

AMENDED IN SENATE FEBRUARY 9, 1999

CALIFORNIA LEGISLATURE—1999–2000 FIRST EXTRAORDINARY SESSION

**SENATE BILL**

**No. 1**

**Introduced by Senator Alpert**

January 19, 1999

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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 amended, 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. *The bill would provide that only comprehensive high schools, middle, and elementary schools with populations of 100 or more pupils may be included in the API ranking, and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an alternative accountability system for schools with fewer than 100 pupils, and for county schools, community schools, and alternative schools by July 1, 2000.*

This bill would establish an Immediate Intervention/Underperforming ~~School~~ Schools Program and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, by ~~July~~ August 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~~ September 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~~ *September* 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 *minimum qualifications for external evaluations, and with the approval of the State Board of Education to establish* a list of external evaluators, and would require by ~~September 15~~ *October 1* 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~~ *December 15* 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 *with prescribed components* 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~~ *15* 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. *Approval by the State Board of Education of the request for funding to implement a school's action plan would be conclusively presumed to grant a waiver of all code sections, regulations, or programs identified by the school board as impediments to improving performance by an external evaluator and contained in the school's action plan.* 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 a school that is eligible to participate in the Governor's Performance Award Program may elect to present a list of code sections, regulations, or programs subject to waiver by the State Board of Education that the school has identified as unnecessary for the continued improvement of pupil performance, and the approval by the board of a school for inclusion in this award program is conclusively presumed to grant a waiver of all code sections, regulations, or programs identified by the school. The bill would also require that a school that demonstrates significant growth be granted maximum flexibility in its expenditure of existing categorical funds to enable the school to continue improvement in pupil performance.*

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~~ 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:

3

4 CHAPTER 6.1. PUBLIC SCHOOL PERFORMANCE  
5 ACCOUNTABILITY ACT

6

7 Article 1. Legislative Findings and Declarations

8

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

16 (b) A comprehensive academic accountability system  
17 is best accomplished by the development and  
18 implementation of a comprehensive school  
19 accountability system that includes all of the following:

20 (1) An analytically sound ranking mechanism for all  
21 public schools in the state that consists of student results



1 on state assessments, school attendance rates for students  
2 and school personnel, and school graduation rates.

3 (2) An immediate, staged intervention system for 200  
4 underperforming schools in the state that features  
5 evaluation, additional targeted resources, rewards for  
6 success, and sanctions for failure.

7 (3) A long-term accountability system that requires  
8 the Superintendent of Public Instruction to rank all  
9 schools based on the ranking mechanism and requires all  
10 schools to report the results of their rank to their  
11 communities, evidence of improvement toward state  
12 developed academic achievement targets, rewards for  
13 success, and sanctions for failure.

14

15 Article 2. Public School Performance Accountability  
16 Program

17

18 52051. The Public School Performance  
19 Accountability Program is hereby established and shall  
20 consist of the following three component parts:

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

23 (b) The Immediate Intervention/Underperforming  
24 Schools Program.

25 (c) The Governor’s High Achieving/Improving  
26 Schools Program.

27 52052. (a) By July 1, 1999, the Superintendent of  
28 Public Instruction, with approval of the State Board of  
29 Education, shall develop an Academic Performance  
30 Index, to be used to measure performance of schools,  
31 especially the academic performance of pupils. The index  
32 shall consist of a variety of indicators including, but not  
33 limited to, the results of the achievement test  
34 administered pursuant to Section 60640, attendance rates  
35 for pupils and school personnel for elementary, middle  
36 schools, and secondary schools, and the graduation rates  
37 for pupils in secondary schools. The data collected for the  
38 API shall be disaggregated by socio-economic status and  
39 ethnic group. Results of the achievement tests shall  
40 constitute at least 60 percent of the value of the index.



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

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

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

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

28 (1) Measure the progress of schools selected for  
29 participation in the Immediate  
30 Intervention/Underperforming Schools Program  
31 pursuant to Section 52053.

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

35 (f) *Only comprehensive high schools, middle, and*  
36 *elementary schools with populations of 100 or more pupils*  
37 *may be included in the API ranking.*

38 (g) *By July 1, 2000, the Superintendent of Public*  
39 *Instruction, with the approval of the State Board of*  
40 *Education, shall develop an alternative accountability*





1 *system for schools with fewer than 100 pupils, and for*  
2 *county schools, community schools, and alternative*  
3 *schools.*

4  
5 Article 3. Immediate Intervention/Underperforming  
6 Schools Program  
7

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

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

- 23 (1) No more than 140 elementary schools.
- 24 (2) No more than 36 middle schools.
- 25 (3) No more than 24 high schools.

26 (c) If fewer than the number of schools in any  
27 grade level category apply, schools that scored below the  
28 50th percentile in those grade level categories that did  
29 not apply for the program shall randomly be selected by  
30 the Superintendent of Public Instruction, with the  
31 approval of the State Board of Education, to participate  
32 based on their proportional representation in the state  
33 until the number of schools in each grade level category  
34 set forth in subdivision (b) is achieved.

35 (d) If more than the requisite number of schools apply  
36 for any grade level category, the Superintendent of  
37 Public Instruction shall select an array of schools that  
38 reflect a broad range of academic performance of schools  
39 that scored below the 50th percentile, until the number



1 of schools in each grade level category set forth in  
2 subdivision (b) is achieved.

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

14 (f) Schools selected for participation in the program  
15 shall be notified by the Superintendent of Public  
16 Instruction no later than ~~August~~ *September* 1.

17 52053.5. (a) ~~The Superintendent of Public~~  
18 ~~Instruction shall develop, and the State Board of~~  
19 ~~Education shall approve, a list of external evaluators. The~~  
20 ~~criteria for placement on the approved list of external~~  
21 ~~evaluators shall be developed by the Superintendent of~~  
22 ~~Public Instruction and approved by the State Board of~~  
23 ~~Education. The list of approved external evaluators may~~  
24 ~~include private sector experts, institutions of higher~~  
25 ~~education, county offices of education, and educational~~  
26 ~~consortia. approve, the minimum qualifications for~~  
27 ~~external evaluators that shall include, but may not be~~  
28 ~~limited to, recent successful professional, managerial or~~  
29 ~~governing board experience in improving school~~  
30 ~~achievement, and the ability to assist the school to~~  
31 ~~systematically align curriculum, instruction, and~~  
32 ~~assessment. With the approval of the State Board of~~  
33 ~~Education, the Superintendent of Public Instruction shall~~  
34 ~~establish a list of external evaluators that meet the~~  
35 ~~minimum qualifications. The list of approved external~~  
36 ~~evaluators may include private sector experts,~~  
37 ~~institutions of higher education, county offices of~~  
38 ~~education, and educational consortia.~~

39 (b) *The Superintendent of Public Instruction shall*  
40 *develop, and the State Board of Education shall approve,*



1 *the standards and criteria to be applied by external*  
2 *evaluators in carrying out their duties. The standards and*  
3 *criteria shall include, but are not limited to, the following*  
4 *areas:*

5 (1) *Governing board policies, responsibilities, and*  
6 *boardmanship.*

7 (2) *Curriculum management.*

8 (3) *Fiscal management.*

9 (4) *Parental and community involvement.*

10 (5) *Personnel management.*

11 (6) *Facilities management.*

12 52054. (a) ~~By September 15~~ *October 1* of the year  
13 that the school is selected to participate, the governing  
14 board of a school district having jurisdiction over a school  
15 selected for participation in the program shall appoint an  
16 external evaluator from the list of external evaluators and  
17 shall appoint a broad-based schoolsite and community  
18 team, consisting of a majority of nonschoolsite personnel.

19 (b) ~~By November 1~~ *December 15* of the year that the  
20 school is selected to participate, the selected external  
21 evaluator shall complete a review of the school that  
22 identifies weaknesses that contribute to the school's  
23 below average performance and makes  
24 recommendations for improvement.

25 (c) ~~By February 1~~ *March 15* of the year that follows the  
26 year the school is selected to participate, the external  
27 evaluator ~~and a broad-based schoolsite and community~~  
28 ~~team shall~~ *and the schoolsite and community team*  
29 *selected pursuant to subdivision (a) shall develop an*  
30 *action plan to improve the academic achievement of the*  
31 *pupils enrolled at the school. The action plan shall include*  
32 *percentage growth targets at least as high as the annual*  
33 *growth targets adopted by the State Board of Education*  
34 *pursuant to Section 52052.*

35 (d) *At a minimum, the action plan shall do all of the*  
36 *following:*

37 (1) *Review and include the school and district*  
38 *conditions identified in the school accountability report*  
39 *card pursuant to Section 33126.*



- 1 (2) Identify the current barriers at the school and  
2 district toward improvements in pupil achievement.
- 3 (3) Identify schoolwide and districtwide strategies to  
4 remove these barriers.
- 5 (4) Examine and consider disaggregated data  
6 regarding pupil achievement and other indicators to  
7 ensure that all groups and types of pupils make adequate  
8 progress toward short-term growth targets and long-term  
9 performance goals. The disaggregated data to be  
10 included and considered by the plan shall, at a minimum,  
11 provide information regarding the achievement of  
12 English learners, economically disadvantaged pupils, and  
13 other groups of pupils.
- 14 (5) Set short-term academic objectives pursuant to  
15 Section 52052 for a two-year period that will allow the  
16 school to make adequate progress toward the growth  
17 targets established for all participating schools for pupil  
18 achievement as measured by all of the following:
- 19 (A) The achievement test administered pursuant to  
20 Section 60640.
- 21 (B) Graduation rates for grades 7 to 12, inclusive.
- 22 (C) Attendance rates for pupils and school personnel  
23 for elementary, middle schools, and secondary schools.
- 24 (D) Progress towards meeting state and local content  
25 and performance standards.
- 26 (e) The school action plan shall focus on identifying  
27 and developing solutions that take into account the  
28 underlying causes for low performance by pupils.
- 29 (f) The team, in the development of the action plan,  
30 shall consult with the exclusive representatives of  
31 employee organizations, where they exist.
- 32 (g) Upon its completion, the action plan shall be  
33 submitted to the governing board of the school districts  
34 for its approval. After the plan is approved, but no later  
35 that ~~March 1~~ March 15 of the year that follows the year the  
36 school is selected to participate, the plan shall be  
37 submitted to the Superintendent of Public Instruction  
38 with a request for funding in the form prescribed by the  
39 Superintendent of Public Instruction.
- 40 ~~(e) By May 1~~

1 (h) By May 15 of the year that follows the year the  
2 school is selected to participate, the State Board of  
3 Education shall review and recommend approval or  
4 disapproval for all requests for funding, based on the  
5 recommendations of the Superintendent of Public  
6 Instruction. *Approval by the State Board of Education of  
7 the request for funding to implement a school's action  
8 plan shall be conclusively presumed to grant a waiver,  
9 pursuant to Section 44670.7, of all code sections,  
10 regulations, or programs identified by the governing  
11 board of the school district as impediments to improving  
12 performance by an external evaluator and contained in  
13 a school's action plan.*

14 52054.5. A school whose application is approved on or  
15 before August 1, 1999, shall receive a grant for  
16 implementing the program, in each fiscal year that it  
17 participates in the program, in an amount equal to one  
18 hundred fifty dollars (\$150) per pupil enrolled in the  
19 school. A school that applies after August 1, 1999, may  
20 receive a grant for implementing the program if funds  
21 are appropriated for this purpose in the Budget Act. As  
22 a condition of receiving this funding, a participating  
23 school or the school district having jurisdiction over that  
24 school shall match the amount of state funding from its  
25 existing sources of funding. To help meet this matching  
26 requirement, a participating school and the governing  
27 board of the school district having jurisdiction over that  
28 school shall receive maximum flexibility in the  
29 expenditure of their existing categorical funds and shall  
30 target all necessary funds to their academic improvement  
31 plan.

32 52055. The governing board of a school that fails to  
33 meet its annual short-term growth target at the end of the  
34 first year of participating in the program shall hold a  
35 public hearing at a regularly scheduled meeting to ensure  
36 that members of the school community are aware of the  
37 lack of progress. The governing board of the school  
38 district shall, notwithstanding any other provision of law,  
39 impose more serious consequences, including, but not  
40 limited to, allowing pupils to attend another public school



1 in the district and placing the school principal on  
2 probation.

3 52055.5. (a) After two years of participating in the  
4 program, a school that meets or exceeds its growth target  
5 each year shall receive a monetary award, under the  
6 Governor’s Performance Award Program, as set forth in  
7 Section 52057. Funds received from this program shall be  
8 used at the school’s discretion.

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

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

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

33 (2) Allow parents to apply directly to the State Board  
34 of Education for the establishment of a charter school and  
35 allow parents to establish the charter school at the  
36 existing schoolsite.

37 (3) Under the supervision of the Superintendent of  
38 Public Instruction, assign the management of the school  
39 to a college, university, county office of education, or  
40 other appropriate educational institution. However, the



1 Superintendent of Public Instruction may not assume the  
2 management of the school.

3 (4) Reassign other certificated employees of the  
4 school.

5 (5) Renegotiate a new collective bargaining  
6 agreement at the expiration of the existing collective  
7 bargaining agreement.

8 (6) Reorganize the school.

9 (7) Close the school.

10

11 Article 4. High Achieving/Improving Schools  
12 Program  
13

14 52056. (a) The High Achieving/Improving School  
15 Program is hereby established. Commencing in June  
16 2000, and every June thereafter, the Superintendent of  
17 Public Instruction, with approval of the State Board of  
18 Education, shall rank all public schools based on the  
19 Academic Performance Index established pursuant to  
20 Section 52052. The schools shall be ranked by grade level  
21 of instruction provided and shall include three categories:  
22 elementary, middle, and high school. Commencing in  
23 June 2001, the rankings shall indicate the target annual  
24 growth rates and the actual growth rates attained by the  
25 schools. The Superintendent of Public Instruction shall  
26 annually publish these rankings on the Internet.

27 (b) Commencing in July 2000, and every July  
28 thereafter, all schools shall report their ranking, including  
29 a description of the components of the ranking, in their  
30 annual school accountability report card pursuant to  
31 Sections 33126 and 35256.

32 (c) Commencing in July 2000, and every July  
33 thereafter, the governing board of each school district  
34 shall hold a hearing to discuss the results of the annual  
35 ranking.

36 52056.5. Commencing with the 2000–01 fiscal year, a  
37 school that fails to meet annual state growth targets  
38 established pursuant to Section 52052 may, as determined  
39 by the Superintendent of Public Instruction with the  
40 approval of the State Board of Education, be subject to



1 the Immediate Intervention/Underperforming Schools  
2 Program pursuant to subdivisions (e) and (f) of Section  
3 52053, and Sections 52053.5, 52054, 52054.5, 52055, and  
4 52055.5.

5 52057. (a) The State Board of Education shall  
6 establish a Governor's Performance Award Program to  
7 provide monetary awards to schools that meet or exceed  
8 API performance growth targets established pursuant to  
9 Section 52052.

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

23 (c) *A school that is eligible to participate in the*  
24 *Governor's Performance Award Program may elect to*  
25 *present a list of code sections, regulations, or programs*  
26 *subject to waiver pursuant to Section 44670.7 that the*  
27 *school has identified as unnecessary for the continued*  
28 *improvement of pupil performance at the school.*  
29 *Approval by the State Board of Education of a school for*  
30 *inclusion in the Governor's Performance Award Program*  
31 *shall be conclusively presumed to grant a waiver of all*  
32 *code sections, regulations, or programs identified by the*  
33 *school as unnecessary for the continued improvement of*  
34 *pupil performance.*

35 (d) *A school that demonstrates significant growth shall*  
36 *be granted maximum flexibility in its expenditure of*  
37 *existing categorical funds to enable the school to continue*  
38 *improvement in pupil performance.*





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

4 (1) Ten million dollars (\$10,000,000) from the General  
5 Fund to the Superintendent of Public Instruction for  
6 allocation to school districts for purposes of providing  
7 funding for planning and grants for implementing the  
8 Immediate Intervention/Underperforming Schools  
9 Program as set forth in Article 3 (commencing with  
10 Section 52053) of Chapter 6.1 of Part 28 of the Education  
11 Code.

12 (2) Thirty-two million three hundred thousand dollars  
13 (\$32,300,000) from the Federal Trust Fund to the  
14 Superintendent of Public Instruction for allocation to  
15 school districts for purposes of providing funding for  
16 planning and grants for implementing the Immediate  
17 Intervention/Underperforming Schools Program as set  
18 forth in Article 3 (commencing with Section 52053) of  
19 Chapter 6.1 of Part 28 of the Education Code.

20 (3) One hundred fifty million dollars (\$150,000,000)  
21 from the General Fund to the Superintendent of Public  
22 Instruction for allocation to school districts that meet or  
23 exceed performance growth targets established by the  
24 board pursuant to the High Achieving/Improving School  
25 Program as set forth in Article 4 (commencing with  
26 Section 52056) of Chapter 6.1 of Part 28 of the Education  
27 Code.

28 (b) For the purposes of making the computations  
29 required by Section 8 of Article XVI of the California  
30 Constitution, the appropriation made by paragraphs (1)  
31 and (3) shall be deemed to be “General Fund revenues  
32 appropriated for school districts,” as defined in  
33 subdivision (c) of Section 41202 of the Education Code,  
34 for the 1999–2000 fiscal year, and included within the  
35 “total allocations to school districts and community  
36 college districts from General Fund proceeds of taxes  
37 appropriated pursuant to Article XIII B,” as defined in  
38 subdivision (e) of Section 41202 of the Education Code,  
39 for the 1999–2000 fiscal year.



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

11 Notwithstanding Section 17580 of the Government  
12 Code, unless otherwise specified, the provisions of this act  
13 shall become operative on the same date that the act  
14 takes effect pursuant to the California Constitution.

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