

Assembly Bill No. 203

Passed the Assembly September 9, 2011

Chief Clerk of the Assembly

Passed the Senate September 8, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 53300 and 53302 of, and to add Sections 53300.5, 53304, and 53305 to, the Education Code, relating to school intervention.

LEGISLATIVE COUNSEL'S DIGEST

AB 203, Brownley. Public schools: parent empowerment: school intervention.

Existing law requires a local educational agency to implement one of several specified interventions for a school not identified as a persistently lowest-achieving school that, after one full school year, fails to meet specified criteria and has a specified percentage of parents and legal guardians of pupils sign a petition requesting the local educational agency to implement at least one of 5 specified interventions. Existing law requires a local educational agency to implement the intervention option requested by the petition unless the agency makes a specified finding in a regularly scheduled public hearing. Existing law limits the number of schools subject to a petition pursuant to these provisions to 75.

This bill would require interventions to be implemented also for a school that is identified as persistently lowest-achieving but does not receive specified school improvement grant funding. The bill would require a governing board of a local educational agency to allow parents and legal guardians to provide testimony at the regularly scheduled public hearing. To the extent these provisions would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

The bill would prohibit more than one parent or legal guardian per pupil from signing a petition, and would require the petition, and, if the petition includes a specific charter school operator, a summary of the charter petition, to meet specified language requirements. The bill would require, if the petition includes a specific charter school operator, that the charter petition include specified elements. The bill would require that, if paid signature gatherers are being used, the petition include a statement indicating that some signature gatherers may be paid. The bill would require all parties involved in the signature gathering process to adhere to

specified school procedures. The bill would require the State Department of Education to provide specified information on its Internet Web site, in easy to understand terms, regarding the petition process, the 5 intervention options that parents and legal guardians may request, a sample petition that meets specified requirements, and an up-to-date list of schools that have implemented an intervention pursuant to these provisions. The bill also would make clarifying changes to, and provide definitions for, those intervention petition provisions.

The bill would require the schoolsite council at each school that is eligible for a petition to be submitted pursuant to these provisions to provide, at its next scheduled meeting, or a meeting within 90 days, whichever is sooner, information regarding the petition process, including the intervention options available and the process for submitting a petition. By imposing new duties on school districts, this 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.

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

SECTION 1. It is the intent of the Legislature to provide parents with adequate information to make an informed decision on whether to sign a petition or initiate a petition pursuant to Article 3 (commencing with Section 53300) of Chapter 18 of Part 28 of Division 4 of Title 2 of the Education Code. It is further the intent of the Legislature that local governing boards with schools that are eligible for the parent empowerment program, at a regularly scheduled meeting, provide information on the parent empowerment program, such as a description of the intervention models, the petition process, and responsibilities of the school, parents, and organizations that are initiating and signing the petition, and allow parents to provide testimony on the program and intervention models.

SEC. 2. Section 53300 of the Education Code is amended to read:

53300. (a) (1) For any school that is not identified as a persistently lowest achieving school, or is identified as a persistently lowest achieving school but does not receive funding under the federal School Improvement Grant Program pursuant to Section 6303 of Title 20 of the United States Code, that, after one full school year of corrective action pursuant to paragraph (7) of Section 1116(b) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), continues to fail to make adequate yearly progress, and has an Academic Performance Index score of less than 800, and where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one or more of the four interventions identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Section 53202 or the federally mandated alternative governance arrangement pursuant to Section 1116(b)(8)(B)(v) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), the local educational agency shall implement the option requested by the parents and legal guardians unless, in a regularly scheduled public hearing, the local educational agency makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in this section it will implement in the subsequent school year consistent with requirements specified in federal regulations and guidelines for schools subject to restructuring under Section 1116(b)(8) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) and regulations and guidelines for the four interventions identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Section 53202.

(2) At the regularly scheduled public hearing required pursuant to paragraph (1), the governing board of a local educational agency shall allow parents and legal guardians to provide testimony regarding the petition or the written findings.

(b) For purposes of this article, all of the following requirements shall apply:

(1) The petition shall meet the language requirements of Section 48985. If the petition includes a specific charter operator, a summary of the charter petition, as described in paragraph (2), also shall meet the language requirements of Section 48985.

(2) If a petition includes a specific charter school operator, the charter petition shall include, but is not limited to, a summary of the charter elements described in paragraph (5) of subdivision (b) of Section 47605.

(3) If a petition requests the restart model pursuant to paragraph (2) of subdivision (a) of Section 53202, the petition shall include the following statement:

“Because charter schools have flexibility under existing law, the programs, policies, and committees currently available to parents (for example: school and district English Learner Advisory Councils and parent waiver options under Sections 310 and 311 of the Education Code) may or may not be available in a charter school.”

(c) All of the following shall apply with respect to petition signatures:

(1) No more than one parent or legal guardian per pupil may sign a petition.

(2) A petition that includes signatures of parents or legal guardians of pupils attending elementary or middle schools that normally matriculate into a middle or high school shall include signatures of parents or legal guardians representing at least 35 percent of pupils attending the school for which the petition is submitted.

(3) If a district elects to verify the signatures on a petition, both of the following shall apply:

(A) The district of the elementary or middle schools that normally matriculate into a middle or high school for which a petition is submitted shall assist in verifying the signatures of parents and legal guardians of pupils who attend schools in its jurisdiction.

(B) Common verification documents that contain parent or legal guardian signatures effective on the date the petition is submitted shall be used for verifying signatures.

(4) If paid signature gatherers are being used, the petition shall include a statement indicating that some signature gatherers may be paid, and the individual being requested to sign a petition may ask the signature gatherer if he or she is being paid to collect signatures. If asked, signature gatherers shall disclose whether they are being paid to collect signatures.

(5) All parties involved in the signature gathering process shall adhere to all schoolsite hours of operation, school and local educational agency safety policies, and visitor sign-in procedures.

SEC. 3. Section 53300.5 is added to the Education Code, to read:

53300.5. (a) When the list of schools eligible for a parent empowerment petition is made available by the department, the schoolsite council at each of those schools shall provide, at its next scheduled meeting, or at a meeting within 90 days, whichever is sooner, information regarding the petition process, including the intervention options available to parents and legal guardians and the process for submitting a petition.

(b) A local educational agency shall include, in the notice of restructuring planning or restructuring status pursuant to Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a notice that the schoolsite council at a school that has been identified as eligible for a petition is required to hold an informational meeting on the petition process, pursuant to subdivision (a).

SEC. 4. Section 53302 of the Education Code is amended to read:

53302. (a) No more than 75 schools shall be subject to a petition authorized by this article.

(b) A petition shall be counted toward this limit upon the Superintendent and state board receiving notice from the local educational agency of its final disposition of the petition.

SEC. 5. Section 53304 is added to the Education Code, to read:

53304. The department shall provide all of the following, in easy to understand terms, on its Internet Web site:

(a) Information regarding the petition process authorized pursuant to this article and the five intervention options referenced in Section 53300 that parents and legal guardians may request.

(b) A sample petition that can be used by interested petitioners. The sample petition shall be available in English and the three most common languages other than English, according to the department's Clearinghouse for Multilingual Documents. Petitioners shall not be required to use the sample petition, but alternate petitions shall contain all components required by law.

(c) An up-to-date list of the schools that have implemented an intervention pursuant to this article, including the type of intervention adopted and the date the department received notification from a local educational agency of the final disposition of the petition pursuant to subdivision (a) of Section 53301.

SEC. 6. Section 53305 is added to the Education Code, to read:

53305. For purposes of this article, the following terms have the following meanings:

(a) "Parents or legal guardians" means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Section 56028 or 56055, or Section 361 or 727 of the Welfare and Institutions Code, including, but not limited to, foster parents who hold rights to make educational decisions on the date the petition is submitted.

(b) "A combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable" means one-half of the total number of parents and legal guardians of pupils attending all of the following:

(1) The school for which the petition is submitted.

(2) All of the elementary or middle schools that normally matriculate into the elementary, middle, or high school for which a petition is submitted, as applicable.

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

Approved _____, 2011

Governor