

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 436

**Introduced by Committee on Education (Senators Liu (Chair),
Block, Hancock, Huff, Leyva, Mendoza, Pan, and Vidak)**

February 25, 2015

An act to amend Sections 1042, 11800, 16236, 17070.75, 17088.2, 17463, 17582, 17592.5, ~~44320~~, 49073.1, 52335.12, and 60900 of, and to repeal Sections 17591, 32228.5, 35294.14, 48200.7, ~~and 48200.8~~ 48200.8, 52171.6, 52184, and 54006 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 436, as amended, Committee on Education. Education: omnibus bill.

(1) Existing law, until July 1, 2017, authorizes a county board of education, subject to the concurrence of the county superintendent of schools, to loan moneys from the proceeds of revenue anticipation notes to a charter school for which the county board of education or the county superintendent of schools has a supervisory responsibility or, regardless of whether the charter school is within or outside of the county, with which a county board of education or county superintendent of schools has a contractual relationship. Existing law requires the county board of education, as a condition of making a loan to a charter school, to report to the State Department of Education by September 15 of each year specified information on loans made to charter schools within the prior fiscal year, and requires the department to compile that information into one report to be submitted by December 1 of each year to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office.

This bill would instead require the California School Finance Authority within the State Treasurer's Office to compile the information referenced above into the one report to be submitted by December 1 of each year to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office.

(2) Existing law establishes the K–12 High-Speed Network, as specified, for the purpose of enriching pupil educational experiences and improving pupil academic performance by providing high-speed, high-bandwidth Internet connectivity to the public schools. Existing law requires the Superintendent of Public Instruction to use a competitive grant process to select a local educational agency to serve as the Lead Education Agency to administer the network on behalf of the Superintendent. Existing law requires the Superintendent to establish a K–12 HSN advisory board to include the Superintendent, the county superintendent of schools of the Lead Education Agency, the President of the State Board of Education, and other officers of local educational agencies, including 3 schoolsite representatives, as specified.

This bill would specify that the schoolsite representatives appointed to the advisory board under this provision would serve renewable 2-year terms.

~~(1)~~

(3) Existing law authorizes the State Allocation Board to allocate any amount of the funds designated for purposes of school housing aid for school districts impacted by seasonal agricultural employment that is in excess of the amounts needed for administration to any of specified funds, including the State School Deferred Maintenance Fund, as provided. Existing law separately authorizes the board to transfer any funds within the State School Building Aid Fund that are in excess of the amounts needed by the board for the maintenance of portable buildings or for the purchase of new portable buildings, for that fiscal year, to any of specified funds, including the State School Deferred Maintenance Fund, as provided.

This bill would delete those allocation authorizations to the State School Deferred Maintenance Fund.

~~(2)~~

(4) Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts and county offices of education prescribed per-unhoused-pupil state funding for construction and modernization

of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts and county offices of education that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's or county office of education's general fund and to deposit, in each fiscal year for 20 years, a minimum amount equal to or greater than 3% of the school district's or county office of education's total general fund expenditures, including other financing uses, for that fiscal year into the account for maintenance of school facilities. Existing law authorizes annual deposits into the account in excess of 2 ½% of the school district's general fund budget to count towards the amount that a school district is required to contribute in order to receive an apportionment from the State School Deferred Maintenance Fund.

This bill would delete that authorization.

(3)

(5) Existing law authorizes the governing board of a school district to establish a restricted fund known as the "district deferred maintenance fund" for certain school facilities purposes, including, among others, any other items of maintenance approved by the State Allocation Board.

This bill would remove that purpose from the list of specifically authorized purposes, but would no longer limit the use of the fund to the list of specifically authorized purposes.

~~(4) Existing law requires that professional preparation, including student teaching, be made available in the upper division course offerings at all California public institutions of higher learning, except the California Maritime Academy and the Hastings College of the Law and prohibits more than 9 semester units, or the equivalent, of professional education courses from being designated as prerequisites for purposes of admission to student teaching, except as specified. Existing law provides that the Commission on Teacher Credentialing shall encourage postsecondary institutions that offer programs of professional preparation to collaborate with school districts, county offices of education, and professional organizations in the design and delivery of local programs to function as part of the California beginning teacher support and assessment program. If local educational agencies and institutions of higher education voluntarily agree to implement the program, existing law requires, in each program of preparation, support, and assessment, the postsecondary institution to make it possible for~~

~~each candidate to complete all requirements for a valid teaching credential in the equivalent of one year of full-time study.~~

~~This bill would instead require the postsecondary institution to make it possible for each candidate to compete all requirements for a valid teaching credential in the equivalent of 2 years of full-time study.~~

(6) Existing law, the Carl Washington School Safety and Violence Prevention Act, among other things, effectuates the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in public schools. A provision of this act requires the Superintendent of Public Instruction to annually report to the Legislature regarding the use of funds pursuant to the act, and to base this report on information provided to the Superintendent by local educational agencies.

This bill would delete this provision.

(7) Existing law, the School Safety Violence Protection Act, effectuates the intent of the Legislature that all public schools with any combination of instructional settings from kindergarten to grade 7, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. A provision of this act requires the Superintendent of Public Instruction and the Attorney General to cooperatively design an evaluation process for the programs and activities established pursuant to the act and report to the Legislature by January 1 of each year, as specified.

This bill would delete this provision.

~~(5)~~

~~(8) Existing law requires the State Department of Education, and authorizes the Compton Unified School District, to identify low-performing schools in the school district, as provided, for purposes of providing extended school year instruction. Former law, repealed by its own provisions on January 1, 2003, authorized the Compton Unified School District to receive funding for extended year classes at those low-performing schools in the school district, as provided. Existing law requires the department, in conjunction with the Legislative Analyst, to contract for 2 independent evaluations, as provided, to determine the effectiveness of the extended school year curriculum, instructional program, and materials in improving pupil academic outcomes at those low-performing schools in the Compton Unified School District.~~

Existing law requires the results of the evaluations to be reported on or before January 1, 2002, and January 1, 2003, respectively, to specified persons.

This bill would delete those obsolete provisions.

(9) Existing law, the Chacon-Moscone Bilingual-Bicultural Education Act of 1976, which ceased to be operative on June 30, 1987, required, among other things, that the Superintendent of Public Instruction report annually to the Legislature on bilingual education programs, as specified. The act also required the State Department of Education to prepare and submit to the Legislature an annual report regarding the number of participants in the State Bilingual Teacher Training Assistance Program and other topics related to that program.

This bill would delete those reporting requirements.

(10) Existing law establishes programs to provide state aid to public schools where pupil performance is affected by factors such as low family income, high pupil transiency rates, and large numbers of homes where a primary language other than English is spoken. Existing law requires the Superintendent of Public Instruction to submit annually to the Governor and to each house of the Legislature a report evaluating these programs and containing information related to specified topics.

This bill would delete the requirement for this annual report.

(6)

(11) This bill would also update references, delete other obsolete provisions, make conforming changes, and make other nonsubstantive changes.

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

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

1 SECTION 1. Section 1042 of the Education Code, as amended
2 by Section 1 of Chapter 38 of the Statutes of 2012, is amended to
3 read:
4 1042. County boards of education may do all of the following:
5 (a) Adopt rules and regulations governing the administration of
6 the office of the county superintendent of schools.
7 (b) Review the county superintendent of schools annual itemized
8 estimate of anticipated revenue and expenditures before the annual
9 itemized estimate is filed with the auditor as required by Section
10 29040 of the Government Code, and make revisions, reductions,

1 or additions in the annual itemized estimate it deems advisable
2 and proper. An annual itemized estimate shall not be filed by the
3 county superintendent of schools or be approved by the *county*
4 board of supervisors until it has first been so reviewed and
5 approved by the county board of education.

6 (c) In the name by which the county board of education is
7 designated, acquire, lease, lease-purchase, hold, and convey real
8 property for the purpose of housing the offices and the services of
9 the county superintendent of schools, except that this subdivision
10 shall only apply to the county boards of education to which all or
11 a portion of the duties and functions of the county board of
12 supervisors specified in subdivision (b) of Section 1080 have been
13 transferred, with the exception of the recreational duties and
14 recreational functions specified in subdivisions (c) and (d) of
15 Section 1080.

16 (d) Contract with and employ any persons for the furnishing to
17 the county board of education of special services and advice in
18 financial, economic, accounting, engineering, legal, or
19 administrative matters if these persons are specially trained and
20 experienced and competent to perform the special services required.
21 The county board of education may pay to these persons from any
22 available funds the compensation that it deems proper for the
23 services rendered.

24 (e) (1) Notwithstanding Section 25304 of the Government
25 Code, fill by appointment any vacancy that occurs during the term
26 of office of the county superintendent of schools. In a county in
27 which the county superintendent of schools is elected, the appointee
28 shall hold office until the office is filled by election at the next
29 gubernatorial election.

30 (2) The authority described in this subdivision shall be vested
31 in a county board of education only upon its adoption by the county
32 board of education at a public meeting held pursuant to Article 1
33 (commencing with Section 1000).

34 (f) (1) Subject to the concurrence of the county superintendent
35 of schools pursuant to paragraph (3), use and expend moneys from
36 the proceeds of notes issued pursuant to the authority granted in
37 Article 7.6 (commencing with Section 53850) of Chapter 4 of Part
38 1 of Division 2 of Title 5 of the Government Code, to make loans
39 to a charter school for which the county board of education or the
40 county superintendent of schools has a supervisory responsibility

1 or, regardless of whether the charter school is within or outside of
2 the county, with which the county board of education or the county
3 superintendent of schools has a contractual relationship pursuant
4 to subdivision (b) of Section 47603. Moneys borrowed by the
5 county board of education for the purpose of making a loan to a
6 charter school shall be payable solely from the funds of the charter
7 school and shall not constitute a debt or liability of the county
8 board of education or the county superintendent of schools,
9 notwithstanding the provisions of Section 53857 of the Government
10 Code, or any other law.

11 (2) The State of California is not liable for any debt or liability
12 within the meaning of Section 1 of Article XVI of the California
13 Constitution, or otherwise, for loans made pursuant to this
14 subdivision.

15 (3) Before the county board of education makes a loan pursuant
16 to this subdivision, the county superintendent of schools shall do
17 all of the following:

18 (A) Advise the chartering authority of the charter school and
19 the county office of education in which the charter school is
20 primarily located that the charter school has requested the loan.

21 (B) Allow the chartering authority and county office of
22 education to provide input regarding the advisability of making
23 the loan.

24 (C) Solicit a recommendation from a recognized authority on
25 school district financial management who is not an employee of
26 the county office of education about the advisability of making
27 the loan. The recommendation shall consider the financial condition
28 of the charter school, the level of risk assumed by the county office
29 of education, and the potential impact on the county office of
30 education if the charter school is unable to repay the loan.

31 (D) Disclose the information received pursuant to subparagraphs
32 (B) and (C) at a regularly scheduled meeting of the county board
33 of education.

34 (E) Determine whether to concur with the intent of the county
35 board of education to make the loan.

36 (4) In any fiscal year, a charter school shall not receive more
37 than one loan that is made pursuant to this subdivision.

38 (5) (A) As a condition of making a loan to a charter school
39 pursuant to this subdivision, a county board of education shall
40 report to the department by September 15 of each year the

1 following information on loans made to charter schools within the
2 prior fiscal year:

3 (i) The name and address of each charter school that received
4 a loan, including the name of the county in which the charter school
5 is located.

6 (ii) The amount of the loan, including the interest rate, that each
7 charter school received.

8 (iii) The total amount of money loaned to charter schools by
9 the county board of education.

10 (iv) The average duration of loans made to charter schools.

11 (v) The current status of each loan, including whether or not
12 the charter school has repaid the loan.

13 (B) No later than December 1 of each year, the ~~department~~
14 *California School Finance Authority within the State Treasurer's*
15 *Office* shall compile the information reported by the county boards
16 of education pursuant to subparagraph (A) into one report and
17 submit this information to the appropriate policy and fiscal
18 committees of the Legislature, the Department of Finance, and the
19 Legislative Analyst's Office.

20 (g) This section shall become inoperative on July 1, 2017, and,
21 as of January 1, 2018, is repealed, unless a later enacted statute,
22 that becomes operative on or before January 1, 2018, deletes or
23 extends the dates on which it becomes inoperative and is repealed.

24 *SEC. 2. Section 11800 of the Education Code is amended to*
25 *read:*

26 11800. (a) (1) The K–12 High-Speed Network (K–12 HSN)
27 is hereby established for the purpose of enriching pupil educational
28 experiences and improving pupil academic performance by
29 providing high-speed, high-bandwidth Internet connectivity to the
30 public school system, as defined by Section 6 of Article IX of the
31 California Constitution.

32 (2) The California Education Network is hereby established,
33 consisting of the California Research and Education Network
34 (CalREN) and the K–12 HSN.

35 (b) The Superintendent shall measure the success of the K–12
36 HSN and ensure that the benefits of the K–12 HSN are maximized
37 to the extent possible. The K–12 HSN shall provide critical services
38 and functions for public primary and secondary local educational
39 agencies, including, but not limited to, all of the following:

40 (1) Reliable and cost-effective Internet service.

1 (2) Reliable and secure interconnectivity among public school
2 entities offering kindergarten or any of grades 1 to 12, inclusive,
3 in California, connection to higher education institutions of
4 California, and connection to state and local agencies to facilitate
5 efficient interaction, including transmission of data.

6 (3) Videoconferencing and related distance learning capabilities.

7 (4) Statewide coordination of network uses to benefit teaching
8 and learning.

9 (c) The Superintendent shall use a competitive grant process to
10 select a local educational agency to serve as the Lead Education
11 Agency to administer the K–12 HSN on behalf of the
12 Superintendent.

13 (d) The Superintendent shall establish a K–12 HSN advisory
14 board to be composed of all of the following members:

15 (1) The Superintendent, or his or her designee.

16 (2) The county superintendent of schools of the Lead Education
17 Agency.

18 (3) A county superintendent of schools of a county with an
19 average daily attendance of more than 60,000 pupils, appointed
20 by the Superintendent. The member appointed pursuant to this
21 paragraph shall serve a renewable two-year term.

22 (4) Three school district superintendents, appointed by the
23 Superintendent. Members appointed pursuant to this paragraph
24 shall represent school districts that are diverse as to geography and
25 size, and that serve socioeconomically and culturally diverse pupil
26 populations. Members appointed pursuant to this paragraph shall
27 serve renewable two-year terms.

28 (5) Two county superintendents of schools appointed by the
29 majority of the votes of all of the county superintendents of schools.
30 Members appointed pursuant to this paragraph shall serve
31 renewable two-year terms.

32 (6) Three schoolsite representatives, ~~which~~ *who* shall include
33 not less than two classroom teachers or instructional specialists.
34 *Members appointed pursuant to this paragraph shall serve*
35 *renewable two-year terms.*

36 (7) The president of the state board or his or her designee.

37 (e) The advisory board shall meet quarterly and shall recommend
38 policy direction and broad operational guidance to the
39 Superintendent and the Lead Education Agency. The advisory
40 board, in consultation with the Lead Education Agency, shall

1 develop recommendations for measuring the success of the
2 network, improving network oversight and monitoring,
3 strengthening accountability, and optimizing the use of the K–12
4 HSN and its ability to improve education. The advisory board shall
5 report its recommendations to the Legislature, the Governor, the
6 Department of Finance, the president of the state board or his or
7 her designee, and the Legislative Analyst’s Office by March 1,
8 2007. It is the intent of the Legislature that the report identify and
9 recommend specific annual performance measures that should be
10 established to assess the effectiveness of the network.

11 (f) The duties of the Lead Education Agency shall include all
12 of the following:

13 (1) Entering into appropriate contracts for the provision of
14 high-speed, high-bandwidth Internet connectivity, provided such
15 contracts secure the necessary terms and conditions to adequately
16 protect the interests of the state. Terms and conditions shall include,
17 but are not limited to, all of the following:

18 (A) Development of comprehensive service level agreements.

19 (B) Protection of any ownership rights of intellectual property
20 of the state that result due to participation of the state in the K–12
21 HSN.

22 (C) Appropriate protection of assets of the state acquired due
23 to its participation in the K–12 HSN.

24 (D) Assurance that appropriate fee structures are in place.

25 (E) Assurance that any interest earned on funds of the state for
26 this purpose are used solely to the benefit of the project.

27 (2) Development of an annual budget request for the K–12 HSN
28 for submission to the department and the Department of Finance
29 to be included in the annual Budget Act.

30 (3) Development, in consultation with the advisory board
31 established pursuant to subdivision (d), of specific goals and
32 objectives for the program with appropriate reporting of success
33 measures developed by the Superintendent pursuant to subdivision
34 (b).

35 (4) Ongoing fiscal oversight of the program, including
36 mechanisms to control statewide costs and exposure. To
37 accomplish this objective, the Lead Education Agency shall
38 contract for an annual independent audit of the program. The
39 independent auditor shall report the audit findings to the

1 Superintendent, the Legislature, and the Governor by December
2 15 of each year.

3 (5) Ongoing technical oversight of the program, including
4 external evaluation and independent validation, where appropriate.
5 To accomplish this objective, the Lead Education Agency shall
6 contract for an independent evaluation to be completed and
7 provided to the Superintendent by March 1, 2009. The
8 Superintendent shall report the results of the evaluation, including
9 a response and recommendations to correct any adverse findings
10 from the evaluation, to the Governor and the Legislature by April
11 30, 2009.

12 (6) (A) The Lead Education Agency shall administer grant
13 programs to promote the most cost-effective manner for the
14 completion of connectivity for all public schools of the state and
15 cost-effective applications that meet instructional needs to the
16 extent that funds are provided for these purposes in the annual
17 Budget Act.

18 (B) Before the appropriation of any state funds for the purposes
19 of this paragraph, the Lead Education Agency shall submit
20 information justifying the need for additional grant funds,
21 including, but not limited to, all of the following:

22 (i) The number of schools and school districts that are already
23 connected.

24 (ii) The means by which the costs associated with connectivity
25 were covered for schools and school districts that are already
26 connected.

27 (iii) Obstacles to connection for those schools and school
28 districts that are not yet connected.

29 (iv) Other local options and funding sources for purposes of
30 connectivity and applications.

31 **SECTION 1.**

32 *SEC. 3.* Section 16236 of the Education Code is amended to
33 read:

34 16236. Notwithstanding any other law, the board may allocate
35 any amount of the funds designated for purposes of this article that
36 is in excess of the amounts needed for the administration of this
37 article to any of the following:

38 (a) The Emergency School Classroom Fund for allocation by
39 the board for any purpose authorized pursuant to that fund.

1 (b) The 1998 State School Facilities Fund for allocation by the
2 board for any purpose authorized to that fund.

3 (c) The 2002 State School Facilities Fund for allocation by the
4 board for any purpose authorized to that fund.

5 (d) The 2004 State School Facilities Fund for allocation by the
6 board for any purpose authorized to that fund.

7 (e) If the voters approve the Kindergarten-University Public
8 Education Facilities Bond Act of 2006 at the November 7, 2006,
9 statewide general election, the 2006 State School Facilities Fund
10 for allocation by the board for any purpose authorized to that fund.

11 ~~SEC. 2.~~

12 *SEC. 4.* Section 17070.75 of the Education Code is amended
13 to read:

14 17070.75. (a) The board shall require the school district to
15 make all necessary repairs, renewals, and replacements to ensure
16 that a project is at all times maintained in good repair, working
17 order, and condition. All costs incurred for this purpose shall be
18 borne by the school district.

19 (b) In order to ensure compliance with subdivision (a) and to
20 encourage school districts to maintain all buildings under their
21 control, the board shall require an applicant school district to do
22 all of the following before the approval of a project:

23 (1) Establish a restricted account within the general fund of the
24 school district for the exclusive purpose of providing moneys for
25 ongoing and major maintenance of school buildings, according
26 the highest priority to funding for the purposes set forth in
27 subdivision (a).

28 (2) (A) Agree to deposit into the account established pursuant
29 to paragraph (1), in each fiscal year for 20 years after receipt of
30 funds under this chapter, a minimum amount equal to or greater
31 than 3 percent of the total general fund expenditures of the
32 applicant school district, including other financing uses, for that
33 fiscal year.

34 (B) A school district contribution to the account may be provided
35 in lieu of meeting the ongoing maintenance requirements pursuant
36 to Section 17014 to the extent the funds are used for purposes
37 established in that section. A school district that serves as the
38 administrative unit for a special education local plan area may
39 elect to exclude from its total general fund expenditures, for
40 purposes of this paragraph, the distribution of revenues that are

1 passed through to participating members of the special education
2 local plan area.

3 (C) This paragraph applies only to the following school districts:

4 (i) High school districts with an average daily attendance greater
5 than 300 pupils.

6 (ii) Elementary school districts with an average daily attendance
7 greater than 900 pupils.

8 (iii) Unified school districts with an average daily attendance
9 greater than 1,200 pupils.

10 (3) Certify that it has publicly approved an ongoing and major
11 maintenance plan that outlines the use of the funds deposited, or
12 to be deposited, pursuant to paragraph (2). The plan may provide
13 that the school district need not expend all of its annual allocation
14 for ongoing and major maintenance in the year in which it is
15 deposited if the cost of major maintenance requires that the
16 allocation be carried over into another fiscal year. However, any
17 state funds carried over into a subsequent year may not be counted
18 toward the annual minimum contribution by the school district.

19 (c) A school district to which paragraph (2) of subdivision (b)
20 does not apply shall certify to the board that it can reasonably
21 maintain its facilities with a lesser level of maintenance.

22 (d) For purposes of calculating a county office of education
23 requirement pursuant to this section, the ~~3-percent~~ *3-percent*
24 maintenance requirement shall be based upon the county office of
25 education general fund less any restricted accounts.

26 (e) As a condition of participation in the school facilities
27 program, a school district shall establish a facilities inspection
28 system to ensure that each of its schools is maintained in good
29 repair.

30 (f) For purposes of this section, “good repair” has the same
31 meaning as specified in subdivision (d) of Section 17002.

32 ~~SEC. 3.~~

33 *SEC. 5.* Section 17088.2 of the Education Code is amended to
34 read:

35 17088.2. Notwithstanding any other law, the board may transfer
36 any funds within the State School Building Aid Fund that are in
37 excess of the amounts needed by the board for the maintenance of
38 portable buildings or for the purchase of new portable buildings,
39 for that fiscal year, to any of the following, as appropriate:

1 (a) The 1998 State School Facilities Fund for allocation by the
2 board for any purpose authorized pursuant to that fund.

3 (b) The 2002 State School Facilities Fund for allocation by the
4 board for any purpose authorized pursuant to that fund.

5 (c) The 2004 State School Facilities Fund for allocation by the
6 board for any purpose authorized pursuant to that fund.

7 ~~SEC. 4.~~

8 *SEC. 6.* Section 17463 of the Education Code is amended to
9 read:

10 17463. Notwithstanding Section 17462, a school district having
11 an average daily attendance of less than 10,001 in any fiscal year
12 may deposit any and all interest earned on the funds derived from
13 the sale in that fiscal year of surplus property into the general fund
14 of the school district for any general fund purpose, subject to the
15 following conditions:

16 (a) Before that deposit, the school district shall submit to the
17 State Allocation Board a capital outlay plan for the school district
18 for a period of five years following that sale, together with a
19 declaration of the finding by the governing board of the school
20 district that the school facilities needs of the school district can be
21 met over that five-year period without funding or other assistance
22 from any state school facilities funding program. No later than the
23 date upon which that initial five-year period concludes, the school
24 district shall submit to the State Allocation Board a capital outlay
25 plan for the school district for the subsequent five-year period.

26 (b) Before the decision to place that interest money into the
27 school district's general fund, the governing board of the school
28 district shall consider the extent to which it is necessary or
29 appropriate to expend that money to meet the school district's
30 needs relative to capital outlay, facilities, modernization, and
31 deferred maintenance. In addition, as to any interest money
32 deposited into the school district's general fund pursuant to this
33 section, the governing board of the school district shall consider
34 the extent to which it is necessary or appropriate to expend the
35 money to meet the school district's needs relative to ongoing
36 maintenance before expending that money for any other purpose.

37 (c) A school district that deposits interest into its general fund
38 pursuant to the authority set forth in this section shall not be eligible
39 during the 10-year period described in subdivision (a) for funding
40 or other assistance under Chapter 12 (commencing with Section

1 17000) or Chapter 14 (commencing with Section 17085) of Part
2 10, or any other state school facilities funding program.

3 (d) If a school district seeks state funding pursuant to Chapter
4 12 (commencing with Section 17000) of Part 10, Chapter 14
5 (commencing with Section 17085) of Part 10, or any other state
6 school facilities funding program, on or after the expiration of the
7 10-year period specified in subdivision (c), any state funding
8 received by the school district from the program shall be reduced
9 by any remaining funds derived from the sale of that surplus
10 property by the school district and any unencumbered interest
11 earned on those funds.

12 ~~SEC. 5.~~

13 *SEC. 7.* Section 17582 of the Education Code is amended to
14 read:

15 17582. (a) The governing board of a school district may
16 establish a restricted fund to be known as the “district deferred
17 maintenance fund” for purposes including, but not limited to, major
18 repair or replacement of plumbing, heating, air conditioning,
19 electrical, roofing, and floor systems; the exterior and interior
20 painting of school buildings; the inspection, sampling, and analysis
21 of building materials to determine the presence of
22 asbestos-containing materials; the encapsulation or removal of
23 asbestos-containing materials; the inspection, identification,
24 sampling, and analysis of building materials to determine the
25 presence of lead-containing materials; and the control,
26 management, and removal of lead-containing materials. Funds
27 deposited in the district deferred maintenance fund may be received
28 from any source and shall be accounted for separately from all
29 other funds and accounts and retained in the district deferred
30 maintenance fund for purposes of this section. The term “school
31 building” as used in this article includes a facility that a county
32 office of education is authorized to use pursuant to Article 3
33 (commencing with Section 17280) of Chapter 3.

34 (b) Funds deposited in the district deferred maintenance fund
35 shall only be expended for maintenance purposes as provided
36 pursuant to subdivision (a).

37 (c) The governing board of each school district shall have
38 complete control over the funds and earnings of funds once
39 deposited in the district deferred maintenance fund.

1 ~~SEC. 6.~~

2 ~~SEC. 8.~~ Section 17591 of the Education Code is repealed.

3 ~~SEC. 7.~~

4 ~~SEC. 9.~~ Section 17592.5 of the Education Code is amended to
5 read:

6 17592.5. The ~~Joint Powers~~ Southern California Regional
7 Occupational Center and the Metropolitan Education District, *each*
8 *of which is* a joint powers authority, shall be deemed to be school
9 districts for purposes of Sections 17582, 17589, and 17590.

10 ~~SEC. 10.~~ *Section 32228.5 of the Education Code is repealed.*

11 ~~32228.5.~~ (a) ~~The Superintendent of Public Instruction shall~~
12 ~~annually report to the Legislature regarding the use of funds~~
13 ~~pursuant to this article.~~

14 (b) ~~As a condition of receipt of funds pursuant to this article,~~
15 ~~local education agencies shall provide information for the purpose~~
16 ~~of compiling the annual report required pursuant to subdivision~~
17 ~~(a) to the Superintendent of Public Instruction, in a format~~
18 ~~determined by the Superintendent of Public Instruction.~~

19 ~~SEC. 11.~~ *Section 35294.14 of the Education Code is repealed.*

20 ~~35294.14.~~ The Superintendent of Public Instruction and the
21 Attorney General shall cooperatively design an evaluation process
22 for the programs and activities established pursuant to this article
23 and shall report to the Legislature by January 1 of each year,
24 commencing in 2001, any recommendations for modifications to
25 existing law relative to school safety and violence prevention
26 among children and youth.

27 ~~SEC. 8.~~ Section 44320 of the Education Code is amended to
28 read:

29 44320. (a) Professional preparation, including student teaching,
30 shall be made available in the upper division course offerings at
31 all California public institutions of higher learning, except the
32 California Maritime Academy and the Hastings College of the
33 Law. No more than nine semester units, or the equivalent, of
34 professional education courses may be designated as prerequisites
35 for purposes of admission to student teaching, except that, to satisfy
36 the English language requirement as set forth in paragraph (3) of
37 subdivision (b) of Section 44259, candidates may be required to
38 take 12 semester units, or the equivalent, as professional education
39 prerequisites to student teaching.

1 ~~(b) The commission shall encourage postsecondary educational~~
2 ~~institutions that offer programs of professional preparation to~~
3 ~~collaborate with school districts, county offices of education, and~~
4 ~~professional organizations in the design and delivery of local~~
5 ~~programs to function as part of the California beginning teacher~~
6 ~~support and assessment program pursuant to Section 44279.2. If~~
7 ~~local educational agencies and institutions of higher education~~
8 ~~voluntarily agree to implement the program, the following~~
9 ~~provisions shall apply to each collaborative effort:~~

10 ~~(1) Postsecondary educational institutions and local educational~~
11 ~~agencies shall coordinate and articulate the program of professional~~
12 ~~preparation and the beginning teacher support and assessment~~
13 ~~program, so the two programs provide continuity in the preparation,~~
14 ~~support, and assessment of beginning teachers.~~

15 ~~(2) At the discretion of a postsecondary educational institution~~
16 ~~that participates in a collaborative effort, the program of~~
17 ~~professional preparation may be submitted to the commission for~~
18 ~~approval as a program of preparation, support, and assessment that~~
19 ~~is at least two years long.~~

20 ~~(3) In each program of preparation, support, and assessment,~~
21 ~~the postsecondary educational institution shall make it possible~~
22 ~~for each candidate to complete all requirements for a valid teaching~~
23 ~~credential in the equivalent of two years of full-time study.~~

24 ~~(4) A postsecondary educational institution that participates in~~
25 ~~a collaborative effort may, at its discretion, determine that~~
26 ~~successful completion of the support and assessment components~~
27 ~~of an articulated program of professional preparation, support, and~~
28 ~~assessment fulfills some or all of the requirements of subdivision~~
29 ~~(e) of Section 44259, and may accordingly recommend applicants~~
30 ~~for the professional teaching credential. The standards and criteria~~
31 ~~for making these determinations and recommendations shall be~~
32 ~~included in the institution's proposal for a program.~~

33 ~~(5) A local educational agency that collaborates, at its own~~
34 ~~discretion, with a postsecondary educational institution in the~~
35 ~~design and delivery of an articulated program of professional~~
36 ~~preparation, support, and assessment that meets the standards and~~
37 ~~criteria pursuant to subdivision (e) of Section 44279.2, and that~~
38 ~~receives funds pursuant to the annual Budget Act, may contract~~
39 ~~with the postsecondary educational institution to pay the~~

1 institution's costs of designing and delivering the support and
2 assessment components of the program.

3 ~~(e) Local educational agencies that are approved by the~~
4 ~~commission to provide programs of personalized preparation to~~
5 ~~candidates for designated subjects teaching credentials are~~
6 ~~encouraged to participate in the design and delivery of local~~
7 ~~programs under the California beginning teacher support and~~
8 ~~assessment program pursuant to Article 4.5 (commencing with~~
9 ~~Section 44279.2), in a manner consistent with subdivision (b).~~

10 ~~(d) Before admission to either student teaching under any~~
11 ~~professional preparation program approved by the commission,~~
12 ~~or participation in a field experience program as described in~~
13 ~~Section 44324, a candidate for a credential shall obtain a certificate~~
14 ~~of clearance from the commission that shall be issued when the~~
15 ~~commission has verified the candidate's personal identification~~
16 ~~and health status. The fee for the certificate of clearance shall not~~
17 ~~exceed one-half of the regular fee for a credential and shall be~~
18 ~~deducted from the fee for the initial credential applied for by the~~
19 ~~certificate holder.~~

20 ~~SEC. 9:~~

21 ~~SEC. 12.~~ Section 48200.7 of the Education Code is repealed.

22 ~~SEC. 10:~~

23 ~~SEC. 13.~~ Section 48200.8 of the Education Code is repealed.

24 ~~SEC. 14.~~ *Section 49073.1 of the Education Code is amended*
25 *to read:*

26 49073.1. (a) A local educational agency may, pursuant to a
27 policy adopted by its governing board or, in the case of a charter
28 school, its governing body, enter into a contract with a third party
29 for either or both of the following purposes:

30 (1) To provide services, including cloud-based services, for the
31 digital storage, management, and retrieval of pupil records.

32 (2) To provide digital educational software that authorizes a
33 third-party provider of digital educational software to access, store,
34 and use pupil records in accordance with the contractual provisions
35 listed in subdivision (b).

36 (b) A local educational agency that enters into a contract with
37 a third party for purposes of subdivision (a) shall ensure the
38 contract contains all of the following:

39 (1) A statement that pupil records continue to be the property
40 of and under the control of the local educational agency.

1 (2) Notwithstanding paragraph (1), a description of the means
2 by which pupils may retain possession and control of their own
3 pupil-generated content, if applicable, including options by which
4 a pupil may transfer pupil-generated content to a personal account.

5 (3) A prohibition against the third party using any information
6 in the pupil record for any purpose other than those required or
7 specifically permitted by the contract.

8 (4) A description of the procedures by which a parent, legal
9 guardian, or eligible pupil may review personally identifiable
10 information in the pupil's records and correct erroneous
11 information.

12 (5) A description of the actions the third party will take,
13 including the designation and training of responsible individuals,
14 to ensure the security and confidentiality of pupil records.
15 Compliance with this requirement shall not, in itself, absolve the
16 third party of liability in the event of an unauthorized disclosure
17 of pupil records.

18 (6) A description of the procedures for notifying the affected
19 parent, legal guardian, or eligible pupil in the event of an
20 unauthorized disclosure of the pupil's records.

21 (7) (A) A certification that a pupil's records shall not be retained
22 or available to the third party upon completion of the terms of the
23 contract and a description of how that certification will be enforced.

24 (B) The requirements provided in subparagraph (A) shall not
25 apply to pupil-generated content if the pupil chooses to establish
26 or maintain an account with the third party for the purpose of
27 storing that content pursuant to paragraph (2).

28 (8) A description of how the local educational agency and the
29 third party will jointly ensure compliance with the federal Family
30 Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

31 (9) A prohibition against the third party using personally
32 identifiable information in pupil records to engage in targeted
33 advertising.

34 (c) In addition to any other penalties, a contract that fails to
35 comply with the requirements of this section shall be rendered
36 void if, upon notice and a reasonable opportunity to cure, the
37 noncompliant party fails to come into compliance and cure any
38 defect. Written notice of noncompliance may be provided by any
39 party to the contract. All parties subject to a contract voided under

1 this subdivision shall return all pupil records in their possession
2 to the local educational agency.

3 (d) For purposes of this section, the following terms have the
4 following meanings:

5 (1) “Deidentified information” means information that cannot
6 be used to identify an individual pupil.

7 (2) “Eligible pupil” means a pupil who has reached 18 years of
8 age.

9 (3) “Local educational agency” includes school districts, county
10 offices of education, and charter schools.

11 (4) “Pupil-generated content” means materials created by a
12 pupil, including, but not limited to, essays, research reports,
13 portfolios, creative writing, music or other audio files, photographs,
14 and account information that enables ongoing ownership of pupil
15 content. “Pupil-generated content” does not include pupil responses
16 to a standardized assessment where pupil possession and control
17 would jeopardize the validity and reliability of that assessment.

18 (5) (A) “Pupil records” means both of the following:

19 (i) Any information directly related to a pupil that is maintained
20 by the local educational agency.

21 (ii) Any information acquired directly from the pupil through
22 the use of instructional software or applications assigned to the
23 pupil by a teacher or other local educational agency employee.

24 (B) “Pupil records” does not mean any of the following:

25 (i) Deidentified information, including aggregated deidentified
26 information, used by the third party to improve educational
27 ~~products~~ *products*, for adaptive learning ~~purposes~~ *purposes*, and
28 for customizing pupil learning.

29 (ii) Deidentified information, including aggregated deidentified
30 information, used to demonstrate the effectiveness of the operator’s
31 products in the marketing of those products.

32 (iii) Deidentified information, including aggregated deidentified
33 information, used for the development and improvement of
34 educational sites, services, or applications.

35 (6) “Third party” refers to a provider of digital educational
36 software or services, including cloud-based services, for the digital
37 storage, management, and retrieval of pupil records.

38 (e) If the provisions of this section are in conflict with the terms
39 of a contract in effect before January 1, 2015, the provisions of
40 this section shall not apply to the local educational agency or the

1 third party subject to that agreement until the expiration,
2 amendment, or renewal of the agreement.

3 (f) Nothing in this section shall be construed to impose liability
4 on a third party for content provided by any other third party.

5 *SEC. 15. Section 52171.6 of the Education Code is repealed.*

6 ~~52171.6.—(a) The superintendent shall report annually to the
7 Legislature on bilingual education programs as part of the
8 multiple-funded program evaluation required pursuant to Section
9 33403. The superintendent shall coordinate the design of school
10 district and state evaluations to minimize the data collection and
11 reporting requirements at the school and district levels. Pupil
12 performance data for bilingual programs may be collected and
13 analyzed on a sample basis with appropriate controls for pupil and
14 instructional program characteristics.~~

15 ~~The multiple-funded program evaluation shall include all of the
16 following:~~

17 ~~(1) A summary of district reports submitted pursuant to
18 subdivision (a) of Section 52170 on the number of identified pupils
19 of limited-English proficiency, funds from all sources available
20 for programs to meet the needs of those identified pupils, and the
21 numbers of identified pupils who are not being provided with
22 services pursuant to subdivision (a), (b), (c), (d), (e), or (f) of
23 Section 52163.~~

24 ~~(2) Information on bilingual programs conducted pursuant to
25 Section 52165, on all of the following:~~

26 ~~(A) The number of limited-English proficiency and
27 fluent-English-speaking pupils served in the program.~~

28 ~~(B) The number of teachers holding bilingual credentials or
29 certificates of competency, bilingual aides, teachers who have
30 waivers, and language development specialists.~~

31 ~~(C) Expenditures made from bilingual education funds by
32 category of expenditure.~~

33 ~~(D) The number of pupils reclassified and district level
34 procedures for reclassification pursuant to Section 52164.6.~~

35 ~~(E) A summary report of programs conducted pursuant to
36 subparagraph (B) of paragraph (1) of subdivision (c) of Section
37 52163.~~

38 ~~(3) An assessment of the educational needs of pupils of
39 limited-English proficiency and the extent to which such needs~~

1 are being met from federal, state and local efforts, pursuant to
2 subdivision (e) of Section 52177.

3 (4) For pupils learning a substantive amount of the curriculum
4 through their primary language, basic skills assessment shall be
5 conducted in the primary language only; assessment of language
6 proficiency shall be conducted in English.

7 For pupils learning through both English and the primary
8 language, basic skills assessment shall be in English; assessment
9 of language proficiency shall be conducted in English. Pupils
10 participating in the individual learning plan shall be assessed as
11 appropriate pursuant to regulations, instruction, and guidelines to
12 be issued by the superintendent. Assessment of pupils in the
13 primary language shall be required only to the extent that
14 appropriate instruments are available.

15 (5) It is the intent of the Legislature that the evaluation of
16 programs conducted pursuant to this article shall be designed to
17 provide the Legislature, the board, the superintendent, and program
18 administrators at district and school levels with information
19 necessary to assist in all of the following:

20 (A) Refining and improving policies, regulations, guidelines,
21 and procedures on a continuing basis.

22 (B) Assessing the overall merits of local programs.

23 *SEC. 16. Section 52184 of the Education Code is repealed.*

24 ~~52184. The department shall prepare and submit to the~~
25 ~~Legislature an annual report regarding the number of participants~~
26 ~~in the State Bilingual Teacher Training Assistance Program, the~~
27 ~~success of the program in assisting teachers under waiver in the~~
28 ~~geographic areas of the state with high concentrations of pupils of~~
29 ~~limited-English-proficiency and teachers under waiver, and the~~
30 ~~number of teachers who have received assistance under the program~~
31 ~~and who have been certified as bilingual-crosscultural teachers.~~

32 ~~SEC. 11.~~

33 *SEC. 17. Section 52335.12 of the Education Code is amended*
34 *to read:*

35 52335.12. (a) As a condition of receiving additional funding
36 based on average daily attendance, the regional occupational center
37 or program shall report annually to the department the academic
38 and workforce preparation progress of the secondary pupils
39 enrolled in the center or program. Indicators to measure that
40 progress shall include, but are not limited to, the California

1 Assessment of Student Performance and Progress, pursuant to
2 Article 4 (commencing with Section 60640) of Chapter 5 of Part
3 33; the high school exit examination, pursuant to Chapter 9
4 (commencing with 60850) of Part 33; and other indicators of
5 academic and workforce preparation success, such as reduced
6 dropout rates, workforce preparation, increased matriculation into
7 postsecondary educational institutions, and other measures as
8 determined by the department.

9 (b) This section shall become effective only when the
10 longitudinal data on pupils enrolled in regional occupational centers
11 and programs can be disaggregated from the California ~~longitudinal~~
12 ~~pupil achievement data system~~ *Longitudinal Pupil Achievement*
13 *Data System* (CALPADs) database, established pursuant to Chapter
14 10 (commencing with Section 60900) of Part 33.

15 (c) On or before October 1, 2007, the department shall submit
16 to the Department of Finance a detailed proposal for the
17 implementation of the outcome reports required in subdivision (a).
18 The proposal shall identify the specific data elements to be
19 collected and the costs associated with the data collection and
20 preparation of the report. The department shall consult with the
21 Department of Finance and the office of the Legislative Analyst
22 during the development of this proposal.

23 *SEC. 18. Section 54006 of the Education Code is repealed.*

24 ~~54006. The Superintendent of Public Instruction shall submit~~
25 ~~annually to the Governor and to each house of the Legislature a~~
26 ~~report evaluating the programs established pursuant to this chapter,~~
27 ~~together with his recommendations concerning whether the same~~
28 ~~should be continued in operation.~~

29 ~~The evaluation submitted to the Legislature pursuant to this~~
30 ~~section shall contain information concerning: (a) the total number~~
31 ~~of students at each grade level participating in the programs funded~~
32 ~~under this chapter, and (b) the effectiveness of the programs funded~~
33 ~~under this chapter based to the maximum extent possible on~~
34 ~~objective measurements.~~

35 ~~SEC. 12.~~

36 *SEC. 19.* Section 60900 of the Education Code is amended to
37 read:

38 60900. (a) The department shall contract for the development
39 of proposals that will provide for the retention and analysis of
40 longitudinal pupil achievement data on the tests administered

1 pursuant to Chapter 5 (commencing with Section 60600), Chapter
2 7 (commencing with Section 60810), and Chapter 9 (commencing
3 with Section 60850). The longitudinal data shall be known as the
4 California Longitudinal Pupil Achievement Data System.

5 (b) The proposals developed pursuant to subdivision (a) shall
6 evaluate and determine whether it would be most effective, from
7 both a fiscal and a technological perspective, for the state to own
8 the system. The proposals shall additionally evaluate and determine
9 the most effective means of housing the system.

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

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

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

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

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

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

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

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

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

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

4 (2) Pupil achievement data from assessments administered
5 pursuant to the CAASPP, high school exit examination, and
6 English language development testing programs. To the extent
7 feasible, data should include subscore data within each content
8 area.

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

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

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

36 (6) To enable the department, the University of California, the
37 California State University, and the Chancellor of the California
38 Community Colleges to meet the requirements prescribed by the
39 federal American Recovery and Reinvestment Act of 2009 (Public
40 Law 111-5), these entities shall be authorized to obtain quarterly

1 wage data, commencing July 1, 2010, on students who have
2 attended their respective systems, to assess the impact of education
3 on the employment and earnings of those students, to conduct the
4 annual analysis of district-level and individual district or
5 postsecondary education system performance in achieving priority
6 educational outcomes, and to submit the required reports to the
7 Legislature and the Governor. The information shall be provided
8 to the extent permitted by federal statutes and regulations.

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

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

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

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

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

21 (g) Data elements and codes included in the system shall comply
22 with Sections 49061 to 49079, inclusive, and Sections 49602 and
23 56347, with Sections 430 to 438, inclusive, of Title 5 of the
24 California Code of Regulations, with the Information Practices
25 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
26 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
27 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
28 Sec. 1232g), Section 1232h of Title 20 of the United States Code,
29 and related federal regulations.

30 (h) The department shall convene an advisory board consisting
31 of representatives or designees from the state board, the Department
32 of Finance, the State Privacy Ombudsman, the Legislative
33 Analyst's Office, representatives of parent groups, school districts,
34 and local educational agencies, and education researchers to
35 establish privacy and access protocols, provide general guidance,
36 and make recommendations relative to data elements. The
37 department is encouraged to seek representation broadly reflective
38 of the general public of California.

39 (i) Subject to funding being provided in the annual Budget Act,
40 the department shall contract with a consultant for independent

1 project oversight. The Director of Finance shall review the request
2 for proposals for the contract. The consultant hired to conduct the
3 independent project oversight shall twice annually submit a written
4 report to the Superintendent, the state board, the advisory board,
5 the Director of Finance, the Legislative Analyst, and the
6 appropriate policy and fiscal committees of the Legislature. The
7 report shall include an evaluation of the extent to which the
8 California Longitudinal Pupil Achievement Data System is meeting
9 the goals described in subdivision (d) and recommendations to
10 improve the data system in ensuring the privacy of individual pupil
11 information and providing the data needed by the state and school
12 districts.

13 (j) This section shall be implemented using federal funds
14 received pursuant to the federal No Child Left Behind Act of 2001
15 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes
16 of this section in Item 6110-113-0890 of Section 2.00 of the Budget
17 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
18 these funds is contingent on approval of an expenditure plan by
19 the Department of Finance.

20 (k) For purposes of this chapter, a local educational agency shall
21 include a county office of education, a school district, and a charter
22 school.