

ASSEMBLY BILL

No. 1734

Introduced by Assembly Member Mazzoni

February 2, 1998

An act to add Part 33.5 (commencing with Section 61000) to Part 28 of, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1734, as introduced, Mazzoni. School accountability program.

Existing law, which will become inoperative on July 1, 1998, and, as of January 1, 1999, is repealed, establishes a program in 2 phases to identify and improve certain schools with low schoolwide testing results and attendance rates by identifying these schools, under specified criteria, as focus and establishing instructional improvement programs at those focus schools.

This bill would delete these provisions.

This bill would enact the California Comprehensive School Accountability Act. This bill would provide that its provisions are not operative unless the Legislature specifically appropriates funds for the purposes set forth in this act, and are operative only to the extent that those funds are provided.

This bill would establish the California Education Accountability Commission, with specified membership, to advise the Governor, the Superintendent of Public Instruction, the State Board of Education, the Legislature, other appropriate governmental officials, and education

institutions. This bill would grant the commission the power to require the governing boards of school districts and the institutions of public education to submit data on academic plans and programs, costs, retention of students, enrollments, and other matters pertinent to effective education accountability. This bill would require the commission to furnish reports and information concerning such matters to the Governor, the Superintendent of Public Instruction, the State Board of Education, and the Legislature on a timely basis or as requested by them. The bill would require the commission to provide comprehensive oversight of the state's education standards and testing program, seek to resolve conflicts or inconsistencies among state standards, local standards, state tests, state curriculum guidelines, textbooks and local staff development plans in consultation with the affected parties, develop criteria for evaluating the effectiveness of all aspects of education accountability in California, and monitor the accountability program data base maintained by the State Department of Education.

This bill would require the State Department of Education to establish a comprehensive pupil performance data collection and assessment system capable of showing baseline data and incremental value added increases or decreases in pupil performance disaggregated by income and ethnic groups and other appropriate categories as determined by the Superintendent of Public Instruction, and to also maintain data on pupil dropout rates, attendance and turnover, and to develop a school performance index.

This bill would require the Commission on Teacher Credentialing to revise its standards of program quality and effectiveness during the normal revision cycle to insure that teacher candidates have knowledge of the state's education accountability program, particularly the relationships between state standards, state testing programs, curriculum frameworks and instructional materials. This bill would also provide that rules and regulations developed by the Superintendent of Public Instruction related to the Staff Development Buy-out Program shall include a provision that teachers, administrators and any other recipients of staff development have knowledge of the state's education



accountability program, particularly the relationships between state standards, state testing programs, curriculum frameworks and instructional materials.

This bill would establish a pilot program in the State Department of Education to improve individual pupil performance and overall school performance in those schools with high concentrations of low-performing pupils identified by the Superintendent of Public Instruction as a Required Improvement School. This bill would provide that the program would consist of a Required Improvement School identification period and 2 phases.

This bill would require the Superintendent of Public Instruction to recommend, and the State Board of Education to approve, criteria for the use in identifying the number of low-performing schools that can be assisted with available funds, and would allow the Superintendent of Public Instruction, with approval by the State Board of Education, to remove a school from the list of schools identified as Required Improvement Schools within 40 calendar days of the preliminary notification to the governing board of the school district if a district demonstrates that the identification is unwarranted due to mistakes of fact, mistakes in the interpretation of data, or mitigating factors that show that the assessment data does not accurately reflect the level of achievement at the school.

This bill would require the principal of each Required Improvement School that is funded, after consulting with at least 2 teachers selected by other teachers at the school, to identify each pupil performing more than one grade level below the grade level standards adopted by the State Board of Education for the level that the pupil will finish that school year, and notify the parents and guardians of each identified pupil, in writing, of the assurance of quality educational services that would be provided so that the pupil makes significant progress toward performance at grade level standards in reading, writing, and mathematics by the end of the next school year.

This bill would impose a state-mandated local program by requiring a school an identified as a Required Improvement School, which is funded, to establish a schoolwide



improvement team, that would in Phase I first develop a schoolsite profile and a total schoolsite action plan that sets forth specific steps to improve school achievement levels, the achievement levels of low-performing pupils based on statewide standards, and reduce the barriers that prevent all pupils from making progress toward performance at statewide grade level standards. This schoolsite action plan would be subject to approval by the governing board of the school district.

This bill would impose a state-mandated local program by providing that a Required Improvement School placed in Phase II of the program enlist the services of one or more distinguished educators, selected by the governing board of the school district with the concurrence of the Superintendent of Public Instruction, from a list prepared by the Superintendent of Public Instruction and approved by the State Board of Education, who would evaluate the school action plan, and make various assessments and recommendations.

This bill would require the Superintendent of Public Instruction to award a 2-year grant of up to \$200 per pupil for each school in Phase I and Phase II for the purpose of implementing the total schoolsite action plan.

This bill would also require the Superintendent of Public Instruction, on or before May 31, 2000, and at 3-year intervals on May 31 thereafter, to establish a list of exemplary schools to serve as demonstration models of improved achievement.

This bill would provide for the evaluation of data by the school board demonstrating the progress toward performance at statewide grade level standards of those identified pupils, and evaluation of data demonstrating schoolwide achievement and the progress of pupils in schools by the Superintendent of Public Instruction.

This bill would require the State Department of Education shall contract for an independent evaluation of the California School Accountability Program to be completed on or before January 28, 2004, subject to the approval of the State Board of Education.

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. Part 33.5 (commencing with Section
2 61000) is added to Division 4 of the Education Code, to
3 read:

4

5 PART 33.5. THE CALIFORNIA COMPREHENSIVE
6 SCHOOL ACCOUNTABILITY ACT

7

8 CHAPTER 1. GENERAL PROVISIONS

9

10 Article 1. Legislative Findings, Intent, and Operation
11 of the Act

12

13 61000. The Legislature finds and declares that parents
14 and guardians have the right to have their children attend
15 schools that are successful, especially in teaching reading,
16 writing, and mathematics. Throughout the nation, states
17 have implemented strong outcomes based accountability
18 systems to improve the performance of their schools.
19 California must also establish a comprehensive education
20 accountability system. This system must apply to all
21 schools in the state with the goal that all students, at a
22 minimum, achieve the knowledge specified by the state
23 adopted academic standards. Without an accountability
24 system, there is no means to monitor, measure, and
25 systematically improve student achievement and school
26 quality.



1 61001. (a) It is the intent of the Legislature that this
2 act be funded in the Budget Act, or legislation related to
3 the Budget Act, or by legislation that specifically
4 appropriates funds for the purposes set forth in this act.

5 (b) This part shall not be operative unless the
6 Legislature specifically appropriates funds for the
7 purposes set forth in this part, and shall be operative only
8 to the extent that those funds are provided.

9

10 CHAPTER 2. THE CALIFORNIA EDUCATION
11 ACCOUNTABILITY COMMISSION
12

13

14 Article 1. Composition of the Commission

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16 61010. (a) The California Education Accountability
17 Commission is hereby established, which shall advise the
18 Governor, the Superintendent of Public Instruction, the
19 State Board of Education, the Legislature, other
20 appropriate governmental officials, and education
21 institutions.

22 (b) The commission shall be composed of the
23 following members:

24 (1) The President of the State Board of Education or
25 his or her designee selected from among the other
26 members of the board.

27 (2) The Superintendent of Public Instruction or his or
28 her designee.

29 (3) Nine representatives of the general public, three
30 appointed by the Governor, three appointed by the
31 Senate Rules Committee, and three appointed by the
32 Speaker of the Assembly.

33 (4) Two student representatives appointed by the
34 Governor.

35 (c) A commission member designated in paragraphs
36 (1) and (2) of subdivision (b) shall serve at the pleasure
37 of his or her respective appointing authority. Each
38 member designated in paragraph (3) of subdivision (b)
39 shall serve a four-year term. Each member designated in
40 paragraph (4) of subdivision (b) shall serve a one-year
term. When a vacancy occurs prior to expiration of a



1 term, the respective appointing authority may appoint a
2 member for the remainder of the term. A person
3 appointed pursuant to this section may be reappointed to
4 serve additional terms. All terms subsequent to the initial
5 appointments, which became effective on January 10,
6 1999, shall begin on January 1 of the year in which the
7 respective terms are to commence. A person appointed
8 pursuant to this section may not, with respect to any
9 matter before the commission, vote for or on behalf of, or
10 in any way exercise the vote of, any other member of the
11 commission.

12 (d) A member of the commission who in a calendar
13 year misses more than one-third of the meetings of the
14 full commission forfeits his or her office, thereby creating
15 a vacancy.

16 (e) It is the intent of the Legislature that the
17 commission be broad-based and consist of parents,
18 business leaders, teachers and other local educators,
19 representative of state education agencies, and members
20 of the public who have interest and knowledge of school
21 accountability issues. It is the further intent of the
22 Legislature that the commission also be broadly and
23 equitably representative of the general public and that
24 the appointing authorities, when making the
25 appointment of public members, confer with each other
26 to ensure that their combined appointments include
27 adequate representation on the basis of gender and be
28 representative of the significant racial, ethnic, and
29 economic groups in the state.

30

31 Article 2. Operations of the Commission

32

33 61020. (a) The commission shall meet as often as it
34 deems necessary to carry out its duties and
35 responsibilities. The commission shall select a chair from
36 among the members representing the general public.
37 The chair shall hold office for a term of one year and may
38 be selected to successive terms.

39 (b) Commission meeting agenda items and associated
40 documents shall be provided to the public in a timely



1 manner to allow for public consideration and comments.
2 The commission may appoint those subcommittees or
3 advisory committees as it deems necessary to advise the
4 commission on matters of educational accountability. The
5 advisory committees may consist of commission members
6 or nonmembers, or both, including students, teachers,
7 other educators, association representatives,
8 governmental representatives, and representatives of
9 the public.

10 (c) The commission shall appoint a director with an
11 affirmative vote of two-thirds of the membership of the
12 commission, not including vacant commission seats. The
13 director shall appoint persons to the staff positions that
14 the commission may authorize. The director may be
15 removed by an affirmative vote of two-thirds of the
16 membership of the commission, not including vacant
17 commission seats.

18 (d) The commission shall adopt rules for the
19 transaction of its own affairs, subject to the following
20 requirements and limitations:

21 (1) All votes of the commission shall be recorded.

22 (2) The adoption of recommendations and reports
23 shall require the affirmative vote of a majority of the
24 membership of the commission, not including vacant
25 commission seats.

26 (e) The commission shall have power to require the
27 governing boards of school districts and the institutions of
28 public education to submit data on academic plans and
29 programs, costs, retention of students, enrollments, and
30 other matters pertinent to effective education
31 accountability. The commission shall furnish reports and
32 information concerning such matters to the Governor,
33 the Superintendent of Public Instruction, the State Board
34 of Education, and the Legislature on a timely basis or as
35 requested by them.

36



1 Article 3. Functions and Responsibilities of the
2 Commission
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4 61030. The commission, in its capacity as the
5 statewide education accountability planning and
6 coordinating agency and as adviser to the Superintendent
7 of Public Instruction, the State Board of Education, the
8 Legislature and the Governor, shall have the following
9 duties and responsibilities:

10 (a) The commission shall provide comprehensive
11 oversight of the state's education standards and testing
12 program pursuant to the California Assessment of
13 Academic Achievement Act set forth in Chapter 5
14 (commencing with Section 60600) of Part 33.

15 (b) The commission shall seek to resolve conflicts or
16 inconsistencies among state standards, local standards,
17 state tests, state curriculum guidelines, textbooks, and
18 local staff development plans in consultation with the
19 affected parties. If these consultations are unsuccessful,
20 the commission shall report the unresolved issues to the
21 Governor, the Superintendent of Public Instruction, the
22 State Board of Education, and the Legislature with
23 recommendations for resolution.

24 (c) The commission shall develop criteria for
25 evaluating the effectiveness of all aspects of education
26 accountability in California. This information shall be
27 used in the program evaluation required in Chapter 3
28 (commencing with Section 61050).

29 (d) The commission shall monitor the accountability
30 program data base maintained by the State Department
31 of Education pursuant to Chapter 3 (commencing with
32 Section 61050) to determine whether it is sufficient to
33 measure overall school performance and incremental
34 year-by-year growth in pupil achievement. Problems and
35 issues related to program data and issues related to
36 subdivision (b) shall be reported on a timely basis and
37 summarized in the commission's annual report.

38 (e) The commission may undertake other functions
39 and responsibilities that are compatible with its role as the
40 statewide education accountability agency.

1 CHAPTER 3. STUDENT PERFORMANCE DATA
2 COLLECTION SYSTEM

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4 61050. (a) The State Department of Education shall
5 establish a comprehensive pupil performance data
6 collection and assessment system capable of showing
7 baseline data and incremental value added increases or
8 decreases in pupil performance disaggregated by income
9 and ethnic groups and other appropriate categories as
10 determined by the Superintendent of Public Instruction.
11 The department shall also maintain data on pupil dropout
12 rates, attendance, and turnover.

13 (b) The data system shall utilize information from the
14 Standardized Testing and Reporting Program (STAR)
15 and the grades 4, 5, 8, and 10 tests required by subdivision
16 (c) of Section 60605.

17 (c) The data system shall be used to develop a school
18 performance index. The index shall determine the annual
19 change in the percentage of pupils at a school that does
20 not meet, meets, or exceeds the statewide academically
21 rigorous content and performance standards as
22 determined pursuant to section 60605. The index shall
23 measure all students and all achievement levels,
24 including students attending charter schools, and shall be
25 designed to determine pupil performance growth over
26 time by yielding comparable and valid results. The index
27 shall have the following:

28 (1) Based on the experience of other states and
29 localities which have implemented accountability
30 systems.

31 (2) Flexible enough to allow for inclusion of future
32 academic content areas and future expansion of the
33 statewide assessment system.

34 (3) Designed to serve the purposes of other state and
35 federal programs.

36



1 CHAPTER 4. STAFF DEVELOPMENT FOR
2 ACCOUNTABILITY
3

4 61100. (a) Pursuant to the requirements of Section
5 44259, the Commission on Teacher Credentialing shall
6 revise its standards of program quality and effectiveness
7 during the normal revision cycle to ensure that teacher
8 candidates have knowledge of the state's education
9 accountability program, particularly the relationships
10 between state standards, state testing programs,
11 curriculum frameworks, and instructional materials.

12 (b) The rules and regulations developed by the
13 Superintendent of Public Instruction pursuant to Section
14 44579.3 related to the Staff Development Buy-out
15 Program shall include a provision that teachers,
16 administrators, and any other recipients of staff
17 development have knowledge of the state's education
18 accountability program, particularly the relationships
19 between state standards, state testing programs,
20 curriculum frameworks, and instructional materials.

21
22 CHAPTER 5. THE INTERVENTION EDUCATION
23 ACCOUNTABILITY PILOT PROGRAM
24

25 Article 1. Establishment of the Pilot Program
26

27 61150. A pilot program is hereby established in the
28 State Department of Education to improve individual
29 pupil performance and overall school performance in
30 those schools with high concentrations of low-performing
31 pupils identified by the Superintendent of Public
32 Instruction as a Required Improvement School, in
33 accordance with Section 61170. The program shall consist
34 of a Required Improvement School identification period
35 and the following two phases:

36 (a) Phase I, which shall be for a period of two years,
37 except when paragraph (4) of subdivision (b) of Section
38 61241 applies, during which all of the following shall occur
39 at each school identified as a Required Improvement
40 School:

- 1 (1) An improvement team shall be established.
- 2 (2) A schoolsite profile as described in Section 61191
- 3 shall be developed.
- 4 (3) A total schoolsite action plan shall be developed to
- 5 provide assurance of quality educational services. This
- 6 action plan may be assisted by school advisers, if
- 7 requested.
- 8 (4) Academic assistance shall be provided to each
- 9 pupil with English reading, writing, or mathematics
- 10 abilities that are more than one grade level below the
- 11 statewide grade level standards for the grade level the
- 12 pupil will be leaving at the end of the school year.
- 13 (b) Phase II, which shall commence at the conclusion
- 14 of Phase I and shall be for a period not to exceed two
- 15 years, except when paragraph (4) of subdivision (b) of
- 16 Section 61241 applies, during which a distinguished
- 17 educator shall be appointed by the governing board of the
- 18 school district, with the concurrence of the
- 19 Superintendent of Public Instruction, to assist the school.

20
21 Article 2. Definitions

22
23 61160. For the purposes of this chapter, the following
24 phrases have the following meanings:

25 (a) A “high mobility rate for a significant percentage
26 of the pupils at the school” means that 30 percent or more
27 of the pupil population at the school transfers in or out of
28 the school within a school year.

29 (b) “Significant individual progress toward
30 performance at grade level” shall be defined by the
31 Superintendent of Public Instruction subject to the
32 approval of the State Board of Education, utilizing data
33 on statewide tests and standards pursuant to Chapter 3
34 (commencing with Section 61050).

35 (c) “Significant improvement in schoolwide
36 achievement” shall be defined by the Superintendent of
37 Public Instruction, subject to the approval of the State
38 Board of Education, utilizing, to the extent available,
39 statewide tests and standards pursuant to Chapter 3
40 (commencing with Section 61050).



1 (d) “Standards” means those proposed by the
2 Commission on Academic Standards and adopted by the
3 State Board of Education pursuant to Section 60605.

4
5 Article 3. Identification of Required Improvement
6 Schools
7

8 61170. (a) The Superintendent of Public Instruction
9 shall recommend, and the State Board of Education shall
10 approve, criteria for the use in identifying the number of
11 low-performing schools that can be assisted with available
12 funds. On or before March 30, 1999, and on or before
13 March 30 every two years thereafter, the Superintendent
14 of Public Instruction shall identify the lowest performing
15 elementary, middle, and high schools in the state
16 pursuant to criteria approved by the State Board of
17 Education. In identifying schools, the superintendent
18 shall utilize available information developed pursuant to
19 Chapter 3 (commencing with Section 61050), such as the
20 standards developed by the Commission for the
21 Establishment of Academic Content and Performance
22 Standards, pupil dropout and transfer rates, rates of pupil
23 retention, percentages of actual pupil attendance data,
24 test scores from school district assessment programs,
25 assessments required by the Elementary and Secondary
26 Education Act of 1965 (20 U.S.C. Sec. 6301 et seq.) and,
27 the Statewide Assessment of Applied Academic Skills
28 adopted by the State Board of Education pursuant to
29 Chapter 5 (commencing with Section 60600) of Part 33.

30 (b) The Superintendent of Public Instruction shall
31 identify, pursuant to subdivision (a), the number of
32 schools for which funding may be provided pursuant to
33 Section 61220 and shall notify the governing board of the
34 school district in which the school is located of that
35 identification.

36 (c) This chapter applies only to schools administered
37 by school districts.

38 (d) Notwithstanding subdivision (c), this chapter
39 applies to charter schools established pursuant to Part
40 26.8 (commencing with Section 47600).

1 (e) The superintendent shall adopt an appeals
2 procedure in accordance with Section 61171 whereby a
3 school that is identified as a Required Improvement
4 School may appeal this characterization.

5 61171. (a) The Superintendent of Public Instruction,
6 with approval by the State Board of Education, may
7 remove a school from the list of schools identified as
8 Required Improvement Schools within 40 calendar days
9 of the preliminary notification to the governing board of
10 the school district if a district demonstrates that the
11 identification is unwarranted due to mistakes of fact,
12 mistakes in the interpretation of data, or mitigating
13 factors that show that the assessment data does not
14 accurately reflect the level of achievement at the school.
15 Mitigating factors may include a high mobility rate of
16 pupils that attend the school. An appeal of the
17 characterization as a Required Improvement School shall
18 be resolved 60 days of the preliminary notification.

19 (b) A school may not be publicly identified as a
20 Required Improvement School until 31 calendar days
21 have passed since the preliminary notification was mailed
22 to the governing board of the school district in which the
23 school is located. Notwithstanding Chapter 3.5
24 (commencing with Section 6250) of Division 7 of Title 1
25 of the Government Code, the preliminary notice sent to
26 a school regarding its identification as a Required
27 Improvement School is not a public record.

28 (c) If a school district agrees with the characterization
29 of a school as a Required Improvement School, or if a
30 school district appeals the characterization and that
31 appeal is not successful, the school shall be formally
32 identified as a Required Improvement School.

33 (d) A school that has been formally identified as a
34 Required Improvement School pursuant to this chapter
35 shall notify the parents and guardians of each pupil
36 attending the school of that identification. The notice
37 shall include a description of how parents and guardians
38 may volunteer for service on the schoolwide
39 improvement team established pursuant to Section
40 61190.



1 Article 4. Identification of Participating Pupils:
2 Provision of Quality Educational Services
3

4 61180. (a) The principal of each Required
5 Improvement School funded pursuant to Section 61220,
6 after consulting with at least two teachers selected by
7 other teachers at the school, shall identify each pupil
8 performing more than one grade level below the grade
9 level standards adopted by the State Board of Education
10 for the level that the pupil will finish that school year. This
11 identification shall be based on reading, writing, or
12 mathematics achievement tests administered pursuant to
13 Section 60640. The principal shall notify the parents and
14 guardians of each identified pupil, in writing, of the
15 assurance of quality educational services that will be
16 provided so that the pupil makes significant progress
17 toward performance at grade level standards in reading,
18 writing, and mathematics by the end of the next school
19 year.

20 (b) The school shall only use existing school funds and
21 resources and the funding appropriated for the purposes
22 of this chapter in proving the assurance of quality
23 educational services pursuant to this chapter.
24

25 Article 5. Schoolwide Improvement Teams
26

27 61190. (a) Upon notification by the Superintendent
28 of Public Instruction that a school has been formally
29 identified as a Required Improvement School has been
30 selected to be funded, the school shall commence Phase
31 I of the program. A schoolwide improvement team shall
32 be established at that identified school, and, to the extent
33 feasible, the membership and operations of the
34 schoolwide improvement team shall be coordinated with
35 an existing schoolsite council.

36 (b) The governing board of the school district, the
37 schoolsite council, the principal of the school, and
38 two-thirds of the teachers of the school shall all agree on
39 the composition of the schoolwide improvement team.
40 Parents and guardians of pupils attending the school,

1 teachers, instructional aides, school administrators,
2 classified employees, community and business leaders,
3 and local city or county officials shall be represented on
4 the schoolwide improvement team. A parent
5 representative on the schoolwide improvement team
6 may not be a paid employee at the particular schoolsite
7 where he or she serves as a representative, but may
8 otherwise be an employee of the school district.

9 (c) If agreement on the composition of the schoolwide
10 improvement team is not reached within 30 calendar
11 days from the date of formal notification, the schoolwide
12 improvement team shall consist of an existing schoolsite
13 council, the superintendent of the school district or his or
14 her designee, and at least one community or business
15 leader selected by the superintendent of the school
16 district.

17 61191. (a) The schoolwide improvement team shall
18 first develop a schoolsite profile, seeking input from
19 school personnel, parents and guardians of pupils
20 attending the school, the community, business leaders,
21 and, where appropriate, pupils.

22 (b) The schoolsite profile shall include, but not be
23 limited to, an assessment of all of the following as
24 compared to other schools in the district and the
25 statewide category for each category:

26 (1) Pupil performance including, but not limited to,
27 academic achievement as reported for individual pupils
28 and for the school as a whole.

29 (2) Pupil attendance and enrollment turnover.

30 (3) Class size.

31 (4) School curriculum.

32 (5) Teacher certification.

33 (6) Staff development.

34 (7) Textbooks and other instructional materials
35 including educational technology.

36 (8) School facilities.

37 (9) School climate and safety.

38 (10) Parent involvement and education.

39 (11) Coordination of program funding and services.

40 (12) Neighborhood and community resources.



1 (13) Neighborhood conditions that affect academic
2 achievement.

3

4 Article 6. Total Schoolsite Action Plan

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6 61200. (a) The schoolwide improvement team shall
7 develop a total schoolsite action plan that sets forth
8 specific steps to do all of the following:

9 (1) Improve school achievement levels.

10 (2) Improve the achievement levels of
11 low-performing pupils based on statewide standards.

12 (3) Reduce the barriers that prevent all pupils from
13 making progress toward performance at statewide grade
14 level standards.

15 (b) The schoolsite action plan shall meet all of the
16 following requirements:

17 (1) Address the problems identified in the schoolwide
18 profile.

19 (2) Be based upon programs and strategies proven
20 effective by research.

21 (3) Include a plan for providing pupils performing
22 below statewide grade level standards with instruction
23 that allows these pupils to make significant individual
24 progress toward performance at statewide grade level
25 standards.

26 (c) The schoolwide improvement team may request
27 assistance from the school advisers pursuant to Section
28 61210 at any time during Phase I of the program.

29 (d) The schoolwide improvement team may request
30 site specific amendments from the governing board of
31 the school district and the exclusive bargaining
32 representative of certificated employees of a portion or
33 portions of the collective bargaining agreement with
34 certificated employees only with the approval of the
35 governing board of the school district and the exclusive
36 bargaining representative of certificated employees.

37 (e) Implementation of the schoolsite action plan shall
38 not conflict with state law or school district policy unless
39 waivers are provided pursuant to this code, nor shall it
40 conflict with the collective bargaining agreement unless



1 site specific amendments are provided pursuant to this
2 section, and consistent with law pertaining to the
3 collective bargaining agreement.

4 (f) In developing the schoolsite action plan, the school
5 improvement team shall seek input from demonstration
6 model schools, as identified under Section 61230, school
7 personnel, parents and guardians of pupils attending the
8 school, the community, business leaders, and when
9 appropriate, pupils.

10 61201. The schoolsite action plan shall be subject to
11 approval by the governing board of the school district. As
12 a part of this approval, the governing board of the school
13 district, in a public meeting, shall adopt a detailed report
14 that states how it intends to assist in improving the
15 achievement of the school. The report also shall include,
16 but shall not be limited to, an assessment of the current
17 staff and financial resources allocated to the school.
18 Components of that assessment shall include, but shall not
19 be limited to, a comparison of the amount of per pupil
20 expenditures for the school in relation to other schools in
21 the school district, and a proposal by the governing board
22 of the school district addressing any identified inequities.
23 The governing board of the school district shall also
24 provide assurances that resources allocated to the school
25 by the school district shall be continued, at the very least,
26 at their current level and that school grants shall be used
27 to supplement, not supplant, school funds and resources.

28

29 Article 7. Distinguished Educators and School
30 Advisers

31

32 61210. (a) The Superintendent of Public Instruction
33 shall establish lists of advisers to serve as distinguished
34 educators and school advisers who have had classroom
35 teaching experience and recent successful professional,
36 managerial, or governing board experience in improving
37 school achievement. Advisers may include public
38 institutes of higher education, nonprofit organizations, or
39 local education agencies that have a proven track record
40 and demonstrated experience in improving pupil



1 performance in schools with high concentrations of
2 low-performing pupils. The Superintendent of Public
3 Instruction shall solicit nominations for these lists from
4 school districts, county offices of education, and other
5 recognized educational associations.

6 (b) Upon request of a schoolwide improvement team
7 established pursuant to Section 61190, or of a school
8 district, the school advisers shall provide services
9 reimbursed to the district by the Superintendent of
10 Public Instruction that include, but are not necessarily
11 limited to, all of the following:

12 (1) Development or assistance in the development of
13 the schoolsite profile.

14 (2) Development or assistance in the assessment of the
15 needs of pupils performing below statewide grade level
16 standards.

17 (3) Development or assistance in the development of
18 plans to improve the achievement of schools.

19 (4) Identification of proven research based methods
20 that may improve academic achievement for
21 low-performing pupils.

22 (5) Identification of possible solutions to barriers that
23 inhibit academic achievement and that are faced by
24 pupils and their parents or guardians and by teachers and
25 other staff members at the school.

26 (6) Identification of state programs that address the
27 needs identified in the schoolsite action plan conducted
28 pursuant to subdivision (b) of Section 61150 and that are
29 likely to have expansion funds available for the fiscal year
30 immediately following the year in which the school was
31 identified as a Required Improvement School.

32

33 Article 8. Required Improvement School

34

35 61220. (a) The Superintendent of Public Instruction
36 shall award a two-year grant of up to two hundred dollars
37 (\$200) per pupil for each school in Phase I and Phase II
38 for the purpose of implementing the total schoolsite
39 action plan pursuant to Section 61200. A school shall be
40 eligible for a maximum of two grants pursuant to this



1 article. The amount of the grant for each eligible school
2 shall be based upon the costs of the school action plan
3 adopted by the school district governing board pursuant
4 to Section 61200.

5

6 Article 9. Demonstration Model Schools

7

8 61230. (a) On or before May 31, 2000, and at three
9 year intervals on May 31 thereafter, the Superintendent
10 of Public Instruction shall establish a list of exemplary
11 schools to serve as demonstration models of improved
12 achievement.

13 (b) To establish the list, the superintendent shall do
14 the following:

15 (1) First rank, from highest to lowest, of all schools in
16 the state that applied for distinguished school status,
17 pursuant to the California School Recognition Program
18 operated by the State Department of Education or
19 another nationally recognized program.

20 (2) Identify, from all schools that applied for
21 distinguished schools status, those schools with pupil
22 populations that have significant levels of at-risk factors,
23 such as poverty, mobility, and proportion of
24 limited-English-proficient pupils, moving from the
25 highest to the lowest school as ranked in paragraph (1).

26 (3) The 10 highest performing elementary schools, the
27 10 highest performing middle schools, and 10 highest
28 performing high schools that appear on the list of schools
29 identified pursuant to paragraph (2), that have similar
30 at-risk factors but do not appear on the list of schools
31 identified pursuant to Article 3 (commencing with
32 Section 61170), shall be designated as a demonstration
33 model school.

34

35 Article 10. Measurements of Pupil Progress and
36 Schoolwide Achievement

37

38 61240. Not later than March 30 of the second year of
39 Phase I, the school district governing board shall evaluate
40 data demonstrating the progress toward performance at



1 statewide grade level standards of those pupils identified
2 pursuant to subdivision (a) of Section 61180.

3 61241. (a) Not later than March 30 of the second year
4 of Phase I, the Superintendent of Public Instruction shall
5 evaluate data demonstrating schoolwide achievement
6 and the progress of pupils in schools identified as
7 Required Improvement Schools pursuant to subdivision
8 (a) of Section 61180, including the following:

9 (1) Reading, writing, and mathematics scores on tests
10 administered pursuant to Section 60640 for all pupils in
11 the school.

12 (2) Reading, writing, and mathematics scores on tests
13 administered pursuant to Section 60640 for only pupils
14 identified pursuant to subdivision (a) of Section 61180.

15 (b) Based on an evaluation of the data identified in
16 subdivision (a) of this section, the superintendent shall
17 take one of the following actions:

18 (1) If the school can demonstrate that it made
19 significant improvement in schoolwide achievement and
20 75 percent of the pupils identified pursuant to subdivision
21 (a) of Section 61180 made significant improvement, the
22 governing board of the school district shall be notified by
23 the superintendent that the school has met the intent of
24 this chapter and is no longer subject to its provisions.

25 (2) If the school has not made significant
26 improvement in schoolwide achievement and cannot
27 demonstrate that at least 75 percent of the pupils
28 identified pursuant to subdivision (a) of Section 61180
29 made significant improvement, the school shall be placed
30 in Phase II of the program and the services of a
31 distinguished educator shall be enlisted.

32 (3) Before a school may be moved from Phase I to
33 Phase II, the superintendent shall review the school's
34 achievement of the goals specified in the school action
35 plan and determine if Phase II status is warranted.

36 (4) If the superintendent determines that the school is
37 improving in schoolwide achievement and has made
38 significant gains toward the improvement of the
39 academic achievement of the pupils identified pursuant
40 to subdivision (a) of Section 61180, the superintendent



1 may permit the school to be retained in Phase I of the
2 program for a period of time not to exceed one year.

3 61242. (a) A school placed in Phase II of the program
4 shall enlist the services of one or more distinguished
5 educators selected by the governing board of the school
6 district with the concurrence of the Superintendent of
7 Public Instruction, from a list prepared by the
8 Superintendent of Public Instruction and approved by
9 the State Board of Education. An individual on the list, in
10 addition to having classroom teaching experience, shall
11 be identified as having recent successful professional
12 experience in the improvement of school achievement.
13 The school district shall be reimbursed for the cost of a
14 distinguished educator, who shall be deemed a
15 temporary employee of a school district. The
16 Superintendent of Public Instruction shall establish a
17 salary scale for the distinguished educators, provide
18 necessary related training and reimburse the districts for
19 such expenses.

20 (b) A distinguished educator shall have all of the
21 following responsibilities:

22 (1) Evaluating the school action plan, assessment of
23 major barriers preventing school progress and
24 recommendation of changes necessary to improve
25 academic performance.

26 (2) Making recommendations regarding personnel at
27 the site, which shall be processed in a confidential manner
28 in conformance with the policies of the governing board
29 of the school district and state laws regarding the
30 employment and dismissal of school employees.

31 (3) Recommending to the governing board of the
32 school district those changes that he or she deems are
33 necessary in the management and personnel practices at
34 the school, including recruitment, selection, and
35 evaluation of school administrators, teachers, curriculum,
36 and instruction.

37 (4) Identifying available resources within and outside
38 of the school district and make recommendations on how
39 to better utilize those resources for school improvement.



1 (c) (1) If the governing board of the school district
2 refuses to implement one or more recommendations
3 made by a distinguished educator pursuant to subdivision
4 (b), and there is no agreement on alternatives that may
5 achieve the same results, the distinguished educator may
6 seek the consent of the Superintendent of Public
7 Instruction to implement those recommendations,
8 notwithstanding the district's refusal. The distinguished
9 educator and the governing board of the school district
10 may submit written material to the Superintendent of
11 Public Instruction for his or her consideration. If the
12 Superintendent of Public Instruction agrees with the
13 governing board, the governing board is not required to
14 implement the recommendation or recommendations of
15 a distinguished educator. If the Superintendent of Public
16 Instruction agrees with the recommendation or
17 recommendations of a distinguished educator, the
18 Superintendent of Public Instruction may require the
19 governing board to implement one or more of the
20 recommendations.

21 (2) The governing board of the school district may
22 appeal to the State Board of Education any
23 recommendation that the Superintendent of Public
24 Instruction requires the governing board to implement
25 pursuant to this subdivision. That appeal shall be on the
26 sole basis that the implementation of the
27 recommendation or recommendations would adversely
28 affect the financial or educational stability of one or more
29 other schools within the district.

30 (d) A distinguished educator shall remain with the
31 school until one of the following occur:

32 (1) The school has made significant improvement in
33 schoolwide achievement and at least 75 percent of the
34 identified pupils have made significant improvement.

35 (2) For a period of two years.

36 (e) The Superintendent of Public Instruction may
37 remove a distinguished educator from a school if he or she
38 determines that the school is making significant
39 improvement, or provide that an educator be replaced if
40 the school has not made sufficient progress within a



1 period of two years. The governing board may request at
2 any time that the superintendent replace the
3 distinguished educator if it determines that the school is
4 not making sufficient progress.

5

6

Article 11. Waivers

7

8 61250. In order to implement an improvement plan
9 pursuant to this chapter, a school district may request the
10 waiver of any provision of this code or a regulation
11 adopted pursuant to this code, if the waiver request
12 conforms to Section 33050. It is not the intent of the
13 Legislature that the approval of those waivers jeopardize
14 statutes and regulations established to ensure equal
15 education opportunities for ethnic or linguistic minorities
16 or pupils with exceptional needs.

17

18

CHAPTER 6. EVALUATION

19

20 61300. The State Department of Education shall
21 contract for an independent evaluation of the California
22 School Accountability Program to be completed on or
23 before January 28, 2004, subject to the approval of the
24 State Board of Education. The costs of the evaluation shall
25 be paid for from funds appropriated to the department in
26 the Budget Act. The Superintendent of Public
27 Instruction shall develop an evaluation research design,
28 in cooperation with an advisory panel, for submittal to the
29 State Board of Education for its approval. The advisory
30 panel shall include an equal representation of parents,
31 teachers, administrators, and school board members
32 selected based on recommendations from organizations
33 related to these groups, the State Board of Education, and
34 the Governor's Office of Child Development and
35 Education. The advisory panel shall advise as to the scope,
36 cost, and duration of the evaluation. The evaluation shall
37 determine whether this program is effective in
38 improving education accountability and pupil
39 achievement, and shall identify components of a
40 successful quality improvement program. The evaluation



1 shall be submitted to the chairperson of the Joint
2 Legislative Budget Committee, the Assembly
3 Committee on Budget, the Senate Committee on Budget
4 and Fiscal Review, the Assembly Committee on
5 Education, and the Senate Committee on Education, and
6 to the Governor and the Director of Finance no later than
7 January 28, 2003.

8 SEC. 2. Part 33.5 (commencing with Section 61000) of
9 the Education Code shall become operative only if the
10 Legislature specifically appropriates funds for the
11 purposes set forth in that part in the Budget Act,
12 legislation related to the Budget Act, or by an
13 appropriation that specifically appropriates funds for the
14 purposes set forth in that part, and only to the extent that
15 those funds are provided.

16 SEC. 3. Notwithstanding Section 17610 of the
17 Government Code, if the Commission on State Mandates
18 determines that this act contains costs mandated by the
19 state, reimbursement to local agencies and school
20 districts for those costs shall be made pursuant to Part 7
21 (commencing with Section 17500) of Division 4 of Title
22 2 of the Government Code. If the statewide cost of the
23 claim for reimbursement does not exceed one million
24 dollars (\$1,000,000), reimbursement shall be made from
25 the State Mandates Claims Fund.

26 Notwithstanding Section 17580 of the Government
27 Code, unless otherwise specified, the provisions of this act
28 shall become operative on the same date that the act
29 takes effect pursuant to the California Constitution.

