools. The county
6 superintendent of schools retains the responsibility to superintend
7 school districts under his or her jurisdiction.

8 (b) The county superintendent of schools shall submit reports
9 to the Superintendent, the appropriate fiscal and policy committees
10 of the Legislature, and the Director of Finance subsequent to review
11 by the county superintendent of schools of the *school* district's
12 budget and interim reports in accordance with ~~subdivisions (d)~~
13 ~~and (g) of, and paragraph (3) of subdivision (i)~~ *subdivision (d) of,*
14 *and paragraph (1) of subdivision (f) of, Section 42127, and*
15 *paragraph (2) of subdivision (a) of, and subdivision (e) of, Section*
16 *42131. These reports shall document the fiscal and administrative*
17 *status of the qualifying school district, particularly in regard to the*
18 *implementation of fiscal and management recovery plans. Each*
19 *report shall also include a determination of whether the revenue*
20 *streams to the school district appear to be consistent with its*
21 *expenditure plan, according to the most recent data available at*
22 *the time of the report. These reports are required until six months*
23 *after all rights, duties, and powers are returned to the school district*
24 *pursuant to this article.*

25 *SEC. 42. Section 41339 of the Education Code is amended to*
26 *read:*

27 41339. ~~(a) The Superintendent of Public Instruction shall~~
28 *certify each apportionment made by him or her under Sections*
29 *41332 to 41340, inclusive, whichever are in effect, to the*
30 *Controller.*

31 ~~(b) Ten working days prior to the dates prescribed in Sections~~
32 *41330, 41332, and 41335, the superintendent shall notify the Joint*
33 *Legislative Budget Committee and the Department of Finance of*
34 *the average daily attendance numbers and the local property tax*
35 *revenues to be utilized in the respective certification.*

36 *SEC. 43. Section 42103 of the Education Code is amended to*
37 *read:*

38 42103. (a) The governing board of each school district shall
39 hold a public hearing on the proposed budget in a *school* district
40 facility, or some other place conveniently accessible to the residents

1 of the *school* district. The public hearing shall be held any day on
 2 or before the date specified for this purpose in subdivision ~~(e) or~~
 3 ~~(i), respectively, of (a) of, or paragraph (3) of subdivision (d) of,~~
 4 Section 42127, but not less than three working days following
 5 availability of the proposed budget for public inspection. At the
 6 hearing any resident in the *school* district may appear and object
 7 to the proposed budget or any item in the budget.

8 ~~The~~

9 *(b) The public hearing required by this section may be concluded*
 10 *on the proposed budget when there are no requests for further*
 11 *hearing on file, and shall be concluded no later than the date*
 12 *specified for this purpose in subdivision ~~(e) or (i), respectively, of~~*
 13 *(a) of, or paragraph (3) of subdivision (d) of, Section 42127. The*
 14 *budget shall not be finally adopted by the governing board of the*
 15 *school district until after the public hearing has been held.*

16 ~~The~~

17 *(c) The proposed budget shall show expenditures, cash balances,*
 18 *and all revenues as required to be tabulated in Sections 42122 and*
 19 *42123, and also shall include an estimate of those figures,*
 20 *unaudited, for the preceding fiscal year. In addition, any tax*
 21 *statement submitted by the governing board of the school district*
 22 *pursuant to subdivision (a) of Section 42127, any district tax*
 23 *requirement computed pursuant to subdivision (b) of Section 42127*
 24 *for the school year to which the proposed budget is intended to*
 25 *apply, and any recommendations made by the county*
 26 *superintendent of schools pursuant to subdivision (d) of Section*
 27 *42127 shall be made available by the school district for public*
 28 *inspection in a facility of the school district or in some other place*
 29 *conveniently accessible to residents of the school district.*

30 ~~Notification~~

31 *(d) Notification of dates and location or locations at which the*
 32 *proposed budget may be inspected by the public and the date, time,*
 33 *and location of the public hearing on the proposed budget shall be*
 34 *published by the county superintendent of schools in a newspaper*
 35 *of general circulation in the school district or, if there is no*
 36 *newspaper of general circulation in the school district, in any*
 37 *newspaper of general circulation in the county, at least three days*
 38 ~~prior to~~ *before the availability of the proposed budget for public*
 39 *inspection. The publication of the dates and locations shall occur*
 40 *no earlier than 45 days ~~prior to~~ before the final date for the hearing*

1 as specified in subdivision ~~(e) or (i)~~, respectively, of *(a) of, or*
2 *paragraph (3) of subdivision (d) of*, Section 42127, but not less
3 than 10 days ~~prior to~~ *before* the date set for hearing. The cost of
4 the publication shall be a legal and proper charge against the school
5 district for which the publication is made.

6 *SEC. 44. Section 42127.1 of the Education Code is amended*
7 *to read:*

8 42127.1. (a) Pursuant to subdivision ~~(g) or (i)~~ *(f)* of Section
9 42127, upon the disapproval of a school district budget by the
10 county superintendent of schools, the county superintendent of
11 schools shall call for the formation of a budget review committee
12 unless the governing board of the school district and the county
13 superintendent of schools agree to waive the requirement that a
14 budget review committee be formed, and the department approves
15 the waiver after determining that a budget review committee is
16 not necessary. Upon the grant of a waiver, the county
17 superintendent *of schools* has the authority and responsibility
18 provided to a budget review committee in Section 42127.3. Upon
19 approving a waiver of the budget review committee, the department
20 shall ensure that a balanced budget is adopted for the school district
21 by December 31. ~~The Superintendent shall report to the Legislature~~
22 ~~and the Director of Finance by January 10 if any district, including~~
23 ~~a school district that has received a waiver of the budget review~~
24 ~~committee process, does not have an adopted budget by December~~
25 ~~31. This report shall include the reasons why a budget has not been~~
26 ~~adopted by the deadline, the steps being taken to finalize budget~~
27 ~~adoption, and the date the adopted budget is anticipated.~~

28 (b) The budget review committee shall be composed of three
29 persons selected by the governing board of the school district from
30 a list of candidates provided to the governing board of the school
31 district by the Superintendent. The list of candidates shall be
32 composed of persons who have expertise in the management of a
33 school district or county office of education. Their experience shall
34 include, but not *necessarily* be limited to, the fiscal and educational
35 aspects of local educational agency management.

36 (c) Notwithstanding subdivision (b) or any other provision of
37 this article, with the approval of the Superintendent and the
38 governing board of the school district, the county superintendent
39 of schools may select and convene a regional review committee,
40 consisting of persons having the expertise described in ~~that~~

1 ~~subdivision~~. *subdivision (b)*. The regional review committee shall
2 operate in place of the budget review committee, in accordance
3 with the provisions of this article governing budget review
4 committees.

5 (d) Members of the committee shall be reimbursed by the
6 department for their services and associated expenses while on
7 official business at rates established by the state board.

8 *SEC. 45. Section 47605.1 of the Education Code is amended*
9 *to read:*

10 47605.1. (a) (1) Notwithstanding any other law, a charter
11 school that is granted a charter from the governing board of a
12 school district or county office of education after July 1, 2002, and
13 commences providing educational services to pupils on or after
14 July 1, 2002, shall locate in accordance with the geographic and
15 site limitations of this part.

16 (2) Notwithstanding any other law, a charter school that is
17 granted a charter by the state board after July 1, 2002, and
18 commences providing educational services to pupils on or after
19 July 1, 2002, based on the denial of a petition by the governing
20 board of a school district or county board of education, as described
21 in paragraphs (1) and (2) of subdivision (j) of Section 47605, may
22 locate only within the geographic boundaries of the chartering
23 entity that initially denied the petition for the charter.

24 (3) A charter school that receives approval of its charter from
25 a governing board of a school district, a county office of education,
26 or the state board before July 1, 2002, but does not commence
27 operations until after January 1, 2003, shall be subject to the
28 geographic limitations of ~~the~~ *this* part, in accordance with
29 subdivision (e).

30 (b) This section is not intended to affect the admission
31 requirements contained in subdivision (d) of Section 47605.

32 (c) Notwithstanding any other law, a charter school may
33 establish a resource center, meeting space, or other satellite facility
34 located in a county adjacent to that in which the charter school is
35 authorized if the following conditions are met:

36 (1) The facility is used exclusively for the educational support
37 of pupils who are enrolled in nonclassroom-based independent
38 study of the charter school.

1 (2) The charter school provides its primary educational services
2 in, and a majority of the pupils it serves are residents of, the county
3 in which the charter school is authorized.

4 (d) Notwithstanding subdivision (a) or subdivision (a) of Section
5 47605, a charter school that is unable to locate within the
6 geographic boundaries of the chartering school district may
7 establish one site outside the boundaries of the school district, but
8 within the county within which that school district is located, if
9 the school district in which the charter school proposes to operate
10 is notified in advance of the charter petition approval, the county
11 superintendent of schools is notified of the location of the charter
12 school before it commences operations, and either of the following
13 circumstances exist:

14 (1) The *charter* school has attempted to locate a single site or
15 facility to house the entire program, but such a facility or site is
16 unavailable in the area in which the *charter* school chooses to
17 locate.

18 (2) The site is needed for temporary use during a construction
19 or expansion project.

20 (e) (1) For a charter school that was granted approval of its
21 charter before July 1, 2002, and provided educational services to
22 pupils before July 1, 2002, this section only applies to new
23 educational services or schoolsites established or acquired by the
24 charter school on or after July 1, 2002.

25 (2) For a charter school that was granted approval of its charter
26 before July 1, 2002, but did not provide educational services to
27 pupils before July 1, 2002, this section only applies upon the
28 expiration of a charter that is in existence on January 1, 2003.

29 (3) Notwithstanding other implementation timelines in this
30 section, by June 30, 2005, or upon the expiration of a charter that
31 is in existence on January 1, 2003, whichever is later, all charter
32 schools shall be required to comply with this section for schoolsites
33 at which ~~education~~ *educational* services are provided to pupils
34 before or after July 1, 2002, regardless of whether the charter
35 school initially received approval of its charter school petition
36 before July 1, 2002. To achieve compliance with this section, a
37 charter school shall be required to receive approval of a charter
38 petition in accordance with this section and Section 47605.

1 (4) This section is not intended to affect the authority of a
 2 governmental entity to revoke a charter that is granted on or before
 3 the effective date of this section.

4 (f) A charter school that submits its petition directly to a county
 5 board of education, as authorized by ~~Sections~~ *Section 47605.5* or
 6 *47605.6*, may establish charter school operations only within the
 7 geographical boundaries of the county in which that county board
 8 of education has jurisdiction.

9 (g) Notwithstanding any other law, the jurisdictional limitations
 10 set forth in this section do not apply to a charter school that
 11 provides instruction exclusively in partnership with any of the
 12 following:

13 (1) The federal Workforce—~~Investment~~ *Innovation and*
 14 *Opportunity Act of 1998* (29 U.S.C. Sec. ~~2801~~ *3101* et seq.).

15 (2) Federally affiliated Youth Build programs.

16 (3) Federal job corps training or instruction provided pursuant
 17 to a memorandum of understanding with the federal provider.

18 (4) The California Conservation Corps or local conservation
 19 corps certified by the California Conservation Corps pursuant to
 20 Sections 14507.5 or 14406 of the Public Resources Code.

21 (5) Instruction provided to juvenile court school pupils pursuant
 22 to subdivision (b) of Section 42238.18 or pursuant to Section 1981
 23 for individuals who are placed in a residential facility.

24 *SEC. 46. Section 47605.6 of the Education Code is amended*
 25 *to read:*

26 47605.6. (a) (1) In addition to the authority provided by
 27 Section 47605.5, a county board of education may also approve a
 28 petition for the operation of a charter school that operates at one
 29 or more sites within the geographic boundaries of the county and
 30 that provides instructional services that are not generally provided
 31 by a county office of education. A county board of education may
 32 approve a countywide charter only if it finds, in addition to the
 33 other requirements of this section, that the educational services to
 34 be provided by the charter school will offer services to a pupil
 35 population that will benefit from those services and that cannot be
 36 served as well by a charter school that operates in only one school
 37 district in the county. A petition for the establishment of a
 38 countywide charter school pursuant to this subdivision may be
 39 circulated throughout the county by any one or more persons
 40 seeking to establish the charter school. The petition may be

1 submitted to the county board of education for review after either
2 of the following conditions is met:

3 (A) The petition is signed by a number of parents or guardians
4 of pupils residing within the county that is equivalent to at least
5 one-half of the number of pupils that the charter school estimates
6 will enroll in the school for its first year of operation and each of
7 the school districts where the charter school petitioner proposes
8 to operate a facility has received at least 30 days' notice of the
9 petitioner's intent to operate a *charter* school pursuant to this
10 section.

11 (B) The petition is signed by a number of teachers that is
12 equivalent to at least one-half of the number of teachers that the
13 charter school estimates will be employed at the school during its
14 first year of operation and each of the school districts where the
15 charter school petitioner proposes to operate a facility has received
16 at least 30 days' notice of the petitioner's intent to operate a *charter*
17 school pursuant to this section.

18 (2) An existing public school shall not be converted to a charter
19 school in accordance with this section.

20 (3) After receiving approval of its petition, a charter school that
21 proposes to establish operations at additional sites within the
22 geographic boundaries of the county board of education shall notify
23 the school districts where those sites will be located. The charter
24 school shall also request a material revision of its charter by the
25 county board of education that approved its charter and the county
26 board of education shall consider whether to approve those
27 additional locations at an open, public meeting, held no sooner
28 than 30 days following notification of the school districts where
29 the sites will be located. If approved, the location of the approved
30 sites shall be a material revision of the school's approved charter.

31 (4) A petition shall include a prominent statement indicating
32 that a signature on the petition means that the parent or guardian
33 is meaningfully interested in having his or her child or ward attend
34 the charter school, or in the case of a teacher's signature, means
35 that the teacher is meaningfully interested in teaching at the charter
36 school. The proposed charter shall be attached to the petition.

37 (b) No later than 60 days after receiving a petition, in accordance
38 with subdivision (a), the county board of education shall hold a
39 public hearing on the provisions of the charter, at which time the
40 county board of education shall consider the level of support for

1 the petition by teachers, parents or guardians, and the school
2 districts where the charter school petitioner proposes to place
3 school facilities. Following review of the petition and the public
4 hearing, the county board of education shall either grant or deny
5 the charter within 90 days of receipt of the petition. However, this
6 date may be extended by an additional 30 days if both parties agree
7 to the extension. A county board of education may impose any
8 additional requirements beyond those required by this section that
9 it considers necessary for the sound operation of a countywide
10 charter school. A county board of education may grant a charter
11 for the operation of a school under this part only if it is satisfied
12 that granting the charter is consistent with sound educational
13 practice and that the charter school has reasonable justification for
14 why it could not be established by petition to a school district
15 pursuant to Section 47605. The county board of education shall
16 deny a petition for the establishment of a charter school if it finds
17 one or more of the following:

18 (1) The charter school presents an unsound educational program
19 for the pupils to be enrolled in the charter school.

20 (2) The petitioners are demonstrably unlikely to successfully
21 implement the program set forth in the petition.

22 (3) The petition does not contain the number of signatures
23 required by subdivision (a).

24 (4) The petition does not contain an affirmation of each of the
25 conditions described in subdivision ~~(d)~~ (e).

26 (5) The petition does not contain reasonably comprehensive
27 descriptions of all of the following:

28 (A) (i) The educational program of the charter school, designed,
29 among other things, to identify those pupils whom the charter
30 school is attempting to educate, what it means to be an “educated
31 person” in the 21st century, and how learning best occurs. The
32 goals identified in that program shall include the objective of
33 enabling pupils to become self-motivated, competent, and lifelong
34 learners.

35 (ii) The annual goals for the charter school for all pupils and
36 for each subgroup of pupils identified pursuant to Section 52052,
37 to be achieved in the state priorities, as described in subdivision
38 (d) of Section 52060, that apply for the grade levels served, or the
39 nature of the program operated, by the charter school, and specific
40 annual actions to achieve those goals. A charter petition may

1 identify additional school priorities, the goals for the school
2 priorities, and the specific annual actions to achieve those goals.

3 (iii) If the proposed charter school will enroll high school pupils,
4 the manner in which the charter school will inform parents
5 regarding the transferability of courses to other public high schools.
6 Courses offered by the charter school that are accredited by the
7 Western Association of Schools and Colleges may be considered
8 to be transferable to other public high schools.

9 (iv) If the proposed charter school will enroll high school pupils,
10 information as to the manner in which the charter school will
11 inform parents as to whether each individual course offered by the
12 charter school meets college entrance requirements. Courses
13 approved by the University of California or the California State
14 University as satisfying their prerequisites for admission may be
15 considered as meeting college entrance requirements for purposes
16 of this clause.

17 (B) The measurable pupil outcomes identified for use by the
18 charter school. "Pupil outcomes," for purposes of this part, means
19 the extent to which all pupils of the school demonstrate that they
20 have attained the skills, knowledge, and aptitudes specified as
21 goals in the school's educational program. Pupil outcomes shall
22 include outcomes that address increases in pupil academic
23 achievement both schoolwide and for all groups of pupils served
24 by the charter school, as that term is defined in subparagraph (B)
25 of paragraph (3) of subdivision (a) of Section 47607. The pupil
26 outcomes shall align with the state priorities, as described in
27 subdivision (d) of Section 52060, that apply for the grade levels
28 served, or the nature of the program operated, by the charter school.

29 (C) The method by which pupil progress in meeting those pupil
30 outcomes is to be measured. To the extent practicable, the method
31 for measuring pupil outcomes for state priorities shall be consistent
32 with the way information is reported on a school accountability
33 report card.

34 (D) The location of each charter school facility that the petitioner
35 proposes to operate.

36 (E) The governance structure of the charter school, including,
37 but not limited to, the process to be followed by the charter school
38 to ensure parental involvement.

39 (F) The qualifications to be met by individuals to be employed
40 by the charter school.

1 (G) The procedures that the charter school will follow to ensure
2 the health and safety of pupils and staff. These procedures shall
3 include the requirement that each employee of the charter school
4 furnish it with a criminal record summary as described in Section
5 44237.

6 (H) The means by which the charter school will achieve a racial
7 and ethnic balance among its pupils that is reflective of the general
8 population residing within the territorial jurisdiction of the school
9 district to which the charter petition is submitted.

10 (I) The manner in which annual, independent, financial audits
11 shall be conducted, in accordance with regulations established by
12 the state board, and the manner in which audit exceptions and
13 deficiencies shall be resolved.

14 (J) The procedures by which pupils can be suspended or
15 expelled.

16 (K) The manner by which staff members of the charter school
17 will be covered by the State Teachers' Retirement System, the
18 Public Employees' Retirement System, or federal social security.

19 (L) The procedures to be followed by the charter school and the
20 county board of education to resolve disputes relating to provisions
21 of the charter.

22 (M) Admission requirements of the charter school, if applicable.

23 (N) The public school attendance alternatives for pupils residing
24 within the county who choose not to attend the charter school.

25 (O) The rights of an employee of the county office of education,
26 upon leaving the employment of the county office of education,
27 to be employed by the charter school, and any rights of return to
28 the county office of education that an employee may have upon
29 leaving the employ of the charter school.

30 (P) The procedures to be used if the charter school closes. The
31 procedures shall ensure a final audit of the school to determine the
32 disposition of all assets and liabilities of the charter school,
33 including plans for disposing of any net assets and for the
34 maintenance and transfer of public records.

35 (6) A declaration of whether or not the charter school shall be
36 deemed the exclusive public school employer of the employees of
37 the charter school for purposes of the Educational Employment
38 Relations Act (Chapter 10.7 (commencing with Section 3540) of
39 Division 4 of Title 1 of the Government Code).

1 (7) Any other basis that the county board of education finds
2 justifies the denial of the petition.

3 (c) A county board of education that approves a petition for the
4 operation of a countywide charter may, as a condition of charter
5 approval, enter into an agreement with a third party, at the expense
6 of the charter school, to oversee, monitor, and report to the county
7 board of education on the operations of the charter school. The
8 county board of education may prescribe the aspects of the charter
9 school's operations to be monitored by the third party and may
10 prescribe appropriate requirements regarding the reporting of
11 information concerning the operations of the charter school to the
12 county board of education.

13 (d) (1) Charter schools shall meet all statewide standards and
14 conduct the pupil assessments required pursuant to Section 60605
15 and any other statewide standards authorized in statute or pupil
16 assessments applicable to pupils in noncharter public schools.

17 (2) Charter schools shall on a regular basis consult with their
18 parents and teachers regarding the charter school's educational
19 programs.

20 (e) (1) In addition to any other requirement imposed under this
21 part, a charter school shall be nonsectarian in its programs,
22 admission policies, employment practices, and all other operations,
23 shall not charge tuition, and shall not discriminate against any
24 pupil on the basis of ethnicity, national origin, gender, gender
25 identity, gender expression, or disability. Except as provided in
26 paragraph (2), admission to a charter school shall not be determined
27 according to the place of residence of the pupil, or of his or her
28 parent or guardian, within this state.

29 (2) (A) A charter school shall admit all pupils who wish to
30 attend the charter school.

31 (B) If the number of pupils who wish to attend the charter school
32 exceeds the school's capacity, attendance, except for existing pupils
33 of the charter school, shall be determined by a public random
34 drawing. Preference shall be extended to pupils currently attending
35 the charter school and pupils who reside in the county except as
36 provided for in Section 47614.5. Other preferences may be
37 permitted by the chartering authority on an individual *charter*
38 school basis and only if consistent with the law.

39 (C) In the event of a drawing, the county board of education
40 shall make reasonable efforts to accommodate the growth of the

1 charter school and in no event shall take any action to impede the
 2 charter school from expanding enrollment to meet pupil demand.

3 (f) The county board of education shall not require an employee
 4 of the county or a school district to be employed in a charter school.

5 (g) The county board of education shall not require a pupil
 6 enrolled in a county program to attend a charter school.

7 (h) The county board of education shall require that the
 8 petitioner or petitioners provide information regarding the proposed
 9 operation and potential effects of the charter school, including, but
 10 not limited to, the facilities to be used by the charter school, the
 11 manner in which administrative services of the charter school are
 12 to be provided, and potential civil liability effects, if any, upon the
 13 charter school, any school district where the charter school may
 14 operate, and upon the county board of education. The petitioner
 15 or petitioners shall also be required to provide financial statements
 16 that include a proposed first-year operational budget, including
 17 startup costs, and cashflow and financial projections for the first
 18 three years of operation.

19 (i) In reviewing petitions for the establishment of charter schools
 20 within the county, the county board of education shall give
 21 preference to petitions that demonstrate the capability to provide
 22 comprehensive learning experiences to pupils identified by the
 23 petitioner or petitioners as academically low achieving pursuant
 24 to the standards established by the department under Section 54032,
 25 as that section read before July 19, 2006.

26 (j) Upon the approval of the petition by the county board of
 27 education, the petitioner or petitioners shall provide written notice
 28 of that approval, including a copy of the petition, to the school
 29 districts within the county, the Superintendent, and ~~to~~ the state
 30 board.

31 (k) If a county board of education denies a petition, the petitioner
 32 may not elect to submit the petition for the establishment of the
 33 charter school to the state board.

34 (l) Teachers in charter schools shall be required to hold a
 35 Commission on Teacher Credentialing certificate, permit, or other
 36 document equivalent to that which a teacher in other public schools
 37 would be required to hold. These documents shall be maintained
 38 on file at the charter school and shall be subject to periodic
 39 inspection by the chartering authority.

1 (m) A charter school shall transmit a copy of its annual,
2 independent, financial audit report for the preceding fiscal year,
3 as described in subparagraph (I) of paragraph (5) of subdivision
4 (b), to the county office of education, the Controller, and the
5 department by December 15 of each year. This subdivision does
6 not apply if the audit of the charter school is encompassed in the
7 audit of the chartering entity pursuant to Section 41020.

8 *SEC. 47. Section 47612.1 of the Education Code is amended*
9 *to read:*

10 47612.1. (a) Except for the requirement that a pupil be a
11 California resident, subdivision (b) of Section 47612 shall not
12 apply to a charter school program that provides instruction
13 exclusively in partnership with any of the following:

14 (1) The federal Workforce Investment Act of 1998 (Public Law
15 No. 105-220; 29 *Innovation and Opportunity Act* (29 U.S.C. Sec.
16 2801 3101 et seq.).

17 (2) Federally affiliated Youth Build programs.

18 (3) Federal job corps training or instruction provided pursuant
19 to a memorandum of understanding with the federal provider.

20 (4) The California Conservation Corps or local conservation
21 corps certified by the California Conservation Corps pursuant to
22 Sections Section 14406 or 14507.5 of the Public Resources Code.

23 (b) This section shall become operative on July 1, 2015.

24 *SEC. 48. Section 48300 of the Education Code is amended to*
25 *read:*

26 48300. For purposes of this article, the following definitions
27 apply:

28 (a) “Active military duty” means full-time military duty status
29 in the active uniformed service of the United States, including
30 members of the National Guard and the State Reserve on active
31 duty orders pursuant to Sections 1209 and 1211 of the Chapter
32 1209 (commencing with Section 12301) of, and Chapter 1211
33 (commencing with Section 12401) of, Part II of Subtitle E of Title
34 10 of the United States Code.

35 (b) “Parent” means the natural or adoptive parent or guardian
36 of a dependent child.

37 (c) “School district of choice” means a school district for which
38 a resolution is in effect as described in subdivision (a) of Section
39 48301.

1 (d) “School district of residence” means the school district that
 2 a pupil would be directed by this chapter to attend, except as
 3 otherwise provided by this article.

4 *SEC. 49. Section 49082 of the Education Code is repealed.*

5 ~~49082. The Superintendent of Public Instruction shall contract
 6 with a consultant for independent project oversight. The Director
 7 of Finance and the Chief Information Officer of the Department
 8 of Information Technology shall review the request for proposals
 9 for the contract. The consultant hired to conduct the independent
 10 project oversight shall twice annually submit a written report to
 11 the Superintendent of Public Instruction, the State Board of
 12 Education, the FCMAT, the State Chief Information Office, the
 13 Director of Finance, the Legislative Analyst, and the appropriate
 14 policy and fiscal committees of the Legislature. The report shall
 15 include an evaluation of the extent to which the CSIS is meeting
 16 the mission described in Section 49080.~~

17 *SEC. 50. Section 51781 of the Education Code is amended to
 18 read:*

19 ~~51781. (a) The Department of Education department shall
 20 prepare prepare, and distribute to local school districts districts,
 21 guidelines and plans for the preparation of comprehensive
 22 educational programs for the prevention of genetic diseases,
 23 disorders, and birth defects, and and, in cooperation with those
 24 county offices of education which that desire to participate, shall
 25 assist school districts in developing comprehensive genetic diseases
 26 and disorders plans and programs and for this purpose shall assume
 27 the following functions and carry out the following duties:
 28 programs.~~

29 ~~(a) Conduct~~

30 ~~(b) For the purposes set forth in subdivision (a), the department
 31 shall conduct, on an annual basis basis, at least 25 workshops and
 32 training programs for approximately 2,500 school district teams
 33 of certified school personnel, using instructional materials,
 34 curricula, and guidelines developed by the department for
 35 dissemination at training programs conducted during the year.~~

36 ~~(b) Prepare an annual report for the Joint Legislative Budget
 37 Committee which shall include, but not be limited to, the following
 38 information: the names of school districts and schools participating
 39 in the workshops, the numbers and staff composition of certified
 40 school personnel in attendance at the workshops, an estimate of~~

1 ~~the number of pupils who will benefit from the genetic diseases~~
2 ~~and disorders instruction, and total program expenditures for the~~
3 ~~year.~~

4 *SEC. 51. Section 52302.8 of the Education Code is amended*
5 *to read:*

6 52302.8. (a) The Legislature hereby finds and declares that
7 vocational training resources that are provided through regional
8 occupational centers and programs are an essential component of
9 the state's secondary school system and the local system of
10 providing occupational skills training to high school pupils. For
11 this reason, the Legislature finds and declares that these resources
12 should be focused primarily on the needs of pupils enrolled in high
13 school.

14 (b) For the 2008–09 fiscal year, a regional occupational center
15 or program may claim no more than 50 percent of the state-funded
16 average daily attendance for which the center or program is eligible,
17 for services provided to students who are not enrolled in grades 9
18 to 12, inclusive.

19 (c) For the 2009–10 fiscal year, a regional occupational center
20 or program may claim no more than 30 percent of the state-funded
21 average daily attendance for which the center or program is eligible,
22 for services provided to students who are not enrolled in grades 9
23 to 12, inclusive.

24 (d) For the 2011–12 fiscal year and every fiscal year thereafter,
25 a regional occupational center or program may claim no more than
26 10 percent of the state-funded average daily attendance for which
27 the center or program is eligible, for services provided to students
28 who are not enrolled in grades 9 to 12, inclusive, and up to an
29 additional 5 percent for CalWORKs, Temporary Assistance
30 Program, or Job Corps participants and participants under the
31 federal Workforce Investment Innovation and Opportunity Act of
32 1998 (29 U.S.C. Sec. 2810 3101 et seq.) who are enrolled in
33 Intensive Training services.

34 (e) Pupils who are CalWORKs, Temporary Assistance Program,
35 or Job Corps participants shall have priority for service within the
36 percentage limits established under subdivision (d).

37 (f) Notwithstanding subdivision (d), a regional occupational
38 center or program may claim more than 15 percent of its average
39 daily attendance for students who are not enrolled in grades 9 to
40 12, inclusive, if all of the students who are not enrolled in grades

1 9 to 12, inclusive, are CalWORKs, Temporary Assistance Program,
2 or Job Corps participants, and if the governing board of the regional
3 occupational center or program does all of the following:

4 (1) Meets with local human services directors, and
5 representatives of adult education programs, community colleges
6 and other institutions of higher education, to assess the needs of
7 CalWORKs, Temporary Assistance Program, or, Job Corps and
8 federal Workforce ~~Investment~~ *Innovation and Opportunity* Act
9 participants to identify alternative ways to meet the needs of these
10 adult students.

11 (2) Enters into a transition plan, approved by the Superintendent,
12 to become in compliance with subdivision (d) in accordance with
13 benchmarks and timelines established in the transition plan.
14 Transition plans shall be established pursuant to guidelines issued
15 by the department, in consultation with the State Department of
16 Social Services, and shall be resubmitted and reviewed annually.

17 (g) Notwithstanding subdivisions (b), (c), and (d), a regional
18 occupational center or program that claims more than 40 percent
19 of its students are not enrolled in grades 9 to 12, inclusive, on
20 January 1, 2007, shall submit a letter to the Superintendent by July
21 1 of each year until it complies with this subdivision, outlining the
22 goals of the regional occupational center or program to reduce the
23 number of adult students in order to comply with subdivision (d)
24 on or before July 1, 2013.

25 (h) Regional occupational centers and programs operated in a
26 rural county of the sixth, seventh, or eighth class may exceed the
27 number of adults by an additional 10 percent of the limits
28 established in subdivisions (b), (c), and (d).

29 (i) (1) For purposes of this calculation, adult average daily
30 attendance attributable to continuously enrolled grade 12 pupils
31 who have not passed the high school exit examination pursuant to
32 Section 60851 is excluded from the calculation under this section.
33 Amounts that may become available from reductions resulting
34 from the enactment of this section shall be redirected to other
35 regional occupational centers or programs to serve additional
36 secondary pupils.

37 (2) Adult average daily attendance funding for a regional
38 occupational center or program that has entered into a corrective
39 action plan pursuant to subdivision (k) shall not be redirected to
40 other regional occupational centers or programs to serve additional

1 secondary pupils for up to three years while the regional
2 occupational center or program is in corrective action.

3 (j) The governing boards of a community college district and a
4 regional occupational center or program may enter into contractual
5 agreements under which the center or program provides services
6 to adult students of the community college district affected by this
7 section if both of the following are satisfied:

8 (1) The agreements conform to state regulations and audit
9 requirements jointly developed by the Chancellor of the Office of
10 the California Community Colleges and the ~~State Department of~~
11 ~~Education, department,~~ in consultation with, and subject to
12 approval by, the Department of Finance.

13 (2) A course offered for adults pursuant to an agreement entered
14 into pursuant to this subdivision is limited to the same cost per
15 student to the state as if the course were offered at the regional
16 occupational center or program. This subdivision does not authorize
17 the apportionment of funds for community colleges for adult
18 students in excess of the revenue limit for regional occupational
19 centers or programs if a course is deemed eligible for college credit.

20 (k) A regional occupational center or program that fails to meet
21 a timeline established under subdivision (c), (d), or (g) shall meet
22 with the community college, adult education program, or other
23 adult service to identify alternative means of meeting the needs of
24 adult students and shall enter into a corrective action plan
25 administered by the department. The corrective action plan shall
26 be established pursuant to guidelines issued by the department and
27 shall be submitted to the department annually for review.

28 *SEC. 52. Section 52520 of the Education Code is amended to*
29 *read:*

30 52520. (a) Every vocational or occupational training program
31 for adults offered by any high school district or unified school
32 district shall be reviewed every two years by the governing board
33 to assure that each program does all of the following:

34 (1) Meets a documented labor market demand.

35 (2) Does not represent unnecessary duplication of other
36 manpower training programs in the area.

37 (3) Is of demonstrated effectiveness as measured by the
38 employment and completion success of its students.

1 (b) Any program that does not meet the requirements of
2 subdivision (a) and the standards promulgated by the governing
3 board shall be terminated within one year.

4 (c) The review process required by this section shall include
5 the review and comments by the local workforce ~~Investment~~
6 *investment* board established pursuant to the *federal* Workforce
7 ~~Investment Innovation and Opportunity Act of 1998~~ (29 U.S.C.
8 Sec. ~~2801~~ 3101 et seq.), and pursuant to ~~(Division~~ Division 8
9 (commencing with Section 15000) of the Unemployment Insurance
10 Code), *Code*, which review and comments shall occur ~~prior to~~
11 *before* any decision by the appropriate governing body.

12 ~~SEC. 2.~~

13 *SEC. 53.* Section 56337.5 of the Education Code is amended
14 to read:

15 56337.5. (a) A pupil who is assessed as being dyslexic and
16 meets eligibility criteria specified in Section 56337 and paragraph
17 (10) of subdivision (b) of Section 3030 of Title 5 of the California
18 Code of Regulations for the federal Individuals with Disabilities
19 Education Act (20 U.S.C. Sec. 1400 et seq.) category of specific
20 learning disabilities is entitled to special education and related
21 services.

22 (b) If a pupil who exhibits the characteristics of dyslexia or
23 another related reading dysfunction is not found to be eligible for
24 special education and related services pursuant to subdivision (a),
25 the pupil's instructional program shall be provided in the regular
26 education program.

27 (c) It is the intent of the Legislature that the program guidelines
28 developed pursuant to Section 2 of Chapter 1501 of the Statutes
29 of 1990, for specific learning disabilities, including dyslexia and
30 other related disorders, be available for use by teachers and parents
31 in order for them to have knowledge of the strategies that can be
32 utilized with pupils for the remediation of the various types of
33 specific learning disabilities.

34 ~~SEC. 3.~~

35 *SEC. 54.* Section 56339 of the Education Code is amended to
36 read:

37 56339. (a) A pupil whose educational performance is adversely
38 affected by a suspected or diagnosed attention deficit disorder or
39 attention deficit hyperactivity disorder and demonstrates a need
40 for special education and related services by meeting eligibility

1 criteria specified in paragraph (4) or (9) of subdivision (b) of
2 Section 3030 of Title 5 of the California Code of Regulations or
3 Section 56337 and paragraph (10) of subdivision (b) of Section
4 3030 of Title 5 of the California Code of Regulations for the federal
5 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
6 et seq.) categories of “emotional disturbance,” “other health
7 impairments,” or “specific learning disabilities,” is entitled to
8 special education and related services.

9 (b) If a pupil with an attention deficit disorder or attention deficit
10 hyperactivity disorder is not found to be eligible for special
11 education and related services pursuant to subdivision (a), the
12 pupil’s instructional program shall be provided in the regular
13 education program.

14 (c) It is the intent of the Legislature that local educational
15 agencies promote coordination between special education and
16 regular education programs to ensure that all pupils, including
17 those with attention deficit disorders or attention deficit
18 hyperactivity disorders, receive appropriate instructional
19 interventions.

20 (d) It is further the intent of the Legislature that regular
21 education teachers and other personnel be trained to develop an
22 awareness about attention deficit disorders and attention deficit
23 hyperactivity disorders and the manifestations of those disorders,
24 and the adaptations that can be implemented in regular education
25 programs to address the instructional needs of pupils having these
26 disorders.

27 ~~SEC. 4.~~

28 *SEC. 55.* Section 56426.6 of the Education Code is amended
29 to read:

30 56426.6. (a) Early education services shall be provided by a
31 local educational agency through a transdisciplinary team
32 consisting of a group of professionals from various disciplines,
33 agencies, and parents who shall share their expertise and services
34 to provide appropriate services for infants and their families. Each
35 team member shall be responsible for providing and coordinating
36 early education services for one or more infants and their families,
37 and shall serve as a consultant to other team members and as a
38 provider of appropriate related services to other infants in the
39 program.

1 (b) Credentialed personnel with expertise in vision or hearing
2 impairments shall be made available by the local educational
3 agency to early education programs serving infants identified in
4 accordance with paragraph (2), (5), or (13) of subdivision (b) of
5 Section 3030 of Title 5 of the California Code of Regulations, and
6 shall be the primary providers of services under those programs
7 whenever possible.

8 (c) Transdisciplinary teams may include, but need not be limited
9 to, qualified persons from the following disciplines:

- 10 (1) Early childhood special education.
- 11 (2) Speech and language therapy.
- 12 (3) Nursing, with a skill level not less than that of a registered
13 nurse.
- 14 (4) Social work, psychology, or mental health.
- 15 (5) Occupational therapy.
- 16 (6) Physical therapy.
- 17 (7) Audiology.
- 18 (8) Parent-to-parent support.

19 (d) A person who is authorized by the local educational agency
20 to provide early education or related services to infants shall have
21 appropriate experience in normal and atypical infant development
22 and an understanding of the unique needs of families of infants
23 with exceptional needs, or, absent that experience and
24 understanding, shall undergo a comprehensive training plan for
25 that purpose, which plan shall be developed and implemented as
26 part of the staff development component of the local plan for early
27 education services.

28 ~~SEC. 5.~~

29 *SEC. 56.* Section 56441.11 of the Education Code is amended
30 to read:

31 56441.11. (a) Notwithstanding any other law or regulation,
32 the special education eligibility criteria in subdivision (b) shall
33 apply to preschool children, between the ages of three and five
34 years.

35 (b) A preschool child, between the ages of three and five years,
36 qualifies as a child who needs early childhood special education
37 services if the child meets the following criteria:

- 38 (1) Is identified as having one of the following disabling
39 conditions, as defined in Section 300.8 of Title 34 of the Code of

- 1 Federal Regulations, or an established medical disability, as defined
2 in subdivision (d):
- 3 (A) Autism.
 - 4 (B) Deaf-blindness.
 - 5 (C) Deafness.
 - 6 (D) Hearing impairment.
 - 7 (E) Intellectual disability.
 - 8 (F) Multiple disabilities.
 - 9 (G) Orthopedic impairment.
 - 10 (H) Other health impairment.
 - 11 (I) Emotional disturbance.
 - 12 (J) Specific learning disability.
 - 13 (K) Speech or language impairment in one or more of voice,
14 fluency, language and articulation.
 - 15 (L) Traumatic brain injury.
 - 16 (M) Visual impairment.
 - 17 (N) Established medical disability.
- 18 (2) Needs specially designed instruction or services as defined
19 in Sections 56441.2 and 56441.3.
- 20 (3) Has needs that cannot be met with modification of a regular
21 environment in the home or school, or both, without ongoing
22 monitoring or support as determined by an individualized education
23 program team.
- 24 (4) Meets eligibility criteria specified in Section 3030 of Title
25 5 of the California Code of Regulations.
- 26 (c) A child is not eligible for special education and services if
27 the child does not otherwise meet the eligibility criteria and his or
28 her educational needs are due primarily to:
- 29 (1) Unfamiliarity with the English language.
 - 30 (2) Temporary physical disabilities.
 - 31 (3) Social maladjustment.
 - 32 (4) Environmental, cultural, or economic factors.
- 33 (d) For purposes of this section, “established medical disability”
34 means a disabling medical condition or congenital syndrome that
35 the individualized education program team determines has a high
36 predictability of requiring special education and services.
- 37 (e) When standardized tests are considered invalid for children
38 between the ages of three and five years, alternative means,
39 including scales, instruments, observations, and interviews, shall
40 be used as specified in the assessment plan.

1 (f) In order to implement the eligibility criteria in subdivision
 2 (b), the Superintendent shall do all of the following:

3 (1) Provide for training in developmentally appropriate practices,
 4 alternative assessment, and placement options.

5 (2) Provide a research-based review for developmentally
 6 appropriate application criteria for young children.

7 (3) Provide program monitoring for appropriate use of the
 8 eligibility criteria.

9 (g) If legislation is enacted mandating early intervention services
 10 to infants and toddlers with disabilities pursuant to the federal
 11 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
 12 et seq.), the Superintendent shall reconsider the eligibility criteria
 13 for preschool children, between the ages of three and five years,
 14 and recommend appropriate changes to the Legislature.

15 *SEC. 57. Section 56475 of the Education Code is amended to*
 16 *read:*

17 56475. (a) The Superintendent and the directors of the State
 18 Department of Health Care Services, the State Department of
 19 Developmental Services, the State Department of Social Services,
 20 the Department of Rehabilitation, the Department of Corrections
 21 and Rehabilitation, Division of Juvenile Facilities, and the
 22 Employment Development Department shall develop written
 23 interagency agreements or adopt joint regulations that include
 24 responsibilities, in accordance with Section 1412(a)(12) of Title
 25 20 of the United States Code and Section 300.154 of Title 34 of
 26 the Code of Federal Regulations, for the provision of special
 27 education and related services to individuals with exceptional
 28 needs in the State of California.

29 (b) The Superintendent shall develop interagency agreements
 30 with other state and local public agencies, as deemed necessary
 31 by the Superintendent, to carry out the provisions of state and
 32 federal law.

33 ~~(e) (1) Each interagency agreement shall be submitted by the~~
 34 ~~Superintendent to each legislative fiscal committee, education~~
 35 ~~committee, and policy committee, responsible for legislation~~
 36 ~~relating to those individuals with exceptional needs that will be~~
 37 ~~affected by the agreement if it is effective.~~

38 ~~(2) An interagency agreement shall not be effective sooner than~~
 39 ~~30 days after it has been submitted to each of the legislative~~
 40 ~~committees specified in paragraph (1).~~

1 *SEC. 58. Section 60800 of the Education Code is amended to*
2 *read:*

3 60800. (a) During the month of February, March, April, or
4 May, the governing board of each school district maintaining any
5 of grades 5, 7, and 9 shall administer to each pupil in those grades
6 the physical performance test designated by the state board. Each
7 pupil with a physical disability and each pupil who is physically
8 unable to take all of the physical performance test shall be given
9 as much of the test as his or her condition will permit.

10 (b) Upon request of the department, a school district shall submit
11 to the department, at least once every two years, the results of its
12 physical performance testing.

13 ~~(c) The department shall compile the results of the physical~~
14 ~~performance test and submit a report every two years, by December~~
15 ~~31, to the Legislature and Governor that standardizes the data,~~
16 ~~tracks the development of high-quality fitness programs, and~~
17 ~~compares the performance of California's pupils with national~~
18 ~~performance, to the extent that funding is available.~~

19 ~~(d)~~

20 (c) Pupils shall be provided with their individual results after
21 completing the physical performance testing. The test results may
22 be provided orally as the pupil completes the testing.

23 ~~(e)~~

24 (d) The governing board of a school district shall report the
25 aggregate results of its physical performance testing administered
26 pursuant to this section in ~~their~~ *its* annual school accountability
27 report card required by Sections 33126 and 35256.

28 *SEC. 59. Section 60900 of the Education Code is amended to*
29 *read:*

30 60900. (a) The department shall contract for the development
31 of proposals that will provide for the retention and analysis of
32 longitudinal pupil achievement data on the tests administered
33 pursuant to Chapter 5 (commencing with Section 60600), Chapter
34 7 (commencing with Section 60810), and Chapter 9 (commencing
35 with Section 60850). The longitudinal data shall be known as the
36 California Longitudinal Pupil Achievement Data System.

37 (b) The proposals developed pursuant to subdivision (a) shall
38 evaluate and determine whether it would be most effective, from
39 both a fiscal and a technological perspective, for the state to own

1 the system. The proposals shall additionally evaluate and determine
2 the most effective means of housing the system.

3 (c) The California Longitudinal Pupil Achievement Data System
4 shall be developed and implemented in accordance with all state
5 rules and regulations governing information technology projects.

6 (d) The system or systems developed pursuant to this section
7 shall be used to accomplish all of the following goals:

8 (1) To provide school districts and the department access to
9 data necessary to comply with federal reporting requirements
10 delineated in the federal No Child Left Behind Act of 2001 (20
11 U.S.C. Sec. 6301 et seq.).

12 (2) To provide a better means of evaluating educational progress
13 and investments over time.

14 (3) To provide local educational agencies information that can
15 be used to improve pupil achievement.

16 (4) To provide an efficient, flexible, and secure means of
17 maintaining longitudinal statewide pupil level data.

18 (5) To facilitate the ability of the state to publicly report data,
19 as specified in Section 6401(e)(2)(D) of the federal America
20 COMPETES Act (20 U.S.C. Sec. 9871) and as required by the
21 federal American Recovery and Reinvestment Act of 2009 (Public
22 Law 111-5).

23 (6) To ensure that any data access provided to researchers, as
24 required pursuant to the federal Race to the Top regulations and
25 guidelines is provided, only to the extent that the data access is in
26 compliance with the federal Family Educational Rights and Privacy
27 Act of 1974 (20 U.S.C. Sec. 1232g).

28 (e) In order to comply with federal law as delineated in the
29 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
30 et seq.), the local educational agency shall retain individual pupil
31 records for each test taker, including all of the following:

32 (1) All demographic data collected from the California
33 Assessment of Student Performance and Progress (CAASPP), high
34 school exit examination, and English language development tests.

35 (2) Pupil achievement data from assessments administered
36 pursuant to the CAASPP, high school exit examination, and
37 English language development testing programs. To the extent
38 feasible, data should include subscore data within each content
39 area.

1 (3) A unique pupil identification number to be identical to the
2 pupil identifier developed pursuant to the California School
3 Information Services, which shall be retained by each local
4 educational agency and used to ensure the accuracy of information
5 on the header sheets of the CAASPP tests, high school exit
6 examination, and the English language development test.

7 (4) All data necessary to compile reports required by the federal
8 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
9 including, but not limited to, dropout and graduation rates.

10 (5) Other data elements deemed necessary by the
11 Superintendent, with the approval of the state board, to comply
12 with the federal reporting requirements delineated in the federal
13 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
14 and the federal American Recovery and Reinvestment Act of 2009
15 (Public Law 111-5), after review and comment by the advisory
16 board convened pursuant to subdivision (h). Before the
17 implementation of this paragraph with respect to adding data
18 elements to the California Longitudinal Pupil Achievement Data
19 System for the purpose of complying with the federal American
20 Recovery and Reinvestment Act of 2009 (Public Law 111-5), the
21 department and the appropriate postsecondary educational agencies
22 shall submit an expenditure plan to the Department of Finance
23 detailing any administrative costs to the department and costs to
24 any local educational agency, if applicable. The Department of
25 Finance shall provide to the Joint Legislative Budget Committee
26 a copy of the expenditure plan within 10 days of receipt of the
27 expenditure plan from the department.

28 (6) To enable the department, the University of California, the
29 California State University, and the Chancellor of the California
30 Community Colleges to meet the requirements prescribed by the
31 federal American Recovery and Reinvestment Act of 2009 (Public
32 Law 111-5), these entities shall be authorized to obtain quarterly
33 wage data, commencing July 1, 2010, on students who have
34 attended their respective systems, to assess the impact of education
35 on the employment and earnings of those students, to conduct the
36 annual analysis of district-level and individual district or
37 postsecondary education system performance in achieving priority
38 educational outcomes, and to submit the required reports to the
39 Legislature and the Governor. The information shall be provided
40 to the extent permitted by federal statutes and regulations.

1 (f) The California Longitudinal Pupil Achievement Data System
2 shall have all of the following characteristics:

3 (1) The ability to sort by demographic element collected from
4 the CAASPP tests, high school exit examination, and English
5 language development test.

6 (2) The capability to be expanded to include pupil achievement
7 data from multiple years.

8 (3) The capability to monitor pupil achievement on the CAASPP
9 tests, high school exit examination, and English language
10 development test from year to year and school to school.

11 (4) The capacity to provide data to the state and local educational
12 agencies upon their request.

13 (g) Data elements and codes included in the system shall comply
14 with Sections 49061 to 49079, inclusive, and Sections 49602 and
15 56347, with Sections 430 to 438, inclusive, of Title 5 of the
16 California Code of Regulations, with the Information Practices
17 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
18 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
19 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
20 Sec. 1232g), Section 1232h of Title 20 of the United States Code,
21 and related federal regulations.

22 (h) The department shall convene an advisory board consisting
23 of representatives or designees from the state board, the Department
24 of Finance, the State Privacy Ombudsman, the Legislative
25 Analyst's Office, representatives of parent groups, school districts,
26 and local educational agencies, and education researchers to
27 establish privacy and access protocols, provide general guidance,
28 and make recommendations relative to data elements. The
29 department is encouraged to seek representation broadly reflective
30 of the general public of California.

31 ~~(i) Subject to funding being provided in the annual Budget Act,~~
32 ~~the department shall contract with a consultant for independent~~
33 ~~project oversight. The Director of Finance shall review the request~~
34 ~~for proposals for the contract. The consultant hired to conduct the~~
35 ~~independent project oversight shall twice annually submit a written~~
36 ~~report to the Superintendent, the state board, the advisory board,~~
37 ~~the Director of Finance, the Legislative Analyst, and the~~
38 ~~appropriate policy and fiscal committees of the Legislature. The~~
39 ~~report shall include an evaluation of the extent to which the~~
40 ~~California Longitudinal Pupil Achievement Data System is meeting~~

1 ~~the goals described in subdivision (d) and recommendations to~~
2 ~~improve the data system in ensuring the privacy of individual pupil~~
3 ~~information and providing the data needed by the state and school~~
4 ~~districts.~~

5 ~~(j)~~

6 (i) This section shall be implemented using federal funds
7 received pursuant to the federal No Child Left Behind Act of 2001
8 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes
9 of this section in Item 6110-113-0890 of Section 2.00 of the Budget
10 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
11 these funds is contingent on approval of an expenditure plan by
12 the Department of Finance.

13 ~~(k)~~

14 (j) For purposes of this chapter, a local educational agency shall
15 include a county office of education, a school district, and a charter
16 school.

17 *SEC. 60. Section 12 of Chapter 525 of the Statutes of 1995 is*
18 *amended to read:*

19 ~~SEC. 12.~~

20 *Sec. 12.* (a) The State Department of Education shall present
21 to the State Board of Education a plan to implement the
22 recommendations made by the State Department of Education in
23 the Standardized Account Code Structure: A Supplement to the
24 California School Accounting Manual (February 28, 1995, Draft)
25 and in the Plan for Conversion to Standardized Account Code
26 Structure (April 6, 1995) pursuant to Section 3 of Chapter 237 of
27 the Statutes of 1993. ~~The department~~ *State Department of*
28 *Education* shall implement the structure upon approval of that plan
29 by the State Board of Education. ~~Prior to~~ *Before* fully implementing
30 those recommendations, the standardized account code structure
31 shall be tested and the plan for implementation shall be revised as
32 deemed necessary by ~~the department~~ *State Department of*
33 *Education* pursuant to the tests.

34 (b) The plan submitted to the State Board of Education pursuant
35 to subdivision (a) to implement the standardized account code
36 structure shall advance the following goals:

37 (1) Upgrading financial transaction software in use by school
38 districts and county offices of education to implement the
39 standardized account code structure.

1 (2) Providing incentives to promote the sharing of financial
2 transaction systems and information among county offices of
3 education and school districts.

4 (3) Facilitating financial information transfer as necessary to
5 facilitate planning by the Legislature with regard to specific
6 financial transactions of California school districts.

7 (4) Providing training services to school districts and county
8 offices of education personnel to upgrade the quality of school
9 district financial practices and information usage.

10 ~~(e) The Superintendent of Public Instruction shall report to the~~
11 ~~Joint Legislative Budget Committee by March 15 of each year~~
12 ~~regarding the implementation of the standardized account code~~
13 ~~structure described in subdivision (a).~~