

Introduced by Senator LiuFebruary 8, 2011

An act to amend Sections 33000, 33030, 33031, 33032, 33111, and 33301 of, and to repeal Sections 33034, 33302, and 33303 of, the Education Code, relating to education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as introduced, Liu. Education governance.

(1) Existing law establishes the State Board of Education to adopt policies, and to establish rules and regulations, not inconsistent with the laws of the state, to govern the public elementary and secondary schools of the state. Existing law provides that the state board consists of 10 members, who are appointed by the Governor to 4-year terms with the advice and consent of $\frac{2}{3}$ of the Senate. Existing law also provides for the appointment by the Governor, with the advice and consent of $\frac{2}{3}$ of the Senate, of a student member to a single one-year term commencing on August 1. Existing law authorizes the state board to issue subpoenas to compel the attendance of witnesses before the board, or before any member of the board, in the same manner as any court in the state.

This bill would require that the 10 nonstudent appointees to the state board represent, and reside in, different geographical areas of the state, reflect the ethnic and gender diversity of the state's population, and represent the various disciplines active in the public education system.

The bill would eliminate the authority of the state board to establish statewide educational policy and issue rules and regulations for the governance of public elementary and secondary schools. The bill would instead provide that the state board would advise the Governor on education policy.

The bill would eliminate the authority of the state board to issue subpoenas to compel the attendance of witnesses.

(2) Existing law requires the Superintendent of Public Instruction, among other things, to execute, under the direction of the State Board of Education, the policies decided upon by the state board. Existing law provides that the Superintendent of Public Instruction is the ex officio Director of Education.

This bill would eliminate the requirement that the Superintendent of Public Instruction execute policies of the State Board of Education. The bill would instead define the function of the Superintendent as ensuring the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive. The bill would provide that the Director of Education would be appointed by, and serve at the pleasure of, the Superintendent. The bill would further provide that the Director of Education would perform all executive and administrative functions of the State Department of Education delegated to him or her by the Superintendent.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) President Obama has called on states to move forward
4 aggressively on education reform. The approval by Congress of
5 the Race to the Top competitive grant funds echoes this call, and
6 funds will go to states that are leading the way with ambitious yet
7 achievable plans for implementing coherent, compelling, and
8 comprehensive education reform.

9 (b) The United States House of Representatives has passed
10 legislation that contains an Early Learning Challenge Fund, which
11 is an \$8 billion, eight-year investment in early learning programs.

12 (c) Several studies, including a 2007 report by the
13 Superintendent of Public Instruction, have highlighted California's
14 persistent achievement gap among different demographic groups
15 of pupils.

16 (d) California has a high school completion rate of 75 percent.
17 About 60 percent of California high school graduates enter
18 community college or a four-year college.

1 (e) Recent studies have criticized California’s governance
2 system for lacking transparency and being overly complex,
3 inefficient, and ineffective.

4 (f) In order for California to produce an educated population,
5 make headway in closing the student achievement gap, and be
6 competitive in seeking federal Race to the Top program and other
7 federal education programs and improvement funds, the state must
8 have an effective, functional, and streamlined governance system
9 in place.

10 SEC. 2. Section 33000 of the Education Code is amended to
11 read:

12 33000. (a) There is in the state government a State Board of
13 Education, consisting of 10 members, who are appointed by the
14 Governor with the advice and consent of two-thirds of the Senate.

15 (b) *Appointees to the state board shall do all of the following:*

16 (1) *Represent and reside in different geographical regions of*
17 *the state.*

18 (2) *Reflect the ethnic and gender diversity of the state’s*
19 *population.*

20 (3) *Represent the array of disciplines active in the public*
21 *education system, including, but not necessarily limited to,*
22 *teachers, principals, school district administrators and financial*
23 *officers, charter school administrators, county offices of education,*
24 *school district governing boards, classified employees, and parents.*

25 SEC. 3. Section 33030 of the Education Code is amended to
26 read:

27 33030. The board shall ~~determine all questions of,~~ *advise the*
28 *Governor on education policy within its powers.*

29 SEC. 4. Section 33031 of the Education Code is amended to
30 read:

31 33031. (a) The *state* board shall adopt rules and regulations
32 not inconsistent with the laws of this state ~~(a) for its own~~
33 ~~government, (b) for the government of its appointees and~~
34 ~~employees, (c) for the government of the day and evening~~
35 ~~elementary schools, the day and evening secondary schools, and~~
36 ~~the technical and vocational schools of the state, and (d) for the~~
37 ~~government of other schools, excepting the University of~~
38 ~~California, the California State University, and the California~~
39 ~~Community Colleges, as may receive in whole or in part financial~~
40 ~~support from the state~~ *procedures.*

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2 (b) *The rules and regulations adopted by the state board under*
3 *this section shall be published for distribution as soon as practicable*
4 *after adoption.*

5 SEC. 5. Section 33032 of the Education Code is amended to
6 read:

7 33032. The *state* board shall study the educational conditions
8 and needs of the state. ~~It shall, and make plans recommendations~~
9 *for the improvement of the administration and efficiency of the*
10 *public schools of the state. The state board shall report the results*
11 *of its study, and any recommendations that it makes under this*
12 *section, to the Governor in the report required by Section 33037.*

13 SEC. 6. Section 33034 of the Education Code is repealed.

14 ~~33034. The board shall issue subpoenas to compel the~~
15 ~~attendance of witnesses before the board, or any member thereof,~~
16 ~~in the same manner as any court in this state. Whenever the~~
17 ~~testimony of any witness upon any matter pending before it is~~
18 ~~material, the president shall cause the attendance of the witnesses~~
19 ~~before the board, or a member of the board, to testify concerning~~
20 ~~the matter, and the board may make a reasonable allowance for~~
21 ~~this purpose not exceeding the fees of witnesses in civil cases. The~~
22 ~~allowance shall be paid for out of the appropriation for the expense~~
23 ~~of the board, but in no instance shall an allowance be made in favor~~
24 ~~of a witness who appears in behalf of a claimant. The provisions~~
25 ~~of this section shall not apply to proceedings conducted in~~
26 ~~accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the~~
27 ~~Government Code.~~

28 SEC. 7. Section 33111 of the Education Code is amended to
29 read:

30 33111. The Superintendent of Public Instruction shall ~~execute,~~
31 ~~under direction of the State Board of Education, the policies which~~
32 ~~have been decided upon by the board and shall direct, under general~~
33 ~~rules and regulations adopted by the State Board of Education, the~~
34 ~~work of all appointees and employees of the board. ensure the~~
35 ~~delivery of high-quality education to the pupils of the state who~~
36 ~~attend preschool, kindergarten, and grades 1 to 12, inclusive. The~~
37 ~~responsibilities of the Superintendent shall include, but not~~
38 ~~necessarily be limited to, all of the following:~~

39 (a) *Establishing educational expectations for pupils.*

40 (b) *Apportioning resources to schools.*

1 (c) *Managing statewide educational and financial accountability*
2 *programs.*

3 (d) *Overseeing school district fiscal audit reviews.*

4 (e) *Serving as the independent spokesperson for California’s*
5 *populace and pupils.*

6 (f) *Facilitating educational accountability by administering and*
7 *promoting the effective use of data to measure and improve pupil*
8 *learning. Educational accountability shall include, but not*
9 *necessarily be limited to, all of the following:*

10 (1) *Measuring pupil and institutional performance to ensure*
11 *adequate and equitable education and compliance with special*
12 *education and civil rights law.*

13 (2) *Monitoring the implementation of state and federal*
14 *programs.*

15 (3) *Identifying schools that fail to meet pupil achievement*
16 *targets.*

17 (4) *Defining and implementing intervention strategies for*
18 *schools that fail to meet pupil achievement targets.*

19 SEC. 8. Section 33301 of the Education Code is amended to
20 read:

21 33301. The Department of Education shall be administered
22 through: *an executive officer known as the Director of Education,*
23 *who shall be appointed by, and serve at the pleasure of, the*
24 *Superintendent of Public Instruction. The Director of Education*
25 *shall perform all executive and administrative functions of the*
26 *department delegated to him or her by the Superintendent.*

27 ~~(a) The State Board of Education which shall be the governing~~
28 ~~and policy determining body of the department.~~

29 ~~(b) The Director of Education in whom all executive and~~
30 ~~administrative functions of the department are vested and who is~~
31 ~~the executive officer of the State Board of Education.~~

32 SEC. 9. Section 33302 of the Education Code is repealed.

33 ~~33302. The Department of Education shall be conducted under~~
34 ~~the control of an executive officer known as the Director of~~
35 ~~Education.~~

36 SEC. 10. Section 33303 of the Education Code is repealed.

37 ~~33303. The Superintendent of Public Instruction is ex officio~~
38 ~~Director of Education.~~

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