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AMENDED IN ASSEMBLY MARCH 4, 1999  
AMENDED IN SENATE FEBRUARY 25, 1999  
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

**SENATE BILL**

**No. 1**

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**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 an Academic Performance Index, 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, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure performance of schools. The bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, expected annual percentage growth targets for all schools based on their API baseline score and would prescribe a minimum percentage growth target of 5% annually. 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. 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 require the Superintendent of Public Instruction, with the approval of the State Board of Education, to invite schools that scored below the 50th percentile on the Standardized Testing and Reporting program achievement tests to participate in the Immediate Intervention/Underperforming Schools Program that would be limited to 430 schools with a maximum number of schools in each of 3 grade level categories. 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 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.

This bill would require the Superintendent of Public Instruction to develop, and the State Board of Education to approve, minimum qualifications for external evaluators and, with the approval of the State Board of Education, to develop



and disseminate an application process by which to establish a list of external evaluators.

This bill would require the governing board of a school district having jurisdiction over a school selected for participation in the Immediate Intervention/Underperforming Schools Program to contract with an external evaluator and to appoint a broad-based schoolsite and community team. The bill would require the external evaluator to complete a review of the school 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. The bill would require the plan to be submitted to the governing board of the school districts for its approval and after the plan is approved to be submitted to the Superintendent of Public Instruction with a request for funding. The bill would require the State Board of Education to review and approve or disapprove the school's request for funding, based on the recommendation of the Superintendent of Public Instruction, and would authorize the board to waive all or any part of any provision of the Education Code, or any board adopted regulation, controlling categorical education programs if certain conditions are met.

This bill would require a school whose application is approved to receive funding in each fiscal year that it participates in the program in an amount up to \$150 per pupil enrolled in the school, with a minimum allocation of \$25,000 per schoolsite. The bill would require the participating school or the school district having jurisdiction over that school to match the state funding and would require them to redirect for purposes of their academic improvement plan their new or existing categorical education funding. To the extent this requirement results in the expenditure of categorical education funding for purposes other than those for which it was appropriated, the bill would reappropriate those funds.

This bill would require the governing board of a school that fails to meet its annual short-term growth target within 12



months following receipt of funding 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 choose from a range of interventions for the school to continue implementing the action plan and progressing toward meeting the school's growth targets.

This bill would require a school that meets or exceeds its growth target within 24 months after receipt of funding to receive an award under the Governor's Performance Award program. The bill would require a school that has not met its performance goals, but demonstrates significant growth within this period to continue to participate in the program for an additional year and to receive funding. The bill would deem a school that does not meet its performance goals within 24 months after receipt of funding and has failed to show significant growth an educationally deficient school.

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

This bill would require, under the High Achieving/Improving Schools Program, the Superintendent of Public Instruction to rank all public schools based on the API by grade level of instruction provided. The bill would require that the rankings indicate the target annual growth rates, the actual growth rates attained by the schools, and how growth rates compare schools that have similar characteristics. The bill would require the Superintendent of Public Instruction to annually publish these rankings on the Internet.

This bill would require the governing board of each school district to discuss the results of the annual ranking at a regularly scheduled meeting, thereby imposing a state-mandated local program.

This bill would authorize a school that is eligible to participate in the Governor's Performance Award Program to



request the State Board of Education to waive or any part of any provision of the Education Code, or any board adopted regulation, controlling categorical education programs and would authorize the board to grant the request if certain conditions are met. The bill would also require that a school that demonstrates significant growth be granted maximum flexibility in its expenditure of new and existing categorical funds to enable the school to continue improvement in pupil performance.

This bill would provide that 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 and nonmonetary awards to schools that meet or exceed API performance growth targets and would make all schools, including schools participating in the Immediate Intervention/Underperforming Schools Program 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.

11 52050.5. The Legislature finds and declares all of the  
12 following:

13 (a) The purpose of the California public school system  
14 is to provide for the academic development of each pupil  
15 and prepare each pupil, to the extent of his or her ability,  
16 to become a lifelong learner, equipped to live and  
17 succeed within the economic and societal complexities of  
18 the 21st century.

19 (b) It is in the interest of the people and the future of  
20 this state to ensure that each child in California receives  
21 a high quality education consistent with all statewide  
22 content and performance standards, as adopted by the  
23 State Board of Education, and with a meaningful  
24 assessment system and reporting program requirements.

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

28 (d) To remedy this, the state is in need of an  
29 immediate and comprehensive accountability system to  
30 hold each of the state’s public schools accountable for the  
31 academic progress and achievement of its pupils within  
32 the resources available to schools.



1 (e) Any promising and effective accountability system  
2 must be based upon a constructive and collaborative  
3 process that seeks to include stakeholders in the  
4 accountability process.

5 (f) Any promising and effective accountability system  
6 requires the active involvement of parents and guardians,  
7 pupils, educators, community leaders, school boards, and  
8 schoolsite teams.

9 (g) The statewide school accountability system must  
10 encourage the active participation of parents and  
11 guardians, pupils, educators, and the local community in  
12 improving pupil achievement.

13 (h) The statewide accountability system must be  
14 easily accessible and understandable to parents and  
15 others.

16 (i) The statewide accountability system must include  
17 rewards that recognize high achieving schools as well as  
18 interventions and, ultimately, sanctions for schools that  
19 are continuously low performing.

20 (j) It is also the intent of the Legislature that the  
21 comprehensive and effective school accountability  
22 system primarily focus on increasing academic  
23 achievement.

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

27 (1) Encourage teacher preparation that allows  
28 teachers to develop the ability to inspire pupils to become  
29 lifelong learners.

30 (2) Encourage teacher preparation and consistent  
31 ongoing professional development that serves to develop  
32 competency in content and pedagogy and that allows  
33 teachers to effectively involve themselves in promoting  
34 school accountability.

35 (3) Encourage the involvement of the community and  
36 its stakeholders in the accountability system.

37 (4) Encourage local community involvement in  
38 providing support for education and identifying causes of  
39 pupil failure and designing programs for remediation.



1 (5) Approach accountability with an attitude of  
2 collaboration, encouragement, and correction.

3 (6) Utilize the state infrastructure to support schools,  
4 school districts, and county offices of education in their  
5 efforts to improve pupil achievement and progress.

6 (7) Encourage each local community to support and  
7 sustain high-quality educational programs and to build  
8 the capacity of educators and schools to succeed in  
9 educating every pupil.

10 (8) Encourage active involvement of parents and  
11 guardians in the development and implementation of  
12 school accountability systems.

13

14 Article 2. Public School Performance Accountability  
15 Program

16

17 52051. The Public School Performance  
18 Accountability Program is hereby established and shall  
19 consist of the following three component parts:

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

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

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

26 52051.5. For purposes of this chapter, all references to  
27 schools shall include charter schools.

28 52052. (a) By July 1, 1999, the Superintendent of  
29 Public Instruction, with approval of the State Board of  
30 Education, shall develop an Academic Performance  
31 Index, to be used to measure performance of schools,  
32 especially the academic performance of pupils, and  
33 demonstrate comparable improvement in academic  
34 achievement by all numerically significant ethnic and  
35 socioeconomically disadvantaged subgroups within  
36 schools. A numerically significant ethnic or  
37 socioeconomically disadvantaged subgroup is a subgroup  
38 that constitutes at least 15 percent of a school’s total pupil  
39 population and consists of at least 30 pupils. The index  
40 shall consist of a variety of indicators currently reported





1 to the State Department of Education including, but not  
2 limited to, the results of the achievement test  
3 administered pursuant to Section 60640, attendance rates  
4 for pupils and certificated school personnel for  
5 elementary schools, middle schools, and secondary  
6 schools, and the graduation rates for pupils in secondary  
7 schools. The pupil data collected for the API shall be  
8 disaggregated by special education status, English  
9 language learners, socioeconomic status ~~and ethnic~~, and  
10 *ethnic and gender* group. Only the test scores of pupils  
11 enrolled in a school district for one year or more may be  
12 included in the test results reported in the API. Results of  
13 the achievement test and other tests specified in  
14 subdivision (b) shall constitute at least 60 percent of the  
15 value of the index. Before including high school  
16 graduation rates and attendance rates in the index, the  
17 Superintendent of Public Instruction shall require school  
18 districts to collect and report all necessary additional data  
19 to accurately reflect high school graduation rates and  
20 school attendance rates.

21 (b) Pupil scores from the following tests, when  
22 available *and when found to be valid and reliable for this*  
23 *purpose*, shall be incorporated into the API:

24 (1) The assessment of the applied academic skills  
25 matrix test development pursuant to Section 60604.

26 (2) The nationally normed test as augmented  
27 pursuant to paragraph (1) of subdivision (f) of Section  
28 ~~60644 when found to be valid and reliable for this purpose.~~  
29 ~~60644.~~

30 (3) The high school exit examination.

31 (c) Based on the API, the Superintendent of Public  
32 Instruction shall develop, and the State Board of  
33 Education shall adopt, expected annual percentage  
34 growth targets for all schools based on the their API  
35 baseline score as measured in July 1999. Schools are  
36 expected to meet these growth targets through effective  
37 allocation of available resources. The minimum  
38 percentage growth target shall be 5 percent annually.  
39 However, the State Board of Education may set  
40 differential growth targets based on grade level of



1 instruction and may set higher growth targets for the  
2 lowest performing schools because they have the greatest  
3 room for improvement.

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

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

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

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

24 (f) Only comprehensive high schools, middle schools,  
25 and elementary schools that have a population of 100 or  
26 more pupils may be included in the API ranking.

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

8

9 Article 3. Immediate Intervention/Underperforming  
10 Schools Program

11

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 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 86  
26 per decile, within the following grade level categories:

27 (1) No more than 301 elementary schools.

28 (2) No more than 78 middle schools.

29 (3) No more than 52 high schools.

30 (c) The 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 grade  
36 level category apply, schools that scored below the 50th  
37 percentile in those grade level categories that did not  
38 apply for the program shall randomly be selected by the  
39 Superintendent of Public Instruction, with the approval  
40 of the State Board of Education, to participate based on



1 their proportional representation in the state until the  
2 number of schools in each grade level category set forth  
3 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. A school required to  
11 participate may take any action to improve pupil  
12 performance at that school if the action is not otherwise  
13 prohibited by state or federal law and does not require  
14 reimbursement by the Commission on State Mandates.

15 (f) A school selected to participate on or before  
16 September 1, 1999, shall be awarded a planning grant  
17 ranging in amount from twenty-five thousand dollars  
18 (\$25,000) to fifty thousand dollars (\$50,000). The actual  
19 dollar amount of the planning grant shall be based on  
20 criteria developed by the Superintendent of Public  
21 Instruction and approved by the State Board of  
22 Education.

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

26 52053.5. (a) The Superintendent of Public  
27 Instruction shall develop, and the State Board of  
28 Education shall approve, the minimum qualifications for  
29 external evaluators that shall include, but may not be  
30 limited to, recent successful professional, managerial or  
31 governing board experience in improving school  
32 achievement, and the ability to assist the school to  
33 systematically align curriculum, instruction, and  
34 assessment. The external evaluators shall also have  
35 demonstrated experience in working with diverse  
36 populations. With the approval of the State Board of  
37 Education, the Superintendent of Public Instruction shall  
38 develop and disseminate an application process by which  
39 to establish a list of external evaluators that meet the  
40 minimum qualifications. The list of approved external



1 evaluators may include private sector experts,  
2 institutions of higher education, county offices of  
3 education, and educational consortia.

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

10 (1) Governing board policies, ~~responsibilities, and~~  
11 ~~boardsmanship.~~

12 (2) Curriculum management.

13 (3) Fiscal management.

14 (4) Parental and community involvement.

15 (5) Personnel management.

16 (6) Facilities management.

17 52054. (a) By October 1 of the year that the school is  
18 selected to participate, the governing board of a school  
19 district having jurisdiction over a school selected for  
20 participation in the program shall contract with an  
21 external evaluator from the list of external evaluators and  
22 shall appoint a broad-based schoolsite and community  
23 team, consisting of a majority of nonschoolsite personnel.  
24 In a school that has a limited-English-proficient pupil  
25 population that constitutes at least 40 percent of the total  
26 pupil population, an external evaluator shall have  
27 demonstrated experience in working with a  
28 limited-English-proficient pupil population. Not less than  
29 20 percent of the members of the team shall be parents  
30 or legal guardians of pupils in the school.

31 (b) By November 15 of the year that the school is  
32 selected to participate, the selected external evaluator  
33 shall solicit input from the parents and legal guardians of  
34 the pupils of the school. At a minimum, the evaluator shall  
35 do all of the following:

36 (1) Inform the parents and legal guardians, in writing,  
37 that the school has been selected to participate in the  
38 Immediate Intervention/Underperforming Schools  
39 Program due to its below-average performance.



1 (2) Hold a public meeting at the school, in cooperation  
2 with the principal, to which all parents and legal  
3 guardians of pupils in the school receive a written  
4 invitation. The invitation to the meeting may be  
5 combined with the written notice required by paragraph  
6 (1).

7 (3) Solicit, at the public meeting, the  
8 recommendations and opinions of the participating  
9 parents and legal guardians of pupils in the school  
10 regarding actions that should be taken to improve the  
11 performance of the school. These opinions and  
12 recommendations shall be considered by the external  
13 evaluator and the community team in the development  
14 of the action plan pursuant to this section.

15 (4) Notify all parents and legal guardians of pupils in  
16 the school of their right to provide written  
17 recommendations of actions that should be taken to  
18 improve the performance of the school which shall be  
19 considered by the external evaluator and the community  
20 team in the development of the action plan pursuant to  
21 this section. Notice required by this subdivision may be  
22 combined with the written notice required by paragraph  
23 (1).

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

30 (d) By March 15 of the year that follows the year the  
31 school is selected to participate, the external evaluator  
32 and the schoolsite and community team selected  
33 pursuant to subdivision (a) shall develop an action plan  
34 to improve the academic achievement of the pupils  
35 enrolled at the school. The action plan shall include  
36 percentage growth targets at least as high as the annual  
37 growth targets adopted by the State Board of Education  
38 pursuant to Section 52052. The action plan shall include  
39 an expenditure plan and shall be of a scope that does not  
40 require expenditure of funds in excess of those provided



1 pursuant to this article or otherwise available to the  
2 school. The action plan may not be of a scope that requires  
3 reimbursement by the Commission on State Mandates for  
4 its implementation.

5 (e) At a minimum, the action plan shall do all of the  
6 following:

7 (1) Review and include the school and district  
8 conditions identified in the school accountability report  
9 card pursuant to Section 33126.

10 (2) Identify the current barriers at the school and  
11 district toward improvements in pupil achievement.

12 (3) Identify schoolwide and districtwide strategies to  
13 remove these barriers.

14 (4) Review and include school and school district  
15 crime statistics, in accordance with Section 628.5 of the  
16 Penal Code.

17 (5) Examine and consider disaggregated data  
18 regarding pupil achievement and other indicators to  
19 consider whether all groups and types of pupils make  
20 adequate progress toward short-term growth targets and  
21 long-term performance goals. The disaggregated data to  
22 be included and considered by the plan shall, at a  
23 minimum, provide information regarding the  
24 achievement of English learners, economically  
25 disadvantaged pupils, and other groups of pupils, *by race,*  
26 *ethnicity, and gender.*

27 (6) Set short-term academic objectives pursuant to  
28 Section 52052 for a two-year period that will allow the  
29 school to make adequate progress toward the growth  
30 targets established for each participating school for pupil  
31 achievement as measured by all of the following to the  
32 extent that the data is available for the school:

33 (A) The achievement test administered pursuant to  
34 Section 60640.

35 (B) Graduation rates for grades 7 to 12, inclusive.

36 (C) Attendance rates for pupils and school personnel  
37 for elementary, middle, and secondary schools.

38 (D) Progress towards meeting state and local content  
39 and performance standards.



1 (f) The school action plan shall focus on improving  
2 pupil academic performance, *improving the*  
3 *involvement of parents and guardians*, improving the  
4 effective and efficient allocation of resources and  
5 management of the school, and identifying and  
6 developing solutions that take into account the  
7 underlying causes for low performance by pupils.

8 (g) The team, in the development of the action plan,  
9 shall consult with the exclusive representatives of  
10 employee organizations, where they exist.

11 (h) Upon its completion, the action plan shall be  
12 submitted to the governing board of the school districts  
13 for its approval. After the plan is approved, but no later  
14 than April 15 of the year that follows the year the school  
15 is selected to participate, the plan shall be submitted to  
16 the Superintendent of Public Instruction with a request  
17 for funding in the form prescribed by the Superintendent  
18 of Public Instruction.

19 (i) Not later than May 15 of the year next following the  
20 year in which a school is selected for participation, the  
21 State Board of Education shall review and approve or  
22 disapprove the school's request for funding, based on the  
23 recommendation of the Superintendent of Public  
24 Instruction. In conjunction with its approval of a request  
25 for funding to implement a school's action plan, the State  
26 Board of Education may waive all or any part of any  
27 provision of this code, or any regulation adopted by the  
28 State Board of Education, controlling any of the programs  
29 listed in clause (i) of subparagraph (B) of paragraph (1)  
30 of subdivision (a) of Section 54761 and Section 64000 if the  
31 waiver does not result in a decrease in the instructional  
32 time otherwise required by law or regulation or an  
33 increase in state costs and is determined to be consistent  
34 with subdivision (a) of Section 46300.

35 52054.5. A school whose application is approved on or  
36 before June 15 of the year following the year in which a  
37 school is selected for funding shall receive a grant for  
38 implementing the program, in each fiscal year that it  
39 participates in the program, in an amount up to one  
40 hundred fifty dollars (\$150) per pupil enrolled in the





1 school, with a minimum allocation of twenty-five  
2 thousand dollars (\$25,000) per schoolsite. A school that  
3 applies after June 15 may receive a grant for  
4 implementing the program if funds are appropriated for  
5 this purpose in the Budget Act. As a condition of receiving  
6 this funding, a participating school or the school district  
7 having jurisdiction over that school shall match the  
8 amount of state funding from any new or existing sources  
9 of funding. To help meet this matching requirement, a  
10 participating school and the governing board of the  
11 school district having jurisdiction over that school shall  
12 receive maximum flexibility in the expenditure of any  
13 new or existing categorical funds not otherwise  
14 prohibited by state or federal law and shall redirect for  
15 the purposes of their academic improvement plan new or  
16 existing categorical or general purpose funds.

17 52055. The governing board of a school that fails to  
18 meet its annual short-term growth target within 12  
19 months following receipt of funding pursuant to Section  
20 52054.5 shall hold a public hearing at a regularly  
21 scheduled meeting to ensure that members of the school  
22 community are aware of the lack of progress. The  
23 governing board of the school district shall, upon  
24 consultation with the external evaluator and the  
25 schoolsite and community team selected pursuant to  
26 Section 52054, choose from a range of interventions for  
27 the school, including reassignment of school personnel to  
28 the extent authorized by law, negotiation of site-specific  
29 amendments to collective bargaining agreements, or  
30 other changes deemed appropriate, in order to continue  
31 implementing the action plan approved pursuant to  
32 Section 51054, and to make progress toward meeting the  
33 school's growth targets.

34 52055.5. (a) Following 24 months after receipt of  
35 funding pursuant to Section 52054.5, a school that meets  
36 or exceeds its growth target each year shall receive a  
37 monetary or nonmonetary award, under the Governor's  
38 Performance Award Program, as set forth in Section  
39 52057. Funds received from this program shall be used at  
40 the school's discretion.



1 (b) Following 24 months after receipt of funding  
2 pursuant to Section 52054.5, a school that has not met its  
3 performance goals, but demonstrates significant growth,  
4 as determined by the State Board of Education, shall  
5 continue to participate in the program for an additional  
6 year and to receive funding in the amount specified in  
7 Section 52054.5.

8 (c) A school that does not meet its performance goals  
9 within 24 months after receipt of funding pursuant to  
10 Section 52054.5 and has failed to show significant growth,  
11 as determined by the State Board of Education, shall be  
12 deemed an educationally deficient school.  
13 Notwithstanding any other provision of law, the  
14 Superintendent of Public Instruction shall assume all the  
15 legal rights, duties, and powers of the governing board  
16 with respect to that school. The Superintendent of Public  
17 Instruction, in consultation with the State Board of  
18 Education and the governing board of the school district,  
19 shall reassign the principal of that school subject to the  
20 findings in subdivision (e). In addition to reassigning the  
21 principal, the Superintendent of Public Instruction, in  
22 consultation with the State Board of Education, shall,  
23 notwithstanding any other provision of law, do at least  
24 one of the following:

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

27 (2) Allow parents to apply directly to the State Board  
28 of Education for the establishment of a charter school and  
29 allow parents to establish the charter school at the  
30 existing schoolsite.

31 (3) Under the supervision of the Superintendent of  
32 Public Instruction, assign the management of the school  
33 to a college, university, county office of education, or  
34 other appropriate educational institution. However, the  
35 Superintendent of Public Instruction may not assume the  
36 management of the school.

37 (4) Reassign other certificated employees of the  
38 school.



1 (5) Renegotiate a new collective bargaining  
2 agreement at the expiration of the existing collective  
3 bargaining agreement.

4 (6) Reorganize the school.

5 (7) Close the school.

6 (d) In addition to the actions listed in subdivision (c),  
7 the Superintendent of Public Instruction, in consultation  
8 with the State Board of Education, may take any other  
9 action considered necessary or desirable against the  
10 school district or the school district governing board,  
11 including appointment of a new superintendent or  
12 suspension of the authority of the governing board *with*  
13 *respect to the school or schools identified pursuant to*  
14 *subdivision (c).*

15 (e) Before the Superintendent of Public Instruction  
16 may take any action against a principal pursuant to  
17 subdivision (c), the Superintendent of Public Instruction  
18 or a designee of the superintendent shall hold a public  
19 hearing on the matter in the school district and make both  
20 of the following findings:

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

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

26 (f) An action taken pursuant to subdivision (c), (d), or  
27 (e) shall not increase local costs or require  
28 reimbursement by the Commission on State Mandates.

29 (g) An action taken pursuant to subdivision (c), (d),  
30 or (e) shall be accompanied by specific findings by the  
31 Superintendent of Public Instruction and the State Board  
32 of Education that the action is directly related to the  
33 identified causes for continued failure by a school to meet  
34 its performance goals.

35

36 Article 4. High Achieving/Improving Schools  
37 Program

38

39 52056. (a) The High Achieving/Improving Schools  
40 Program is hereby established. Commencing in June



1 2000, and every June thereafter, the Superintendent of  
2 Public Instruction, with approval of the State Board of  
3 Education, shall rank all public schools based on the  
4 Academic Performance Index established pursuant to  
5 Section 52052. The schools shall be ranked by grade level  
6 of instruction provided and shall include three categories:  
7 elementary, middle, and high school. Commencing in  
8 June 2001, the rankings shall indicate the target annual  
9 growth rates of schools, the actual growth rates attained  
10 by the schools, and how growth rates compare schools  
11 that have similar characteristics. For purposes of this  
12 section, similar characteristics include, but are not  
13 limited to, the following characteristics, insofar as data is  
14 available from the State Department of Education's data:  
15 pupil mobility, pupil ethnicity, pupil socioeconomic  
16 status, percentage of teachers who are fully credentialed,  
17 percentage of teachers who hold emergency credentials,  
18 percentage of pupils who are English language learners,  
19 average class size per grade level, and whether the  
20 schools operate multitrack year-round educational  
21 programs. The Superintendent of Public Instruction shall  
22 annually publish these rankings on the Internet.

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

28 (c) Commencing in July 2000, and every July  
29 thereafter, the governing board of each school district  
30 shall discuss the results of the annual ranking at a  
31 regularly scheduled meeting.

32 52056.5. Commencing with the 2000–01 fiscal year, a  
33 school that fails to meet annual state growth targets  
34 established pursuant to Section 52052 may, as determined  
35 by the Superintendent of Public Instruction with the  
36 approval of the State Board of Education, be subject to  
37 the Immediate Intervention/Underperforming Schools  
38 Program pursuant to subdivisions (e) and (f) of Section  
39 52053, and Sections 52053.5, 52054, 52054.5, 52055, and  
40 52055.5.



1 52057. (a) The State Board of Education shall  
2 establish a Governor’s Performance Award Program to  
3 provide monetary and nonmonetary awards to schools  
4 that meet or exceed API performance growth targets  
5 established pursuant to Section 52052, and demonstrate  
6 comparable improvement in academic achievement by  
7 all numerically significant ethnic and socioeconomically  
8 disadvantaged subgroups within schools.

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

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

29 (d) A school that is eligible to participate in the  
30 Governor’s Performance Award Program may request  
31 the State Board of Education to waive, all or any part of  
32 any provision of this code, or any regulation adopted by  
33 the State Board of Education, controlling any of the  
34 programs listed in clause (i) of subparagraph (B) of  
35 paragraph (1) of subdivision (a) of Section 54761 and  
36 Section 64000, and the board may grant the request if the  
37 waiver does not result in a decrease in the instructional  
38 time otherwise required by law or regulation or an  
39 increase in state costs and is determined to be consistent  
40 with subdivision (a) of Section 46300.



1 (e) A school that demonstrates significant growth shall  
2 be granted maximum flexibility in its expenditure of any  
3 new or existing categorical funds not otherwise  
4 prohibited under state or federal law to enable the school  
5 to continue improvement in pupil performance.

6 52058. (a) By January 31, 2002, each school district  
7 with schools participating in the Immediate  
8 Intervention/Underperforming Schools Program  
9 established pursuant to Section 52053 shall submit to the  
10 Superintendent of Public Instruction an evaluation of the  
11 impact, costs, and benefits of the program as it relates to  
12 the school district and the schools under its jurisdiction  
13 that are participating in the program and whether or not  
14 the schools met their growth targets, with an analysis of  
15 the reasons why the schools have or have not met those  
16 growth targets. Costs to develop and submit the  
17 evaluation shall be funded with resources provided  
18 pursuant to Article 3 (commencing with Section 52053).

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

36 (c) The evaluations shall consider all of the following:

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



1 (2) Program implementation data, including, but not  
2 limited to, a review of startup activities, community  
3 support, parental participation, staff development  
4 activities associated with implementation of the program,  
5 percentage of fully credentialed teachers, percentage of  
6 teachers who hold emergency credentials, percentage of  
7 teachers assigned outside their subject area of  
8 competence, *the accreditation status of the school if*  
9 *appropriate*, average class size per grade level, and the  
10 number of pupils in a multitrack year-round educational  
11 program.

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

14 (i) English language learners.

15 (ii) Pupils with exceptional needs.

16 (iii) Pupils that qualify for free or reduced price meals  
17 and are enrolled in schools that receive funds under  
18 Chapter 1 of the federal Elementary and Secondary  
19 Education Act of 1965, as amended by the Augustus F.  
20 Hawkins-Robert T. Stafford Elementary and Secondary  
21 School Improvement Amendments of 1988 (P.L.  
22 100-290).

23 (B) Information concerning individual pupils may not  
24 be disclosed in the process of preparing pupil  
25 performance data pursuant to this subdivision.

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

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

37 (1) Sixty-three million eight hundred fifty thousand  
38 dollars (\$63,850,000) from the General Fund to the  
39 Superintendent of Public Instruction for allocation to  
40 school districts for purposes of providing funding for



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

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

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

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

33 SEC. 3. Notwithstanding Section 17610 of the  
34 Government Code, if the Commission on State Mandates  
35 determines that this act contains costs mandated by the  
36 state, reimbursement to local agencies and school  
37 districts for those costs shall be made pursuant to Part 7  
38 (commencing with Section 17500) of Division 4 of Title  
39 2 of the Government Code. If the statewide cost of the  
40 claim for reimbursement does not exceed one million

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1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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