

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1070

Introduced by Assembly Member Huber

February 18, 2011

~~An act to amend Section 48070.6 of the Education Code, relating to pupil retention.~~ *An act to amend Sections 1042 and 47603 of the Education Code, relating to charter schools.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1070, as amended, Huber. ~~Pupil retention.~~ *Charter schools: loans. Existing law authorizes a county superintendent of schools, with the approval of the county board of education, to temporarily transfer moneys to a school district under specified circumstances.*

The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals.

This bill would authorize a county board of education to loan moneys to a charter school for which the county board of education or the county superintendent of schools has a supervisory responsibility or, regardless of whether the charter school is within or outside of the county, with which a county board of education or county superintendent of schools has a contractual relationship. The bill would require the county superintendent of schools, before making the loan, to advise the chartering authority of the charter school and the county office of education in which the charter school is located that the charter school is requesting the loan and to allow for their input regarding the advisability of making the loan, and would require the county

superintendent of schools to solicit a recommendation from bond counsel about the advisability of making the loan. The bill would provide that any loan of moneys pursuant to these provisions would not constitute a debt or liability for the county superintendent of schools, the county board of education, or the State of California.

The bill also would make technical and conforming changes.

~~Existing law, commencing on or before August 1, 2011, and annually thereafter, requires the Superintendent of Public Instruction, utilizing data produced by the California Longitudinal Pupil Achievement Data System, to submit the Annual Report on Dropouts in California to specified persons, as specified:~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 1042 of the Education Code is amended
- 2 to read:
- 3 1042. County boards of education may *do all of the following*:
- 4 (a) Adopt rules and regulations governing the administration of
- 5 the office of the county superintendent of schools.
- 6 (b) Review the county superintendent of schools annual itemized
- 7 estimate of anticipated revenue and expenditures before the annual
- 8 itemized estimate is filed with the auditor as required by Section
- 9 29040 of the Government Code, and make any revisions,
- 10 reductions, or additions therein it deems advisable and proper. No
- 11 itemized estimate shall be filed by the county superintendent of
- 12 schools or be approved by the board of supervisors until it has first
- 13 been so reviewed and approved by the county board of education.
- 14 (c) In the name by which the board of education is designated,
- 15 acquire, lease, lease-purchase, hold, and convey real property for
- 16 the purpose of housing the offices and the services of the county
- 17 superintendent of schools, except that this subdivision shall only
- 18 apply to the county boards of education to which all or a portion
- 19 of the duties and functions of the county board of supervisors
- 20 specified in subdivision (b) of Section 1080 have been transferred,
- 21 with the exception of the recreational duties and recreational
- 22 functions specified in subdivisions (c) and ~~(e)~~ (d) of Section 1080.

1 (d) Contract with and employ any persons for the furnishing to
2 the board of special services and advice in financial, economic,
3 accounting, engineering, legal, or administrative matters; if these
4 persons are specially trained and experienced and competent to
5 perform the special services required. The board may pay *to these*
6 *persons* from any available funds ~~such the compensation to these~~
7 ~~persons as~~ that it deems proper for the services rendered.

8 (e) (1) Notwithstanding Section 25304 of the Government
9 Code, fill by appointment any vacancy that occurs during the term
10 of office of the county superintendent of schools. In ~~any~~ a county
11 in which the superintendent is elected, the appointee shall hold
12 office until the office is filled by election at the next gubernatorial
13 election.

14 ~~The~~

15 (2) *The* authority described in this subdivision shall be vested
16 in a county board of education only upon its adoption by the board
17 at a public meeting held pursuant to Article 1 (commencing with
18 Section 1000) ~~of Chapter 1 of Part 2.~~

19 (f) (1) *Use and expend moneys to make loans to a charter school*
20 *for which the county board of education or the county*
21 *superintendent of schools has a supervisory responsibility or,*
22 *regardless of whether the charter school is within or outside of*
23 *the county, with which the county board of education or the county*
24 *superintendent of schools has a contractual relationship pursuant*
25 *to subdivision (b) of Section 47603. The loan of moneys borrowed*
26 *by the county board of education for the purpose of making a loan*
27 *to a charter school shall be payable solely from the funds of the*
28 *charter school and shall not constitute a debt or liability of the*
29 *county board of education or the county superintendent of schools,*
30 *notwithstanding the provisions of Section 53857 of the Government*
31 *Code, or any other law.*

32 (2) *The State of California is not liable for any debt or liability*
33 *within the meaning of Section 1 of Article XVI of the California*
34 *Constitution, or otherwise, for loans made pursuant to this*
35 *subdivision.*

36 (3) *Before the county board of education makes a loan pursuant*
37 *to this subdivision, the county superintendent of schools shall*
38 *advise the chartering authority of the charter school and the county*
39 *office of education in which the charter school is primarily located*
40 *that the charter school has requested the loan and shall allow the*

1 *chartering authority and county office of education to provide*
 2 *input regarding the advisability of making the loan. The county*
 3 *superintendent of schools also shall solicit a recommendation from*
 4 *bond counsel about the advisability of making the loan.*

5 *SEC. 2. Section 47603 of the Education Code is amended to*
 6 *read:*

7 47603. (a) This part shall not be construed to prohibit any
 8 private person or organization from providing funding or other
 9 assistance to the establishment or operation of a charter school.

10 (b) A charter school may contract with a county superintendent
 11 of schools or a county board of education for the purposes of
 12 borrowing moneys pursuant to subdivision (f) of Section 1042.

13 ~~SECTION 1. Section 48070.6 of the Education Code is~~
 14 ~~amended to read:~~

15 ~~48070.6. (a) On or before August 1, 2011, and annually~~
 16 ~~thereafter, utilizing data produced by the California Longitudinal~~
 17 ~~Pupil Achievement Data System pursuant to Section 60900 and~~
 18 ~~other available data, the Superintendent shall submit a report to~~
 19 ~~the Governor, the Legislature, and the state board, that shall be~~
 20 ~~called the Annual Report on Dropouts in California. The report~~
 21 ~~shall include, but not be limited to, all of the following:~~

22 ~~(1) One-year dropout rates for each of grades 7 to 12, inclusive.~~

23 ~~(2) Four-year cohort dropout rates for grades 9 to 12, inclusive.~~

24 ~~(3) Two- or three-year cohort dropout rates, as appropriate, for~~
 25 ~~middle schools.~~

26 ~~(4) Grade 9 to grade 10 promotion rates.~~

27 ~~(5) Percentage of high school pupils for each of grades 9 to 12,~~
 28 ~~inclusive, who are on track to earn sufficient credits to graduate.~~

29 ~~(6) The average number of nonpromotional school moves that~~
 30 ~~pupils make between grades 6 to 12, inclusive.~~

31 ~~(7) “Full-year” dropout rates for alternative schools, including~~
 32 ~~dropout recovery high schools, calculated using a methodology~~
 33 ~~developed by the Superintendent to appropriately reflect dropout~~
 34 ~~rates in each type of alternative school.~~

35 ~~(8) An explanation of the methodology or methodologies used~~
 36 ~~to calculate “full-year” dropout rates for alternative schools~~
 37 ~~pursuant to paragraph (7).~~

38 ~~(9) Passage rates on the high school exit examination adopted~~
 39 ~~pursuant to subdivision (a) of Section 60850.~~

- 1 ~~(10) Other available data relating to dropout or graduation rates~~
2 ~~or pupil progress toward high school graduation.~~
- 3 ~~(b) When cohort dropout rates can be calculated accurately~~
4 ~~using longitudinal data, the rates described in paragraph (3) of~~
5 ~~subdivision (a) shall be replaced by dropout rates for cohorts of~~
6 ~~pupils entering middle school.~~
- 7 ~~(c) When data is available, the report shall also include all of~~
8 ~~the following:~~
- 9 ~~(1) Rates at which pupils graduate in four, five, and six years,~~
10 ~~pursuant to subparagraph (A) of paragraph (4) of subdivision (a)~~
11 ~~of Section 52052.~~
- 12 ~~(2) Percentage of high school graduates and dropouts who~~
13 ~~completed courses that are certified by the University of California~~
14 ~~as meeting admission requirement criteria for the University of~~
15 ~~California and California State University systems.~~
- 16 ~~(3) Percentage of high school graduates and dropouts who~~
17 ~~completed two or more classes in career technical education.~~
- 18 ~~(4) Percentage of high school graduates and dropouts who~~
19 ~~completed both course sequences described in paragraphs (2) and~~
20 ~~(3).~~
- 21 ~~(5) Behavioral data by school and district, including suspensions~~
22 ~~and expulsions.~~
- 23 ~~(6) Truancy rates.~~
- 24 ~~(7) GED earning rates.~~
- 25 ~~(8) Chronic absentee rates, as defined in Section 60901.~~
- 26 ~~(d) If possible, the data listed in subdivisions (a) and (b) shall~~
27 ~~be presented in the report, organized as follows:~~
- 28 ~~(1) By state.~~
- 29 ~~(2) By county.~~
- 30 ~~(3) By district, both including and excluding charter schools.~~
- 31 ~~(4) By school.~~
- 32 ~~(e) The report shall include data from alternative middle and~~
33 ~~high schools, including continuation high schools, community day~~
34 ~~schools, juvenile court schools, special schools, opportunity~~
35 ~~schools, and schools attended by wards of the Department of~~
36 ~~Corrections and Rehabilitation, Division of Juvenile Justice.~~
- 37 ~~(f) The report may include relevant data on school climate and~~
38 ~~pupil engagement from the California Healthy Kids Survey.~~
- 39 ~~(g) If possible, the data listed in subdivisions (a) and (b) shall~~
40 ~~be presented for the following subgroups, if the subgroup consists~~

1 of at least 50 pupils, and the subgroup constitutes at least 15 percent
2 of the total population of pupils at a school:

- 3 (1) ~~Grade level.~~
- 4 (2) ~~Ethnicity.~~
- 5 (3) ~~Gender.~~
- 6 (4) ~~Low socioeconomic status.~~
- 7 (5) ~~English learners.~~
- 8 (6) ~~Special education status.~~

9 (h) ~~The first Annual Report on Dropouts in California shall~~
10 ~~include data from the most recent year. Subsequent annual reports~~
11 ~~shall include data from the most recent year and, at a minimum,~~
12 ~~the two prior years, so that comparisons can be made easily.~~

- 13 (i) ~~The Superintendent or his or her designee shall make an oral~~
14 ~~presentation of the contents of the report to the state board at a~~
15 ~~regularly scheduled meeting of the board.~~
- 16 (j) ~~The Superintendent shall make the contents of the report~~
17 ~~available on the department's Internet Web site in a format that is~~
18 ~~easy for the public to access and understand.~~
- 19 (k) ~~If inclusion of school-level data would render the written~~
20 ~~report unwieldy, the data may be omitted from the written report~~
21 ~~and posted on the department's Internet Web site.~~
- 22 (l) ~~It is the intent of the Legislature that the report prepared by~~
23 ~~the Superintendent be usable by schools, districts, policymakers,~~
24 ~~researchers, parents, and the public, for purposes of identifying~~
25 ~~and understanding trends, causal relations, early warning indicators,~~
26 ~~and potential points of intervention to address the high rate of~~
27 ~~dropouts in California.~~
- 28 (m) ~~For purposes of this section, dropouts shall be defined using~~
29 ~~the exit/withdrawal codes developed by the department.~~
- 30 (n) ~~For purposes of this section, "dropout recovery high school"~~
31 ~~has the same meaning as defined in subparagraph (D) of paragraph~~
32 ~~(4) of subdivision (a) of Section 52052.~~

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