

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 683

Introduced by Assembly Member Chesbro

February 26, 2009

An act to amend Section 52055.57 of the Education Code, relating to local educational agencies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 683, as amended, Chesbro. Local educational agencies: program improvement.

Existing law, implementing federal requirements under the federal No Child Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~), provides that a local educational agency identified for corrective action shall be subject to specified sanctions and may apply for a one-year, nonrenewable grant of federal improvement funding to assist in its improvement process. Existing law provides that the amount of the grant shall be based upon whether the agency has extensive and severe, moderate, or minor or isolated performance problems, and the number of schools in the local educational agency identified for program improvement pursuant to federal law.

This bill would specify that the amount of a grant for a local educational agency that is identified for corrective action and subject to sanctions, that does not have a school identified for program improvement pursuant to federal law, shall be based on ~~the median grant award for local educational agencies in the minor technical assistance category for that year~~ *the overall proportion of schools identified for program improvement of all local educational agencies*

determined to be within one of 3 categories, multiplied by the number of schools in the local educational agency, multiplied by the grant amount that would be appropriate to the local educational agency based upon the pervasiveness and severity of its performance problems, as specified.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 52055.57 of the Education Code is
2 amended to read:
3 52055.57. (a) (1) Provisions that are applicable to local
4 educational agencies under this section are for the purpose of
5 implementing federal requirements under the federal No Child
6 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The
7 satisfaction of these criteria by local educational agencies that
8 choose to participate under this article shall be a condition of
9 receiving funds pursuant to this section.
10 (2) The department shall identify local educational agencies
11 that are in danger of being identified within two years as program
12 improvement local educational agencies under the federal No Child
13 Left Behind Act of 2001, and shall notify those local educational
14 agencies, in writing, of this status and provide those local
15 educational agencies with research-based criteria to conduct a
16 voluntary self-assessment.
17 (3) The self-assessment shall identify deficiencies within the
18 operations of the local educational agency, and the programs and
19 services of the local educational agency.
20 (4) A local educational agency identified pursuant to paragraph
21 (2) is encouraged to revise its local educational agency plan based
22 on the results of the self-assessment.
23 (5) The program described in this subdivision shall be referred
24 to as the “Early Warning Program.”
25 (b) (1) A local educational agency identified as a program
26 improvement local educational agency under the federal No Child
27 Left Behind Act of 2001 shall do all of the following:

1 (A) Conduct a self-assessment using materials and criteria based
2 on current research and provided by the department.

3 (B) No later than 90 days after a local educational agency is
4 identified for program improvement, contract with a county office
5 of education or another external entity, after working with the
6 county superintendent of schools, for both of the following
7 purposes:

8 (i) Verifying the fundamental teaching and learning needs in
9 the schools of that local educational agency, as determined by the
10 local educational agency self-analysis, and identifying the specific
11 academic problems of low-achieving pupils, including a
12 determination of why the prior plan of the local educational agency
13 failed to bring about increased pupil academic achievement.

14 (ii) Ensuring that the local educational agency receives intensive
15 support and expertise to implement local educational agency reform
16 initiatives in the revised local educational agency plan as required
17 by the federal No Child Left Behind Act of 2001.

18 (C) Revise and expeditiously implement the local educational
19 agency plan to reflect the findings of the verified self-assessment.

20 (D) After working with the county superintendent of schools
21 or an external verifier, contract with an external provider to provide
22 support and implement recommendations to assist the local
23 educational agency in resolving shortcomings identified in the
24 verified self-assessment.

25 (2) (A) Subject to the availability of funds in the annual Budget
26 Act for this purpose, a local educational agency described in
27 paragraph (1) annually may receive fifty thousand dollars
28 (\$50,000), plus ten thousand dollars (\$10,000) for each school that
29 is supported by federal funds pursuant to Title I of the federal No
30 Child Left Behind Act of 2001 within the local educational agency,
31 for the purpose of fulfilling the requirements of this subdivision.
32 If funding is not provided in the annual Budget Act or other statute,
33 local educational agencies shall not be subject to the requirements
34 of subparagraphs (B) and (D) of paragraph (1).

35 (B) Subject to the availability of funds appropriated in the annual
36 Budget Act for this purpose, a local educational agency identified
37 as a program improvement local educational agency during the
38 2005–06 fiscal year, shall receive priority for funding based upon
39 the performance of the socioeconomically disadvantaged subgroup
40 of the local educational agency on the Academic Performance

1 Index. Priority for funding shall be provided to the lowest
2 performing local educational agencies that are identified as program
3 improvement local educational agencies. It is the intent of the
4 Legislature that funds apportioned pursuant to this paragraph be
5 used to support activities identified in paragraph (1).

6 (C) It is the intent of the Legislature that a local educational
7 agency identified as a program improvement local educational
8 agency receive no more than two years of funding pursuant to this
9 paragraph.

10 (c) A local educational agency that has been identified for
11 corrective action under the federal No Child Left Behind Act of
12 2001 shall be subject to one or more of the following sanctions as
13 recommended by the Superintendent and approved by the state
14 board:

15 (1) Replacing local educational agency personnel who are
16 relevant to the failure to make adequate yearly progress.

17 (2) Removing schools from the jurisdiction of the local
18 educational agency and establishing alternative arrangements for
19 the governance and supervision of those schools.

20 (3) Appointing, by the state board, a receiver or trustee, to
21 administer the affairs of the local educational agency in place of
22 the county superintendent of schools and the governing board.

23 (4) Abolishing or restructuring the local educational agency.

24 (5) Authorizing pupils to transfer from a school operated by the
25 local educational agency to a higher performing school operated
26 by another local educational agency, and providing those pupils
27 with transportation to those schools, in conjunction with carrying
28 out not less than one additional action described under this
29 paragraph *subdivision*.

30 (6) Instituting and fully implementing a new curriculum that is
31 based on state academic content and achievement standards,
32 including providing appropriate professional development based
33 on scientifically based research for all relevant staff, that offers
34 substantial promise of improving educational achievement for
35 high-priority pupils.

36 (7) Deferring programmatic funds or reducing administrative
37 funds.

38 (d) (1) The department shall develop, and the state board shall
39 approve at a public meeting, objective criteria by which a local
40 educational agency identified for corrective action and subject to

1 a sanction listed under subdivision (c) shall be evaluated to
2 determine the pervasiveness and severity of its performance
3 problems and the sanction to be imposed.

4 (2) A local educational agency identified for corrective action
5 and subject to a sanction listed under subdivision (c) may apply
6 for a one-year, nonrenewable grant of federal improvement funding
7 to assist in its improvement process and may expend that grant
8 funding over the time period allowable under federal law. It is the
9 intent of the Legislature to integrate federal funding that is available
10 for this purpose, including, but not limited to, funding for program
11 improvement and school improvement grants pursuant to Section
12 6303 of Title 20 of the United States Code.

13 (3) (A) (i) The amount of a grant for a local educational agency
14 with extensive and severe performance problems shall be one
15 hundred fifty thousand dollars (\$150,000) per school identified
16 for program improvement pursuant to federal law.

17 (ii) The amount of a grant for a local educational agency with
18 moderate performance problems shall be one hundred thousand
19 dollars (\$100,000) per school identified for program improvement
20 pursuant to federal law.

21 (iii) The amount of a grant for a local educational agency with
22 minor or isolated performance problems shall be fifty thousand
23 dollars (\$50,000) per school identified for program improvement
24 pursuant to federal law.

25 (B) The amount of a grant for a local educational agency that
26 is identified for corrective action, and subject to sanctions pursuant
27 to subdivision (c), that does not have a school identified for
28 program improvement pursuant to federal law shall be ~~based on~~
29 ~~the median grant award for local educational agencies in the minor~~
30 ~~technical assistance category, as set forth in clause (iii) of~~
31 ~~subparagraph (A), for that year.~~ *determined as follows:*

32 (i) *For each of the three categories identified in clauses (i), (ii),*
33 *and (iii) of subparagraph (A), calculate the overall proportion of*
34 *schools identified for program improvement pursuant to federal*
35 *law of all local educational agencies determined to be within that*
36 *category.*

37 (ii) *Multiply the proportion calculated for the category in clause*
38 *(i) that is appropriate to the local educational agency based upon*
39 *the pervasiveness and severity of its performance problems, times*

1 *the number of schools in the local educational agency, rounding*
2 *the result to the nearest whole number.*

3 *(iii) Multiply the product determined in clause (ii) times the*
4 *grant amount identified in clause (i), (ii), or (iii) of subparagraph*
5 *(A) that would be appropriate to the local educational agency*
6 *based upon the pervasiveness and severity of its performance*
7 *problems.*

8 (4) A local educational agency that receives funding under this
9 subdivision shall use the funds in accordance with Section 6316(b)
10 and (c) of Title 20 of the United States Code. Pursuant to the
11 technical assistance requirements under the federal No Child Left
12 Behind Act of 2001 outlined in Section 6312(b) and (c) and Section
13 6317 of Title 20 of the United States Code, the Superintendent
14 may recommend, and the state board may approve, that a local
15 educational agency contract with a district assistance and
16 intervention team or other technical assistance provider to receive
17 guidance, support, and technical assistance. A district intervention
18 and assistance team or other technical provider with which a local
19 educational agency is required to contract shall perform the duties
20 specified in subdivision (e) of Section 52059.

21 (5) Notwithstanding any other law, a local educational agency
22 that receives funding under this subdivision or that receives other
23 federal funds for school improvement shall not use those funds to
24 compensate a receiver or trustee assigned by the state board
25 pursuant to paragraph (3) of subdivision (c).

26 (e) A local educational agency that has received a sanction under
27 subdivision (c) and has not exited program improvement under
28 the federal No Child Left Behind Act of 2001 shall appear before
29 the state board within three years to review the progress of the
30 local educational agency. Upon hearing testimony and reviewing
31 written data from the local educational agency, the district
32 assistance and intervention team, or county superintendent of
33 schools, the Superintendent shall recommend, and the state board
34 may approve, an alternative sanction under subdivision (c), or may
35 take any appropriate action.

36 (f) Subject to the availability of funds in the annual Budget Act
37 for this purpose, a local educational agency that is not identified
38 as a program improvement local educational agency under the
39 federal No Child Left Behind Act of 2001 may annually receive
40 up to fifteen thousand dollars (\$15,000) per school identified as a

1 program improvement school for the purposes of supporting
2 schools identified as program improvement schools in the local
3 educational agency and determining barriers to improved pupil
4 academic achievement. That local educational agency shall receive
5 no less than forty thousand dollars (\$40,000) and no more than
6 one million five hundred thousand dollars (\$1,500,000) for those
7 purposes. The Superintendent shall compile a list that ranks each
8 local educational agency based on the number of, and percentage
9 of, schools identified as program improvement schools and shall
10 provide this funding to local educational agencies equally from
11 each list until all funds appropriated for this purpose are depleted.
12 These funds shall be provided for no more than three years.

13 (g) For purposes of this article, “local educational agency”
14 means a school district, county office of education, or charter
15 school that elects to receive its funding directly pursuant to Section
16 47651, and that provides public educational services to pupils in
17 kindergarten or any of grades 1 to 12, inclusive.

18 SEC. 2. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the Constitution and shall go into
21 immediate effect. The facts constituting the necessity are:

22 In order to ensure that local educational agencies that are
23 identified for corrective action and subject to sanctions, that do
24 not have a school identified for program improvement pursuant
25 to federal law, receive appropriate grant funding to assist in their
26 improvement processes, it is necessary that this act take effect
27 immediately.