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AMENDED IN SENATE FEBRUARY 19, 1999

AMENDED IN SENATE FEBRUARY 12, 1999

AMENDED IN SENATE FEBRUARY 9, 1999

CALIFORNIA LEGISLATURE—1999–2000 FIRST EXTRAORDINARY SESSION

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**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 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. The bill would also require the Superintendent of Public Instruction to establish an advisory committee to advise the Superintendent of Public Instruction and the State Board of Education on matters relative to the programs established by the bill.

This bill would establish an Immediate Intervention/Underperforming Schools Program and would require the Superintendent of Public Instruction, with the approval of the State Board of Education, by 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



~~300~~ 430 schools, with no more than ~~240~~ 301 elementary schools, ~~54~~ 78 middle schools and ~~36~~ 52 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 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 September 1, 1999, would receive the award if funds are 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 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 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 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

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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, *with a minimum allocation of \$25,000 per schoolsite*. 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 funds 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, *and growth rates compare schools that have similar characteristics*, and 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.

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 SCHOOLS ACCOUNTABILITY ACT OF  
5 1999

6  
7 Article 1. Legislative Findings and Intent

8  
9 52050. This chapter shall be known and may be cited  
10 as the Public Schools Accountability Act of 1999.



1 52050.5. The Legislature finds and declares all of the  
2 following:

3 (a) The purpose of the California public school system  
4 is to provide for the academic development of each pupil  
5 and prepare each pupil, to the extent of his or her ability,  
6 to become a lifelong learner, equipped to live and  
7 succeed within the economic and societal complexities of  
8 the 21st century.

9 (b) It is in the interest of the people and the future of  
10 this state to ensure that each child in California receives  
11 a high quality education consistent with all statewide  
12 content and performance standards, as adopted by the  
13 State Board of Education, and with a meaningful  
14 assessment system and reporting program requirements.

15 (c) Recent assessments indicate that many pupils in  
16 California are not now, generally, progressing at a  
17 satisfactory rate to achieve a high quality education.

18 (d) To remedy this, the state is in need of an  
19 immediate and comprehensive accountability system to  
20 hold each of the state's public schools accountable for the  
21 academic progress and achievement of its pupils.

22 (e) Any promising and effective accountability system  
23 must be based upon a constructive and collaborative  
24 process that seeks to include every stakeholder in the  
25 accountability process.

26 (f) Any promising and effective accountability system  
27 requires the active involvement of parents and guardians,  
28 pupils, educators, community leaders, school boards, and  
29 schoolsite teams.

30 (g) The statewide school accountability system must  
31 encourage the active participation of parents and  
32 guardians, pupils, educators, and the local community in  
33 improving pupil achievement.

34 (h) The statewide accountability system must be  
35 easily accessible and understandable to parents and  
36 others.

37 (i) The statewide accountability system must include  
38 rewards that recognize high achieving schools as well as  
39 interventions and, ultimately, sanctions for schools that  
40 are continuously low performing.



1 (j) It is also the intent of the Legislature that the  
2 comprehensive and effective school accountability  
3 system primarily focus on increasing academic  
4 achievement.

5 (k) To achieve better student performance, it is the  
6 intent of the Legislature that any school accountability  
7 system do all of the following:

8 (1) Encourage teacher preparation that allows  
9 teachers to develop the ability to inspire pupils to become  
10 lifelong learners.

11 (2) Encourage teacher preparation and consistent  
12 ongoing professional development that serves to develop  
13 competency in content and pedagogy and that allows  
14 teachers to effectively involve themselves in promoting  
15 school accountability.

16 (3) Encourage the involvement of the community and  
17 all its stakeholders in the accountability system.

18 (4) Encourage local community involvement in  
19 providing support for education and identifying causes of  
20 pupil failure and designing programs for remediation.

21 (5) Approach accountability with an attitude of  
22 collaboration, encouragement, and correction.

23 (6) Develop a state infrastructure that supports  
24 schools, school districts and county offices of education in  
25 their efforts to improve pupil achievement and progress.

26 (7) Build the capacity of each local community to  
27 support and sustain high quality educational programs  
28 and to build the capacity of educators and schools to  
29 succeed in educating every pupil.

30 (8) *Encourage active involvement of parents and*  
31 *guardians in the development and implementation of*  
32 *school accountability systems.*

33

34 Article 2. Public School Performance Accountability  
35 Program

36

37 52051. The Public School Performance  
38 Accountability Program is hereby established and shall  
39 consist of the following three component parts:





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

3 (b) The Immediate Intervention/Underperforming  
4 Schools Program.

5 (c) The Governor's High Achieving/Improving  
6 Schools Program.

7 52051.5. For purposes of this chapter, all references to  
8 schools shall include charter schools.

9 52052. (a) By July 1, 1999, the Superintendent of  
10 Public Instruction, with approval of the State Board of  
11 Education, shall develop an Academic Performance  
12 Index, to be used to measure performance of schools,  
13 especially the academic performance of pupils, and  
14 demonstrate comparable improvement in academic  
15 achievement by all ~~numerically-significant~~ *numerically*  
16 *significant* ethnic and ~~socio-economically~~  
17 *socioeconomically* disadvantaged subgroups within  
18 schools. The index shall consist of a variety of indicators  
19 including, but not limited to, the results of the  
20 achievement test administered pursuant to Section  
21 60640, attendance rates for pupils and school personnel  
22 for elementary, middle schools, and secondary schools,  
23 and the graduation rates for pupils in secondary schools.  
24 The data collected for the API shall be disaggregated by  
25 special education status, English language learners,  
26 ~~socio-economic~~ *socioeconomic* status and ethnic group.  
27 *Only the test scores of pupils enrolled in a school district*  
28 *for one year or more may be included in the test results*  
29 *reported in the API.* Results of the achievement tests  
30 shall constitute at least 60 percent of the value of the  
31 index.

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

36 (c) Based on the API, the Superintendent of Public  
37 Instruction shall develop and the State Board of  
38 Education shall adopt, expected annual percentage  
39 growth targets for all schools based on the their API  
40 baseline score as measured in July 1999. The minimum



1 percentage growth target shall be 5 percent annually.  
2 However, the State Board of Education, may set  
3 differential growth targets based on grade level of  
4 instruction and may set higher growth targets for the  
5 lowest performing schools, because they have the  
6 greatest room for improvement.

7 (d) Upon adoption of state performance standards by  
8 the State Board of Education, the Superintendent of  
9 Public Instruction shall recommend and the State Board  
10 of Education shall adopt, a statewide API performance  
11 target that represents the proficiency level required to  
12 meet the state academic content standards. When fully  
13 developed, schools may either meet the state standard or  
14 meet their growth targets to be eligible for the  
15 Governor’s Performance Award Program as set forth in  
16 Section 52057.

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

19 (1) Measure the progress of schools selected for  
20 participation in the Immediate  
21 Intervention/Underperforming Schools Program  
22 pursuant to Section 52053.

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

26 (f) Only comprehensive high schools, middle, and  
27 elementary schools with populations of 100 or more pupils  
28 may be included in the API ranking.

29 (g) By July 1, 2000, the Superintendent of Public  
30 Instruction, with the approval of the State Board of  
31 Education, shall develop an alternative accountability  
32 system for schools with fewer than 100 pupils, and for  
33 county schools, community schools, and alternative  
34 schools, including continuation high schools and  
35 independent study schools.

36 52052.5. The Superintendent of Public Instruction  
37 shall establish a broadly representative and diverse  
38 advisory committee to advise the Superintendent of  
39 Public Instruction and the State Board of Education on all  
40 appropriate matters relative to the creation of the



1 Academic Performance Index and the implementation of  
 2 the Immediate Intervention/Underperforming Schools  
 3 Program and the High Achieving/Improving Schools  
 4 Program. Members of the advisory committee shall serve  
 5 without compensation for terms not to exceed two years.  
 6 The State Department of Education shall provide staff to  
 7 the advisory panel.

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9 Article 3. Immediate Intervention/Underperforming  
 10 Schools Program

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

22 (b) The total number of schools participating in the  
 23 program shall be ~~300~~ 430. Unless subdivision (d) applies,  
 24 schools that apply will be selected based on the order in  
 25 which they apply within ranks of deciles, not to exceed ~~60~~  
 26 86 per decile, within the following grade level categories:

27 (1) No more than ~~240~~ 301 elementary schools.

28 (2) No more than ~~54~~ 78 middle schools.

29 (3) No more than ~~36~~ 52 high schools.

30 (c) The ~~60~~ 86 schools selected within each decile range  
 31 pursuant to subdivision (b) shall proportionately  
 32 represent elementary, middle, and high schools and shall  
 33 provide statewide proportionate geographic  
 34 representation of urban and rural schools.

35 (d) If fewer than the number of schools in any  
 36 grade level category apply, schools that scored below the  
 37 50th percentile in those grade level categories that did  
 38 not apply for the program shall randomly be selected by  
 39 the Superintendent of Public Instruction, with the  
 40 approval of the State Board of Education, to participate



1 based on their proportional representation in the state  
2 until the number of schools in each grade level category  
3 set forth in subdivision (b) is achieved.

4 (e) If more than the requisite number of schools apply  
5 for any grade level category, the Superintendent of  
6 Public Instruction shall select an array of schools that  
7 reflect a broad range of academic performance of schools  
8 that scored below the 50th percentile, until the number  
9 of schools in each grade level category set forth in  
10 subdivision (b) is achieved.

11 (f) A school selected to participate on or before  
12 September 1, 1999, shall be awarded a planning grant  
13 ranging in amount from twenty-five thousand dollars  
14 (\$25,000) to fifty thousand dollars (\$50,000). A school  
15 selected to participate after September 1, 1999, may  
16 receive a planning grant if funds are appropriated for this  
17 purpose in the Budget Act. The actual dollar amount of  
18 the planning grant shall be based on criteria developed  
19 by the Superintendent of Public Instruction and  
20 approved by the State Board of Education.

21 (g) Schools selected for participation in the program  
22 shall be notified by the Superintendent of Public  
23 Instruction no later than September 1.

24 52053.5. (a) The Superintendent of Public  
25 Instruction shall develop, and the State Board of  
26 Education shall 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. The external evaluators shall also have  
33 demonstrated experience in working with diverse  
34 populations. With the approval of the State Board of  
35 Education, the Superintendent of Public Instruction shall  
36 establish a list of external evaluators that meet the  
37 minimum qualifications. The list of approved external  
38 evaluators may include private sector experts,  
39 institutions of higher education, county offices of  
40 education, and educational consortia.



1 (b) The Superintendent of Public Instruction shall  
2 develop, and the State Board of Education shall approve,  
3 the standards and criteria to be applied by external  
4 evaluators in carrying out their duties. The standards and  
5 criteria shall include, but are not limited to, the following  
6 areas:

7 (1) Governing board policies, responsibilities, and  
8 boardmanship.

9 (2) Curriculum management.

10 (3) Fiscal management.

11 (4) Parental and community involvement.

12 (5) Personnel management.

13 (6) Facilities management.

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

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

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

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

38 (1) Review and include the school and district  
39 conditions identified in the school accountability report  
40 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 than April 15 of the year that follows the year the school
- 36 is selected to participate, the plan shall be submitted to
- 37 the Superintendent of Public Instruction with a request
- 38 for funding in the form prescribed by the Superintendent
- 39 of Public Instruction.

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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, *with a minimum allocation of twenty-five*  
20 *thousand dollars (\$25,000) per schoolsite.* A school that  
21 applies after August 1, 1999, may receive a grant for  
22 implementing the program if funds are appropriated for  
23 this purpose in the Budget Act. As a condition of receiving  
24 this funding, a participating school or the school district  
25 having jurisdiction over that school shall match the  
26 amount of state funding from its existing sources of  
27 funding. To help meet this matching requirement, a  
28 participating school and the governing board of the  
29 school district having jurisdiction over that school shall  
30 receive maximum flexibility in the expenditure of their  
31 existing categorical funds and shall target all necessary  
32 funds to their academic improvement plan.

33 52055. The governing board of a school that fails to  
34 meet its annual short-term growth target at the end of the  
35 first year of participating in the program shall hold a  
36 public hearing at a regularly scheduled meeting to ensure  
37 that members of the school community are aware of the  
38 lack of progress. The governing board of the school  
39 district shall, upon consultation with the external  
40 evaluator and the schoolsite and community team



1 selected pursuant to Section 52054, ~~those~~ *choose* from a  
2 range of interventions for the school, including  
3 reassignment of school personnel, negotiation of  
4 site-specific amendments to collective bargaining  
5 agreements, or other changes deemed appropriate, in  
6 order to continue implementing the action plan  
7 approved pursuant to Section 51054, and to make  
8 progress toward meeting the school's growth targets.

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

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

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

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

39 (2) Allow parents to apply directly to the State Board  
40 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.

16 (8) Take any other action considered necessary or  
17 desirable against the school district or the school district  
18 governing board, including appointment of a new  
19 superintendent or suspension of the authority of the  
20 governing board.

21 (d) Before the Superintendent of Public Instruction  
22 may take any action against a principal pursuant to  
23 subdivision (c), the Superintendent of Public Instruction  
24 or a designee of the superintendent shall hold a public  
25 hearing on the matter in the school district and make both  
26 of the following findings:

27 (1) A finding that the principal had the authority to  
28 take specific enumerated actions that would have helped  
29 the school meet its performance goals.

30 (2) A finding that the principal failed to take specific  
31 enumerated actions pursuant to paragraph (1).

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33 Article 4. High Achieving/Improving Schools  
34 Program

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36 52056. (a) The High Achieving/Improving Schools  
37 Program is hereby established. Commencing in June  
38 2000, and every June thereafter, the Superintendent of  
39 Public Instruction, with approval of the State Board of  
40 Education, shall rank all public schools based on the



1 Academic Performance Index established pursuant to  
2 Section 52052. The schools shall be ranked by grade level  
3 of instruction provided and shall include three categories:  
4 elementary, middle, and high school. Commencing in  
5 June 2001, the rankings shall indicate the target annual  
6 growth rates ~~and of schools~~, the actual growth rates  
7 attained by the schools, *and how growth rates compare*  
8 *schools that have similar characteristics. For purposes of*  
9 *this section, similar characteristics include, but are not*  
10 *limited to, the following characteristics, insofar as data is*  
11 *available from California Basic Education Data System*  
12 *(CBEDS) data: pupil mobility, pupil ethnicity, pupil*  
13 *socioeconomic status, percentage of teachers who are*  
14 *fully credentialed, percentage of teachers who hold*  
15 *emergency credentials, percentage of pupils who are*  
16 *English language learners, average class size per grade*  
17 *level, and whether the schools operate multitrack year*  
18 *round educational programs. The Superintendent of*  
19 Public Instruction shall annually publish these rankings  
20 on the Internet.

21 (b) Commencing in July 2000, and every July  
22 thereafter, all schools shall report their ranking, including  
23 a description of the components of the ranking, in their  
24 annual school accountability report card pursuant to  
25 Sections 33126 and 35256.

26 (c) Commencing in July 2000, and every July  
27 thereafter, the governing board of each school district  
28 shall hold a hearing to discuss the results of the annual  
29 ranking.

30 52056.5. Commencing with the 2000–01 fiscal year, a  
31 school that fails to meet annual state growth targets  
32 established pursuant to Section 52052 may, as determined  
33 by the Superintendent of Public Instruction with the  
34 approval of the State Board of Education, be subject to  
35 the Immediate Intervention/Underperforming Schools  
36 Program pursuant to subdivisions (e) and (f) of Section  
37 52053, and Sections 52053.5, 52054, 52054.5, 52055, and  
38 52055.5.

39 52057. (a) The State Board of Education shall  
40 establish a Governor’s Performance Award Program to



1 provide monetary and nonmonetary awards to schools  
2 that meet or exceed API performance growth targets  
3 established pursuant to Section 52052, and demonstrate  
4 comparable improvement in academic achievement by  
5 ~~all numerically significant ethnic and socio-economically~~  
6 *all numerically significant ethnic and socioeconomically*  
7 disadvantaged subgroups within schools.

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

21 (c) In addition to or in substitution of monetary  
22 awards, the Superintendent of Public Instruction may  
23 establish, upon approval by the State Board of Education,  
24 nonmonetary awards that may include, but are not  
25 limited to, classification as a distinguished school, listing  
26 on a published public school honor roll, and public  
27 commendations by the Governor and the Legislature.

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



1 (e) A school that demonstrates significant growth shall  
2 be granted maximum flexibility in its expenditure of  
3 existing categorical funds to enable the school to continue  
4 improvement in pupil performance.

5 52058. (a) By January 31, 2002, each school district  
6 with schools participating in the Immediate  
7 Intervention/Underperforming Schools Program  
8 established pursuant to Section 52053 shall submit to the  
9 Superintendent of Public Instruction an evaluation of the  
10 impact, costs, and benefits of the program as it relates to  
11 the school district and the schools under its jurisdiction  
12 that are participating in the program and whether or not  
13 the schools met their growth targets, with an analysis of  
14 the reasons why the schools have or have not met those  
15 growth targets.

16 (b) By January 15, 2000, the Superintendent of Public  
17 Instruction shall develop, and the State Board of  
18 Education shall approve, the guidelines for a request for  
19 proposal for an independent evaluator as described in this  
20 subdivision. By March 15, 2000, the Superintendent of  
21 Public Instruction shall contract with an independent  
22 evaluator to prepare a comprehensive evaluation of the  
23 implementation, impact, costs, and benefits of the  
24 Immediate Intervention/Underperforming Schools  
25 Program and the High Achieving/Improving Schools  
26 Program. The preliminary results of the evaluation shall  
27 be disseminated to the Legislature, the Governor, and  
28 interested parties no later than March 31, 2002, with a  
29 final report no later than June 30, 2002. The final report  
30 shall include recommendations for necessary or desirable  
31 modifications to the programs established pursuant to this  
32 chapter.

33 (c) The evaluations shall consider ~~both~~ *all* of the  
34 following:

35 (1) Pupil performance data, including, but not limited  
36 to, results of assessments used to determine whether or  
37 not schools have made significant progress towards  
38 meeting their growth targets.

39 (2) Program implementation data, including, but not  
40 limited to, a review of startup activities, community



1 support, parental participation, ~~and~~ staff development  
 2 activities associated with implementation of the program,  
 3 *percentage of fully credentialed teachers, percentage of*  
 4 *teachers who hold emergency credentials, percentage of*  
 5 *teachers assigned outside their subject area of*  
 6 *competence, average class size per grade level, and the*  
 7 *number of pupils in a multitrack year round educational*  
 8 *program.*

9 (3) (A) *Pupil performance data, and its impact on the*  
 10 *API, for each of the following subgroups:*

11 (i) *English language learners.*

12 (ii) *Pupils with exceptional needs.*

13 (iii) *Pupils that qualify for free or reduced price meals*  
 14 *and are enrolled in schools that receive funds under*  
 15 *Chapter 1 of the federal Elementary and Secondary*  
 16 *Education Act of 1965, as amended by the Augustus F.*  
 17 *Hawkins-Robert T. Stafford Elementary and Secondary*  
 18 *School Improvement Amendments of 1988 (P.L.*  
 19 *100-290).*

20 (B) *Information concerning individual pupils may not*  
 21 *be maintained or disclosed in the process of preparing*  
 22 *pupil performance data pursuant to this subdivision.*

23 (d) The Superintendent of Public Instruction shall  
 24 recommend and the State Board of Education shall  
 25 approve a schedule for biennial evaluations of the  
 26 programs established pursuant to this chapter,  
 27 subsequent to the evaluation required by this section. The  
 28 biennial evaluations shall be submitted, with appropriate  
 29 recommendations, by June 30 of every ~~even-numbered~~  
 30 *odd-numbered* year, commencing with the year ~~2004~~  
 31 *2003.*

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

35 (1) ~~Thirty-five million dollars (\$35,000,000)~~  
 36 *Sixty-three million eight hundred fifty thousand dollars*  
 37 *(\$63,850,000)* from the General Fund to the  
 38 Superintendent of Public Instruction for allocation to  
 39 school districts for purposes of providing funding for  
 40 planning and grants for implementing the Immediate



1 Intervention/Underperforming Schools Program as set  
2 forth in Article 3 (commencing with Section 52053) of  
3 Chapter 6.1 of Part 28 of the Education Code.

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

12 ~~(3) One hundred twenty-five million dollars~~  
13 ~~(\$125,000,000)~~

14 (3) *Ninety-six million one hundred fifty thousand*  
15 *dollars (\$96,150,000)* from the General Fund to the  
16 Superintendent of Public Instruction for allocation to  
17 school districts that meet or exceed performance growth  
18 targets established by the board pursuant to the High  
19 Achieving/Improving Schools Program as set forth in  
20 Article 4 (commencing with Section 52056) of Chapter  
21 6.1 of Part 28 of the Education Code.

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

34 SEC. 3. Notwithstanding Section 17610 of the  
35 Government Code, if the Commission on State Mandates  
36 determines that this act contains costs mandated by the  
37 state, reimbursement to local agencies and school  
38 districts for those costs shall be made pursuant to Part 7  
39 (commencing with Section 17500) of Division 4 of Title  
40 2 of the Government Code. If the statewide cost of the



1 claim for reimbursement does not exceed one million  
2 dollars (\$1,000,000), reimbursement shall be made from  
3 the State Mandates Claims Fund.

4 ~~Notwithstanding Section 17580 of the Government~~  
5 ~~Code, unless otherwise specified, the provisions of this act~~  
6 ~~shall become operative on the same date that the act~~  
7 ~~takes effect pursuant to the California Constitution.~~

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