

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 405

Introduced by Senator Steinberg

February 21, 2007

An act to amend Sections 1240, 49067, 51224, 51228, 52052, 52236, 52378, 52380, and 66204 of, to add and repeal Chapter 18 (commencing with Section 53100) of Part 28 of Division 4 of Title 2 of, and to repeal Section 52336.1 of, the Education Code, relating to school curriculum.

LEGISLATIVE COUNSEL'S DIGEST

SB 405, as amended, Steinberg. Schools: curriculum: opportunities for pupils.

Existing

(1) *Existing* law requires school district maintaining any of grades 7 to 12, inclusive, to offer to all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public institutions of postsecondary education and to provide a timely opportunity to each of those pupils to enroll within a 4-year period in each course necessary to fulfill those requirements and prerequisites prior to graduation from high school. Each school district maintaining any of grades 7 to 12, inclusive, also is required to offer to all otherwise qualified pupils in those grades a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school, and is encouraged to provide all pupils with a rigorous academic curriculum that integrates academic and career skills, incorporates applied learning in all disciplines, and prepares all pupils for high school graduation and career entry.

~~This bill would express the intent of the Legislature to enact legislation to close the opportunity gap for the pupils of California, in part, by enabling pupils to have the opportunity to complete all the courses required for admission to the California State University or the University of California at their own schools; ensuring that the career technical education coursework is sufficiently rigorous to allow meaningful entry into the workforce; increasing the opportunities for pupils to participate in comprehensive, multiyear programs that integrate college preparatory academics and technical study; and ensuring that schools have the capacity to provide sufficient counseling for pupils and sufficient numbers of teachers prepared to teach the subjects to which they are assigned.~~

This bill would establish, until January 1, 2014, the Fair Competition for College and Career Pilot Program, to be administered by the Superintendent of Public Instruction. The Superintendent would be required to invite comprehensive high schools, based on specified criteria, to apply for the program and to select up to 100 schools for participation in the program. Schools participating in the program would receive grants of \$100 per pupil to be used to increase the course offerings of the school and provide support for the pupils related to career technical education and courses satisfying the admission requirements for California public institutions of postsecondary education.

(2) Existing law requires a county superintendent of schools to undertake specified duties regarding the oversight of the school districts within his or her jurisdiction.

This bill would require a county superintendent of schools to perform additional duties related to ensuring that pupils in grades 7 to 12, inclusive, have access to the courses that are requirements for admission to the University of California and the California State University, in part, by annually reviewing a school ranked in deciles 1 to 3, inclusive, of the specified base Academic Performance Index (API), and taking specified steps when he or she determines a school has failed to make the college prerequisite courses available.

(3) Existing law requires the governing board of a school district to prescribe regulations requiring the evaluation of the achievement of a pupil for each marking period and requiring a conference with, or a written report to, the parent of a pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course.

This bill would require these regulations to also require a conference or written report if a pupil is at risk of not meeting the curricular requirements for admission to the University of California and the California State University.

(4) Existing law requires the governing board of a school district maintaining a high school is required to prescribe separate college preparatory and career technical education courses of study. Each school district maintaining any of grades 7 to 12, inclusive, is required to offer to all otherwise qualified pupils those courses of study. A pupil who has successfully completed his or her education, through grade 10, with written parental consent, may choose to follow either course of study.

The bill would require the governing board of a school district to prescribe courses of study that include study for college admission preparation and career technical education, rather than requiring 2 separate courses of study to be prescribed. Specific ways in which a school district may satisfy the requirement to offer a college preparatory course of study would be added. The provision authorizing a pupil who has completed grade 10 to choose between a separate college preparatory course of study and a separate career technical education course of study would be repealed.

(5) Under existing law, the API is established to measure the performance of schools and the academic performance of pupils.

This bill would require API to include additional indicators related to the completion rates of coursework required for admission to the California public institutions of postsecondary education and career technical education coursework that meets the curriculum framework adopted by the State Board of Education.

(6) Existing law authorizes a business, trade or professional association, union, or state or local governmental agency operating within the state to establish and operate, through the local school district, a career preparatory program within the state pursuant to specified requirements, including that the entity operating the program develop and implement for all enrolled pupils a course of instruction that satisfies the curricular requirements for graduation from high school.

The bill, instead, would require that the course of instruction be one that satisfies the curricular requirements for admission to the University of California and the California State University.

(7) Under existing law, the Middle and High School Supplemental Counseling Program is established to provide additional counseling services to pupils in grades 7 to 12, inclusive. As a condition of receiving funds, the governing board of each school district maintaining any of grades 7 to 12, inclusive, is required to hold a public meeting to adopt the program, which is required to include specified provisions. A school district also is required to submit an annual report related to the program requirements and pupil achievement to the Superintendent.

This bill would expand the program requirements to include provisions for individualized review of the career goals of the pupil and academic and career-related opportunities available to the pupil and for explanation of the coursework and academic progress required for eligibility for admission to a four-year college. School districts, as a condition of the program, also would be required to perform additional duties related to identifying and monitoring pupils who are not on track to satisfy the curricular requirements for admission to the University of California or the California State University and to mandate each school perform additional duties related to that subject. The annual report, rather than including the number of pupils who participated in the required conferences and passed the high school exit examination, would include the number of pupils who did both of those items and also satisfied the requirements for admission to the University of California and the California State University.

(8) Existing law requires the Superintendent to assist school districts to ensure that all public high school pupils have access to a core curriculum that meets the requirements for admission to the University of California and the California State University.

This bill would require the Superintendent to submit to the State Board an annual report, if funds are appropriated for this purpose, regarding compliance of school districts in which middle and high schools are ranked in deciles 1 to 3, inclusive of the 2003 base Academic Performance Index, with the requirements that all otherwise qualified pupils have access to courses of college preparatory and career technical education courses of study.

(9) To the extent that additional duties would be required of local educational agencies or officials, the bill would impose a state-mandated local program.

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.

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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. (a) The Legislature hereby finds and declares
2 all of the following:

3 (1) The goal of public education for kindergarten and grades 1
4 to 12, inclusive, is to prepare pupils for productive civic
5 participation, including sustaining employment, bettering their
6 communities, and meeting their personal and family needs.

7 (2) In California today, too many public school pupils are denied
8 future opportunities because their schools do not offer them
9 rigorous, relevant coursework—with teachers trained in, and
10 supported to succeed at, imparting the subjects they teach—that
11 prepares the pupils for the full range of postsecondary educational
12 options, including two- and four-year college programs and
13 entering the workforce.

14 (3) In addition to higher wages and salaries, data shows that
15 increased levels of educational attainment and academic
16 achievement improve the future abilities of pupils to earn a good
17 living and sustain a career in other ways. They correlate strongly
18 with improved worker productivity; less unemployment; greater
19 benefits; the ability to learn new skills and workplace operations
20 more rapidly; exposure to, and engagement with, computers; and
21 a better ability to negotiate the labor market.

22 (4) California public high school graduates, in the aggregate,
23 are unprepared to meet the demands either of the workforce or of
24 college entrance. Changes in the labor market suggest that nearly
25 all of the rapidly growing, well paying jobs and occupations require
26 postsecondary or continuing education. Moreover, the average
27 worker in the United States will change his or her occupation four
28 to six times during his or her lifetime. Therefore, schools must
29 provide pupils with a broad range of academic and technical skills

1 that require higher order thinking to ensure their long-term success
2 in the workplace.

3 (5) According to the Career Technical Education Initiative of
4 Governor Schwarzenegger, many high-tech industries, such as
5 biotechnology, computer manufacturing, and health care, complain
6 about a shortage of skilled employees in the workforce. That
7 shortage persists despite the 42 percent of high school pupils who
8 enroll in career technical education (CTE) courses beyond the
9 introductory level.

10 (6) According to State Department of Education data, 55 percent
11 of California public high schools—serving approximately 900,000
12 pupils—do not provide a sufficiently rigorous curriculum for pupils
13 to complete the courses that are minimally required for admission
14 eligibility to the California State University and the University of
15 California. In more than one-quarter of the public high schools of
16 California, more than 20 percent of college preparatory courses
17 are taught by teachers who are not trained in the subject matter
18 they teach.

19 (7) Although most California communities feel the effect of the
20 educational crisis of the state, all communities do not suffer
21 equally. According to a recent study entitled “Removing the
22 Roadblocks: Fair College Opportunities For All California
23 Students,” published by the University of California All Campus
24 Consortium for Research Diversity and the UCLA Institute for
25 Democracy, Education and Access, schools with high
26 concentrations of low-income pupils, pupils of color, and English
27 language learners report the highest shortages of college
28 preparatory courses in the state and are more likely to offer college
29 preparatory courses taught by teachers who are not properly
30 qualified to teach in the course subject matter. Seventy percent of
31 schools the enrollment of which is 90 to 100 percent African
32 American and Latino pupils do not offer enough college
33 preparatory courses for all pupils to be able to take the courses.
34 These high schools are almost three times as likely as schools
35 enrolling a majority of caucasian pupils to misassign significant
36 percentages of teachers teaching college preparatory courses.

37 (8) According to a March 2006 poll conducted on behalf of the
38 James Irvine Foundation by Peter D. Hart Research Associates,
39 Inc., 89 percent of the grade 9 and 10 pupils in California believe
40 that a school where they could take courses that they need for

1 college, but also have more opportunity to acquire skills and
2 knowledge relevant to future careers, would be more interesting
3 to them. In addition, 91 percent of those pupils say they would be
4 more motivated to work hard and do well if they attended that kind
5 of—a school. California can and should provide that type of
6 schooling to its pupils. Yet, according to State Department of
7 Education data, in the 2005–06 school year, only 16.5 percent of
8 the total number of CTE courses taught in California public high
9 schools met the minimum eligibility requirements for admission
10 to the California State University and the University of California.

11 (9) As the Superintendent of Public Instruction explained in a
12 March 2004 editorial published in the Sacramento Bee, “The job
13 of K–12 education in California must be to ensure that all our
14 students graduate with the ability to fulfill their potential—whether
15 that takes them to higher education or directly to their career.
16 Unfortunately ... too many of our students are not adequately
17 prepared for either. By raising our expectations for our students,
18 we can and will begin to change that.”

19 (b) It is the intent of the Legislature to enact legislation to
20 accomplish all of the following:

21 (1) Close the opportunity gap for the public school pupils of
22 California, assuring that immediately and over time pupils have
23 full, meaningful opportunities to realize their dreams for their
24 futures, in the workforce as well as in higher education; *and*
25 encourage the high schools of California to offer pupils multiple
26 pathways to lasting success in both their future education and their
27 careers.

28 (2) Provide incentives and sanctions to ensure that every high
29 school offers a sufficient number of college preparatory courses
30 to enable every pupil to satisfy college eligibility requirements, in
31 sequence, at their own school, with adequate counseling to ensure
32 pupils are advised of the sequence requirements, including before
33 their grade 9 course schedules are determined.

34 (3) Increase opportunities for the high school pupils of California
35 to participate in comprehensive, multiyear programs that integrate
36 college preparatory academics and technical study, organized
37 around a major industry or career focus, that prepares them for
38 further, postsecondary education and a career.

39 (4) Promote development of curricula including both academic
40 and CTE courses that integrates the academic and CTE content

1 standards of the state to produce clusters and sequences of courses
2 that engage more high school pupils and, through industry related
3 applications, help them understand the necessity of mastering
4 higher levels of academic and technical knowledge.

5 (5) Set a standard according to which CTE coursework is
6 sufficiently rigorous to allow meaningful entry into the workforce
7 and, at the same time, allowing every pupil an opportunity to satisfy
8 the minimum coursework requirements, in sequence and in the
9 school of each pupil, for admission eligibility to the California
10 State University and the University of California.

11 (6) Modify the Middle and High School Supplemental
12 Counseling Program (Article 4.5 (commencing with Section 52378)
13 of Chapter 9 of Part 28 of the Education Code) to ensure that
14 districts participating in the two hundred million dollar
15 (\$200,000,000) program provide counselors who advise pupils
16 regarding course taking options that integrate career preparation
17 with college eligibility requirements.

18 (7) Ensure the provision of appropriately trained teachers for
19 all coursework, including career technical and college eligibility
20 coursework, and build the capacity of CTE teachers to reinforce
21 and supplement academic knowledge and skills related to their
22 industry and the capacity of academic teachers to connect their
23 particular discipline to industry related applications and problems.

24 (8) Build the capacity of districts and schools in the state to
25 achieve the standards for course rigor and offerings, including, but
26 not limited to, shifting school schedules to more flexible schedules
27 that allow for greater course taking options and utilizing new and
28 existing professional development programs.

29 (9) Provide for external oversight, including public
30 accountability and school- and pupil-level data, to ensure that
31 school districts offer rigorous coursework sufficient for workforce
32 entrance and four-year college eligibility.

33 (10) Shore up existing data systems to fully provide an
34 integrated, transparent data system that allows parents and legal
35 guardians, the community, and policymakers to access useful
36 information about the provision by schools of courses that prepare
37 pupils for both career and college, as well as the success of schools
38 in increasing rates of high school completion and the transition of
39 pupils to postsecondary education and work.

1 (11) Provide incentives, and no disincentives, for school districts
2 to come into greater compliance with the standards of providing
3 counselors who advise pupils regarding course taking options that
4 integrate career preparation with college eligibility requirements,
5 as the districts build capacity to do so.

6 (12) Build academic relevance by increasing the number of CTE
7 courses that satisfy requirements for classes that prospective
8 California State University and University of California pupils are
9 required to complete while in high school, and by encouraging
10 more attention to authentic, industry-related applications of the
11 academic knowledge and skills taught in college-preparatory
12 academic subjects that pupils are required to complete for high
13 school graduation and to be eligible for admission to the California
14 State University and the University of California.

15 (13) Codify the intent of the framework for educational offerings
16 in CTE adopted by the State Board of Education in January 2007.
17 This framework expressly acknowledges that:

18
19 “[T]he building blocks for CTE are, in part, the academic
20 knowledge gained in core courses such as English and
21 mathematics, and success in CTE is dependent on students’
22 increasing skills and knowledge in multiple arenas within the
23 academic core. For example, veterinary medical courses are
24 of little use without a detailed understanding of biology,
25 accounting courses are founded on mathematical knowledge,
26 and the family and human services pathway professions all
27 require high-level communication skills initially fostered in
28 English-language arts courses. It is essential that CTE courses
29 integrate, support, and reinforce core academics to ensure that
30 students have these skills for the CTE foundation.”

31
32 *SEC. 2. Section 1240 of the Education Code is amended to*
33 *read:*

34 1240. The county superintendent of schools shall do all of the
35 following:

- 36 (a) Superintend the schools of his or her county.
- 37 (b) Maintain responsibility for the fiscal oversight of each school
38 district in his or her county pursuant to the authority granted by
39 this code.

1 (c) (1) Visit and examine each school in his or her county at
2 reasonable intervals to observe its operation and to learn of its
3 problems. He or she may annually present a report of the state of
4 the schools in his or her county, and of his or her office, including,
5 but not limited to, his or her observations while visiting the schools,
6 to the board of education and the board of supervisors of his or
7 her county.

8 (2) (A) For fiscal years 2004–05 to 2006–07, inclusive, to the
9 extent that funds are appropriated for purposes of this paragraph,
10 the county superintendent, or his or her designee, shall annually
11 submit a report, at a regularly scheduled November board meeting,
12 to the governing board of each school district under his or her
13 jurisdiction, the county board of education of his or her county,
14 and the board of supervisors of his or her county describing the
15 state of the schools in the county or of his or her office that are
16 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic
17 Performance Index (API), as defined in subdivision (b) of Section
18 17592.70, and shall include, among other things, his or her
19 observations while visiting the schools and his or her
20 determinations for each school regarding the status of all of the
21 circumstances listed in subparagraph (I) and teacher
22 misassignments and teacher vacancies. As a condition for receipt
23 of funds, the county superintendent, or his or her designee, shall
24 use a standardized template to report the circumstances listed in
25 subparagraph (I) and teacher misassignments and teacher vacancies,
26 unless the current annual report being used by the county
27 superintendent, or his or her designee, already includes those details
28 for each school.

29 (B) Commencing with the 2007–08 fiscal year, to the extent
30 that funds are appropriated for purposes of this paragraph, the
31 county superintendent, or his or her designee, shall annually submit
32 a report, at a regularly scheduled November board meeting, to the
33 governing board of each school district under his or her jurisdiction,
34 the county board of education of his or her county, and the board
35 of supervisors of his or her county describing the state of the
36 schools in the county or of his or her office that are ranked in
37 deciles 1 to 3, inclusive, of the 2006 base API, pursuant to Section
38 52056. As a condition for the receipt of funds, the annual report
39 shall include the determinations for each school made by the county
40 superintendent, or his or her designee, regarding the status of all

1 of the circumstances listed in subparagraph (I) and teacher
2 misassignments and teacher vacancies, and the county
3 superintendent, or his or her designee, shall use a standardized
4 template to report the circumstances listed in subparagraph (I) and
5 teacher misassignments and teacher vacancies, unless the current
6 annual report being used by the county superintendent, or his or
7 her designee, already includes those details with the same level of
8 specificity that is otherwise required by this subdivision. For
9 purposes of this section, schools ranked in deciles 1 to 3, inclusive,
10 on the 2006 base API shall include any schools determined by the
11 department to meet either of the following:

12 (i) The school meets all of the following criteria:

13 (I) Does not have a valid base API score for 2006.

14 (II) Is operating in fiscal year 2007–08 and was operating in
15 fiscal year 2006–07 during the Standardized Testing and Reporting
16 (STAR) Program testing period.

17 (III) Has a valid base API score for 2005 that was ranked in
18 deciles 1 to 3, inclusive, in that year.

19 (ii) The school has an estimated base API score for 2006 that
20 would be in deciles 1 to 3, inclusive.

21 (C) The department shall estimate an API score for any school
22 meeting the criteria of subclauses (I) and (II) of clause (i) of
23 subparagraph (B) of paragraph (2) and not meeting the criteria of
24 subclause (III) of clause (i) of subparagraph (B) of paragraph (2),
25 using available testing scores and any weighting or corrective
26 factors it deems appropriate. The department shall post the API
27 scores on its Internet Web site on or before May 1.

28 (D) For purposes of this section, references to schools ranked
29 in deciles 1 to 3, inclusive, on the 2006 base API shall exclude
30 any schools operated by county offices of education pursuant to
31 Section 56140, as determined by the department.

32 (E) (i) Commencing with the 2010–11 fiscal year and every
33 third year thereafter, the Superintendent shall identify a list of
34 schools ranked in deciles 1 to 3, inclusive, of the API for which
35 the county superintendent, or his or her designee, shall annually
36 submit a report, at a regularly scheduled November board meeting,
37 to the governing board of each school district under his or her
38 jurisdiction, the county board of education of his or her county,
39 and the board of supervisors of his or her county that describes the
40 state of the schools in the county or of his or her office that are

1 ranked in deciles 1 to 3, inclusive, of the base API as defined in
2 clause (ii).

3 (ii) For the 2010–11 fiscal year, the list of schools ranked in
4 deciles 1 to 3, inclusive, of the base API shall be updated using
5 the criteria set forth in clauses (i) and (ii) of subparagraph (B),
6 subparagraph (C), and subparagraph (D), as applied to the 2009
7 base API and thereafter shall be updated every third year using
8 the criteria set forth in clauses (i) and (ii) of subparagraph (B),
9 subparagraph (C), and subparagraph (D), as applied to the base
10 API of the year preceding the third year consistent with clause (i).

11 (iii) As a condition for the receipt of funds, the annual report
12 shall include the determinations for each school made by the county
13 superintendent, or his or her designee, regarding the status of all
14 of the circumstances listed in subparagraph (I) and teacher
15 misassignments and teacher vacancies, and the county
16 superintendent, or his or her designee, shall use a standardized
17 template to report the circumstances listed in subparagraph (I) and
18 teacher misassignments and teacher vacancies, unless the current
19 annual report being used by the county superintendent, or his or
20 her designee, already includes those details with the same level of
21 specificity that is otherwise required by this subdivision.

22 (F) The county superintendent of the Counties of Alpine,
23 Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and
24 County of San Francisco shall contract with another county office
25 of education or an independent auditor to conduct the required
26 visits and make all reports required by this paragraph.

27 (G) On a quarterly basis, the county superintendent, or his or
28 her designee, shall report the results of the visits and reviews
29 conducted that quarter to the governing board of the school district
30 at a regularly scheduled meeting held in accordance with public
31 notification requirements. The results of the visits and reviews
32 shall include the determinations of the county superintendent, or
33 his or her designee, for each school regarding the status of all of
34 the circumstances listed in subparagraph (I) and teacher
35 misassignments and teacher vacancies. If the county
36 superintendent, or his or her designee, conducts no visits or reviews
37 in a quarter, the quarterly report shall report that fact.

38 (H) The visits made pursuant to this paragraph shall be
39 conducted at least annually and shall meet the following criteria:

40 (i) Minimize disruption to the operation of the school.

1 (ii) Be performed by individuals who meet the requirements of
2 Section 45125.1.

3 (iii) Consist of not less than 25 percent unannounced visits in
4 each county. During unannounced visits in each county, the county
5 superintendent shall not demand access to documents or specific
6 school personnel. Unannounced visits shall only be used to observe
7 the condition of school repair and maintenance, and the sufficiency
8 of instructional materials, as defined by Section 60119.

9 (I) The priority objective of the visits made pursuant to this
10 paragraph shall be to determine the status of all of the following
11 circumstances:

12 (i) Sufficient textbooks as defined in Section 60119 and as
13 specified in subdivision (i).

14 (ii) The condition of a facility that poses an emergency or urgent
15 threat to the health or safety of pupils or staff as defined in district
16 policy or paragraph (1) of subdivision (c) of Section 17592.72.

17 (iii) The accuracy of data reported on the school accountability
18 report card with respect to the availability of sufficient textbooks
19 and instructional materials, as defined by Section 60119, and the
20 safety, cleanliness, and adequacy of school facilities, including
21 good repair as required by Sections 17014, 17032.5, 17070.75,
22 and 17089.

23 (J) The county superintendent may make the status
24 determinations described in subparagraph (I) during a single visit
25 or multiple visits. In determining whether to make a single visit
26 or multiple visits for this purpose, the county superintendent shall
27 take into consideration factors such as cost-effectiveness, disruption
28 to the schoolsite, deadlines, and the availability of qualified
29 reviewers.

30 (K) If the county superintendent determines that the condition
31 of a facility poses an emergency or urgent threat to the health or
32 safety of pupils or staff as defined in district policy or paragraph
33 (1) of subdivision (c) of Section 17592.72, or is not in good repair,
34 as specified in subdivision (d) of Section 17002 and required by
35 Sections 17014, 17032.5, 17070.75, and 17089, the county
36 superintendent may, among other things, do any of the following:

37 (i) Return to the school to verify repairs.

38 (ii) Prepare a report that specifically identifies and documents
39 the areas or instances of noncompliance if the district has not
40 provided evidence of successful repairs within 30 days of the

1 ~~county superintendent's~~ visit *of the county superintendent* or, for
2 major projects, has not provided evidence that the repairs will be
3 conducted in a timely manner. The report may be provided to the
4 governing board of the school district. If the report is provided to
5 the school district, it shall be presented at a regularly scheduled
6 meeting held in accordance with public notification requirements.
7 The county superintendent shall post the report on ~~its~~ *his or her*
8 Internet Web site. The report shall be removed from the Internet
9 Web site when the county superintendent verifies the repairs have
10 been completed.

11 (d) Distribute all laws, reports, circulars, instructions, and blanks
12 that he or she may receive for the use of the school officers.

13 (e) Annually, on or before August 15, present a report to the
14 governing board of the school district and the Superintendent
15 regarding the fiscal solvency of any school district with a
16 disapproved budget, qualified interim certification, or a negative
17 interim certification, or that is determined at any time to be in a
18 position of fiscal uncertainty pursuant to Section 42127.6.

19 (f) Keep in his or her office the reports of the Superintendent.

20 (g) Keep a record of his or her official acts, and of all the
21 proceedings of the county board of education, including a record
22 of the standing, in each study, of all applicants for certificates who
23 have been examined, which shall be open to the inspection of any
24 applicant or his or her authorized agent.

25 (h) Enforce the course of study.

26 (i) (1) Enforce the use of state textbooks and instructional
27 materials and of high school textbooks and instructional materials
28 regularly adopted by the proper authority in accordance with
29 Section 51050.

30 (2) For purposes of this subdivision, sufficient textbooks or
31 instructional materials has the same meaning as in subdivision (c)
32 of Section 60119.

33 (3) (A) Commencing with the 2005–06 school year, if a school
34 is ranked in any of deciles 1 to 3, inclusive, of the 2003 base API,
35 as defined in subdivision (b) of Section 17592.70, and not currently
36 under review pursuant to a state or federal intervention program,
37 the county superintendent shall specifically review that school at
38 least annually as a priority school. A review conducted for purposes
39 of this paragraph shall be completed by the fourth week of the
40 school year. ~~For the 2004–05 fiscal year only, the county~~

1 ~~superintendent shall make a diligent effort to conduct a visit to~~
2 ~~each school pursuant to this paragraph within 120 days of receipt~~
3 ~~of funds for this purpose.~~

4 (B) In order to facilitate the review of instructional materials
5 before the fourth week of the school year, the county superintendent
6 of schools in a county with 200 or more schools that are ranked
7 in any of deciles 1 to 3, inclusive, of the 2003 base API, as defined
8 in subdivision (b) of Section 17592.70, may utilize a combination
9 of visits and written surveys of teachers for the purpose of
10 determining sufficiency of textbooks and instructional materials
11 in accordance with subparagraph (A) of paragraph (1) of
12 subdivision (a) of Section 60119 and as defined in subdivision (c)
13 of Section 60119. If a county superintendent of schools elects to
14 conduct written surveys of teachers, the county superintendent of
15 schools shall visit the schools surveyed within the same academic
16 year to verify the accuracy of the information reported on the
17 surveys. If a county superintendent surveys teachers at a school
18 in which the county superintendent has found sufficient textbooks
19 and instructional materials for the previous two consecutive years
20 and determines that the school does not have sufficient textbooks
21 or instructional materials, the county superintendent shall within
22 10 business days provide a copy of the insufficiency report to the
23 school district as set forth in paragraph (4).

24 (C) For purposes of this paragraph, “written surveys” may
25 include paper and electronic or online surveys.

26 (4) If the county superintendent determines that a school does
27 not have sufficient textbooks or instructional materials in
28 accordance with subparagraph (A) of paragraph (1) of subdivision
29 (a) of Section 60119 and as defined by subdivision (c) of Section
30 60119, the county superintendent shall do all of the following:

31 (A) Prepare a report that specifically identifies and documents
32 the areas or instances of noncompliance.

33 (B) Provide within five business days of the review, a copy of
34 the report to the school district, as provided in subdivision (c), or,
35 if applicable, provide a copy of the report to the school district
36 within 10 business days pursuant to subparagraph (B) of paragraph
37 (3).

38 (C) Provide the school district with the opportunity to remedy
39 the deficiency. The county superintendent shall ensure remediation
40 of the deficiency no later than the second month of the school term.

1 (D) If the deficiency is not remedied as required pursuant to
2 subparagraph (C), the county superintendent shall request the
3 department to purchase the textbooks or instructional materials
4 necessary to comply with the sufficiency requirement of this
5 subdivision. If the department purchases textbooks or instructional
6 materials for the school district, the department shall issue a public
7 statement at the first regularly scheduled meeting of the ~~state board~~
8 *State Board* occurring immediately after the department receives
9 the ~~county superintendent's~~ request *of the county superintendent*
10 and that meets the applicable public notice requirements, indicating
11 that the district superintendent and the governing board of the
12 school district failed to provide pupils with sufficient textbooks
13 or instructional materials as required by this subdivision. Before
14 purchasing the textbooks or instructional materials, the department
15 shall consult with the district to determine which textbooks or
16 instructional materials to purchase. All purchases of textbooks or
17 instructional materials shall comply with Chapter 3.25
18 (commencing with Section 60420) of Part 33. The amount of funds
19 necessary for the purchase the textbooks and materials is a loan
20 to the school district receiving the textbooks or instructional
21 materials. Unless the school district repays the amount owed based
22 upon an agreed-upon repayment schedule with the Superintendent,
23 the Superintendent shall notify the Controller and the Controller
24 shall deduct an amount equal to the total amount used to purchase
25 the textbooks and materials from the next principal apportionment
26 of the district or from another apportionment of state funds.

27 ~~(j) Preserve carefully all reports of school officers and teachers.~~

28 ~~(k) Deliver to his or her successor, at the close of his or her~~
29 ~~official term, all records, books, documents, and papers belonging~~
30 ~~to the office, taking a receipt for them, which shall be filed with~~
31 ~~the department.~~

32 *(j) (1) (A) Enforce the availability to all otherwise qualified*
33 *pupils in grades 7 to 12, inclusive, of a course of study fulfilling*
34 *the requirements and prerequisites for admission to the California*
35 *public institutions of postsecondary education, in accordance with*
36 *Section 51228.*

37 *(B) For purposes of this subdivision, availability to all otherwise*
38 *qualified pupils has the same meaning as in subdivision (b) of*
39 *Section 51228.*

1 (2) Commencing with the 2008–09 school year, if a school is
2 ranked in any of deciles 1 to 3, inclusive, of the base Academic
3 Performance Index, as specified in paragraph (2) of subdivision
4 (c), the county superintendent shall review that school at least
5 annually as a priority school.

6 (3) If the county superintendent determines that the school does
7 not make available to all otherwise qualified pupils in grades 7 to
8 12, inclusive, a course of study fulfilling the requirements for
9 admission to the California public institutions of postsecondary
10 education in accordance with Section 51228, the county
11 superintendent shall, within the same school year, do both of the
12 following:

13 (A) Assess whether the school is deficient in one or more of the
14 following areas:

15 (i) Provision of sufficient courses in high schools that are
16 certified by the University of California as meeting the
17 requirements for admission to the University of California and the
18 California State University in a manner that every otherwise
19 qualified pupil is able to access in the sequence of introductory
20 and then advanced courses recommended by the University of
21 California and the California State University, as applicable.

22 (ii) Assignment of teachers who hold a credential and subject
23 matter certification in the subject matter in which they teach, to
24 courses that are certified by the University of California as meeting
25 the requirements for admission to the University of California and
26 the California State University.

27 (iii) Provision of instructional support sufficient for pupils
28 enrolled in courses that are certified by the University of California
29 as meeting the requirements for admission to the University of
30 California and the California State University to be able to achieve
31 a grade of C or better in the courses.

32 (iv) Assignment within middle schools of pupils to prealgebra
33 or higher level mathematics courses and foreign language courses
34 that are certified by the University of California as meeting the
35 requirements for admission to the University of California and the
36 California State University.

37 (B) In response to the assessment conducted in subparagraph
38 (A), take one or more of the following steps:

39 (i) Develop and report on a plan, including benchmarks, for
40 increased availability of courses that are certified by the University

1 of California as meeting the requirements for admission to the
2 University of California and the California State University to
3 achieve compliance with Section 51228, including modifications
4 to core academic courses to integrate career technical education
5 and learning strategies that include the application of coursework
6 to career settings.

7 (ii) Provide management assistance and counselor in-service
8 training to ensure that otherwise eligible middle and high school
9 pupils are able to enroll in courses that are certified by the
10 University of California as meeting the requirements for admission
11 to the University of California and the California State University.

12 (iii) Enroll the school in the Advancement Via Individual
13 Determination (AVID) program to provide technical assistance,
14 professional development, and site resources to enable secondary
15 pupils to succeed in rigorous curricula and increase their
16 opportunities to enroll in four-year colleges.

17 (iv) If the enrollment of pupils whose first language is not
18 English, including both English language learners and pupils who
19 have been reclassified as proficient in English, in the school
20 exceeds 25 percent, provide classes designed to enable native
21 speakers of other languages to meet the foreign language
22 requirements for admission to the University of California and the
23 California State University.

24 (v) Assign a personnel management assistance team, as defined
25 in Section 44740, to assist the school and school district in
26 increasing the numbers of teachers who hold a credential and
27 subject matter certification in the subject matter of the courses
28 they teach that are certified by the University of California as
29 meeting the requirements for admission to the University of
30 California and the California State University, and to encourage
31 the district to apply for professional development funding,
32 consistent, for example, with Section 99234, to allow teachers who
33 do not hold either a credential or a subject matter certification in
34 the subjects they teach to advance their training and obtain the
35 proper credentials and subject matter certifications.

36 (vi) Develop and report on a plan, including benchmarks, for
37 availability or increased availability of instructional support,
38 including, but not limited to, extended instructional time, tutoring,
39 partnership with a university outreach program, and intervention,
40 sufficient for pupils enrolled in courses that are certified by the

1 *University of California as meeting the requirements for admission*
2 *to the University of California and the California State University*
3 *to be able to achieve passing grades in those courses.*

4 *(k) Preserve carefully all reports of school officers and teachers.*

5 *(l) (1) Submit two reports during the fiscal year to the county*
6 *board of education in accordance with the following:*

7 *(A) The first report shall cover the financial and budgetary status*
8 *of the county office of education for the period ending October*
9 *31. The second report shall cover the period ending January 31.*
10 *Both reports shall be reviewed by the county board of education*
11 *and approved by the county superintendent of schools no later than*
12 *45 days after the close of the period being reported.*

13 *(B) As part of each report, the county superintendent shall certify*
14 *in writing whether or not the county office of education is able to*
15 *meet its financial obligations for the remainder of the fiscal year*
16 *and, based on current forecasts, for two subsequent fiscal years.*
17 *The certifications shall be classified as positive, qualified, or*
18 *negative, pursuant to standards prescribed by the Superintendent,*
19 *for the purposes of determining subsequent state agency actions*
20 *pursuant to Section 1240.1. For purposes of this subdivision, a*
21 *negative certification shall be assigned to any county office of*
22 *education that, based upon current projections, will not meet its*
23 *financial obligations for the remainder of the fiscal year or for the*
24 *subsequent fiscal year. A qualified certification shall be assigned*
25 *to any county office of education that may not meet its financial*
26 *obligations for the current fiscal year or two subsequent fiscal*
27 *years. A positive certification shall be assigned to any county office*
28 *of education that will meet its financial obligations for the current*
29 *fiscal year and subsequent two fiscal years. In accordance with*
30 *those standards, the Superintendent may reclassify any certification.*
31 *If a county office of education receives a negative certification,*
32 *the Superintendent, or his or her designee, may exercise the*
33 *authority set forth in subdivision (c) of Section 1630. Copies of*
34 *each certification, and of the report containing that certification,*
35 *shall be sent to the Superintendent at the time the certification is*
36 *submitted to the county board of education. Copies of each*
37 *qualified or negative certification and the report containing that*
38 *certification shall be sent to the Controller at the time the*
39 *certification is submitted to the county board of education.*

1 (2) All reports and certifications required under this subdivision
 2 shall be in a format or on forms prescribed by the Superintendent,
 3 and shall be based on standards and criteria for fiscal stability
 4 adopted by the State Board of Education pursuant to Section 33127.
 5 The reports and supporting data shall be made available by the
 6 county superintendent of schools to any interested party upon
 7 request.

8 (3) This subdivision does not preclude the submission of
 9 additional budgetary or financial reports by the county
 10 superintendent to the county board of education or to the
 11 Superintendent.

12 (4) The county superintendent of schools is not responsible for
 13 the fiscal oversight of the community colleges in the county;
 14 ~~however,~~ *However,* he or she may perform financial services on
 15 behalf of those community colleges.

16 (m) *Deliver to his or her successor, at the close of his or her*
 17 *official term, all records, books, documents, and papers belonging*
 18 *to the office, taking a receipt for them, which shall be filed with*
 19 *the department.*

20 ~~(m)~~

21 (n) If requested, act as agent for the purchase of supplies for the
 22 city and high school districts of his or her county.

23 ~~(n)~~

24 (o) For purposes of Section 44421.5, report to the Commission
 25 on Teacher Credentialing the identity of any certificated person
 26 who knowingly and willingly reports false fiscal expenditure data
 27 relative to the conduct of any educational program. This
 28 requirement applies only if, in the course of his or her normal
 29 duties, the county superintendent of schools discovers information
 30 that gives him or her reasonable cause to believe that false fiscal
 31 expenditure data relative to the conduct of any educational program
 32 has been reported.

33 *SEC. 3. Section 49067 of the Education Code is amended to*
 34 *read:*

35 49067. (a) The governing board of each school district shall
 36 prescribe regulations requiring the evaluation of ~~each pupil's~~ *the*
 37 *achievement of each pupil* for each marking period and requiring
 38 a conference with, or a written report to, the parent of each pupil
 39 whenever it becomes evident to the teacher that the pupil is in
 40 danger of failing a course *or that the pupil is at risk of not meeting*

1 *the curricular requirements for admission to the California public*
2 *institutions of postsecondary education.* The refusal of the parent
3 to attend the conference, or to respond to the written report, shall
4 not preclude failing the pupil at the end of the grading period.

5 (b) The governing board of any school district may adopt
6 regulations authorizing a teacher to assign a failing grade to any
7 pupil whose absences from the ~~teacher's class of the teacher~~ that
8 are not excused pursuant to Section 48205 equal or exceed a
9 maximum number ~~which~~ *that* shall be specified by the board.
10 Regulations adopted pursuant to this subdivision shall include, but
11 not be limited to, the following:

12 (1) A reasonable opportunity for the pupil or the ~~pupil's~~ parent
13 or *legal guardian of the pupil* to explain the absences.

14 (2) A method for identification in the ~~pupil's~~ record *of the pupil*
15 of the failing grades assigned to the pupil on the basis of excessive
16 unexcused absences.

17 (c) Notwithstanding the provisions of subdivision (a) of Section
18 49061, the provisions of this section shall apply to the parent or
19 *legal guardian* of any pupil without regard to the age of the pupil.

20 *SEC. 4. Section 51224 of the Education Code is amended to*
21 *read:*

22 51224. The governing board of ~~any a~~ school district
23 maintaining a high school shall prescribe courses of study designed
24 to provide the skills and knowledge required for adult life for pupils
25 attending the schools within its school district. The governing
26 board shall prescribe ~~separate~~ courses of study, including, but not
27 limited to, ~~a course of study~~ designed to prepare prospective pupils
28 for admission to state colleges and universities and ~~a course of~~
29 ~~study for career technical training~~ *study designed to prepare a*
30 *pupil for work through career technical education training.*

31 *SEC. 5. Section 51228 of the Education Code is amended to*
32 *read:*

33 51228. (a) ~~Each~~ (1) A school district maintaining any of grades
34 7 to 12, inclusive, shall offer to all otherwise qualified pupils in
35 those grades a course of study fulfilling the requirements and
36 prerequisites for admission to the California public institutions of
37 postsecondary education and shall provide a timely opportunity
38 to each of those pupils to enroll within a four-year period in each
39 course necessary to fulfill those requirements and prerequisites
40 prior to graduation from high school.

1 (2) A school district shall be deemed to have fulfilled its
2 responsibilities pursuant to paragraph (1) if it fulfills, at each
3 middle school and high school in the district, as applicable, all of
4 the following requirements:

5 (A) For a high school, either of the following:

6 (i) Sixty-seven percent or more of the total courses offered are
7 certified by the University of California as meeting the
8 requirements for admission to the University of California and the
9 California State University and are taught by teachers who hold
10 credentials in the subject matter of the courses they teach.

11 (ii) The high school principal certifies that, during the preceding
12 school year, every pupil who asked to be enrolled in courses that
13 are taught by teachers who hold credentials in the subject matter
14 of the courses they teach and that are certified by the University
15 of California as meeting the requirements for admission to the
16 University of California and the California State University, and
17 who had completed, with a passing grade or better, any
18 prerequisite coursework, was enrolled in the requested courses.

19 (B) Offers courses that are certified by the University of
20 California as meeting the requirements for admission to the
21 University of California and the California State University in a
22 high school in numbers and at times that allow eligible pupils to
23 take those courses in the sequence of introductory and then
24 advanced courses recommended by the University of California
25 and the California State University, as applicable.

26 (C) Offers instructional support for pupils who struggle to, or
27 are at risk of failing to, complete courses that are certified by the
28 University of California as meeting the requirements for admission
29 to the University of California and the California State University
30 in the sequence of introductory and then advanced courses
31 recommended by the University of California and the California
32 State University, as applicable. Instructional support may include,
33 for example, tutoring; support classes that provide additional
34 instruction on the same content provided in individual classes that
35 are certified by the University of California as meeting the
36 requirements for admission to the University of California and the
37 California State University; extended school days or weeks,
38 including, but not limited to, Saturday classes; and block schedules.

39 (b) ~~Each~~ A school district maintaining any of grades 7 to 12,
40 inclusive, shall offer to all otherwise qualified pupils in those

1 grades a course of study that provides an opportunity for those
2 pupils to attain entry-level employment skills in business or
3 industry upon graduation from high school.—~~Districts School~~
4 ~~districts~~ are encouraged to provide all pupils with a rigorous
5 academic curriculum that integrates academic and career skills,
6 incorporates applied learning in all disciplines, and prepares all
7 pupils for high school graduation and career entry.

8 (c) ~~Any~~A school district that adopts a required curriculum that
9 meets or exceeds the model standards developed and adopted by
10 the State Board of Education pursuant to Section 51226 shall be
11 deemed to have fulfilled its responsibilities pursuant to subdivision
12 (b).

13 (d) ~~Any~~A school district that adopts a required curriculum
14 pursuant to subdivision (c) that meets or exceeds the model
15 standards developed by the State Board of Education pursuant to
16 Section 51226, or that adopts alternative means for pupils to
17 complete the prescribed course of study pursuant to subdivision
18 (b) of Section 51225.3, may substitute pupil demonstration of
19 competence in the prescribed subjects through a practical
20 demonstration of these skills in a regional occupational center or
21 program, work experience, interdisciplinary study, independent
22 study, credit earned at a postsecondary institution, or other outside
23 school experience, as prescribed by *subdivision (b) of Section*
24 ~~51225~~ 51225.3.

25 *SEC. 6. Section 52052 of the Education Code is amended to*
26 *read:*

27 52052. (a) (1) The Superintendent, with approval of the ~~state~~
28 ~~board~~ State Board, shall develop an Academic Performance Index
29 (API), to measure the performance of schools, especially the
30 academic performance of pupils.

31 (2) A school shall demonstrate comparable improvement in
32 academic achievement as measured by the API by all numerically
33 significant pupil subgroups at the school, including:

- 34 (A) Ethnic subgroups.
- 35 (B) Socioeconomically disadvantaged pupils.
- 36 (C) English language learners.
- 37 (D) Pupils with disabilities.

38 (3) (A) For purposes of this section, a numerically significant
39 pupil subgroup is one that meets both of the following criteria:

1 (i) The subgroup consists of at least 50 pupils each of whom
2 has a valid test score.

3 (ii) The subgroup constitutes at least 15 percent of the total
4 population of pupils at a school who have valid test scores.

5 (B) If a subgroup does not constitute 15 percent of the total
6 population of pupils at a school who have valid test scores, the
7 subgroup may constitute a numerically significant pupil subgroup
8 if it has at least 100 valid test scores.

9 (C) For a school with an API score that is based on no fewer
10 than 11 and no more than 99 pupils with valid test scores,
11 numerically significant subgroups shall be defined by the
12 Superintendent, with approval by the ~~state board~~ *State Board*.

13 (4) The API shall consist of a variety of indicators ~~currently~~
14 ~~reported to the department~~, including, but not limited to, the results
15 of the achievement test administered pursuant to Section 60640,
16 attendance rates for pupils in elementary schools, middle schools,
17 and secondary schools, ~~and~~ the graduation rates for pupils in
18 secondary schools, *and, for high schools, the percentage of*
19 *graduating pupils who complete, with a grade of C or better,*
20 *coursework certified by the University of California as meeting*
21 *the requirements for admission to the University of California and*
22 *the California State University, and the percentage of pupils who*
23 *complete, with a passing grade or better, career technical*
24 *education courses that are consistent with the curriculum*
25 *framework adopted by the State Board.*

26 (A) Graduation rates for pupils in secondary schools shall be
27 calculated for the API as follows:

28 (i) The number of pupils who graduated on time for the current
29 school year, which is considered to be three school years after the
30 pupils entered ~~9th~~ grade 9 for the first time, divided by the total
31 calculated in paragraph (2).

32 (ii) The number of pupils entering ~~9th~~ grade 9 for the first time
33 in the school year three school years prior to the current school
34 year, plus the number of pupils who transferred into the class
35 graduating at the end of the current school year between the school
36 year that was three school years prior to the current school year
37 and the date of graduation, less the number of pupils who
38 transferred out of the school between the school year that was three
39 school years prior to the current school year and the date of

1 graduation who were members of the class that is graduating at
2 the end of the current school year.

3 (B) The pupil data collected for the API that comes from the
4 achievement test administered pursuant to Sections 60640 and
5 60644 and the high school exit examination administered pursuant
6 to Section 60851, when fully implemented, shall be disaggregated
7 by special education status, English language learners,
8 socioeconomic status, gender and ethnic group. Only the test scores
9 of pupils who were counted as part of the enrollment in the annual
10 data collection of the California Basic Educational Data System
11 for the current fiscal year and who were continuously enrolled
12 during that year may be included in the test result reports in the
13 API score of the school. Results of the achievement test and other
14 tests specified in subdivision (b) shall constitute at least 60 percent
15 of the value of the index.

16 (C) Before including high school graduation rates and attendance
17 rates in the API, the Superintendent shall determine the extent to
18 which the data are currently reported to the state and the accuracy
19 of the data. Notwithstanding any other provision of law, graduation
20 rates for pupils in dropout recovery high schools shall not be
21 included in the API. For purposes of this subparagraph, “dropout
22 recovery high school” means a high school in which 50 percent
23 or more of its pupils have been designated as dropouts pursuant
24 to the exit/withdrawal codes developed by the department.

25 (D) The Superintendent shall provide an annual report to the
26 Legislature on the graduation and dropout rates in California and
27 shall make the same report available to the public. The report shall
28 be accompanied by the release of publicly accessible data for each
29 school district and school in a manner that provides for
30 disaggregation based upon socioeconomically disadvantaged pupils
31 and numerically significant subgroups scoring below average on
32 ~~statewide standards-aligned~~ *standards-aligned* assessments. In
33 addition, the data shall be made available in a manner that provides
34 for comparisons of a minimum of three years of data.

35 (b) Pupil scores from the following tests, when available and
36 when found to be valid and reliable for this purpose, shall be
37 incorporated into the API:

38 (1) The assessment of the applied academic skills matrix test
39 developed pursuant to Section 60604.

1 (2) The nationally normed test designated pursuant to Section
2 60642.

3 (3) The standards-based achievement tests provided for in
4 Section 60642.5.

5 (4) The high school exit examination.

6 (c) Based on the API, the Superintendent shall develop, and the
7 ~~state board~~ *State Board* shall adopt, expected annual percentage
8 growth targets for all schools based on their API baseline score
9 from the previous year. Schools are expected to meet these growth
10 targets through effective allocation of available resources. For
11 schools below the statewide API performance target adopted by
12 the ~~state board~~ *State Board* pursuant to subdivision (d), the
13 minimum annual percentage growth target shall be 5 percent of
14 the difference between the actual API score of a school and the
15 statewide API performance target, or one API point, whichever is
16 greater. Schools at or above the statewide API performance target
17 shall have, as their growth target, maintenance of their API score
18 above the statewide API performance target. However, the ~~state~~
19 ~~board~~ *State Board* may set differential growth targets based on
20 grade level of instruction and may set higher growth targets for
21 the lowest performing schools because they have the greatest room
22 for improvement. To meet its growth target, a school shall
23 demonstrate that the annual growth in its API is equal to or more
24 than its schoolwide annual percentage growth target and that all
25 numerically significant pupil subgroups, as defined in subdivision
26 (a), are making comparable improvement.

27 (d) Upon adoption of state performance standards by the ~~state~~
28 ~~board~~ *State Board*, the Superintendent shall recommend, and the
29 ~~state board~~ *State Board* shall adopt, a statewide API performance
30 target that includes consideration of performance standards and
31 represents the proficiency level required to meet the state
32 performance target. When the API is fully developed, schools
33 must, at a minimum, meet their annual API growth targets to be
34 eligible for the Governor's Performance Award Program as set
35 forth in Section 52057. The ~~state board~~ *State Board* may establish
36 additional criteria that schools must meet to be eligible for the
37 Governor's Performance Award Program.

38 (e) The API shall be used for both of the following:

1 (1) Measuring the progress of schools selected for participation
2 in the Immediate Intervention/Underperforming Schools Program
3 pursuant to Section 52053.

4 (2) Ranking all public schools in the state for the purpose of the
5 High Achieving/Improving Schools Program pursuant to Section
6 52056.

7 (f) (1) A school with 11 to 99 pupils with valid test scores shall
8 receive an API score with an asterisk that indicates less statistical
9 certainty than API scores based on 100 or more test scores.

10 (2) A school shall annually receive an API score, unless the
11 Superintendent determines that an API score would be an invalid
12 measure of the performance of the school for one or more of the
13 following reasons:

14 (A) Irregularities in testing procedures occurred.

15 (B) The data used to calculate the API score of the school are
16 not representative of the pupil population at the school.

17 (C) Significant demographic changes in the pupil population
18 render year-to-year comparisons of pupil performance invalid.

19 (D) The department discovers or receives information indicating
20 that the integrity of the API score has been compromised.

21 (E) Insufficient pupil participation in the assessments included
22 in the API.

23 (3) If a school has less than 100 pupils with valid test scores,
24 the calculation of the API or adequate yearly progress pursuant to
25 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
26 et seq.) and federal regulations may be calculated over more than
27 one annual administration of the tests administered pursuant to
28 Sections 60640 and 60644 and the high school exit examination
29 administered pursuant to Section 60851, consistent with regulations
30 adopted by the ~~state board~~ *State Board*.

31 (g) Only schools with 100 or more test scores contributing to
32 the API may be included in the API rankings.

33 (h) The Superintendent, with the approval of the ~~state board~~
34 *State Board*, shall develop an alternative accountability system for
35 schools under the jurisdiction of a county board of education or a
36 county superintendent of schools, community day schools,
37 nonpublic, nonsectarian schools pursuant to Section 56366, and
38 alternative schools serving high-risk pupils, including continuation
39 high schools and opportunity schools. Schools in the alternative

1 accountability system may receive an API score, but shall not be
2 included in the API rankings.

3 *SEC. 7. Section 52336 of the Education Code is amended to*
4 *read:*

5 52336. (a) Any business, trade or professional association,
6 union, or state or local governmental agency operating within this
7 state may establish and operate, under the auspices of the local
8 school district, a career preparatory program within this state that
9 meets the requirements of this article.

10 (b) As part of a career preparatory program, an entity
11 establishing and operating the program shall develop and
12 implement a course of instruction for all pupils enrolled in the
13 program that satisfies the *curricular* requirements ~~of Section~~
14 ~~51225.3 for admission to the University of California and~~
15 ~~California State University~~ applicable to grades 11 and 12.

16 (c) Subject to the development of the course of instruction
17 delineated in subdivision (b) and to continuing certification by the
18 ~~State Department of Education~~ *department*, an entity establishing
19 and operating a career preparatory program may propose and
20 implement a program that is designed to provide on-the-job training
21 and instruction in specific career technical skills to prepare ~~students~~
22 *pupils* for future employment.

23 (d) An entity establishing and operating a career preparatory
24 program shall present pupils who have successfully completed all
25 aspects of the program with a certificate of completion that shall
26 supplement a high school diploma.

27 *SEC. 8. Section 52336.1 of the Education Code is repealed.*

28 ~~52336.1. Any pupil who has successfully completed his or her~~
29 ~~education through grade 10, with the written consent of his or her~~
30 ~~parent or guardian, may choose to follow either a traditional college~~
31 ~~preparatory curriculum or a career preparatory program established~~
32 ~~pursuant to Section 52336.~~

33 *SEC. 9. Section 52378 of the Education Code is amended to*
34 *read:*

35 52378. The Middle and High School Supplemental Counseling
36 Program is hereby established for the purpose of providing
37 additional counseling services to pupils in grades 7 to 12, inclusive.
38 As a condition of receiving funds, the governing board of each
39 school district maintaining any of grades 7 to 12, inclusive, shall
40 do all of the following:

1 (a) The program shall be adopted at a public meeting of the
2 governing board of a school district and shall include all of the
3 following:

4 (1) A provision for individualized review of the pupil's academic
5 and deportment records of the pupil.

6 (2) A provision for individualized review of the career goals of,
7 and the available academic and career technical education
8 opportunities and community and workplace experiences available
9 to, the pupil that may support the pursuit of the goals of the pupil.

10 ~~(2)~~

11 (3) A provision for a counselor to meet with each pupil and, if
12 practicable, the parents or legal guardian of the pupil, to explain
13 the academic and deportment records of the pupil, his or her
14 educational options, the coursework and academic progress needed
15 for satisfactory completion of middle or high school, passage of
16 the high school exit examination, and eligibility for admission to
17 a four-year institution of postsecondary education, including the
18 University of California and the California State University, as
19 well as the availability of career technical education. The
20 educational options explained at the meeting shall, if services are
21 available, include the college preparatory program and vocational
22 career technical education programs, including regional
23 occupational centers and programs and any other alternatives
24 available to pupils within the school district.

25 (b) In addition to the counseling services described in
26 subdivision (a), school districts shall identify pupils who are at
27 risk of not graduating with the rest of their class or are at risk of
28 not being eligible for admission to the University of California
29 and the California State University, are not earning credits at a
30 rate that will enable them to pass the high school exit examination,
31 or do not have sufficient training to allow them to fully engage in
32 their chosen career, and shall do all of the following:

33 (1) Require each school within its jurisdiction that enrolls pupils
34 in grades 10 and 12 to develop a list of coursework and experience
35 necessary to assist each pupil in their respective grade that has not
36 passed one or both parts of the high school exit examination or
37 has not satisfied, or is not on track to satisfy, the curricular
38 requirements for admission to the University of California and the
39 California State University, and to successfully transition to
40 postsecondary education or employment.

1 (2) Require each school within its jurisdiction that enrolls pupils
 2 in grade 7 to develop a list of coursework and experience necessary
 3 to assist each pupil in grade 7 who is deemed to be at the far below
 4 basic level in English language arts or mathematics pursuant to
 5 California Standards Tests administered to pupils in grade 6 to
 6 successfully transition to high school and meet all graduation
 7 requirements, including passing the high school exit examination.

8 (3) *Require each school within its jurisdiction that enrolls pupils*
 9 *in grade 7 to develop a list of coursework and experience necessary*
 10 *to assist each pupil in grade 7 to begin to satisfy the requirements*
 11 *for admission to the University of California and California State*
 12 *University systems.*

13 ~~(3)~~

14 (4) A copy of the ~~list of coursework and experience necessary~~
 15 *lists developed pursuant to paragraphs (2) and (3)* shall be
 16 provided to the pupil and his or her parent or legal guardian. The
 17 school district shall ensure that the list of coursework and
 18 experience is part of the cumulative records of the pupil.

19 (c) (1) In addition to the items identified in subdivision (b), the
 20 list of coursework and experience for a pupil enrolled in grade 12
 21 shall include options for continuing his or her education if he or
 22 she fails to meet graduation requirements. These options shall
 23 include, but not be limited to, all of the following:

24 (A) Enrolling in an adult education program.

25 (B) Enrolling in a community college.

26 (C) Continuing enrollment in the ~~pupil's~~ school district *of the*
 27 *pupil.*

28 (2) A copy of the list of coursework and experience necessary
 29 shall be provided to the pupil and his or her parent or legal
 30 guardian. The school district shall ensure that the list of coursework
 31 and experience is part of the cumulative records of the pupil.

32 (d) As a condition of receipt of funds pursuant to this article, a
 33 school district shall require each school within its jurisdiction to
 34 offer and schedule an individual conference with each pupil,
 35 identified in paragraphs (1) ~~and~~, (2), *and* (3) of subdivision (b),
 36 and his or her parent or legal guardian, and a school counselor.
 37 The individual conference shall be scheduled, to the extent feasible,
 38 according to the following requirements:

1 (1) For a pupil enrolled in grade 7, the conference shall occur
2 before January of that school year in which the pupil is enrolled
3 in grade 7.

4 (2) For a pupil enrolled in grade 10, the conference shall occur
5 between the spring of that school year in which the pupil is enrolled
6 in grade 10 and the fall of the following school year in which the
7 pupil would be enrolled in grade 11. ~~For the 2006–07 school year,~~
8 ~~the conference shall occur on or before December 31, 2006.~~ *For*
9 *a school operating on a multitrack, year-round calendar, the*
10 *conference for a pupil enrolled in grade 10 shall occur in the*
11 *timeframe that is equivalent to that specified timeframe for a school*
12 *operating on a traditional calendar.*

13 (3) For a pupil enrolled in grade 12, the conference shall occur
14 after November of that school year in which the pupil is enrolled
15 in grade 12, but before March of the same school year. *For a school*
16 *operating on a multitrack, year-round calendar, the conference*
17 *for a pupil enrolled in grade 12 shall occur in the timeframe that*
18 *is equivalent to that specified timeframe for a school operating on*
19 *a traditional calendar.*

20 (e) During the individual conference described in subdivision
21 (d), the school counselor shall apprise the pupil identified in
22 paragraphs (1) ~~and~~, (2), *and* (3) of subdivision (b), and his or her
23 parent or *legal* guardian of the following:

24 (1) Consequences of not passing the high school exit
25 examination.

26 (2) Programs, courses, and career technical education options
27 available for pupils needed for satisfactory completion of middle
28 or high school.

29 (3) Cumulative records and transcripts of the pupil.

30 (4) Performance on standardized and diagnostic assessments of
31 the pupil.

32 (5) Remediation strategies, high school courses, and alternative
33 education options available to the pupil.

34 (6) Information on postsecondary education and training.

35 (7) ~~The pupil's~~ *score of the pupil* on the English language arts
36 or mathematics portion of the California Standards Test
37 administered in grade 6, as applicable.

38 (8) *Eligibility requirements, including coursework and test*
39 *requirements, and the progress of the pupil toward satisfaction of*
40 *those requirements for admission to four-year institutions of*

1 *postsecondary education, including, at least, the University of*
2 *California and the California State University.*

3 *(9) The availability of financial aid for postsecondary education.*

4 *SEC. 10. Section 52380 of the Education Code is amended to*
5 *read:*

6 52380. As a condition of receipt of funds pursuant to this
7 chapter, a school district shall submit an annual report in a manner
8 determined by the Superintendent that describes the number of
9 pupils served, the number of school counselors involved in
10 conferences, the number and percentage of pupils who participated
11 in conferences and who successfully ~~pass~~ *passed* the high school
12 exit examination *and satisfied the requirements for admission to*
13 *the University of California and the California State University,*
14 *and the number and percentage of pupils who participated in*
15 *conferences and who fail to pass one or both sections of the exit*
16 *examination, and a summary of the most prevalent results for*
17 *pupils based on the graduation plans developed pursuant to this*
18 *chapter.*

19 *SEC. 11. Chapter 18 (commencing with Section 53100) is*
20 *added to Part 28 of Division 4 of Title 2 of the Education Code,*
21 *to read:*

22

23 *CHAPTER 18. FAIR COMPETITION FOR COLLEGE AND CAREER*
24 *PILOT PROGRAM*

25

26 53100. (a) *The Fair Competition for College and Career Pilot*
27 *Program is hereby established and shall be administered by the*
28 *Superintendent.*

29 (b) (1) *The purpose of the five-year pilot program is to assist*
30 *high schools that choose to, and are selected to, participate in*
31 *providing access to rigorous, comprehensive programs that*
32 *combine college preparatory academic and technical courses of*
33 *study, as well as college and career counseling and college- and*
34 *work-based learning opportunities to interested pupils throughout*
35 *the state.*

36 (2) *Because individual high schools have developed different*
37 *levels of infrastructure for the existence and support of*
38 *comprehensive programs, up to 100 individual, comprehensive*
39 *high schools eligible for grants through the program will be funded*
40 *only after their submission to, and approval by, the Superintendent*

1 of a five-year plan and budget for the school pursuant to Section
2 53103.

3 (c) For purposes of this chapter, it is the intent of the Legislature
4 that college preparatory and career technical education courses
5 mutually reinforce one another.

6 53101. For purposes of this chapter, the following terms have
7 the following meaning, unless the context requires otherwise:

8 (a) “Career technical education courses” means those
9 sequences of career technical education courses that are aligned
10 to the career technical education curriculum framework adopted
11 by the State Board.

12 (b) “College preparatory courses” means those courses that
13 satisfy the curricular requirements for admission to the University
14 of California and the California State University.

15 (c) “Comprehensive high school” means a high school that is
16 not an opportunity school.

17 (d) “Program” means the Fair Competition for College and
18 Career Program established pursuant to this chapter.

19 53102. (a) The Superintendent shall identify comprehensive
20 high schools in deciles 1 to 5, inclusive, of the Academic
21 Performance Index (API), as defined in subdivision (b) of Section
22 17592.70, that enroll 400 or more pupils and that meet at least
23 two of the following criteria:

24 (1) Fewer than 15 percent of the pupils in the class of 2006, as
25 measured by the number of pupils entering grade 9 in 2002,
26 completed the necessary curricular requirements for admission
27 to the University of California and the California State University
28 with a C average or better.

29 (2) Fewer than 67 percent of the total courses offered by the
30 school qualify as college preparatory courses.

31 (3) Fewer than 80 percent of the college preparatory and career
32 technical education courses of the school are taught by teachers
33 who hold a credential or subject matter certification in the subject
34 matter of the course or courses they teach.

35 (4) A majority of the pupils of the school qualify for free or
36 reduced-price meals.

37 (b) (1) By January 15, 2008, the Superintendent shall invite
38 schools identified pursuant to subdivision (a) to apply to participate
39 in the program.

1 (2) *The invitation shall discuss the availability of the grant*
2 *funds, which are intended to increase the capacity of a school to*
3 *offer pupils the opportunity to access and succeed in college*
4 *preparatory and career technical education courses and to receive*
5 *support and information regarding how to qualify for admission*
6 *to a two- or four-year institution of postsecondary education.*

7 (c) *The Superintendent or staff members designated by him or*
8 *her, from January to April 2008, inclusive, shall publicize the*
9 *program, encourage invited schools to participate, and be available*
10 *to confer with school officials to answer questions regarding the*
11 *program.*

12 53103. (a) *A school invited to apply to participate in the*
13 *program pursuant to subdivision (b) of Section 53102 may apply*
14 *to participate in the program by submitting a five-year program*
15 *participation plan and budget to the Superintendent no later than*
16 *April 3, 2008.*

17 (b) *The five-year plan of the school should reflect a set of*
18 *strategies and benchmarks specific to that high school.*

19 (c) *A school district may apply on behalf of eligible schools in*
20 *its jurisdiction to the Superintendent for the award of a grant*
21 *pursuant to this part. The application of a school district on behalf*
22 *of some or all of its eligible schools shall include a plan and budget*
23 *developed for each of those schools by the district. If grants are*
24 *awarded pursuant to the application of a school district, the district*
25 *shall receive the funds as a lump sum and shall be responsible for*
26 *the appropriate distribution of those funds to the schools.*

27 (d) (1) *The Superintendent shall select no more than 100*
28 *comprehensive high schools for participation in, and funding*
29 *pursuant to, the program after the approval of the five-year plan*
30 *and budget for each of those schools.*

31 (2) *Priority for selection of the schools to participate in the*
32 *program shall be given to high schools based upon their differential*
33 *needs, as measured by the proportion of college preparatory and*
34 *career technical education courses offered out of the total courses*
35 *offered, the proportion of college preparatory and career technical*
36 *education courses that are taught by teachers with the credentials*
37 *and subject-matter certification for the courses they teach out of*
38 *the total courses offered, and the quality of the five-year plan of*
39 *the school submitted to the Superintendent.*

1 53104. (a) From funds made available for purposes of this
2 part, the Superintendent shall allocate a total of one hundred
3 dollars (\$100) per pupil, to each school selected for participation
4 in the program pursuant to Section 53103 for implementation of
5 the five-year plan of the school. However, it is the intent of the
6 Legislature that no more than twenty-five million dollars
7 (\$25,000,000) be appropriated for purposes of these grants during
8 a fiscal year.

9 (b) (1) Funds awarded pursuant to this chapter shall be used
10 by the recipient school at its schoolsite to provide academic
11 assistance and services to pupils necessary to do any of the
12 following:

13 (A) Prepare pupils for the rigor of college preparatory courses,
14 including additional instructional time.

15 (B) Increase the access of pupils to college preparatory and
16 career technical education courses and the success of pupils in
17 those courses.

18 (C) Inform pupils about the benefits of, and requirements for,
19 enrollment in college preparatory and career technical education
20 courses.

21 (D) Increase the enrollment of graduates of the school in two-
22 and four-year institutions of postsecondary education.

23 (2) The funds awarded pursuant to this chapter also may be
24 used for any of the following:

25 (A) Teacher and counselor recruitment.

26 (B) The integration of the curriculum, so that the content
27 includes a blend of college preparatory and career technical
28 education courses.

29 (C) Professional development and training geared toward
30 enabling school professionals to teach and advise pupils currently
31 underrepresented in the California public institutions of
32 postsecondary education.

33 (c) Funds awarded pursuant to this part shall not be used as a
34 required local contribution for any other state-funded outreach,
35 academic achievement, or college preparation program.

36 (d) (1) The office of the Secretary for Education shall seek
37 private partners to match state funding. The Fair Competition for
38 College and Career Fund is hereby established in the State
39 Treasury to receive these funds. The Superintendent shall be
40 responsible for the administration of the fund and the distribution

1 of the funds to program participants consistent with the purposes
2 of this program.

3 (2) It is the intent of the Legislature that schools and school
4 districts also will seek private partners to assist in the
5 implementation of school and district efforts pursuant to
6 participation in the program.

7 53105. From May to August 2008, inclusive, a high school
8 selected for participation in the program shall do both of the
9 following:

10 (a) Develop a detailed needs assessment and action plan for
11 implementation of the program in conjunction with the
12 Superintendent and members of the school community.

13 (b) Hold at least two public meetings to explain the program,
14 including its benefits and its requirements, to members of the
15 school community, and to solicit implementation suggestions.

16 53106. Funds received by schools pursuant to this chapter may
17 be used for any of the following activities:

18 (a) Providing at least two additional college preparatory course
19 offerings per academic year, including at least one each in
20 mathematics in the first two years of participation in the program,
21 until at least 67 percent of the total courses offered by the school
22 qualify as college preparatory courses. To the extent feasible, new
23 course offerings shall utilize courses that integrate college
24 preparatory content and career technical education and learning
25 strategies that include the application of coursework to career
26 settings in order to engage and motivate pupils with relevant
27 learning experiences.

28 (b) Providing funding to teachers to attend training seminars,
29 including, but not limited to, summer institutes and weekend
30 workshops on curricular integration; applied teaching and learning
31 strategies, such as project-based learning; the assessment of the
32 substantive knowledge of pupils other than through traditional
33 grading; and other pedagogical methods intended to help pupils
34 access and succeed in college preparatory coursework.

35 (c) Establishing a support system for college preparatory and
36 career technical education course teachers at individual high
37 schools to ensure the implementation of engaging, quality
38 curriculum and instructional methods. The support system may
39 include use of a mentor teacher, time away from teaching duties

1 *for a mentor or lead teacher to observe and consult with other*
2 *teachers, and ongoing staff development for teams of teachers.*

3 *(d) Employing additional teachers and establishing incentives*
4 *and inducements to recruit and support highly trained teachers of*
5 *schools with low college preparatory and career technical*
6 *education course offerings.*

7 *(e) Establishing a policy requiring teachers to teach both college*
8 *preparatory and career technical education courses. This policy*
9 *shall be designed to broaden the pool of teachers, foster a culture*
10 *of rigorous curricular integration between college preparatory*
11 *and career technical education courses, and allow teachers to*
12 *cultivate a pipeline of potential pupils for future program activities.*

13 *(f) Establishing a policy of assigning teachers to teach courses*
14 *for which they hold the appropriate subject matter credential.*

15 *(g) Establishing training of counselors and administrators to*
16 *provide additional support and mentoring to pupils and to promote*
17 *a culture of college and career preparation by holding bimonthly*
18 *meetings to discuss with pupils and their parents academic*
19 *planning for access to, and success in, postsecondary education*
20 *programs, including advice on courses needed for admission to*
21 *the California public institutions of postsecondary education,*
22 *standardized admission tests, and financial aid. Additional training*
23 *may focus on advising parents of the importance of investing for*
24 *postsecondary education for their children.*

25 *(h) Establishing parent seminars to offer parents the opportunity*
26 *to learn about, and understand the benefits of, college access,*
27 *career opportunities, and options for paying for further education*
28 *and training for their children.*

29 *(i) Establishing instructional support and assistance programs*
30 *for pupils who are in or are entering high school to aid them in*
31 *meeting the challenges related to achieving future education and*
32 *career goals by doing any of the following:*

33 *(1) Creating pupil support through advisory tutoring and after*
34 *school and college preparatory classes.*

35 *(2) Providing high school pupils who need additional academic*
36 *support for successful participation in college preparatory courses*
37 *with backup courses scheduled during the regular schoolday or*
38 *after school, such as courses that provide additional instruction*
39 *on the same content provided in other courses or block scheduling.*

1 (3) *Extending the schoolday, school year, or school week, to*
2 *weekends, to provide additional academic support.*

3 (4) *Providing pupils who will enter high school during the next*
4 *school year and pupils already in high school who are lacking the*
5 *academic preparation to succeed in college preparatory courses,*
6 *with summer bridge classes to prepare them for those courses.*
7 *These summer classes shall be designed to help pupils develop*
8 *basic academic competencies for the content they will be expected*
9 *to learn during the next academic year.*

10 (5) *Providing career exploration activities, career guidance,*
11 *mentoring, and other and work-based learning opportunities to*
12 *help pupils consider their postsecondary education and career*
13 *goals.*

14 (j) *Partnering with feeder middle schools to ensure that they*
15 *provide prealgebra and algebra classes to all interested grade 8*
16 *pupils, first-year foreign language courses to all interested grade*
17 *7 pupils, and career exploration activities to all interested pupils*
18 *in grades 7 and 8.*

19 (k) *For hard-to-staff schools, establishing partnerships with*
20 *local community colleges or universities to enable high school*
21 *pupils to enroll concurrently in college courses that meet college*
22 *admission requirements.*

23 (l) *For hard-to-staff schools, establishing partnerships with*
24 *local community colleges to assign community college instructors*
25 *to those hard-to-staff high schools.*

26 (m) *Establishing mentoring programs sponsored by interested*
27 *university and industry partners to assist teachers and pupils.*

28 (n) *Providing or maintaining science laboratories and technical*
29 *facilities sufficiently equipped and in good working order for all*
30 *science-related courses.*

31 (o) *Funding the purchase of technology such as hardware,*
32 *software, and the connectivity to use distance learning and*
33 *computer-based curricula.*

34 53107. (a) *As a condition of receiving funds pursuant to this*
35 *part, a high school shall do all of the following:*

36 (1) *Design and submit, no later than September 1, 2008, a*
37 *comprehensive needs assessment, including rigorous annual*
38 *benchmarks, in each of the following categories:*

39 (A) *College preparatory and career technical education*
40 *curricular offerings, including, but not limited to, a detailed*

1 *analysis of the current school course matrix, including the*
2 *availability of career technical education courses, upper-level*
3 *courses, and Advanced Placement and International Baccalaureate*
4 *courses.*

5 *(B) The percentage of pupils who have completed, with a grade*
6 *of C or higher, at least eight courses that meet requirements for*
7 *admission to the California institutions of postsecondary education*
8 *by the end of grade 10.*

9 *(C) The percentage of pupils who have completed, with a grade*
10 *of C or higher, the entire sequence of at least 15 courses that satisfy*
11 *the requirements for admission to the California institutions of*
12 *postsecondary education, following the pattern specified by the*
13 *University of California among seven subject areas, by the end of*
14 *grade 12.*

15 *(D) The percentage of pupils who have completed a sequence*
16 *of at least four career technical courses by the end of grade 12.*

17 *(E) The availability of teachers who hold a credential, or subject*
18 *matter certification, in the same subject matter taught by that*
19 *teacher in the career technical education or college preparatory*
20 *course areas.*

21 *(F) The quality and availability of a college and career*
22 *counseling program, including all of the following:*

23 *(i) The number of pupils who apply for financial aid for*
24 *postsecondary education.*

25 *(ii) The number of pupils who apply to a four-year institution*
26 *of postsecondary education.*

27 *(iii) The number of pupils who participated in the Eligibility in*
28 *the Local Context program of the University of California for*
29 *admission to the University of California.*

30 *(iv) The number of pupils who apply for apprenticeship*
31 *programs.*

32 *(G) The availability of college admission test preparation*
33 *programs and the provision of information on college admission*
34 *tests and the availability of industry skill certificates.*

35 *(H) The percentage of pupils who took the tests generally*
36 *required for college admission.*

37 *(2) (A) Implement a plan that will result in its pupils having*
38 *access, no later than the beginning of the 2008–09 academic year,*
39 *to at least two additional college preparatory and one additional*

1 *career technical education course offerings, including at least one*
2 *additional course in upper-level mathematics.*

3 *(B) The plan shall provide for additional sections of courses to*
4 *be added annually until at least 67 percent of the total academic*
5 *course offerings of the school are college preparatory courses*
6 *pursuant to the five-year plan.*

7 *(3) (A) Design and implement a plan that will result in its pupils*
8 *having access, no later than the beginning of the 2008–09*
9 *academic year, to at least 80 percent of all college preparatory*
10 *and career technical education courses being taught by teachers*
11 *holding the appropriate credentials and subject-matter certification*
12 *by the end of third year of implementation of the five-year plan.*

13 *(B) The plan shall provide for additional numbers of courses*
14 *to be taught by teachers holding the appropriate credentials and*
15 *subject-matter certification annually until all of the college*
16 *preparatory course offerings of the school are taught by fully*
17 *credentialed or subject-matter trained teachers at the end of the*
18 *implementation of the five-year plan.*

19 *(4) Develop the plans pursuant to paragraphs (2) and (3)*
20 *collaboratively among the high school, its feeder middle schools,*
21 *and, where appropriate, any partner institutions of postsecondary*
22 *education, industry associations, or community based*
23 *organizations.*

24 *(5) Utilize at least two of the tutoring and instructional support*
25 *services described in subdivision (i) of Section 53106, or provided*
26 *under University of California outreach programs and other*
27 *state-approved college preparatory programs.*

28 *(b) A participating school shall assign each pupil, upon entry*
29 *into high school, with an unique pupil identifier to track his or her*
30 *coursework, grades, completion of college preparatory courses*
31 *satisfying the curricular requirements for admission to the*
32 *University of California and the California State University,*
33 *graduation, receipt of any state scholarships or grants, and*
34 *matriculation to a public university or community college.*

35 *(c) A participating school shall encourage pupils to utilize*
36 *distance learning options for pathway course offerings, where*
37 *appropriate.*

38 *(d) A participating school that achieves the annual improvement*
39 *targets contained in its five-year plan shall publish, in paper and*
40 *online, an annual report on its best practices to aid other grant*

1 recipient schools and inform the general public. This report shall
2 include the goals, implementation plan, strategies, and results of
3 the participation in the program of the school.

4 53108. (a) The governing board of the school district of a
5 school that fails to meet its annual growth targets, as defined in
6 the five-year plan of the school, within 12 months following receipt
7 of funding pursuant to this chapter shall invite public comment at
8 a regularly scheduled board meeting to inform members of the
9 school community of the lack of progress in terms of any or the
10 following that apply:

11 (1) The percentage of course offerings that are career technical
12 education courses and college preparatory courses.

13 (2) The percentage of teachers with the appropriate credentials
14 and subject-matter certification assigned to those courses described
15 in paragraph (1).

16 (3) The percentage of entering grade 9 pupils who graduate
17 having completed the college preparatory and career technical
18 course sequences with a C average or better.

19 (4) Any reasons for the lack of progress.

20 (b) The governing board of the school district shall, upon
21 consultation with an external evaluator, and schoolsite and
22 community team, choose from a range of interventions for the
23 school, including reassignment of school personnel to the extent
24 authorized by law, or other changes deemed appropriate, in order
25 to continue implementing the action plan of the school and to make
26 progress toward meeting the improvement targets of the school
27 established in its five-year plan.

28 53109. (a) The Superintendent shall contract for an
29 independent evaluation of the effectiveness of the program and
30 report its findings to the Governor and the Legislature on or before
31 August 1, 2010.

32 (b) This report shall detail, by individual participating high
33 school, all of the following:

34 (1) The percentage of course offerings that are college
35 preparatory or career technical education courses.

36 (2) The percentage of teachers who hold the proper credentials
37 and subject-matter certifications for the college preparatory or
38 career technical education courses, or both, that they teach.

1 (3) *The percentage of pupils entering in grade 9 who graduate*
 2 *four years later having completed the college preparatory and*
 3 *career technical course sequences with a C average or better.*

4 (4) *The number of pupils who satisfied the requirements for*
 5 *admission to the University of California and the California State*
 6 *University.*

7 (5) *The number of pupils entering in grade 9 who matriculated*
 8 *to a two- or four-year university or college or apprenticeship*
 9 *program.*

10 (6) *Reasons for progress, or lack thereof, as stated by the*
 11 *principal of each participating high school or a member of the*
 12 *governing board of the school district of a participating high*
 13 *school.*

14 (c) *The Legislature shall use this report to determine the*
 15 *advisability of extending the program or increasing funding for*
 16 *this program to include new schools and continue funding for*
 17 *existing pilot schools.*

18 53110. *This chapter shall remain in effect only until January*
 19 *1, 2014, and as of that date is repealed, unless a later enacted*
 20 *statute, that is enacted before January 1, 2014, deletes or extends*
 21 *that date.*

22 SEC. 12. *Section 66204 of the Education Code is amended to*
 23 *read:*

24 66204. (a) ~~The Superintendent of Public Instruction~~ shall assist
 25 all school districts to ensure that all public high school pupils have
 26 access to a core curriculum that meets the admission requirements
 27 of the University of California and the California State University.
 28 ~~The Superintendent of Public Instruction~~ shall advise school
 29 districts that maintain high schools about the importance of making
 30 readily available to each high school pupil the current list of
 31 courses offered by the school attended by that pupil that are
 32 certified by the University of California as meeting ~~admissions~~
 33 *admission* requirements. It is the intent of the Legislature that each
 34 public high school shall provide the full ~~pre-collegiate college~~
 35 *preparatory* program, provide adequate course sections in
 36 ~~pre-collegiate college preparatory~~ programs to accommodate all
 37 its pupils, and regularly counsel pupils to enter those programs
 38 and courses. There shall be no policy or practice in ~~any~~ a public
 39 elementary or secondary school of directing, especially for cultural
 40 or linguistic reasons, ~~any~~ a pupil in kindergarten or any of ~~the~~

1 grades 1 to 12, inclusive, away from choosing programs that
2 prepare that pupil academically for college.

3 *(b) To the extent that funds are appropriated for purposes of*
4 *this paragraph, the Superintendent shall annually present a report*
5 *to the State Board describing the status of compliance with Section*
6 *51228 for all school districts that offer middle or high school*
7 *instruction in which any middle or high schools are ranked in*
8 *deciles 1 to 3, inclusive, of the 2003 base Academic Performance*
9 *Index, as defined in subdivision (b) of Section 17592.70.*

10 *(c) For a school district the Superintendent identifies as having*
11 *failed to ensure that all high school pupils have access to a core*
12 *curriculum that meets the requirements for admission to the*
13 *California public institutions of postsecondary education and*
14 *career preparation needs, as defined in Section 51228, the*
15 *Superintendent shall do all of the following:*

16 *(1) Prepare an annual report for the Legislature by July 1 each*
17 *year that specifically defines and documents the areas of*
18 *noncompliance.*

19 *(2) Assign the County Office Fiscal Crisis and Management*
20 *Assistance Team (FCMAT) established pursuant to Section*
21 *42127.8, or the county superintendent of schools for the county in*
22 *which the school district is located, to review school district and*
23 *school course assignment and tracking practices and the provision*
24 *of guidance and college counseling services, and provide the*
25 *district with recommendations to streamline and improve the*
26 *course assignment and tracking practices and provision of*
27 *guidance and counseling services.*

28 *(3) Work with school district staff for the subsequent two school*
29 *years to ensure that the district follows the recommendations of*
30 *FCMAT or the county superintendent of schools, unless the district*
31 *shows, to the satisfaction of the Superintendent, good cause for*
32 *failure to do so. If the Superintendent approves a school district*
33 *not following the recommendations of FCMAT or the county*
34 *superintendent of schools, the Superintendent shall develop, in*
35 *collaboration with district staff, an alternative plan for achieving*
36 *compliance with Section 51228.*

37 ~~(b)~~

38 *(d) The University of California is requested to assist each*
39 *school district that maintains a high school in order to ensure all*
40 *of the following:*

1 (1) School districts understand the process by which courses
2 are submitted to the University of California to be reviewed and
3 certified as meeting *the requirements for admission requirement*
4 *criteria*.

5 (2) School districts have an internal process for developing
6 courses and submitting courses for review and certification by the
7 University of California in order to meet admission requirement
8 criteria.

9 (3) School districts maintain accurate lists of courses that are
10 currently offered by the high schools and are certified by the
11 University of California as meeting admission requirement criteria.

12 (4) Updated lists described in paragraph (3) are readily made
13 available by the school districts to each high school pupil and a
14 copy of that list is annually provided to each high school pupil.

15 (e)

16 (e) It is the intent of the Legislature that the public and
17 independent institutions of higher education participate in programs
18 that assist those in elementary and secondary education in meeting
19 their responsibilities in preparing ~~students~~ *pupils* for college.

20 *SEC. 13. If the Commission on State Mandates determines that*
21 *this act contains costs mandated by the state, reimbursement to*
22 *local agencies and school districts for those costs shall be made*
23 *pursuant to Part 7 (commencing with Section 17500) of Division*
24 *4 of Title 2 of the Government Code.*