

Senate Bill No. 85

CHAPTER 929

An act to amend Sections 44579.1, 44579.5, and 48980 of the Education Code, and to amend Section 1 of Chapter 296 of the Statutes of 1997, relating to staff development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 12, 1997. Filed
with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 85, Peace. School districts: staff development.

(1) Existing law authorizes school districts to conduct various staff development programs. Existing law authorizes school districts to make school development plans, and to include in those plans staff development activities directly related to the annual school improvement objectives, as specified. Existing law authorizes school districts to offer up to 8 days of staff development during the school year under specified circumstances.

Existing law, known as the Staff Development Buy-out Program, declares the intent of the Legislature to increase the number of schooldays in a school year by providing funding to school districts to conduct staff development activities, as specified. Existing law requires the Superintendent of Public Instruction to provide each eligible school district with a staff development allowance of \$220 per day for each certificated employee of the school district who participates in staff development, as provided by the school district in academic content and instructional methods in the core curricular areas. To be eligible to receive funding, the staff development program provided by the school district is required to meet, among other specified requirements, local educational priorities, to be consistent with program guidelines developed by the Superintendent of Public Instruction, to be offered on days that are not counted as instructional time or days, and to be conducted only upon entering or exiting a regularly scheduled break. This provision is operative in any fiscal year only to the extent funds are provided therefor in the Budget Act. With regard to the 1997-98 fiscal year, the bill would specify that the amount available for this purpose not exceed the amount appropriated in a specified item of the Budget Act of 1997.

This bill would require that the provision requiring that staff development days be conducted only upon entering or exiting a regularly scheduled break be effective commencing on July 1, 1998.

(2) Under the Staff Development Buy-out Program, each fiscal year, any school district that does not offer 180 days of instruction to pupils in the fiscal year prior to the first fiscal year in which grant funds were received by that school district under the program, is required to increase the number of days of instruction by one day for each noninstructional day on which the school district conducts staff development programs under the program until a total of 180 days of instruction to pupils are being offered by that school district, as specified.

This bill would make this provision applicable to schoolsites, operating on multitrack, year-round calendars, that did not offer the equivalent, as defined, of 180 days of instruction to pupils.

(3) Existing law requires school districts to notify parents or guardians of pupils of the schedule of minimum days, as specified.

This bill would impose a state-mandated local program by also requiring school districts to notify parents or guardians of pupils of the schedule of pupil-free staff development days. The bill would also require a school district to provide the parents or guardians of pupils with a copy of the written policy of the school district regarding access by pupils to Internet and on-line sites, as specified.

(4) 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.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 44579.1 of the Education Code, as added by Chapter 296 of the Statutes of 1997, is amended to read:

44579.1. Each fiscal year, the Superintendent of Public Instruction shall provide each eligible school district applying for a grant pursuant to this article with a staff development allowance of two hundred twenty dollars (\$220) per day for each certificated employee of the school district who participates in staff development in academic content and instructional methods in the core curricular areas that is provided by the school district. To be eligible for a grant pursuant to this article, the staff development program provided by the school district shall meet all of the following requirements:



(a) Meet local educational priorities.

(b) Be consistent with regulations developed by the Superintendent of Public Instruction pursuant to Section 44579.3.

(c) Be offered on days that are not counted as instructional time or days for the purposes of Article 8 (commencing with Section 46200) of Chapter 2 of Part 26.

(d) Require that for each noninstructional day the school district conducts staff development programs pursuant to this article, the school district shall reduce by one day the number of days per year permitted for staff development programs pursuant to Sections 44670.6, 52022, 52854, and 56242.

(e) Require that each day of staff development be at least as long as the day certificated employees of the school district would otherwise be required to work.

(f) Commencing on July 1, 1998, require that each day of staff development, that is held within the 180-day instructional period, be conducted only upon entering or exiting a regularly scheduled break, at the beginning of the new academic year, or end of the academic year.

(g) This section shall be operative in any fiscal year only to the extent that funds are provided for its purposes in the Budget Act. For the 1997-98 fiscal year only, the amount available for this purpose shall not exceed the amount appropriated in Item 6110-112-0001 of Section 2.00 of Chapter 282 of the Statutes of 1997.

SEC. 2. Section 44579.5 of the Education Code, as added by Chapter 296 of the Statutes of 1997, is amended to read:

44579.5. (a) Each fiscal year, any school district that did not offer 180 days of instruction to pupils, or in the case of schoolsites operating on multitrack, year-round calendars, any schoolsite that did not offer the equivalent of 180 days of instruction to pupils, in the fiscal year prior to the first fiscal year in which grant funds were received by that school district pursuant to this article shall increase the number of days of instruction by one day for each noninstructional day on which the school district conducts staff development programs pursuant to this article until a total of 180 days of instruction, or the equivalent, as appropriate, to pupils are being offered by that school district. A school district that increases the number of instructional days pursuant to this article shall not decrease the number of instructional days it offers in any subsequent fiscal years in which it participates in this program.

(b) With regard to schoolsites operating on multitrack, year-round calendars, for purposes of this section, the Superintendent of Public Instruction shall determine the equivalent days of instruction provided to pupils under these calendars.

SEC. 3. Section 48980 of the Education Code, as amended by Chapter 296 of the Statutes of 1997, is amended to read:



48980. (a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of its minor pupils regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, 51240, and 51550 and Chapter 2.3 (commencing with Section 32255) of Part 19.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.

(c) The notification shall also advise the parents and guardians of all pupils attending a school within the district of the schedule of minimum days and pupil-free staff development days, and if any minimum or pupil-free staff development days are scheduled thereafter, the governing board shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options including, but not limited to, United States Savings Bonds.

(e) Each school district that elects to provide a fingerprinting program pursuant to Article 10 (commencing with Section 32390) shall inform parents or guardians of the program as specified in Section 32390.

(f) Until July 1, 1998, the notification shall also advise the parent or guardian of the availability of the employment-based school attendance options pursuant to subdivision (f) of Section 48204.

(g) The notification shall also include a copy of the district's written policy on sexual harassment established pursuant to Section 212.6, as it relates to pupils.

(h) Commencing July 1, 1998, the notification shall include a copy of the written policy of the school district adopted pursuant to Section 51870.5 regarding access by pupils to Internet and on-line sites.

(i) The notification shall advise the parent or guardian of all current statutory attendance options and local attendance options available in the school district. That notification shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. That notification shall also include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification shall also include an explanation of the current statutory



attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, subdivision (f) of Section 48204, and Article 1.5 (commencing with Section 48209) of Chapter 2 of Part 27. The State Department of Education shall produce this portion of the notification and shall distribute it to all school districts.

(j) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within their districts and that the school districts strive to make available enrollment options that meet the diverse needs, potential, and interests of California’s pupils.

SEC. 4. Section 1 of Chapter 296 of the Statutes of 1997 is amended to read:

Section 1. The Legislature finds and declares that existing law allows school districts up to eight days on which to conduct staff development within the instructional school year. It is the intent of the Legislature in enacting this act to increase the number of schooldays in a school year by providing funding to school districts to conduct staff development activities on days that are in addition to the number of days currently required for the instructional school year. It is the further intent of the Legislature that funding for the Staff Development Buy-out Program be phased in until all eight days of staff development are in addition to the 180 day instructional year or, in the case of schoolsites operating on multitrack, year-round calendars, in addition to the equivalent number of days of instruction.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To address implementation issues associated with the Staff Development Buy-out Program enacted by Chapter 296 of the Statutes of 1997, it is necessary that this act take effect immediately.

