AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MAY 11, 2011

SENATE BILL No. 755

Introduced by Senator Lieu
(Coauthor: Senator Yee)
(Coauthor: Assembly Member Portantino)

February 18, 2011

An act to amend ~~Sections 32280, 32281, 32282, 32285, 32286, 41020, and 47605 of, to add Sections 32286.1, 32287.1, and 41338.5 to, to repeal Section 32289 of, and to repeal and add Section 32288 of~~ *Section 66602.5 of, and to add Section 89517.7 to*, the Education Code, relating to ~~school safety~~ *public postsecondary education*.

LEGISLATIVE COUNSEL'S DIGEST

SB 755, as amended, Lieu. ~~School safety plans.~~ *Public postsecondary education: California State University: increases in tuition or fees: compensation.*

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in the state.

Existing law, the Bagley-Keene Open Meeting Act (Bagley-Keene Act), generally requires, with specified exceptions for authorized closed sessions, that the meetings of state bodies be open and public and that all persons be permitted to attend. The Bagley-Keene Act also generally requires that the agenda for meetings provide an opportunity for members of the public to directly address the body of any item of interest to the public that is within the subject matter jurisdiction of the body. Each member of a state body who attends a meeting of that body in violation of any provision of the Bagley-Keene Act, and where the

member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the act, is guilty of a misdemeanor. Under existing law, all meetings of the trustees are subject to the Bagley-Keene Act, except with respect to the compensation of designated executive officers of the university, which is required to be acted upon in an open session.

This bill would prohibit the trustees from acting to increase the salary range of any university officer or employee or to increase the tuition or mandatory systemwide fees of university students except in an open public meeting properly noticed pursuant to the Bagley-Keene Act.

The bill would prohibit the trustees from awarding a president of a campus compensation, as defined, that exceeds 150% of the compensation of the Chief Justice of California, except if the Governor, by executive order, approves the individual president's compensation. The bill would prohibit the trustees from approving any increase in compensation for a president of a campus if an increase in tuition is scheduled to take effect in that fiscal year or has taken effect in either of the 2 prior fiscal years. The bill would require the trustees, when hiring a president of a campus, to give primary consideration to applicants currently employed by the California State University system and to secondarily give consideration to residents of California who are not employees of the system. The bill would prohibit the trustees from giving consideration to applicants who are neither residents of California nor employees of the system before applicants who are employees of the system or who are residents of California and are not employees of the system.

~~(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.~~

~~This bill would revise and recast those procedures. The bill would require specified administrators of school districts and county offices of education to provide written notification to the Superintendent of Public Instruction identifying each school within the school district or county that has not complied with the requirement to adopt, and periodically review and update, a comprehensive school safety plan. The bill would require the Superintendent to publish, on the Internet Web site of the State Department of Education, the name of each school reported as not complying with the requirements to adopt, and periodically review and update, a comprehensive school safety plan. By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.~~

~~(2) Existing law requires a county superintendent of schools to provide for an audit of all funds under his or her jurisdiction, and requires the governing board of a local educational agency to either provide for an audit of the books and accounts of the local educational agency or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing. Existing law requires a county superintendent of schools to be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to specified topics, and determining whether the exceptions were either corrected or an acceptable plan of correction was developed. Existing law requires the county office of education to review certain audit exceptions upon submission and receipt of a final audit report. Existing law requires the Superintendent of Public Instruction to be responsible for ensuring that local educational agencies have either corrected or developed plans of correction for specified audit exceptions.~~

~~This bill, commencing with the 2012–13 fiscal year, would require the auditor to include in the audit report a summary of the extent to which a local educational agency has complied with the requirement that each of its schools develop a comprehensive school safety plan.~~

~~(3) Existing law establishes a public school funding system that includes, among other elements, the provision of funding to local educational agencies through state apportionments, the proceeds of property taxes collected at the local level, and other sources.~~

~~This bill would require the Superintendent of Public Instruction to withhold the next principal apportionment from a local educational agency if the Superintendent receives an audit report that finds that the local educational agency has not substantially complied with the~~

~~requirement that each of its schools develop a comprehensive school safety plan, or if the Superintendent finds that a superintendent of a school district or county office of education, or an administrator in charge of a school district or county office of education without a superintendent, has committed a violation by failing to provide written notification to the Superintendent identifying each school within the district or county that has not complied with specified requirements relating to the development and adoption of comprehensive school safety plans for that school year. The bill would authorize the Superintendent to apportion these funds to the affected local educational agency only after determining that the noncompliance or violation has been corrected.~~

~~(4) The Charter Schools Act of 1992 allows one or more persons seeking to establish a charter school within a school district to circulate a petition to that effect. The act provides that a petition for the establishment of a charter school may be denied by the governing board of a school district upon a finding that the petition does not contain a reasonably comprehensive description of the procedures that the school will follow to ensure the health and safety of pupils and staff, including a requirement that each employee of the school furnish the school with a criminal record summary. The renewal of a charter is also governed by these criteria.~~

~~This bill, in addition, would add the development of a school safety plan, which includes specified elements, and that is annually reviewed by the school and updated as necessary, to the procedures that the school will follow to ensure the health and safety of pupils and staff that are to be described in a petition for the establishment of, or application for the renewal of a charter of, a charter school.~~

~~(5) 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.~~

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

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

SECTION 1. Section 66602.5 of the Education Code is amended to read:

66602.5. *(a)* All meetings of the trustees shall, except as otherwise provided in Section 66602.7, be subject to ~~Article~~ *the Bagley-Keene Open Meeting Act (Article* 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government ~~Code~~ *Code)*.

(b) The trustees shall not act to increase the salary range of any university officer or employee or to increase the tuition or mandatory systemwide fees of university students except in an open public meeting properly noticed pursuant to the Bagley-Keene Open Meeting Act.

SEC. 2. Section 89517.7 is added to the Education Code, to read:

89517.7. (a) The trustees shall not award a president of a campus compensation that exceeds 150 percent of the compensation of the Chief Justice of California, except if the Governor, by executive order, approves the individual president's compensation award.

(b) The trustees shall not approve any increase in compensation for a president of a campus if an increase in tuition is scheduled to take effect in that fiscal year or has taken effect in either of the two prior fiscal years.

(c) When hiring a president of a campus, the trustees shall give primary consideration to applicants currently employed by the California State University system and then shall give secondary consideration to applicants who are residents of California but are not employees of the system. Applicants who are neither residents of California nor employees of the system shall receive consideration after applicants who may be given primary and secondary consideration.

(d) For purposes of this section, "compensation" includes, but is not limited to, any taxable income or benefit, such as salary, bonuses, or living allowances paid for with state moneys, including moneys from a statewide or campus foundation or auxiliary organization, as defined in Section 89901.

All matter omitted in this version of the bill appears in the bill as amended in the Senate, May 11, 2011. (JR11)

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