

AMENDED IN SENATE JUNE 16, 1998
AMENDED IN ASSEMBLY MAY 22, 1998
AMENDED IN ASSEMBLY APRIL 28, 1998
AMENDED IN ASSEMBLY APRIL 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1639

**Introduced by Assembly Members Sweeney, Baldwin,
Granlund, Honda, Keeley, Knox, Lempert, Machado,
Pacheco, Perata, Scott, Shelley, Strom-Martin, Thomson,
and Wayne**

January 5, 1998

An act to add Chapter 2.3 (commencing with Section 37270) to Part 22 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1639, as amended, Sweeney. Schools: *mandatory summer school*: required intensive instructional programs.

(1) Existing law requires the governing board of each school district maintaining any or all of grades 7 to 12, inclusive, to offer summer school instructional programs for pupils enrolled in grades 7 to 12, inclusive, who were assessed as not meeting the school district's adopted standards of proficiency in basic skills.

This bill, in addition, would require the governing board of each school district maintaining any or all of kindergarten and grades 1 to 12, inclusive, and receiving assistance under the

bill, to offer academically intensive instructional programs, with prescribed components, for any pupil enrolled in kindergarten or grades 1 to 12, inclusive, in the prior school year who did not meet district academic content and performance standards in English, language arts, or mathematics. The bill would also require the governing board of each school district to offer and require a supplemental, intensive instructional program, with prescribed components, for pupils in grades 2 and 3. By imposing additional requirements on school districts, this bill would impose a state-mandated local program.

The bill would express the intent of the Legislature that both of the following occur, upon the appropriation of funds therefor in the annual Budget Act: that the Superintendent of Public Instruction allocate \$3.50 per pupil per hour, not to exceed 80 hours, of intensive instruction pursuant to the bill and that an unspecified sum be appropriated from the General Fund to the Superintendent of Public Instruction for the purpose of evaluating the intensive instructional program established by the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of
2 the following:



1 (a) In order to better serve pupils whose academic
2 performance is below district-adopted standards, school
3 districts shall develop a comprehensive plan for
4 implementing an effective required intensive
5 instructional program.

6 (b) Pupils who attend required intensive instruction
7 should have access to services and educational
8 opportunities that are needed in order to achieve and
9 meet academically rigorous content and performance
10 standards.

11 (c) Pupils who are proficient in English or language
12 arts and who can reason mathematically by the end of
13 grade 3 are likely to be future successful pupils.

14 (d) An effective instructional program includes
15 appropriate interventions, such as required intensive
16 instruction, for pupils who have not met district-adopted
17 standards and for pupils who have failed a required
18 course. Appropriate intervention programs are essential
19 in order for all pupils to attain high levels of academic
20 achievement.

21 (e) Parents or guardians are recognized as integral
22 active partners in the success of a required intensive
23 instructional program.

24 (f) School districts will involve and inform parents or
25 guardians and pupils about expected levels of academic
26 achievement and whether or not their children are
27 meeting them.

28 (g) Under the provisions of the act adding this section,
29 the expectation is that intensive instruction will assist
30 pupils to attain proficient levels of academic
31 achievement.

32 SEC. 2. Chapter 2.3 (commencing with Section
33 37270) is added to Part 22 of the Education Code, to read:

34

35 CHAPTER 2.3. REQUIRED INTENSIVE INSTRUCTIONAL
36 PROGRAMS

37

38 37270. (a) The Superintendent of Public Instruction
39 is authorized to reimburse schoolsites for the purposes of
40 a competitive grant program for academically intensive



1 programs, open to all students in California. Grant
2 applications shall originate at the school district level.
3 Grant funds may be used in conjunction with other
4 program resources. Reimbursement under this section
5 shall be used to accomplish both of the following:

6 (1) Carry out the findings and declarations set forth in
7 Section 1 of the act that adds this section.

8 (2) Authorize schoolsites to implement a required
9 intensive instructional program as described in the school
10 action plan. Whenever possible funds should be spent on
11 programs during the school year, such as for programs
12 including, but not limited to, after-school programs,
13 Saturday school, and intersession programs. Resources
14 may also be used to fund academically intensive summer
15 school programs.

16 (b) The governing board of each school district
17 maintaining any or all of kindergarten and grades 1 to 12,
18 inclusive, and receiving assistance under this section,
19 shall offer, and require as a requisite for promotion and
20 graduation, summer school instructional programs for
21 any pupil enrolled in kindergarten or grades 1 to 12,
22 inclusive, in the prior school year. In its school action plan,
23 each school district shall include a required intensive
24 instructional program that shall address, but not
25 necessarily be limited to, all of the following:

26 (1) Eligibility: a pupil who does not meet district
27 academic and performance standards in English,
28 language arts, or mathematics shall be eligible for a
29 required intensive instructional program.

30 (2) Eligibility criteria direction: when determining
31 that a pupil has not met district standards, the schoolsite
32 shall utilize, but not necessarily be limited to, both of the
33 following information sources:

34 (A) Teacher and parent or guardian
35 recommendations, which may be expressed in the form
36 of a parent-teacher compact.

37 (B) Multiple measures of pupil performance.

38 (3) Program description:



1 (A) A required intensive instructional program may
2 include, but not necessarily be limited to, any of the
3 following:

- 4 (i) Individual and small group instruction.
- 5 (ii) Before and after school programs.
- 6 (iii) Intersessions, Saturday school, or summer school.

7 (B) Content shall be aligned with the core curriculum,
8 and pupils shall have access to appropriate instructional
9 materials. Class size shall not exceed regular program
10 guidelines.

11 (4) Instruction: each required intensive instructional
12 program shall include components that accomplish all of
13 the following:

14 (A) Include specific intervention strategies,
15 assessment, and diagnosis specific to the appropriate
16 grade level and course of instruction.

17 (B) Are closely aligned to district curriculum and the
18 adopted standards of the district.

19 (C) Focus on pupils reaching proficient levels of
20 academic achievement according to adopted standards.

21 (D) Apply to English language learners and are closely
22 aligned with the district's curriculum. These programs
23 shall be staffed by ~~a combination of credentialed teachers,~~
24 *credentialed teachers with the assistance of*
25 ~~paraprofessionals,~~ and college work-study students.

26 (5) Assessment: each pupil receiving required
27 intensive instruction shall be assessed at the beginning
28 and the end of the program. An end-of-course evaluation
29 shall provide the parent or guardian, pupil, and schoolsite
30 with information about the pupil's level of proficiency in
31 the targeted area of instruction. End-of-course evaluation
32 results shall be used to plan instruction for the subsequent
33 school year.

34 (6) Maximization of resources: state and federal
35 programs that provide current summer programs shall
36 work in partnership with districts to provide intensive
37 instructional programs that ensure high achievement for
38 all pupils.

39 (7) Parent involvement: any parent or guardian may
40 request the local governing board to waive the



1 requirements of required intensive instruction for his or
2 her child. Parents and guardians shall be informed that
3 their children may be eligible for required intensive
4 instruction at least 90 days prior to the beginning of the
5 session.

6 37270.5. (a) (1) The governing board of each school
7 district shall offer and require a supplemental, intensive
8 instructional program for any pupil in grade 2 or 3. The
9 required intensive instructional program may include,
10 but shall not necessarily be limited to, all of the following:

11 (A) Individual and small group instruction.

12 (B) Before and after school programs.

13 (C) Intersessions, Saturday school, or summer school.

14 (2) Content shall be aligned with the core curriculum,
15 and pupils shall have access to appropriate instructional
16 materials. Class size shall not exceed regular program
17 guidelines.

18 (b) Each required intensive instructional program
19 shall include components that accomplish each of the
20 following:

21 (1) Include specific intervention strategies,
22 assessment and diagnosis appropriate to the course of
23 instruction in grades 2 and 3.

24 (2) Are closely aligned to district curriculum and the
25 district-adopted standards.

26 (3) Focus on pupils reaching proficient levels of
27 academic achievement according to adopted standards.

28 (4) Apply to English language learners and are closely
29 aligned with the district's curriculum.

30 (c) Each pupil receiving required intensive
31 instruction shall be assessed at the beginning and at the
32 end of the program. An end-of-course evaluation shall
33 provide the pupil, his or her parent or guardian, and the
34 schoolsite with information about the pupil's level of
35 proficiency in the targeted area of instruction. End of
36 course evaluation results shall be used to plan instruction
37 for the following school year.

38 (d) The Superintendent of Public Instruction shall
39 allocate, from funds appropriated for that purpose,
40 funding sufficient to provide the maximum



1 reimbursement for the attendance of pupils in required
2 intensive instruction in grades 2 and 3.

3 SEC. 3. (a) It is the intent of the Legislature that
4 both of the following shall occur upon the appropriation
5 of funds therefor in the annual Budget Act:

6 (1) That the Superintendent of Public Instruction
7 allocate funds, at the rate of three dollars and fifty cents
8 (\$3.50) per pupil per hour, not to exceed 80 hours, of
9 intensive instruction, to school districts participating in
10 the required intensive instructional programs established
11 pursuant to Chapter 2.3 (commencing with Section
12 37270) of Part 22 of the Education Code.

13 (2) That a sum be appropriated from the General
14 Fund to the Superintendent of Public Instruction for the
15 purpose of evaluating the operation of the required
16 intensive instructional programs established by Chapter
17 2.3 (commencing with Section 37270) of Part 22 of the
18 Education Code.

19 (b) The Superintendent of Public Instruction is
20 authorized to adopt regulations, as needed, to implement
21 the provisions of this act.

22 SEC. 4. The State Department of Education and local
23 school districts participating in the required intensive
24 instructional programs established by Chapter 2.3
25 (commencing with Section 37270) of Part 22 of the
26 Education Code, in conjunction with the voluntary
27 interventions program, shall evaluate the
28 implementation and measure the results of the required
29 intensive instructional program as an identifiable
30 component of the evaluation to be conducted.
31 Measurement of results shall include changes in the
32 academic performance of pupils as a result of
33 participating in the required intensive instructional
34 program. The independent statewide evaluation of the
35 voluntary interventions program shall include the
36 identification of effective required instructional
37 strategies for improving pupils' academic performance.

38 SEC. 5. Notwithstanding Section 17610 of the
39 Government Code, if the Commission on State Mandates
40 determines that this act contains costs mandated by the



1 state, reimbursement to local agencies and school
2 districts for those costs shall be made pursuant to Part 7
3 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million
6 dollars (\$1,000,000), reimbursement shall be made from
7 the State Mandates Claims Fund.

8 Notwithstanding Section 17580 of the Government
9 Code, unless otherwise specified, the provisions of this act
10 shall become operative on the same date that the act
11 takes effect pursuant to the California Constitution.

