

AMENDED IN SENATE MAY 2, 2007  
AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 405**

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**Introduced by Senator Steinberg**

February 21, 2007

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An act to amend Sections 1240, 49067, 51224, 51228, 52052, ~~52236~~, 52336, 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.

(1) Existing law requires a 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 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~~ *the monitoring of, and specified reporting on, schools related to the access of 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 offering specified assistance to a school* when he or she determines ~~a~~ *that* 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, *but is not required to*, 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 *the API to include additional indicators related to the completion rates of coursework rates at which pupils who enrolled in (A) a course required for admission to the California public institutions of postsecondary education and, or (B) a career technical education coursework course that meets the curriculum framework content standards adopted by the State Board of Education, completed the course and earned a grade of C or better. The API also would be required to include the percentage of pupils in each graduating class who completed the curricular requirements for admission to the University of California and the California State University.*

(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~~ *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: yes.  
State-mandated local program: 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  
30 that require higher order thinking to ensure their long-term success  
31 in the workplace.

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

1 (6) According to State Department of Education data, 55 percent  
2 of California public high schools—serving approximately 900,000  
3 pupils—do not provide a sufficiently rigorous curriculum for pupils  
4 to complete the courses that are minimally required for admission  
5 eligibility to the California State University and the University of  
6 California. In more than one-quarter of the public high schools of  
7 California, more than 20 percent of college preparatory courses  
8 are taught by teachers who are not trained in the subject matter  
9 they teach.

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

28 (8) According to a March 2006 poll conducted on behalf of the  
29 James Irvine Foundation by Peter D. Hart Research Associates,  
30 Inc., 89 percent of the grade 9 and 10 pupils in California believe  
31 that a school where they could take courses that they need for  
32 college, but also have more opportunity to acquire skills and  
33 knowledge relevant to future careers, would be more interesting  
34 to them. In addition, 91 percent of those pupils say they would be  
35 more motivated to work hard and do well if they attended that kind  
36 of school. California can and should provide that type of schooling  
37 to its pupils. Yet, according to State Department of Education data,  
38 in the 2005–06 school year, only 16.5 percent of the total number  
39 of CTE courses taught in California public high schools met the

1 minimum eligibility requirements for admission to the California  
2 State University and the University of California.

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

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

13 (1) Close the opportunity gap for the public school pupils of  
14 California, assuring that immediately and over time pupils have  
15 full, meaningful opportunities to realize their dreams for their  
16 futures, in the workforce as well as in higher education; and  
17 encourage the high schools of California to offer pupils multiple  
18 pathways to lasting success in both their future education and their  
19 careers.

20 (2) Provide incentives and sanctions to ensure that every high  
21 school offers a sufficient number of college preparatory courses  
22 to enable every pupil to satisfy college eligibility requirements, in  
23 sequence, at their own school, with adequate counseling to ensure  
24 pupils are advised of the sequence requirements, including before  
25 their grade 9 course schedules are determined.

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

31 (4) Promote development of curricula including both academic  
32 and CTE courses that integrates the academic and CTE content  
33 standards of the state to produce clusters and sequences of courses  
34 that engage more high school pupils and, through industry related  
35 applications, help them understand the necessity of mastering  
36 higher levels of academic and technical knowledge.

37 (5) Set a standard according to which CTE coursework is  
38 sufficiently rigorous to allow meaningful entry into the workforce  
39 and, at the same time, allowing every pupil an opportunity to satisfy  
40 the minimum coursework requirements, in sequence and in the

1 school of each pupil, for admission eligibility to the California  
2 State University and the University of California.

3 (6) Modify the Middle and High School Supplemental  
4 Counseling Program (Article 4.5 (commencing with Section 52378)  
5 of Chapter 9 of Part 28 of the Education Code) to ensure that  
6 districts participating in the two hundred million dollar  
7 (\$200,000,000) program provide counselors who advise pupils  
8 regarding course taking options that integrate career preparation  
9 with college eligibility requirements.

10 (7) Ensure the provision of appropriately trained teachers for  
11 all coursework, including career technical and college eligibility  
12 coursework, and build the capacity of CTE teachers to reinforce  
13 and supplement academic knowledge and skills related to their  
14 industry and the capacity of academic teachers to connect their  
15 particular discipline to industry related applications and problems.

16 (8) Build the capacity of *school* districts and schools in the state  
17 to achieve the standards for course rigor and offerings, including,  
18 but not limited to, shifting school schedules to more flexible  
19 schedules that allow for greater course taking options and utilizing  
20 new and existing professional development programs.

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

25 (10) Shore up existing data systems to fully provide an  
26 integrated, transparent data system that allows parents and legal  
27 guardians, the community, and policymakers to access useful  
28 information about the provision by schools of courses that prepare  
29 pupils for both career and college, as well as the success of schools  
30 in increasing rates of high school completion and the transition of  
31 pupils to postsecondary education and work.

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

37 (12) Build academic relevance by increasing the number of CTE  
38 courses that satisfy requirements for classes that prospective  
39 California State University and University of California pupils are  
40 required to complete while in high school, and by encouraging

1 more attention to authentic, industry-related applications of the  
2 academic knowledge and skills taught in college preparatory  
3 academic subjects that pupils are required to complete for high  
4 school graduation and to be eligible for admission to the California  
5 State University and the University of California.

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

9  
10 “[T]he building blocks for CTE are, in part, the academic  
11 knowledge gained in core courses such as English and  
12 mathematics, and success in CTE is dependent on students’  
13 increasing skills and knowledge in multiple arenas within the  
14 academic core. For example, veterinary medical courses are  
15 of little use without a detailed understanding of biology,  
16 accounting courses are founded on mathematical knowledge,  
17 and the family and human services pathway professions all  
18 require high-level communication skills initially fostered in  
19 English-language arts courses. It is essential that CTE courses  
20 integrate, support, and reinforce core academics to ensure that  
21 students have these skills for the CTE foundation.”

22  
23 SEC. 2. Section 1240 of the Education Code is amended to  
24 read:

25 1240. The county superintendent of schools shall do all of the  
26 following:

27 (a) Superintend the schools of his or her county.

28 (b) Maintain responsibility for the fiscal oversight of each school  
29 district in his or her county pursuant to the authority granted by  
30 this code.

31 (c) (1) Visit and examine each school in his or her county at  
32 reasonable intervals to observe its operation and to learn of its  
33 problems. He or she may annually present a report of the state of  
34 the schools in his or her county, and of his or her office, including,  
35 but not limited to, his or her observations while visiting the schools,  
36 to the board of education and the board of supervisors of his or  
37 her county.

38 (2) (A) For fiscal years 2004–05 to 2006–07, inclusive, to the  
39 extent that funds are appropriated for purposes of this paragraph,  
40 the county superintendent, or his or her designee, shall annually

1 submit a report, at a regularly scheduled November board meeting,  
2 to the governing board of each school district under his or her  
3 jurisdiction, the county board of education of his or her county,  
4 and the board of supervisors of his or her county describing the  
5 state of the schools in the county or of his or her office that are  
6 ranked in deciles 1 to 3, inclusive, of the 2003 base Academic  
7 Performance Index (API), as defined in subdivision (b) of Section  
8 17592.70, and shall include, among other things, his or her  
9 observations while visiting the schools and his or her  
10 determinations for each school regarding the status of all of the  
11 circumstances listed in subparagraph (I) and teacher  
12 misassignments and teacher vacancies. As a condition for receipt  
13 of funds, the county superintendent, or his or her designee, shall  
14 use a standardized template to report the circumstances listed in  
15 subparagraph (I) and teacher misassignments and teacher vacancies,  
16 unless the current annual report being used by the county  
17 superintendent, or his or her designee, already includes those details  
18 for each school.

19 (B) Commencing with the 2007–08 fiscal year, to the extent  
20 that funds are appropriated for purposes of this paragraph, the  
21 county superintendent, or his or her designee, shall annually submit  
22 a report, at a regularly scheduled November board meeting, to the  
23 governing board of each school district under his or her jurisdiction,  
24 the county board of education of his or her county, and the board  
25 of supervisors of his or her county describing the state of the  
26 schools in the county or of his or her office that are ranked in  
27 deciles 1 to 3, inclusive, of the 2006 base API, pursuant to Section  
28 52056. As a condition for the receipt of funds, the annual report  
29 shall include the determinations for each school made by the county  
30 superintendent, or his or her designee, regarding the status of all  
31 of the circumstances listed in subparagraph (I) and teacher  
32 misassignments and teacher vacancies, and the county  
33 superintendent, or his or her designee, shall use a standardized  
34 template to report the circumstances listed in subparagraph (I) and  
35 teacher misassignments and teacher vacancies, unless the current  
36 annual report being used by the county superintendent, or his or  
37 her designee, already includes those details with the same level of  
38 specificity that is otherwise required by this subdivision. For  
39 purposes of this section, schools ranked in deciles 1 to 3, inclusive,

1 on the 2006 base API shall include any schools determined by the  
2 department to meet either of the following:

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

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

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

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

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

12 (C) The department shall estimate an API score for any school  
13 meeting the criteria of subclauses (I) and (II) of clause (i) of  
14 subparagraph (B) and not meeting the criteria of subclause (III)  
15 of clause (i) of subparagraph (B), using available testing scores  
16 and any weighting or corrective factors it deems appropriate. The  
17 department shall post the API scores on its Internet Web site on  
18 or before May 1.

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

23 (E) (i) Commencing with the 2010–11 fiscal year and every  
24 third year thereafter, the Superintendent shall identify a list of  
25 schools ranked in deciles 1 to 3, inclusive, of the API for which  
26 the county superintendent, or his or her designee, shall annually  
27 submit a report, at a regularly scheduled November board meeting,  
28 to the governing board of each school district under his or her  
29 jurisdiction, the county board of education of his or her county,  
30 and the board of supervisors of his or her county that describes the  
31 state of the schools in the county or of his or her office that are  
32 ranked in deciles 1 to 3, inclusive, of the base API as defined in  
33 clause (ii).

34 (ii) For the 2010–11 fiscal year, the list of schools ranked in  
35 deciles 1 to 3, inclusive, of the base API shall be updated using  
36 the criteria set forth in clauses (i) and (ii) of subparagraph (B);  
37 ~~subparagraph (C), and subparagraph~~ *and subparagraphs (C) and*  
38 (D), as applied to the 2009 base API, and thereafter shall be  
39 updated every third year using the criteria set forth in clauses (i)  
40 and (ii) of subparagraph (B), ~~subparagraph (C), and subparagraph~~

1 *and subparagraphs (C) and (D)*, as applied to the base API of the  
2 year preceding the third year consistent with clause (i).

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

14 (F) The county superintendent of the Counties of Alpine,  
15 Amador, Del Norte, Mariposa, Plumas, *and* Sierra, and the City  
16 and County of San Francisco shall contract with another county  
17 office of education or an independent auditor to conduct the  
18 required visits and make all reports required by this paragraph.

19 (G) On a quarterly basis, the county superintendent, or his or  
20 her designee, shall report the results of the visits and reviews  
21 conducted that quarter to the governing board of the school district  
22 at a regularly scheduled meeting held in accordance with public  
23 notification requirements. The results of the visits and reviews  
24 shall include the determinations of the county superintendent, or  
25 his or her designee, for each school regarding the status of all-~~of~~  
26 the circumstances listed in subparagraph (I) and teacher  
27 misassignments and teacher vacancies. If the county  
28 superintendent, or his or her designee, conducts no visits or reviews  
29 in a quarter, the quarterly report shall report that fact.

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

32 (i) Minimize disruption to the operation of the school.  
33 (ii) Be performed by individuals who meet the requirements of  
34 Section 45125.1.

35 (iii) Consist of not less than 25 percent unannounced visits in  
36 each county. During unannounced visits in each county, the county  
37 superintendent shall not demand access to documents or specific  
38 school personnel. Unannounced visits shall only be used to observe  
39 the condition of school repair and maintenance, and the sufficiency  
40 of instructional materials, as defined by Section 60119.

1 (I) The priority objective of the visits made pursuant to this  
2 paragraph shall be to determine the status of all of the following  
3 circumstances:

4 (i) Sufficient textbooks as defined in Section 60119 and as  
5 specified in subdivision (i).

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

9 (iii) The accuracy of data reported on the school accountability  
10 report card with respect to the availability of sufficient textbooks  
11 and instructional materials, as defined by Section 60119, and the  
12 safety, cleanliness, and adequacy of school facilities, including  
13 good repair as required by Sections 17014, 17032.5, 17070.75,  
14 and 17089.

15 (J) The county superintendent may make the status  
16 determinations described in subparagraph (I) during a single visit  
17 or multiple visits. In determining whether to make a single visit  
18 or multiple visits for this purpose, the county superintendent shall  
19 take into consideration factors such as cost-effectiveness, disruption  
20 to the schoolsite, deadlines, and the availability of qualified  
21 reviewers.

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

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

30 (ii) Prepare a report that specifically identifies and documents  
31 the areas or instances of noncompliance if the district has not  
32 provided evidence of successful repairs within 30 days of the visit  
33 of the county superintendent or, for major projects, has not  
34 provided evidence that the repairs will be conducted in a timely  
35 manner. The report may be provided to the governing board of the  
36 school district. If the report is provided to the school district, it  
37 shall be presented at a regularly scheduled meeting held in  
38 accordance with public notification requirements. The county  
39 superintendent shall post the report on his or her Internet Web site.

- 1 The report shall be removed from the Internet Web site when the
- 2 county superintendent verifies the repairs have been completed.
- 3 (d) Distribute all laws, reports, circulars, instructions, and blanks
- 4 that he or she may receive for the use of the school officers.
- 5 (e) Annually, on or before August 15, present a report to the
- 6 governing board of the school district and the Superintendent
- 7 regarding the fiscal solvency of any school district with a
- 8 disapproved budget, qualified interim certification, or a negative
- 9 interim certification, or that is determined at any time to be in a
- 10 position of fiscal uncertainty pursuant to Section 42127.6.
- 11 (f) Keep in his or her office the reports of the Superintendent.
- 12 (g) Keep a record of his or her official acts, and of all the
- 13 proceedings of the county board of education, including a record
- 14 of the standing, in each study, of all applicants for certificates who
- 15 have been examined, which shall be open to the inspection of any
- 16 applicant or his or her authorized agent.
- 17 (h) Enforce the course of study.
- 18 (i) (1) Enforce the use of state textbooks and instructional
- 19 materials and of high school textbooks and instructional materials
- 20 regularly adopted by the proper authority in accordance with
- 21 Section 51050.
- 22 (2) For purposes of this subdivision, sufficient textbooks or
- 23 instructional materials has the same meaning as in subdivision (c)
- 24 of Section 60119.
- 25 (3) (A) Commencing with the 2005–06 school year, if a school
- 26 is ranked in any of deciles 1 to 3, inclusive, of the 2003 base API,
- 27 as defined in subdivision (b) of Section 17592.70, and not currently
- 28 under review pursuant to a state or federal intervention program,
- 29 the county superintendent shall specifically review that school at
- 30 least annually as a priority school. A review conducted for purposes
- 31 of this paragraph shall be completed by the fourth week of the
- 32 school year.
- 33 (B) In order to facilitate the review of instructional materials
- 34 before the fourth week of the school year, the county superintendent
- 35 of schools in a county with 200 or more schools that are ranked
- 36 in any of deciles 1 to 3, inclusive, of the 2003 base API, as defined
- 37 in subdivision (b) of Section 17592.70, may utilize a combination
- 38 of visits and written surveys of teachers for the purpose of
- 39 determining sufficiency of textbooks and instructional materials
- 40 in accordance with subparagraph (A) of paragraph (1) of

1 subdivision (a) of Section 60119 and as defined in subdivision (c)  
2 of Section 60119. If a county superintendent of schools elects to  
3 conduct written surveys of teachers, the county superintendent of  
4 schools shall visit the schools surveyed within the same academic  
5 year to verify the accuracy of the information reported on the  
6 surveys. If a county superintendent surveys teachers at a school  
7 in which the county superintendent has found sufficient textbooks  
8 and instructional materials for the previous two consecutive years  
9 and determines that the school does not have sufficient textbooks  
10 or instructional materials, the county superintendent shall within  
11 10 business days provide a copy of the insufficiency report to the  
12 school district as set forth in paragraph (4).

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

15 (4) If the county superintendent determines that a school does  
16 not have sufficient textbooks or instructional materials in  
17 accordance with subparagraph (A) of paragraph (1) of subdivision  
18 (a) of Section 60119 and as defined by subdivision (c) of Section  
19 60119, the county superintendent shall do all of the following:

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

22 (B) Provide within five business days of the review, a copy of  
23 the report to the school district, as provided in subdivision (c), or,  
24 if applicable, provide a copy of the report to the school district  
25 within 10 business days pursuant to subparagraph (B) of paragraph  
26 (3).

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

30 (D) If the deficiency is not remedied as required pursuant to  
31 subparagraph (C), the county superintendent shall request the  
32 department purchase the textbooks or instructional materials  
33 necessary to comply with the sufficiency requirement of this  
34 subdivision. If the department purchases textbooks or instructional  
35 materials for the school district, the department shall issue a public  
36 statement at the first regularly scheduled meeting of the ~~State Board~~  
37 *state board* occurring immediately after the department receives  
38 the request of the county superintendent and that meets the  
39 applicable public notice requirements, indicating that the district  
40 superintendent and the governing board of the school district failed

1 to provide pupils with sufficient textbooks or instructional materials  
2 as required by this subdivision. Before purchasing the textbooks  
3 or instructional materials, the department shall consult with the  
4 district to determine which textbooks or instructional materials to  
5 purchase. All purchases of textbooks or instructional materials  
6 shall comply with Chapter 3.25 (commencing with Section 60420)  
7 of Part 33. The amount of funds necessary for the purchase of the  
8 textbooks and materials is a loan to the school district receiving  
9 the textbooks or instructional materials. Unless the school district  
10 repays the amount owed based upon an agreed-upon repayment  
11 schedule with the Superintendent, the Superintendent shall notify  
12 the Controller and the Controller shall deduct an amount equal to  
13 the total amount used to purchase the textbooks and materials from  
14 the next principal apportionment of the district or from another  
15 apportionment of state funds.

16 (j) (1) (A) ~~Enforce~~ *Report to a school district on the availability*  
17 *to all otherwise qualified pupils in grades 7 to 12, inclusive, of a*  
18 *course of study fulfilling the requirements and prerequisites for*  
19 *admission to the California public institutions of postsecondary*  
20 *education, in accordance with Section 51228, at a school ranked*  
21 *in any of deciles 1 to 3, inclusive, of the API within the jurisdiction*  
22 *of that district.*

23 (B) For purposes of this subdivision, availability to all otherwise  
24 qualified pupils has the same meaning as in subdivision (b) of  
25 Section 51228.

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

31 (3) If the county superintendent determines that ~~the school a~~  
32 *school reviewed pursuant to paragraph (2)* does not make available  
33 to all otherwise qualified pupils in grades 7 to 12, inclusive, a  
34 course of study fulfilling the requirements for admission to the  
35 California public institutions of postsecondary education in  
36 accordance with Section 51228, the county superintendent shall,  
37 within the same school year, do both of the following:

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

1 (i) Provision of sufficient courses in high schools that are  
2 certified by the University of California as meeting the  
3 requirements for admission to the University of California and the  
4 California State University in a manner that every otherwise  
5 qualified pupil is able to access in the sequence of introductory  
6 and then advanced courses recommended by the University of  
7 California and the California State University, as applicable.

8 (ii) Assignment of teachers who hold a credential and subject  
9 matter certification in the subject matter in which they teach, to  
10 courses that are certified by the University of California as meeting  
11 the requirements for admission to the University of California and  
12 the California State University.

13 (iii) Provision of instructional support sufficient for pupils  
14 enrolled in courses that are certified by the University of California  
15 as meeting the requirements for admission to the University of  
16 California and the California State University to be able to achieve  
17 a grade of C or better in the courses.

18 (iv) Assignment within middle schools of pupils to prealgebra  
19 or higher level mathematics courses and foreign language courses  
20 that are certified by the University of California as meeting the  
21 requirements for admission to the University of California and the  
22 California State University.

23 (B) In response to the assessment conducted in subparagraph  
24 (A), ~~take one or more of the following steps~~ *offer assistance to the*  
25 *school consistent with one or more of the following:*

26 (i) ~~Develop and report~~ *Developing and reporting* on a plan,  
27 including benchmarks, for increased availability of courses that  
28 are certified by the University of California as meeting the  
29 requirements for admission to the University of California and the  
30 California State University to achieve compliance with Section  
31 51228, including modifications to core academic courses to  
32 integrate career technical education and learning strategies that  
33 include the application of coursework to career settings.

34 (ii) ~~Provide~~ *Offering* management assistance and counselor  
35 in-service training to ensure that otherwise eligible middle and  
36 high school pupils are able to enroll in courses that are certified  
37 by the University of California as meeting the requirements for  
38 admission to the University of California and the California State  
39 University.

1 ~~(iii) Enroll the school in the Advancement Via Individual~~  
2 ~~Determination (AVID) program to provide technical assistance,~~  
3 ~~professional development, and site resources to enable secondary~~  
4 ~~pupils to succeed in rigorous curricula and increase their~~  
5 ~~opportunities to enroll in four-year colleges.~~

6 ~~(iv)~~

7 ~~(iii) If the enrollment of pupils whose first language is not~~  
8 ~~English, including both English language learners and pupils who~~  
9 ~~have been reclassified as proficient in English, in the school~~  
10 ~~exceeds 25 percent, provide recommending classes designed to~~  
11 ~~enable native speakers of other languages to meet the foreign~~  
12 ~~language requirements for admission to the University of California~~  
13 ~~and the California State University.~~

14 ~~(v) Assign~~

15 ~~(iv) Recommending use of a personnel management assistance~~  
16 ~~team, as defined in Section 44740, to assist the school and school~~  
17 ~~district in increasing the numbers of teachers who hold a credential~~  
18 ~~and subject matter certification in the subject matter of the courses~~  
19 ~~they teach that are certified by the University of California as~~  
20 ~~meeting the requirements for admission to the University of~~  
21 ~~California and the California State University, and to encourage~~  
22 ~~the district to apply for professional development funding,~~  
23 ~~consistent, for example, with Section 99234, to allow teachers who~~  
24 ~~do not hold either a credential or a subject matter certification in~~  
25 ~~the subjects they teach to advance their training and obtain the~~  
26 ~~proper credentials and subject matter certifications.~~

27 ~~(vi) Develop and report~~

28 ~~(v) Developing and reporting on a plan, including benchmarks,~~  
29 ~~for availability or increased availability of instructional support,~~  
30 ~~including, but not limited to, extended instructional time, tutoring,~~  
31 ~~partnership with a university outreach program, and intervention,~~  
32 ~~sufficient for pupils enrolled in courses that are certified by the~~  
33 ~~University of California as meeting the requirements for admission~~  
34 ~~to the University of California and the California State University~~  
35 ~~to be able to achieve passing grades in those courses.~~

36 ~~(k) Preserve carefully all reports of school officers and teachers.~~

37 ~~(l) (1) Submit two reports during the fiscal year to the county~~  
38 ~~board of education in accordance with the following:~~

39 ~~(A) The first report shall cover the financial and budgetary status~~  
40 ~~of the county office of education for the period ending October~~

1 31. The second report shall cover the period ending January 31.  
2 Both reports shall be reviewed by the county board of education  
3 and approved by the county superintendent of schools no later than  
4 45 days after the close of the period being reported.

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

32 (2) All reports and certifications required under this subdivision  
33 shall be in a format or on forms prescribed by the Superintendent,  
34 and shall be based on standards and criteria for fiscal stability  
35 adopted by the ~~State Board~~ *state board* pursuant to Section 33127.  
36 The reports and supporting data shall be made available by the  
37 county superintendent of schools to any interested party upon  
38 request.

39 (3) This subdivision does not preclude the submission of  
40 additional budgetary or financial reports by the county

1 superintendent to the county board of education or to the  
2 Superintendent.

3 (4) The county superintendent of schools is not responsible for  
4 the fiscal oversight of the community colleges in the county.  
5 However, he or she may perform financial services on behalf of  
6 those community colleges.

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

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

13 (o) For purposes of Section 44421.5, report to the Commission  
14 on Teacher Credentialing the identity of any certificated person  
15 who knowingly and willingly reports false fiscal expenditure data  
16 relative to the conduct of any educational program. This  
17 requirement applies only if, in the course of his or her normal  
18 duties, the county superintendent of schools discovers information  
19 that gives him or her reasonable cause to believe that false fiscal  
20 expenditure data relative to the conduct of any educational program  
21 has been reported.

22 SEC. 3. Section 49067 of the Education Code is amended to  
23 read:

24 49067. (a) The governing board of each school district shall  
25 prescribe regulations requiring the evaluation of the achievement  
26 of each pupil for each marking period and requiring a conference  
27 with, or a written report to, the parent of each pupil whenever it  
28 becomes evident to the teacher that the pupil is in danger of failing  
29 a course or that the pupil is at risk of not meeting the curricular  
30 requirements for admission to the California public institutions of  
31 postsecondary education. The refusal of the parent to attend the  
32 conference, or to respond to the written report, shall not preclude  
33 failing the pupil at the end of the grading period.

34 (b) The governing board of any school district may adopt  
35 regulations authorizing a teacher to assign a failing grade to any  
36 pupil whose absences from the class of the teacher that are not  
37 excused pursuant to Section 48205 equal or exceed a maximum  
38 number that shall be specified by the board. Regulations adopted  
39 pursuant to this subdivision shall include, but not be limited to,  
40 the following:

1 (1) A reasonable opportunity for the pupil or the parent or legal  
2 guardian of the pupil to explain the absences.

3 (2) A method for identification in the record of the pupil of the  
4 failing grades assigned to the pupil on the basis of excessive  
5 unexcused absences.

6 (c) Notwithstanding the provisions of subdivision (a) of Section  
7 49061, the provisions of this section shall apply to the parent or  
8 legal guardian of any pupil without regard to the age of the pupil.

9 SEC. 4. Section 51224 of the Education Code is amended to  
10 read:

11 51224. The governing board of a school district maintaining  
12 a high school shall prescribe courses of study designed to provide  
13 the skills and knowledge required for adult life for pupils attending  
14 the schools within its school district. The governing board shall  
15 prescribe courses of study, including, but not limited to, study  
16 designed to prepare prospective pupils for admission to state  
17 colleges and universities and study designed to prepare a pupil for  
18 work through career technical education training.

19 SEC. 5. Section 51228 of the Education Code is amended to  
20 read:

21 51228. (a) (1) A school district maintaining any of grades 7  
22 to 12, inclusive, shall offer to all otherwise qualified pupils in those  
23 grades a course of study fulfilling the requirements and  
24 prerequisites for admission to the California public institutions of  
25 postsecondary education and shall provide a timely opportunity  
26 to each of those pupils to enroll within a four-year period in each  
27 course necessary to fulfill those requirements and prerequisites  
28 prior to graduation from high school.

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

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

34 ~~(i) Sixty-seven percent or more of the total courses offered are~~  
35 ~~certified by the University of California as meeting the~~  
36 ~~requirements for admission to the University of California and the~~  
37 ~~California State University and are taught by teachers who hold~~  
38 ~~credentials in the subject matter of the courses they teach.~~

39 ~~(ii) The high school principal certifies that, during the preceding~~  
40 ~~school year, every pupil who asked to be enrolled in courses that~~

1 are taught by teachers who hold credentials in the subject matter  
2 of the courses they teach and that are certified by the University  
3 of California as meeting the requirements for admission to the  
4 University of California and the California State University, and  
5 who had completed, with a passing grade or better, any prerequisite  
6 coursework, was enrolled in the requested courses.

7 (B) Offers courses that are certified by the University of  
8 California as meeting the requirements for admission to the  
9 University of California and the California State University in a  
10 high school in numbers and at times that allow eligible pupils to  
11 take those courses in the sequence of introductory and then  
12 advanced courses recommended by the University of California  
13 and the California State University, as applicable.

14 (C) Offers instructional support for pupils who struggle to, or  
15 are at risk of failing to, complete courses that are certified by the  
16 University of California as meeting the requirements for admission  
17 to the University of California and the California State University  
18 in the sequence of introductory and then advanced courses  
19 recommended by the University of California and the California  
20 State University, as applicable. Instructional support may include,  
21 for example, tutoring; support classes that provide additional  
22 instruction on the same content provided in individual classes that  
23 are certified by the University of California as meeting the  
24 requirements for admission to the University of California and the  
25 California State University; extended school days or weeks,  
26 including, but not limited to, Saturday classes; and block schedules.

27 (2) (A) *A school district shall be deemed to have fulfilled its*  
28 *responsibilities pursuant to paragraph (1) if it, at each school in*  
29 *the district offering grade 7 or 8, or both, offers instructional*  
30 *support for pupils in that grade or those grades who struggle to,*  
31 *or are at risk of failing to, complete courses that are certified by*  
32 *the University of California as meeting the requirements for*  
33 *admission to the University of California and the California State*  
34 *University in the sequence of introductory and then advanced*  
35 *courses recommended by the University of California and the*  
36 *California State University, as applicable. Instructional support*  
37 *may include, for example, tutoring; support classes that provide*  
38 *additional instruction on the same content provided in individual*  
39 *classes that are certified by the University of California as meeting*  
40 *the requirements for admission to the University of California and*

1 *the California State University; extended school days or weeks,*  
2 *including, but not limited to, Saturday classes; and block schedules.*

3 (B) A school district shall be deemed to have fulfilled its  
4 responsibilities pursuant to paragraph (1) if it fulfills, at each high  
5 school in the district, both of the following requirements:

6 (i) Offers sufficient courses that are certified by the University  
7 of California as meeting the requirements for admission to the  
8 University of California and the California State University and  
9 are taught by teachers who hold credentials in the subject matter  
10 of the courses that they teach in numbers and at times that allow  
11 all pupils to take those courses in the sequence of introductory  
12 and then advanced courses recommended by the University of  
13 California and the California State University, as applicable,  
14 except if pupils have not completed, with a passing grade or better,  
15 any prerequisite coursework.

16 (ii) Offers instructional support for pupils who struggle to, or  
17 are at risk of failing to, complete courses that are certified by the  
18 University of California as meeting the requirements for admission  
19 to the University of California and the California State University  
20 in the sequence of introductory and then advanced courses  
21 recommended by the University of California and the California  
22 State University, as applicable. Instructional support may include,  
23 for example, tutoring; support classes that provide additional  
24 instruction on the same content provided in individual classes that  
25 are certified by the University of California as meeting the  
26 requirements for admission to the University of California and the  
27 California State University; extended school days or weeks,  
28 including, but not limited to, Saturday classes; and block schedules.

29 (b) A school district maintaining any of grades 7 to 12, inclusive,  
30 shall offer to all otherwise qualified pupils in those grades a course  
31 of study that provides an opportunity for those pupils to attain  
32 entry-level employment skills in business or industry upon  
33 graduation from high school. School districts are encouraged to  
34 provide all pupils with a rigorous academic curriculum that  
35 integrates academic and career skills, incorporates applied learning  
36 in all disciplines, and prepares all pupils for high school graduation  
37 and career entry.

38 (c) A school district that adopts a required curriculum that meets  
39 or exceeds the model standards developed and adopted by the State

1 ~~Board~~ *state board* pursuant to Section 51226 shall be deemed to  
2 have fulfilled its responsibilities pursuant to subdivision (b).

3 (d) A school district that adopts a required curriculum pursuant  
4 to subdivision (c) that meets or exceeds the model standards  
5 developed by the ~~State Board~~ *state board* pursuant to Section  
6 51226, or that adopts alternative means for pupils to complete the  
7 prescribed course of study pursuant to subdivision (b) of Section  
8 51225.3, may substitute pupil demonstration of competence in the  
9 prescribed subjects through a practical demonstration of these  
10 skills in a regional occupational center or program, work  
11 experience, interdisciplinary study, independent study, credit  
12 earned at a postsecondary institution, or other outside school  
13 experience, as prescribed by subdivision (b) of Section 51225.3.

14 SEC. 6. Section 52052 of the Education Code is amended to  
15 read:

16 52052. (a) (1) The Superintendent, with approval of the ~~State~~  
17 ~~Board~~ *state board*, shall develop an Academic Performance Index  
18 (API), to measure the performance of schools, especially the  
19 academic performance of pupils.

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

- 23 (A) Ethnic subgroups.
- 24 (B) Socioeconomically disadvantaged pupils.
- 25 (C) English language learners.
- 26 (D) Pupils with disabilities.

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

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

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

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

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

1     ~~(4) The API shall consist of a variety of indicators, including,~~  
2 ~~but not limited to, the results of the achievement test administered~~  
3 ~~pursuant to Section 60640, attendance rates for pupils in elementary~~  
4 ~~schools, middle schools, and secondary schools, the graduation~~  
5 ~~rates for pupils in secondary schools, and, for high schools, the~~  
6 ~~percentage of graduating pupils who complete, with a grade of C~~  
7 ~~or better, coursework certified by the University of California as~~  
8 ~~meeting the requirements for admission to the University of~~  
9 ~~California and the California State University, and the percentage~~  
10 ~~of pupils who complete, with a passing grade or better, career~~  
11 ~~technical education courses that are consistent with the curriculum~~  
12 ~~framework adopted by the State Board.~~

13     *(4) (A) The API shall consist of a variety of indicators,*  
14 *including, but not limited to, all of the following:*

15     *(i) The results of the achievement test administered pursuant to*  
16 *Section 60640.*

17     *(ii) The attendance rates for pupils in elementary schools, middle*  
18 *schools, and secondary schools.*

19     *(iii) The graduation rates for pupils in secondary schools.*

20     *(iv) For high schools:*

21     *(I) Of the pupils who enrolled in a course certified by the*  
22 *University of California as meeting the requirements for admission*  
23 *to the University of California and the California State University,*  
24 *the percentage of those pupils who completed that course and*  
25 *earned a grade of C or better.*

26     *(II) Of the pupils who enrolled in a course that satisfied the*  
27 *California Career Technical Education Model Curriculum*  
28 *Standards, also known as the career technical education content*  
29 *standards adopted by the state board, the percentage of those*  
30 *pupils who completed that course and earned a grade of C or*  
31 *better.*

32     *(III) The percentage of the pupils in each graduating class who*  
33 *completed the curricular requirements for admission to the*  
34 *University of California and the California State University.*

35     ~~(A)~~

36     *(B) Graduation rates for pupils in secondary schools shall be*  
37 *calculated for the API as follows:*

38     *(i) The number of pupils who graduated on time for the current*  
39 *school year, which is considered to be three school years after the*

1 pupils entered grade 9 for the first time, divided by the total  
2 calculated in ~~paragraph (2)~~ clause (ii).

3 (ii) The number of pupils entering grade 9 for the first time in  
4 the school year three school years prior to the current school year,  
5 plus the number of pupils who transferred into the class graduating  
6 at the end of the current school year between the school year that  
7 was three school years prior to the current school year and the date  
8 of graduation, less the number of pupils who transferred out of the  
9 school between the school year that was three school years prior  
10 to the current school year and the date of graduation who were  
11 members of the class that is graduating at the end of the current  
12 school year.

13 ~~(B)~~

14 (C) The pupil data collected for the API that comes from the  
15 achievement test administered pursuant to Sections 60640 and  
16 60644 and the high school exit examination administered pursuant  
17 to Section 60851, when fully implemented, shall be disaggregated  
18 by special education status, English language learners,  
19 socioeconomic status, gender and ethnic group. Only the test scores  
20 of pupils who were counted as part of the enrollment in the annual  
21 data collection of the California Basic Educational Data System  
22 for the current fiscal year and who were continuously enrolled  
23 during that year may be included in the test result reports in the  
24 API score of the school. Results of the achievement test and other  
25 tests specified in subdivision (b) shall constitute at least 60 percent  
26 of the value of the index.

27 ~~(C)~~

28 (D) Before including high school graduation rates and attendance  
29 rates in the API, the Superintendent shall determine the extent to  
30 which the data are currently reported to the state and the accuracy  
31 of the data. Notwithstanding any other provision of law, graduation  
32 rates for pupils in dropout recovery high schools shall not be  
33 included in the API. For purposes of this subparagraph, “dropout  
34 recovery high school” means a high school in which 50 percent  
35 or more of its pupils have been designated as dropouts pursuant  
36 to the exit/withdrawal codes developed by the department.

37 ~~(D)~~

38 (E) The Superintendent shall provide an annual report to the  
39 Legislature on the graduation and dropout rates in California and  
40 shall make the same report available to the public. The report shall

1 be accompanied by the release of publicly accessible data for each  
2 school district and school in a manner that provides for  
3 disaggregation based upon socioeconomically disadvantaged pupils  
4 and numerically significant subgroups scoring below average on  
5 statewide standards-aligned assessments. In addition, the data shall  
6 be made available in a manner that provides for comparisons of a  
7 minimum of three years of data.

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

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

13 (2) The nationally normed test designated pursuant to Section  
14 60642.

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

17 (4) The high school exit examination.

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

39 (d) Upon adoption of state performance standards by the ~~State~~  
40 ~~Board~~ *state board*, the Superintendent shall recommend, and the

1 ~~State Board~~ *state board* shall adopt, a statewide API performance  
2 target that includes consideration of performance standards and  
3 represents the proficiency level required to meet the state  
4 performance target. When the API is fully developed, schools  
5 must, at a minimum, meet their annual API growth targets to be  
6 eligible for the Governor's Performance Award Program as set  
7 forth in Section 52057. The ~~State Board~~ *state board* may establish  
8 additional criteria that schools must meet to be eligible for the  
9 Governor's Performance Award Program.

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

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

14 (2) Ranking all public schools in the state for the purpose of the  
15 High Achieving/Improving Schools Program pursuant to Section  
16 52056.

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

20 (2) A school shall annually receive an API score, unless the  
21 Superintendent determines that an API score would be an invalid  
22 measure of the performance of the school for one or more of the  
23 following reasons:

24 (A) Irregularities in testing procedures occurred.

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

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

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

31 (E) Insufficient pupil participation in the assessments included  
32 in the API.

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

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

3 (h) The Superintendent, with the approval of the ~~State Board~~  
4 *state board*, shall develop an alternative accountability system for  
5 schools under the jurisdiction of a county board of education or a  
6 county superintendent of schools, community day schools,  
7 nonpublic, nonsectarian schools pursuant to Section 56366, and  
8 alternative schools serving high-risk pupils, including continuation  
9 high schools and opportunity schools. Schools in the alternative  
10 accountability system may receive an API score, but shall not be  
11 included in the API rankings.

12 SEC. 7. Section 52336 of the Education Code is amended to  
13 read:

14 52336. (a) Any business, trade or professional association,  
15 union, or state or local governmental agency operating within this  
16 state may establish and operate, under the auspices of the local  
17 school district, a career preparatory program within this state that  
18 meets the requirements of this article.

19 (b) As part of a career preparatory program, an entity  
20 establishing and operating the program shall develop and  
21 implement a course of instruction for all pupils enrolled in the  
22 program that satisfies the curricular requirements for admission  
23 to the University of California and California State University  
24 applicable to grades 11 and 12.

25 (c) Subject to the development of the course of instruction  
26 delineated in subdivision (b) and to continuing certification by the  
27 department, an entity establishing and operating a career  
28 preparatory program may propose and implement a program that  
29 is designed to provide on-the-job training and instruction in specific  
30 career technical skills to prepare pupils for future employment.

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

35 SEC. 8. Section 52336.1 of the Education Code is repealed.

36 SEC. 9. Section 52378 of the Education Code is amended to  
37 read:

38 52378. The Middle and High School Supplemental Counseling  
39 Program is hereby established for the purpose of providing  
40 additional counseling services to pupils in grades 7 to 12, inclusive.

1 As a condition of receiving funds, the governing board of each  
2 school district maintaining any of grades 7 to 12, inclusive, shall  
3 do all of the following:

4 (a) The program shall be adopted at a public meeting of the  
5 governing board of a school district and shall include all of the  
6 following:

7 (1) A provision for individualized review of the academic and  
8 deportment records of the pupil.

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

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

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

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

1 California State University, and to successfully transition to  
2 postsecondary education or employment.

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

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

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

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

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

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

1 (2) For a pupil enrolled in grade 10, the conference shall occur  
2 between the spring of that school year in which the pupil is enrolled  
3 in grade 10 and the fall of the following school year in which the  
4 pupil would be enrolled in grade 11. For a school operating on a  
5 multitrack, year-round calendar, the conference for a pupil enrolled  
6 in grade 10 shall occur in the timeframe that is equivalent to that  
7 specified timeframe for a school operating on a traditional calendar.

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

15 (e) During the individual conference described in subdivision  
16 (d), the school counselor shall apprise the pupil identified in  
17 paragraphs (1), (2), and (3) of subdivision (b), and his or her parent  
18 or legal guardian of the following:

19 (1) Consequences of not passing the high school exit  
20 examination.

21 (2) Programs, courses, and career technical education options  
22 available for pupils needed for satisfactory completion of middle  
23 or high school.

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

25 (4) Performance on standardized and diagnostic assessments of  
26 the pupil.

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

29 (6) Information on postsecondary education and training.

30 (7) The score of the pupil on the English language arts or  
31 mathematics portion of the California Standards Test administered  
32 in grade 6, as applicable.

33 (8) Eligibility requirements, including coursework and test  
34 requirements, and the progress of the pupil toward satisfaction of  
35 those requirements for admission to four-year institutions of  
36 postsecondary education, including, at least, the University of  
37 California and the California State University.

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

39 SEC. 10. Section 52380 of the Education Code is amended to  
40 read:

1 52380. As a condition of receipt of funds pursuant to this  
2 chapter, a school district shall submit an annual report in a manner  
3 determined by the Superintendent that describes the number of  
4 pupils served, the number of school counselors involved in  
5 conferences, the number and percentage of pupils who participated  
6 in conferences and who successfully passed the high school exit  
7 examination and satisfied the requirements for admission to the  
8 University of California and the California State University, and  
9 the number and percentage of pupils who participated in  
10 conferences and who fail to pass one or both sections of the exit  
11 examination, and a summary of the most prevalent results for  
12 pupils based on the graduation plans developed pursuant to this  
13 chapter.

14 SEC. 11. Chapter 18 (commencing with Section 53100) is  
15 added to Part 28 of Division 4 of Title 2 of the Education Code,  
16 to read:

17  
18 CHAPTER 18. FAIR COMPETITION FOR COLLEGE AND CAREER  
19 PILOT PROGRAM  
20

21 53100. (a) The Fair Competition for College and Career Pilot  
22 Program is hereby established and shall be administered by the  
23 Superintendent.

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

31 (2) Because individual high schools have developed different  
32 levels of infrastructure for the existence and support of  
33 comprehensive programs, up to 100 individual, comprehensive  
34 high schools eligible for grants through the program will be funded  
35 only after their submission to, and approval by, the Superintendent  
36 of a five-year plan and budget for the school pursuant to Section  
37 53103.

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

1 53101. For purposes of this chapter, the following terms have  
2 the following meaning, unless the context requires otherwise:

3 (a) “Career technical education courses” means those sequences  
4 of career technical education courses that are aligned to the career  
5 technical education curriculum framework adopted by the ~~State~~  
6 ~~Board~~ *state board*.

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

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

12 (d) “Program” means the Fair Competition for College and  
13 Career *Pilot* Program established pursuant to this chapter.

14 53102. (a) The Superintendent shall identify comprehensive  
15 high schools in deciles 1 to 5, inclusive, of the Academic  
16 Performance Index (API), ~~as defined in subdivision (b) of Section~~  
17 ~~17592.70~~, that enroll 400 or more pupils and that meet at least two  
18 of the following criteria:

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

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

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

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

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

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

1 (c) The Superintendent or staff members designated by him or  
2 her, from January to April 2008, inclusive, shall publicize the  
3 program, encourage invited schools to participate, and be available  
4 to confer with school officials to answer questions regarding the  
5 program.

6 53103. (a) A school invited to apply to participate in the  
7 program pursuant to subdivision (b) of Section 53102 may apply  
8 to participate in the program by submitting a five-year program  
9 participation plan and budget to the Superintendent no later than  
10 April 3, 2008.

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

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

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

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

34 53104. (a) From funds made available for purposes of this  
35 part, the Superintendent shall allocate a total of one hundred dollars  
36 (\$100) per pupil, to each school selected for participation in the  
37 program pursuant to Section 53103 for implementation of the  
38 five-year plan of the school. However, it is the intent of the  
39 Legislature that no more than twenty-five million dollars

1 (\$25,000,000) be appropriated for purposes of these grants during  
2 a fiscal year.

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

7 (A) Prepare pupils for the ~~rigor~~ *rigors* of college preparatory  
8 courses, including additional instructional time.

9 (B) Increase the access of pupils to college preparatory and  
10 career technical education courses and the success of pupils in  
11 those courses.

12 (C) Inform pupils about the benefits of, and requirements for,  
13 enrollment in college preparatory and career technical education  
14 courses.

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

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

19 (A) Teacher and counselor recruitment.

20 (B) The integration of the curriculum, so that the content  
21 includes a blend of college preparatory and career technical  
22 education courses.

23 (C) Professional development and training geared toward  
24 enabling school professionals to teach and advise pupils currently  
25 underrepresented in the California public institutions of  
26 postsecondary education.

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

30 (d) (1) The office of the Secretary for Education shall seek  
31 private partners to match state funding. The Fair Competition for  
32 College and Career Fund is hereby established in the State Treasury  
33 to receive these funds. The Superintendent shall be responsible  
34 for the administration of the fund and the distribution of the funds  
35 to program participants consistent with the purposes of this  
36 program.

37 (2) It is the intent of the Legislature that schools and school  
38 districts also will seek private partners to assist in the  
39 implementation of school and district efforts pursuant to  
40 participation in the program.

1 53105. From May to August 2008, inclusive, a high school  
2 selected for participation in the program shall do both of the  
3 following:

4 (a) Develop a detailed needs assessment and action plan for  
5 implementation of the program in conjunction with the  
6 Superintendent and members of the school community.

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

10 53106. Funds received by schools pursuant to this chapter may  
11 be used for any of the following activities:

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

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

29 (c) Establishing a support system for college preparatory and  
30 career technical education course teachers at individual high  
31 schools to ensure the implementation of engaging, quality  
32 curriculum and instructional methods. The support system may  
33 include use of a mentor teacher, time away from teaching duties  
34 for a mentor or lead teacher to observe and consult with other  
35 teachers, and ongoing staff development for teams of teachers.

36 (d) Employing additional teachers and establishing incentives  
37 and inducements to recruit and support highly trained teachers of  
38 schools with low college preparatory and career technical education  
39 course offerings.

1 (e) Establishing a policy requiring teachers to teach both college  
2 preparatory and career technical education courses. This policy  
3 shall be designed to broaden the pool of teachers, foster a culture  
4 of rigorous curricular integration between college preparatory and  
5 career technical education courses, and allow teachers to cultivate  
6 a pipeline of potential pupils for future program activities.

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

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

19 (h) Establishing parent seminars to offer parents the opportunity  
20 to learn about, and understand the benefits of, college access, career  
21 opportunities, and options for paying for further education and  
22 training for their children.

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

27 (1) Creating pupil support through advisory tutoring and after  
28 school and college preparatory classes.

29 (2) Providing high school pupils who need additional academic  
30 support for successful participation in college preparatory courses  
31 with backup courses scheduled during the regular schoolday or  
32 after school, such as courses that provide additional instruction on  
33 the same content provided in other courses or block scheduling.

34 (3) Extending the schoolday, school year, or school week, to  
35 weekends, to provide additional academic support.

36 (4) Providing pupils who will enter high school during the next  
37 school year and pupils already in high school who are lacking the  
38 academic preparation to succeed in college preparatory courses,  
39 with summer bridge classes to prepare them for those courses.  
40 These summer classes shall be designed to help pupils develop

1 basic academic competencies for the content they will be expected  
2 to learn during the next academic year.

3 (5) Providing career exploration activities, career guidance,  
4 mentoring, and ~~other~~ and work-based learning opportunities to  
5 help pupils consider their postsecondary education and career  
6 goals.

7 (j) Partnering with feeder middle schools to ensure that they  
8 provide prealgebra and algebra classes to all interested grade 8  
9 pupils, first-year foreign language courses to all interested grade  
10 7 pupils, and career exploration activities to all interested pupils  
11 in grades 7 and 8.

12 (k) For hard-to-staff schools, establishing partnerships with  
13 local community colleges or universities to enable high school  
14 pupils to enroll concurrently in college courses that meet college  
15 admission requirements.

16 (l) For hard-to-staff schools, establishing partnerships with local  
17 community colleges to assign community college instructors to  
18 those hard-to-staff high schools.

19 (m) Establishing mentoring programs sponsored by interested  
20 university and industry partners to assist teachers and pupils.

21 (n) Providing or maintaining science laboratories and technical  
22 facilities sufficiently equipped and in good working order for all  
23 science-related courses.

24 (o) Funding the purchase of technology such as hardware,  
25 software, and the connectivity to use distance learning and  
26 computer-based curricula.

27 53107. (a) As a condition of receiving funds pursuant to this  
28 part, a high school shall do all of the following:

29 (1) Design and submit, no later than September 1, 2008, a  
30 comprehensive needs assessment, including rigorous annual  
31 benchmarks, in each of the following categories:

32 (A) College preparatory and career technical education curricular  
33 offerings, including, but not limited to, a detailed analysis of the  
34 current school course matrix, including the availability of career  
35 technical education courses, upper-level courses, and advanced  
36 placement and International Baccalaureate courses.

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

1 (C) The percentage of pupils who have completed, with a grade  
2 of C or higher, the entire sequence of at least 15 courses that satisfy  
3 the requirements for admission to the California institutions of  
4 postsecondary education, following the pattern specified by the  
5 University of California among seven subject areas, by the end of  
6 grade 12.

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

9 (E) The availability of teachers who hold a credential, or subject  
10 matter certification, in the same subject matter taught by that  
11 teacher in the career technical education or college preparatory  
12 course areas.

13 (F) The quality and availability of a college and career  
14 counseling program, including all of the following:

15 (i) The number of pupils who apply for financial aid for  
16 postsecondary education.

17 (ii) The number of pupils who apply to a four-year institution  
18 of postsecondary education.

19 (iii) The number of pupils who participated in the Eligibility in  
20 the Local Context program of the University of California for  
21 admission to the University of California.

22 (iv) The number of pupils who apply for apprenticeship  
23 programs.

24 (G) The availability of college admission test preparation  
25 programs and the provision of information on college admission  
26 tests and the availability of industry skill certificates.

27 (H) The percentage of pupils who took the tests generally  
28 required for college admission.

29 (2) (A) Implement a plan that will result in its pupils having  
30 access, no later than the beginning of the 2008–09 ~~academic~~ *school*  
31 year, to at least two additional college preparatory and one  
32 additional career technical education course offerings, including  
33 at least one additional course in upper-level mathematics.

34 (B) The plan shall provide for additional sections of courses to  
35 be added annually until at least 67 percent of the total academic  
36 course offerings of the school are college preparatory courses  
37 pursuant to the five-year plan.

38 (3) (A) Design and implement a plan that will result in its pupils  
39 having access, no later than the beginning of the 2008–09 academic  
40 year, to at least 80 percent of all college preparatory and career

1 technical education courses being taught by teachers holding the  
2 appropriate credentials and subject matter certification by the end  
3 of *the* third year of implementation of the five-year plan.

4 (B) The plan shall provide for additional numbers of courses to  
5 be taught by teachers holding the appropriate credentials and  
6 subject matter certification annually until all of the college  
7 preparatory course offerings of the school are taught by fully  
8 credentialed or subject matter trained teachers at the end of the  
9 implementation of the five-year plan.

10 (4) Develop the plans pursuant to paragraphs (2) and (3)  
11 collaboratively among the high school, its feeder middle schools,  
12 and, where appropriate, any partner institutions of postsecondary  
13 education, industry associations, or community based  
14 organizations.

15 (5) Utilize at least two of the tutoring and instructional support  
16 services described in subdivision (i) of Section 53106, or provided  
17 under University of California outreach programs and other  
18 state-approved college preparatory programs.

19 (b) A participating school shall assign each pupil, upon entry  
20 into high school, with ~~an~~ a unique pupil identifier to track his or  
21 her coursework, grades, completion of college preparatory courses  
22 satisfying the curricular requirements for admission to the  
23 University of California and the California State University,  
24 graduation, receipt of any state scholarships or grants, and  
25 matriculation to a public university or community college.

26 (c) A participating school shall encourage pupils to utilize  
27 distance learning options for pathway course offerings, where  
28 appropriate.

29 (d) A participating school that achieves the annual improvement  
30 targets contained in its five-year plan shall publish, in paper and  
31 online, an annual report on its best practices to aid other grant  
32 recipient schools and inform the general public. This report shall  
33 include the goals, implementation plan, strategies, and results of  
34 the participation ~~in the program~~ of the school *in the program*.

35 53108. (a) The governing board of the school district of a  
36 school that fails to meet its annual growth targets, as defined in  
37 the five-year plan of the school, within 12 months following receipt  
38 of funding pursuant to this chapter shall invite public comment at  
39 a regularly scheduled board meeting to inform members of the

1 school community of the lack of progress in terms of any ~~or~~ of the  
2 following that apply:

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

5 (2) The percentage of teachers with the appropriate credentials  
6 and subject matter certification assigned to those courses described  
7 in paragraph (1).

8 (3) The percentage of ~~entering grade 9 pupils who graduate~~  
9 *pupils who entered the school in grade 9 and later graduated*  
10 having completed the college preparatory and career technical  
11 course sequences with a C average or better.

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

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

21 53109. (a) The Superintendent shall contract for an  
22 independent evaluation of the effectiveness of the program and  
23 report its findings to the Governor and the Legislature on or before  
24 August 1, 2010.

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

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

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

32 (3) The percentage of ~~pupils entering in grade 9 who graduate~~  
33 *who entered the school in grade 9 and graduated* four years later  
34 having completed the college preparatory and career technical  
35 course sequences with a C average or better.

36 (4) The number of pupils who satisfied the requirements for  
37 admission to the University of California and the California State  
38 University.

1 (5) The number of pupils ~~entering in grade 9 who~~ *who entered*  
2 *the school in grade 9 and later* matriculated to a two- or four-year  
3 university or college or apprenticeship program.

4 (6) Reasons for progress, or lack thereof, as stated by the  
5 principal of each participating high school or a member of the  
6 governing board of the school district of a participating high school.

7 (c) The Legislature shall use this report to determine the  
8 advisability of extending the program or increasing funding for  
9 this program to include new schools and continue funding for  
10 existing pilot schools.

11 53110. This chapter shall remain in effect only until January  
12 1, 2014, and as of that date is repealed, unless a later enacted  
13 statute, that is enacted before January 1, 2014, deletes or extends  
14 that date.

15 SEC. 12. Section 66204 of the Education Code is amended to  
16 read:

17 66204. (a) The Superintendent shall assist all school districts  
18 to ensure that all public high school pupils have access to a core  
19 curriculum that meets the admission requirements of the University  
20 of California and the California State University. The  
21 Superintendent shall advise school districts that maintain high  
22 schools about the importance of making readily available to each  
23 high school pupil the current list of courses offered by the school  
24 attended by that pupil that are certified by the University of  
25 California as meeting admission requirements. It is the intent of  
26 the Legislature that each public high school shall provide the full  
27 college preparatory program, provide adequate course sections in  
28 college preparatory programs to accommodate all its pupils, and  
29 regularly counsel pupils to enter those programs and courses. There  
30 shall be no policy or practice in a public elementary or secondary  
31 school of directing, especially for cultural or linguistic reasons, a  
32 pupil in kindergarten or any of grades 1 to 12, inclusive, away  
33 from choosing programs that prepare that pupil academically for  
34 college.

35 (b) To the extent that funds are appropriated for purposes of  
36 this paragraph, the Superintendent shall annually present a report  
37 to the ~~State Board~~ *state board* describing the status of compliance  
38 with Section 51228 for all school districts that offer middle or high  
39 school instruction in which any middle or high schools are ranked

1 in deciles 1 to 3, inclusive, of the 2003 base Academic Performance  
2 Index, as defined in subdivision (b) of Section 17592.70.

3 (c) For a school district the Superintendent identifies as having  
4 failed to ensure that all *eligible* high school pupils have access to  
5 a core curriculum that meets the requirements for admission to the  
6 California public institutions of postsecondary education and career  
7 preparation needs, as defined in Section 51228, the Superintendent  
8 shall ~~do all of the following:~~ *prepare an annual report for the*  
9 *Legislature by July 1 of each year that specifically defines and*  
10 *documents the areas of noncompliance.*

11 ~~(1) Prepare an annual report for the Legislature by July 1 each~~  
12 ~~year that specifically defines and documents the areas of~~  
13 ~~noncompliance.~~

14 ~~(2) Assign the County Office Fiscal Crisis and Management~~  
15 ~~Assistance Team (FCMAT) established pursuant to Section~~  
16 ~~42127.8, or the county superintendent of schools for the county in~~  
17 ~~which the school district is located, to review school district and~~  
18 ~~school course assignment and tracking practices and the provision~~  
19 ~~of guidance and college counseling services, and provide the~~  
20 ~~district with recommendations to streamline and improve the course~~  
21 ~~assignment and tracking practices and provision of guidance and~~  
22 ~~counseling services.~~

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

32 (d) The University of California is requested to assist each  
33 school district that maintains a high school in order to ensure all  
34 of the following:

35 (1) School districts understand the process by which courses  
36 are submitted to the University of California to be reviewed and  
37 certified as meeting the requirements for admission.

38 (2) School districts have an internal process for developing  
39 courses and submitting courses for review and certification by the

1 University of California in order to meet admission requirement  
2 criteria.

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

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

9 (e) It is the intent of the Legislature that the public and  
10 independent institutions of higher education participate in programs  
11 that assist those in elementary and secondary education in meeting  
12 their responsibilities in preparing pupils for college.

13 SEC. 13. If the Commission on State Mandates determines  
14 that this act contains costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

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