

SENATE BILL

No. 1

Introduced by Senator Alpert

January 19, 1999

An act to add Chapter 6.1 (commencing with Section 52050) to Part 28 of the Education Code, relating to school performance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Alpert. Education accountability.

Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test designated by the State Board of Education as part of the Standardized Testing and Reporting program.

This bill would establish the Public School Performance Accountability Program that would consist of a state Academic Performance Index, known as the API, an Immediate Intervention/Underperforming Schools Program, and a Governor's High Achieving/Improving Schools Program.

This bill would require the Superintendent of Public Instruction, with approval of the State Board of Education, by July 1, 1999, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure performance of schools, especially the academic performance of pupils. The bill would require the Superintendent of Public Instruction to develop and the State Board of Education to adopt, based on the API, expected

annual percentage growth targets for all schools based on the their API baseline score as measured in July 1999 and would prescribe a minimum percentage growth target of 5% annually and authorize the State Board of Education to set differential growth targets based on grade level of instruction and set higher growth targets for the lowest performing schools. Upon adoption of state performance standards by the State Board of Education, the Superintendent of Public Instruction would be required to recommend and the State Board of Education would be required to adopt, a statewide API performance target that represents the proficiency level required to meet the state academic content standards.

This bill would establish an Immediate Intervention/Underperforming School Program and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, by July 15, 1999, to invite schools that scored below the 50th percentile on the Standardized Testing and Reporting program achievement tests both in the spring of 1998 and in the spring of 1999 to participate in the program. This program would be limited to 200 schools, with no more than 140 elementary schools, 36 middle schools and 24 high schools. This bill would impose a state-mandated local program by providing that if fewer than the number of schools in any grade level category apply, schools that scored below the 50th percentile in those grades may be randomly selected to participate in this program. A school selected to participate on or before August 1, 1999, would be awarded a planning grant ranging from \$25,000 to \$50,000, based on criteria that would be developed by the Superintendent of Public Instruction and approved by the State Board of Education. A school selected after August 1, 1999, would receive the award if funds appropriated for this purpose in the Budget Act.

This bill would require the Superintendent of Public Instruction to develop and the State Board of Education to approve a list of external evaluators, and would require by September 15 of the year a school is selected to participate in the program, the governing board of a school district having jurisdiction over a school selected for participation in the Immediate Intervention/Underperforming Schools Program



to appoint an external evaluator and a broad-based schoolsite and community team, consisting of a majority of nonschoolsite personnel. The bill would require the selected external evaluator to complete a review of the school by November 1 of the year a school is selected to participate in the program, that identifies weaknesses that contribute to the school's below-average performance and makes recommendations for improvement. The external evaluator and a broad-based schoolsite would be required to develop an action plan to improve the academic achievement of the pupils enrolled at the school, including percentage growth targets at least as high as the annual growth targets adopted by the State Board of Education, submit the plan to the governing board of the school districts for its approval, and after the plan is approved, but no later than March 1 of the year that follows the year a school is selected to participate in the program, and would require the plan to be submitted to the Superintendent of Public Instruction with a request for funding in the form prescribed by the Superintendent of Public Instruction. A school whose application is approved on or before August 1, 1999, would receive funding, in each fiscal year that it participates in the program, in an amount equal to \$150 per pupil enrolled in the school. A school that applies after August 1, 1999, may receive funding if funds are appropriated for this purpose in the Budget Act. These schools would be required to match from its existing sources of funding.

This bill would require the governing board of a school that fails to meet its annual short-term growth target at the end of the first year of participating in the program to hold a public hearing at a regularly scheduled meeting to ensure that members of the school community are aware of the lack of progress, and to impose more serious consequences, including, but not limited to, allowing pupils to attend another public school in the district and placing the school principal on probation.

This bill would provide that after 2 years of participating in the program, a school that meets or exceeds its growth target each year shall receive a monetary award, under the Governor's Performance Award program, a school that has not met its performance goals, but demonstrates significant



growth, as determined by the State Board of Education, shall continue to participate in the program for an additional year and to receive funding, and a school that does not meet its performance goals after two years of participating in the program and has failed to show significant growth, as determined by the State Board of Education, would be deemed an educationally deficient school.

This bill would provide that with respect to an educationally deficient school, the Superintendent of Public Instruction would be required to assume all the legal rights, duties, and powers of the governing board, and, in consultation with the State Board of Education and the governing board of the school district, would reassign the principal of that school and would grant broad power to take other enumerated actions.

This bill would establish a High Achieving/Improving Schools Program and would require the Superintendent of Public Instruction, commencing in June 2000, and every June thereafter, with approval of the State Board of Education, to rank all public schools based on the API by grade level of instruction provided and including elementary, middle, and high school. The bill would require, commencing in June 2001, that the rankings indicate the target annual growth rates and the actual growth rates attained by the schools, would require the Superintendent of Public Instruction to annually publish these rankings on the Internet. This bill would require, commencing in July 2000, and every July thereafter, the governing board of each school district shall hold a hearing to discuss the results of the annual ranking, thereby imposing a state-mandated local program.

This bill would provide that commencing with the 2000–01 school year, a school that fails to meet the established annual state growth targets may be subject to the Immediate Intervention/Underperforming Schools program.

This bill would require the State Board of Education to establish a Governor's Performance Award program to provide monetary awards to schools that meet or exceed API performance growth targets, and would provide that all schools, including schools participating in the Immediate Intervention/Underperforming Schools Program are eligible



to participate in the Governor’s Performance Award program.

This bill would appropriate \$192,300,000 to the Superintendent of Public Instruction for the purposes of its provisions, of which \$160,000,000 would be appropriated from the General Fund and \$32,300,000 would be appropriated from the Federal Trust Fund.

The funds appropriated from the General Fund by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 6.1 (commencing with Section
2 52050) is added to Part 28 of the Education Code, to read:

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4 CHAPTER 6.1. PUBLIC SCHOOL PERFORMANCE
5 ACCOUNTABILITY ACT

6

7 Article 1. Legislative Findings and Declarations

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9 52050. The Legislature finds and declares all of the
10 following:

11 (a) The enactment of a comprehensive academic
12 accountability system that holds students, teachers,
13 administrators, and school communities accountable for



1 annual, measurable student academic achievement
2 would be beneficial to the educational system in the state.

3 (b) A comprehensive academic accountability system
4 is best accomplished by the development and
5 implementation of a comprehensive school
6 accountability system that includes all of the following:

7 (1) An analytically sound ranking mechanism for all
8 public schools in the state that consists of student results
9 on state assessments, school attendance rates for students
10 and school personnel, and school graduation rates.

11 (2) An immediate, staged intervention system for 200
12 underperforming schools in the state that features
13 evaluation, additional targeted resources, rewards for
14 success, and sanctions for failure.

15 (3) A long-term accountability system that requires
16 the Superintendent of Public Instruction to rank all
17 schools based on the ranking mechanism and requires all
18 schools to report the results of their rank to their
19 communities, evidence of improvement toward state
20 developed academic achievement targets, rewards for
21 success, and sanctions for failure.

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23 Article 2. Public School Performance Accountability
24 Program

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26 52051. The Public School Performance
27 Accountability Program is hereby established and shall
28 consist of the following three component parts:

29 (a) The state Academic Performance Index, to be
30 known as the API.

31 (b) The Immediate Intervention/Underperforming
32 Schools Program.

33 (c) The Governor’s High Achieving/Improving
34 Schools Program.

35 52052. (a) By July 1, 1999, the Superintendent of
36 Public Instruction, with approval of the State Board of
37 Education, shall develop an Academic Performance
38 Index, to be used to measure performance of schools,
39 especially the academic performance of pupils. The index
40 shall consist of a variety of indicators including, but not



1 limited to, the results of the achievement test
2 administered pursuant to Section 60640, attendance rates
3 for pupils and school personnel for elementary, middle
4 schools, and secondary schools, and the graduation rates
5 for pupils in secondary schools. The data collected for the
6 API shall be disaggregated by socio-economic status and
7 ethnic group. Results of the achievement tests shall
8 constitute at least 60 percent of the value of the index.

9 (b) Student scores results from the assessment of the
10 applied academic skills matrix test developed pursuant to
11 Section 60604, when available, and a high school exit
12 exam, when available, shall be incorporated into the API.

13 (c) Based on the API, the Superintendent of Public
14 Instruction shall develop and the State Board of
15 Education shall adopt, expected annual percentage
16 growth targets for all schools based on the their API
17 baseline score as measured in July 1999. The minimum
18 percentage growth target shall be 5 percent annually.
19 However, the State Board of Education, may set
20 differential growth targets based on grade level of
21 instruction and may set higher growth targets for the
22 lowest performing schools, because they have the
23 greatest room for improvement.

24 (d) Upon adoption of state performance standards by
25 the State Board of Education, the Superintendent of
26 Public Instruction shall recommend and the State Board
27 of Education shall adopt, a statewide API performance
28 target that represents the proficiency level required to
29 meet the state academic content standards. When fully
30 developed, schools may either meet the state standard or
31 meet their growth targets to be eligible for the
32 Governor's Performance Award Program as set forth in
33 Section 52057.

34 (e) Beginning in June 2000, the API shall be used for
35 both of the following:

36 (1) Measure the progress of schools selected for
37 participation in the Immediate
38 Intervention/Underperforming Schools Program
39 pursuant to Section 52053.



1 (2) Rank all public schools in the state for the purpose
2 of the High Achieving/Improving Schools Program
3 pursuant to Section 52056.

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Article 3. Immediate Intervention/Underperforming
Schools Program

8 52053. (a) The Immediate
9 Intervention/Underperforming Schools Program is
10 hereby established. By July 15, 1999, the Superintendent
11 of Public Instruction, with the approval of the State Board
12 of Education, shall invite schools that scored below the
13 50th percentile on the achievement tests administered
14 pursuant to Section 60640 both in the spring of 1998 and
15 in the spring of 1999 to participate in the Immediate
16 Intervention/Underperforming Schools Program.

17 (b) The total number of schools participating in the
18 program shall be 200. Unless subdivision (d) applies,
19 schools that apply will be selected based on the order in
20 which they apply, within the following grade level
21 categories:

- 22 (1) No more than 140 elementary schools.
 - 23 (2) No more than 36 middle schools.
 - 24 (3) No more than 24 high schools.
- 25 (c) If fewer than the number of schools in any
26 grade level category apply, schools that scored below the
27 50th percentile in those grade level categories that did
28 not apply for the program shall randomly be selected by
29 the Superintendent of Public Instruction, with the
30 approval of the State Board of Education, to participate
31 based on their proportional representation in the state
32 until the number of schools in each grade level category
33 set forth in subdivision (b) is achieved.

34 (d) If more than the requisite number of schools apply
35 for any grade level category, the Superintendent of
36 Public Instruction shall select an array of schools that
37 reflect a broad range of academic performance of schools
38 that scored below the 50th percentile, until the number
39 of schools in each grade level category set forth in
40 subdivision (b) is achieved.



1 (e) A school selected to participate on or before
2 August 1, 1999, shall be awarded a planning grant ranging
3 in amount from twenty-five thousand dollars (\$25,000) to
4 fifty thousand dollars (\$50,000). A school selected to
5 participate after August 1, 1999, may receive a planning
6 grant if funds are appropriated for this purpose in the
7 Budget Act. The actual dollar amount of the planning
8 grant shall be based on criteria developed by the
9 Superintendent of Public Instruction and approved by
10 the State Board of Education.

11 (f) Schools selected for participation in the program
12 shall be notified by the Superintendent of Public
13 Instruction no later than August 1.

14 52053.5. The Superintendent of Public Instruction
15 shall develop, and the State Board of Education shall
16 approve, a list of external evaluators. The criteria for
17 placement on the approved list of external evaluators
18 shall be developed by the Superintendent of Public
19 Instruction and approved by the State Board of
20 Education. The list of approved external evaluators may
21 include private sector experts, institutions of higher
22 education, county offices of education, and educational
23 consortia.

24 52054. (a) By September 15 of the year that the
25 school is selected to participate, the governing board of
26 a school district having jurisdiction over a school selected
27 for participation in the program shall appoint an external
28 evaluator from the list of external evaluators and shall
29 appoint a broad-based schoolsite and community team,
30 consisting of a majority of nonschoolsite personnel.

31 (b) By November 1 of the year that the school is
32 selected to participate, the selected external evaluator
33 shall complete a review of the school that identifies
34 weaknesses that contribute to the school's below average
35 performance and makes recommendations for
36 improvement.

37 (c) By February 1 of the year that follows the year the
38 school is selected to participate, the external evaluator
39 and a broad-based schoolsite and community team shall
40 develop an action plan to improve the academic



1 achievement of the pupils enrolled at the school. The
2 action plan shall include percentage growth targets at
3 least as high as the annual growth targets adopted by the
4 State Board of Education pursuant to Section 52052.

5 (d) Upon its completion, the action plan shall be
6 submitted to the governing board of the school districts
7 for its approval. After the plan is approved, but no later
8 than March 1 of the year that follows the year the school
9 is selected to participate, the plan shall be submitted to
10 the Superintendent of Public Instruction with a request
11 for funding in the form prescribed by the Superintendent
12 of Public Instruction.

13 (e) By May 1 of the year that follows the year the
14 school is selected to participate, the State Board of
15 Education shall review and recommend approval or
16 disapproval for all requests for funding, based on the
17 recommendations of the Superintendent of Public
18 Instruction.

19 52054.5. A school whose application is approved on or
20 before August 1, 1999, shall receive a grant for
21 implementing the program, in each fiscal year that it
22 participates in the program, in an amount equal to one
23 hundred fifty dollars (\$150) per pupil enrolled in the
24 school. A school that applies after August 1, 1999, may
25 receive a grant for implementing the program if funds
26 are appropriated for this purpose in the Budget Act. As
27 a condition of receiving this funding, a participating
28 school or the school district having jurisdiction over that
29 school shall match the amount of state funding from its
30 existing sources of funding. To help meet this matching
31 requirement, a participating school and the governing
32 board of the school district having jurisdiction over that
33 school shall receive maximum flexibility in the
34 expenditure of their existing categorical funds and shall
35 target all necessary funds to their academic improvement
36 plan.

37 52055. The governing board of a school that fails to
38 meet its annual short-term growth target at the end of the
39 first year of participating in the program shall hold a
40 public hearing at a regularly scheduled meeting to ensure



1 that members of the school community are aware of the
2 lack of progress. The governing board of the school
3 district shall, notwithstanding any other provision of law,
4 impose more serious consequences, including, but not
5 limited to, allowing pupils to attend another public school
6 in the district and placing the school principal on
7 probation.

8 52055.5. (a) After two years of participating in the
9 program, a school that meets or exceeds its growth target
10 each year shall receive a monetary award, under the
11 Governor's Performance Award Program, as set forth in
12 Section 52057. Funds received from this program shall be
13 used at the school's discretion.

14 (b) After two years of participating in the program, a
15 school that has not met its performance goals, but
16 demonstrates significant growth, as determined by the
17 State Board of Education, shall continue to participate in
18 the program for an additional year and to receive funding
19 in the amount specified in Section 52054.5.

20 (c) A school that does not meet its performance goals
21 after two years of participating in the program and has
22 failed to show significant growth, as determined by the
23 State Board of Education, shall be deemed an
24 educationally deficient school. Notwithstanding any
25 other provision of law, the Superintendent of Public
26 Instruction shall assume all the legal rights, duties, and
27 powers of the governing board with respect to that
28 school. The Superintendent of Public Instruction, in
29 consultation with the State Board of Education and the
30 governing board of the school district, shall reassign the
31 principal of that school. In addition to reassigning the
32 principal, the Superintendent of Public Instruction, in
33 consultation with the State Board of Education, shall,
34 notwithstanding any other provision of law, do at least
35 one of the following:

36 (1) Revise attendance options for pupils to allow them
37 to attend any public school.

38 (2) Allow parents to apply directly to the State Board
39 of Education for the establishment of a charter school and



1 allow parents to establish the charter school at the
2 existing schoolsite.

3 (3) Under the supervision of the Superintendent of
4 Public Instruction, assign the management of the school
5 to a college, university, county office of education, or
6 other appropriate educational institution. However, the
7 Superintendent of Public Instruction may not assume the
8 management of the school.

9 (4) Reassign other certificated employees of the
10 school.

11 (5) Renegotiate a new collective bargaining
12 agreement at the expiration of the existing collective
13 bargaining agreement.

14 (6) Reorganize the school.

15 (7) Close the school.

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17 Article 4. High Achieving/Improving Schools
18 Program

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20 52056. (a) The High Achieving/Improving School
21 Program is hereby established. Commencing in June
22 2000, and every June thereafter, the Superintendent of
23 Public Instruction, with approval of the State Board of
24 Education, shall rank all public schools based on the
25 Academic Performance Index established pursuant to
26 Section 52052. The schools shall be ranked by grade level
27 of instruction provided and shall include three categories:
28 elementary, middle, and high school. Commencing in
29 June 2001, the rankings shall indicate the target annual
30 growth rates and the actual growth rates attained by the
31 schools. The Superintendent of Public Instruction shall
32 annually publish these rankings on the Internet.

33 (b) Commencing in July 2000, and every July
34 thereafter, all schools shall report their ranking, including
35 a description of the components of the ranking, in their
36 annual school accountability report card pursuant to
37 Sections 33126 and 35256.

38 (c) Commencing in July 2000, and every July
39 thereafter, the governing board of each school district



1 shall hold a hearing to discuss the results of the annual
2 ranking.

3 52056.5. Commencing with the 2000–01 fiscal year, a
4 school that fails to meet annual state growth targets
5 established pursuant to Section 52052 may, as determined
6 by the Superintendent of Public Instruction with the
7 approval of the State Board of Education, be subject to
8 the Immediate Intervention/Underperforming Schools
9 Program pursuant to subdivisions (e) and (f) of Section
10 52053, and Sections 52053.5, 52054, 52054.5, 52055, and
11 52055.5.

12 52057. (a) The State Board of Education shall
13 establish a Governor’s Performance Award Program to
14 provide monetary awards to schools that meet or exceed
15 API performance growth targets established pursuant to
16 Section 52052.

17 (b) All schools, including schools participating in the
18 Immediate Intervention/Underperforming Schools
19 Program are eligible to participate in the Governor’s
20 Performance Award Program. The manner and form in
21 which the awards are given shall be established by the
22 Superintendent of Public Instruction and approved by
23 the State Board of Education. These awards shall be made
24 available on either a per pupil or per school basis, not to
25 exceed one hundred fifty dollars (\$150) per pupil
26 enrolled and subject to funds appropriated in the annual
27 Budget Act. A school that continues to show
28 improvement in successive years is eligible to receive
29 annual bonuses.

30 SEC. 2. (a) The sum of one hundred ninety-two
31 million three hundred thousand dollars (\$192,300,000) is
32 hereby appropriated according to the following schedule:

33 (1) Ten million dollars (\$10,000,000) from the General
34 Fund to the Superintendent of Public Instruction for
35 allocation to school districts for purposes of providing
36 funding for planning and grants for implementing the
37 Immediate Intervention/Underperforming Schools
38 Program as set forth in Article 3 (commencing with
39 Section 52053) of Chapter 6.1 of Part 28 of the Education
40 Code.



1 (2) Thirty-two million three hundred thousand dollars
2 (\$32,300,000) from the Federal Trust Fund to the
3 Superintendent of Public Instruction for allocation to
4 school districts for purposes of providing funding for
5 planning and grants for implementing the Immediate
6 Intervention/Underperforming Schools Program as set
7 forth in Article 3 (commencing with Section 52053) of
8 Chapter 6.1 of Part 28 of the Education Code.

9 (3) One hundred fifty million dollars (\$150,000,000)
10 from the General Fund to the Superintendent of Public
11 Instruction for allocation to school districts that meet or
12 exceed performance growth targets established by the
13 board pursuant to the High Achieving/Improving School
14 Program as set forth in Article 4 (commencing with
15 Section 52056) of Chapter 6.1 of Part 28 of the Education
16 Code.

17 (b) For the purposes of making the computations
18 required by Section 8 of Article XVI of the California
19 Constitution, the appropriation made by paragraphs (1)
20 and (3) shall be deemed to be “General Fund revenues
21 appropriated for school districts,” as defined in
22 subdivision (c) of Section 41202 of the Education Code,
23 for the 1999–2000 fiscal year, and included within the
24 “total allocations to school districts and community
25 college districts from General Fund proceeds of taxes
26 appropriated pursuant to Article XIII B,” as defined in
27 subdivision (e) of Section 41202 of the Education Code,
28 for the 1999–2000 fiscal year.

29 SEC. 3. Notwithstanding Section 17610 of the
30 Government Code, if the Commission on State Mandates
31 determines that this act contains costs mandated by the
32 state, reimbursement to local agencies and school
33 districts for those costs shall be made pursuant to Part 7
34 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the
36 claim for reimbursement does not exceed one million
37 dollars (\$1,000,000), reimbursement shall be made from
38 the State Mandates Claims Fund.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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