

Senate Bill No. 1710

CHAPTER 880

An act to amend Sections 33370, 33380, 33381, 33382, 33383, and 62000.14 of the Education Code, relating to education.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1710, Ackerman. Education: California American Indian Education Center Program.

(1) Existing law establishes within the State Department of Education an American Indian Education Unit to provide administrative oversight of American Indian education programs established by the state and to study and identify the cultural and educational disadvantages affecting American Indian children in the existing public school system. Existing law requires the Superintendent of Public Instruction to appoint an American Indian Education Unit Coordinator to be responsible for the American Indian Education Unit.

This bill would prescribe duties of the American Indian Education Unit and the department, as specified. The bill would also require the Superintendent to appoint an American Indian Education Oversight Committee, as specified.

(2) Existing law, until January 1, 2007, requires the State Board of Education, upon the advice and recommendations of the Superintendent, to adopt guidelines for the selection and administration of California American Indian education centers. Existing law authorizes a tribal group or unincorporated Indian association to submit an application to the state board in order to establish a California American Indian education center. Existing law requires California American Indian education centers to be designed to meet specified requirements.

This bill would authorize those centers to, among other things, improve the academic achievement of American Indian pupils in kindergarten and grades 1 to 12, inclusive, provide a focus for summer cultural, recreational, and academic experiences, and provide training programs, as specified. The bill would require the department to approve revised amendments and updates to the existing 1975 guidelines, as specified. The bill would establish specified criteria for the ranking and ordering of applications to establish a center and for funding. The bill would require funding to be disbursed in a specified manner. The bill would provide that an approved application for the establishment of a center would be effective for a period of 5 years and would require the department to begin evaluating the

center in order to determine whether to renew the application or approve a new application, as specified.

(3) Existing law provides that the California American Indian Education Center Program becomes inoperative on January 1, 2007.

This bill would extend the program until January 1, 2012. The bill would require each center to annually submit a specified report to the department. The bill would require, on or before January 1, 2011, the department to report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and to make recommendations for program improvement. The bill would also require the centers to maintain sound fiscal policies. The bill would require the department to assist the centers in maintaining those policies. The bill would authorize the department to implement an annual program audit or fiscal review, as specified.

(4) This bill would require the department, if the application for a center has been approved by the department and the applicant has received written verification of that approval, to distribute 75% of the grant award for each year of the grant no later than 45 days after enactment of the annual Budget Act or any additional authorizing statute, whichever is later. The bill would require the department to distribute the remaining 25% of the grant award for each year of the grant no later than April 1 of the year following the year in which the initial 75% is distributed, as specified.

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

SECTION 1. Section 33370 of the Education Code is amended to read:

33370. (a) There is hereby created within the department an American Indian Education Unit, which shall provide technical support to, and proper administrative oversight of, American Indian education programs established by the state in order to ensure that American Indian pupils in California public schools are able to meet the challenging academic standards of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and that those programs reflect the cultural and educational standards stated in Executive Order No. 13336, 69 Federal Register 25295 (May 5, 2004), relating to American Indian and Alaska Native Education.

(b) The Superintendent shall appoint an American Indian Education Unit Manager who shall oversee the American Indian Education Unit.

(c) The duties of the American Indian Education Unit shall include, development of clear, consistent, and effective operating policies and procedures that include measures to ensure that the learning needs of American Indian pupils are being adequately addressed.

(d) The department shall ensure that staff are properly trained in the application of the policies adopted pursuant to subdivision (c) and that the policies are consistent with the legislative intent relating to the American Indian Education Program and with Section 11019.6 of, subdivisions (d)

and (f) of Section 11340 of, and Section 11342.2 of, the Government Code.

(e) The department shall prescribe the following:

(1) The data that California American Indian education centers shall report on an annual basis in order to measure program performance.

(2) On or before January 1, 2011, the department shall conduct an evaluation of the centers to determine whether to renew the application of each existing center or instead to approve an application to establish a new center.

(3) A description of the consequences for failing to submit the data.

(f) The department shall adopt policies that include:

(1) An equitable process that will be used to select centers that will receive grant awards and determine their respective funding amounts.

(2) Establish a prompt timeframe for disbursing approved payments to the centers.

(3) A monitoring process and plan to ensure that fiscal and program information reported by the centers is accurate and complete, including a process for corrective action and investigation by the department for noncompliance. The process shall be based upon consistent and equitable principles.

(4) The incorporation of culturally responsive methodologies in order to ensure that an optimal educational program for American Indian pupils is supported and maintained.

(5) Ensuring respect for the federal trust and sovereign nation status of California American Indian tribes.

(g) The Superintendent, with input from existing center directors, shall appoint an American Indian Education Oversight Committee by January 30, 2007, composed of at least seven educators, four of whom shall be American Indian education center directors. All members shall possess proven knowledge of current educational policies relating to, and issues faced by, American Indian communities in California. This committee shall provide input and advice to the Superintendent on all aspects of American Indian education programs established by the state.

SEC. 2. Section 33380 of the Education Code is amended to read:

33380. The Legislature hereby finds and declares that American Indian children have not performed well in California public schools as evidenced by low academic achievement at all grade levels, high dropout rates, and by the low number of pupils achieving a higher education. It is the intent and purpose of the Legislature to establish community-based programs that promote the educational achievement of American Indian pupils attending public schools throughout the state. The department shall provide proper guidance and effective administrative support to California American Indian education centers that recognize the unique cultural and historical needs of American Indian pupils and support the need to preserve the languages, cultures, and social structures of tribal communities.

SEC. 3. Section 33381 of the Education Code is amended to read:

33381. The California American Indian education centers established pursuant to this article shall serve as community-based educational resource centers to American Indian pupils, parents, guardians, and the public schools in order to promote the academic and cultural achievement of the pupils. The centers, based upon established priority needs, may accomplish the following:

- (a) Improve the academic achievement of American Indian pupils in kindergarten and grades 1 to 12, inclusive.
- (b) Improve the self-concept and sense of identity of American Indian pupils and adults.
- (c) Serve as a center for related community activities.
- (d) Provide individual and group counseling to pupils and adults related to personal adjustment, academic progress, and vocational planning.
- (e) Create and offer coordinated programs with the public schools.
- (f) Provide a focus for summer cultural, recreational, and academic experiences.
- (g) Create and offer adult classes and activities that benefit parents or guardians of pupils in its programs.
- (h) Provide training programs to develop pathways to college and the workplace for American Indian pupils.
- (i) Provide American Indian educational resource materials to pupils, their parents, and the schools they attend in order to ensure appropriate tribal histories and cultures are made available.

SEC. 4. Section 33382 of the Education Code is amended to read:

33382. The state board, upon the advice and recommendations of the Superintendent, shall approve revised guidelines for the selection and administration of California American Indian education centers. The amendments and updates to the 1975 guidelines shall require the input of, and majority approval by, the American Indian Education Oversight Committee prior to the submission of the guidelines to the state board.

SEC. 5. Section 33383 of the Education Code is amended to read:

33383. (a) An application for the establishment of a California American Indian education center may be made to the department by any tribal group or incorporated American Indian association, separately or jointly, upon forms provided by the department. The department shall determine the funding levels for each center and any new programs to be created. The department shall consider recommendations made by an advisory committee regarding center funding levels. The advisory committee shall meet at least four times annually, including once before applications for funding are made available by the department. To the extent practicable, the department shall use an existing advisory committee for the purpose of making recommendations regarding center funding levels. Funding for existing centers or any new center shall not exceed funding provided for these purposes in the annual Budget Act or another statute. The department shall evaluate and rank the proposals for funding purposes.

(b) An application for funding by a California American Indian education center shall be ranked and approved on the basis of all of the following criteria:

(1) The application is designed to achieve measurable objectives for the center.

(2) The applicant's degree of commitment to the purpose of American Indian education as demonstrated by the policies adopted, the allocation of staff, fiscal, and material resources, and the integration of existing resources and services.

(3) The extent and degree of collaborative efforts among local community resources, organizations, schools, and tribal communities.

(4) The potential impact a center will have on pupils, their families, and other organizations in the region.

(5) The number of pupils in kindergarten and grades 1 to 12, inclusive, within the applicant's community.

(6) Existing centers shall have priority based upon the demonstrated impact of each program on pupils, parents and the community served.

(7) Existing centers created by the department shall receive priority in funding.

(8) The application of an existing center shall receive priority for funding over any application for a new center.

(c) The funding level for each center shall be based upon a comprehensive community needs assessment, including the applicant's history of educational support for American Indian pupils, their parents or guardians, and the amount of collaboration with local American Indians.

(d) Funding for each center shall be distributed by reference to pupil population, pupil academic performance, and the local economic base.

(e) To the extent possible, the centers shall be distributed in regions throughout the state in order to reflect the American Indian population base.

(f) Funding may be carried forward from a previous fiscal year for use during the subsequent summer months if deemed necessary by the department to carry out the purposes of the American Indian education programs.

(g) The approval of an application for the establishment of a California American Indian education center shall be effective for a period of five calendar years. One calendar year before the expiration of the five-year period, the department shall commence an evaluation of the center in order to determine whether to renew the existing center's application or approve a new application to establish a California American Indian education center.

(h) (1) If the application for a center has been approved by the department and the applicant has received written verification of that approval, the department shall distribute 75 percent of the grant award for each year of the grant no later than 45 days after enactment of the annual Budget Act or any additional authorizing statute, whichever is later.

(2) The department shall distribute the remaining 25 percent of the grant award for each year of the grant no later than April 1 of the year following the year in which the initial 75 percent is distributed pursuant to paragraph (1).

SEC. 6. Section 62000.14 of the Education Code is amended to read:

62000.14. (a) The California American Indian Education Center Program shall sunset on January 1, 2012.

(b) (1) Each center shall annually submit a report to the department that includes appropriate data, presented in a format developed jointly with the department, that reflects each center's ability to meet its stated objectives, measure pupil academic performance, and meets the continued educational and cultural needs of the community that the center serves.

(2) On or before January 1, 2011, the department shall report consolidated results for all centers and supply information that is required for a comprehensive evaluation of those results, and make recommendations for program improvement.

(c) The centers shall maintain sound fiscal policies. The department shall provide technical assistance and training to the centers in order to assist the centers to maintain sound fiscal policies. The department may require an annual program audit, however, if the department deems it fiscally unsound for the centers to provide an annual audit, a fiscal review shall suffice.

(d) The department shall provide technical assistance and professional development to the directors of the California American Indian education centers throughout the year that shall include timely documented responses and professional guidance meant to improve center programs.