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CALIFORNIA LEGISLATURE—1999–2000 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senator Alpert

January 19, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as 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 of \$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~~ \$200 per pupil enrolled in the school, with a minimum allocation of ~~\$25,000~~ \$50,000 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~~ a *low-performing* 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~~ a *low-performing* 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 *in decile categories* 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~~ \$193,200,000 to the Superintendent of Public Instruction for the purposes of its provisions, of which ~~\$160,000,000~~ \$160,754,000 would be appropriated from the General Fund and ~~\$32,300,000~~ \$32,446,000 would be appropriated from the Federal Trust Fund. The funds appropriated from the General Fund by this bill *for allocation to school districts* 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



1 hold each of the state’s public schools accountable for the
2 academic progress and achievement of its pupils within
3 the resources available to schools.

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

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

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

16 (h) The statewide accountability system must be
17 easily accessible and understandable to parents and
18 others.

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

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

27 (k) To achieve better ~~student~~ *pupil* performance, it is
28 the intent of the Legislature that any school
29 accountability system do all of the following:

30 (1) Encourage teacher preparation that allows
31 teachers to develop the ability to inspire pupils to become
32 lifelong learners.

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

38 (3) Encourage the involvement of the community and
39 its stakeholders in the accountability system.



1 (4) Encourage local community involvement in
2 providing support for education and identifying causes of
3 pupil failure and designing programs for remediation.

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

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

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

13 (8) Encourage active involvement of parents and
14 guardians in the development and implementation of
15 school accountability systems.

16

17 Article 2. Public School Performance Accountability
18 Program

19

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

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

25 (b) The Immediate Intervention/Underperforming
26 Schools Program.

27 (c) The Governor's High Achieving/Improving
28 Schools Program.

29 52051.5. For purposes of this chapter, all references to
30 schools shall include charter schools.

31 52052. (a) By July 1, 1999, the Superintendent of
32 Public Instruction, with approval of the State Board of
33 Education, shall develop an Academic Performance
34 Index, to be used to measure performance of schools,
35 especially the academic performance of pupils, and
36 demonstrate comparable improvement in academic
37 achievement by all numerically significant ethnic and
38 socioeconomically disadvantaged subgroups within
39 schools. A numerically significant ethnic or
40 socioeconomically disadvantaged subgroup is a subgroup



1 that constitutes at least 15 percent of a school's total pupil
2 population and consists of at least 30 pupils. The index
3 shall consist of a variety of indicators currently reported
4 to the State Department of Education including, but not
5 limited to, the results of the achievement test
6 administered pursuant to Section 60640, attendance rates
7 for pupils and certificated school personnel for
8 elementary schools, middle schools, and secondary
9 schools, and the graduation rates for pupils in secondary
10 schools. The pupil data collected for the API *that comes*
11 *from the achievement test administered pursuant to*
12 *Sections 60640 and 60644 and the high school exit*
13 *examination, when fully implemented, shall be*
14 *disaggregated by special education status, English*
15 *language learners, socioeconomic status, ~~and ethnic and~~*
16 *~~gender~~ gender and ethnic group. Only the test scores of*
17 *pupils enrolled in a school district for one year or more*
18 *may be included in the test results reported in the API.*
19 *Results of the achievement test and other tests specified*
20 *in subdivision (b) shall constitute at least 60 percent of*
21 *the value of the index. Before including high school*
22 *graduation rates and attendance rates in the index, the*
23 *Superintendent of Public Instruction shall ~~require school~~*
24 *~~districts to collect and report all necessary additional data~~*
25 *~~to accurately reflect high school graduation rates and~~*
26 *~~school attendance rates. determine the extent to which~~*
27 *the data is currently reported to the state and the*
28 *accuracy of the data. If the Superintendent of Public*
29 *Instruction determines that accurate data for these*
30 *indicators is not available, the Superintendent of Public*
31 *Instruction shall report to the Governor and the*
32 *Legislature by September 1, 1999, and recommend*
33 *necessary action to implement an accurate reporting*
34 *system.*

35 (b) Pupil scores from the following tests, when
36 available and when found to be valid and reliable for this
37 purpose, shall be incorporated into the API:

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



1 (2) The nationally normed test as augmented
2 pursuant to paragraph (1) of subdivision (f) of Section
3 60644.

4 (3) The high school exit examination.

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

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

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

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

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

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



1 (g) By July 1, 2000, the Superintendent of Public
2 Instruction, with the approval of the State Board of
3 Education, shall develop an alternative accountability
4 system for schools with fewer than 100 pupils, and for
5 schools under the jurisdiction of a county board of
6 education or a county superintendent of schools,
7 community day schools, and alternative schools,
8 including continuation high schools and independent
9 study schools.

10 52052.5. The Superintendent of Public Instruction
11 shall establish a broadly representative and diverse
12 advisory committee to advise the Superintendent of
13 Public Instruction and the State Board of Education on all
14 appropriate matters relative to the creation of the
15 Academic Performance Index and the implementation of
16 the Immediate Intervention/Underperforming Schools
17 Program and the High Achieving/Improving Schools
18 Program. Members of the advisory committee shall serve
19 without compensation for terms not to exceed two years.
20 The State Department of Education shall provide staff to
21 the advisory panel.

22

23 Article 3. Immediate Intervention/Underperforming
24 Schools Program

25

26 52053. (a) The Immediate
27 Intervention/Underperforming Schools Program is
28 hereby established. By August 15, 1999, the
29 Superintendent of Public Instruction, with the approval
30 of the State Board of Education, shall invite schools that
31 scored below the 50th percentile on the achievement
32 tests administered pursuant to Section 60640 both in the
33 spring of 1998 and in the spring of 1999 to participate in
34 the Immediate Intervention/Underperforming Schools
35 Program. *A school invited to participate may take any
36 action not otherwise prohibited under state or federal law
37 and that would not require reimbursement by the
38 Commission on State Mandates to improve pupil
39 performance.*



1 (b) The total number of schools participating in the
2 program shall be 430. Unless subdivision (d) applies,
3 schools that apply will be selected based on the order in
4 which they apply within ranks of deciles, not to exceed 86
5 per decile, within the following grade level categories:

6 (1) No more than 301 elementary schools.

7 (2) No more than 78 middle schools.

8 (3) No more than 52 high schools.

9 (c) The 86 schools selected within each decile range
10 pursuant to subdivision (b) shall proportionately
11 represent elementary, middle, and high schools and shall
12 provide statewide proportionate geographic
13 representation of urban and rural schools.

14 (d) If fewer than the number of schools in any grade
15 level category apply, schools that scored below the 50th
16 percentile in those grade level categories that did not
17 apply for the program shall randomly be selected by the
18 Superintendent of Public Instruction, with the approval
19 of the State Board of Education, to participate based on
20 their proportional representation in the state until the
21 number of schools in each grade level category set forth
22 in subdivision (b) is achieved.

23 (e) If more than the requisite number of schools apply
24 for any grade level category, the Superintendent of
25 Public Instruction shall select an array of schools that
26 reflect a broad range of academic performance of schools
27 that scored below the 50th percentile, until the number
28 of schools in each grade level category set forth in
29 subdivision (b) is achieved. ~~A school required to
30 participate may take any action to improve pupil
31 performance at that school if the action is not otherwise
32 prohibited by state or federal law and does not require
33 reimbursement by the Commission on State Mandates.~~

34 (f) A school selected to participate on or before
35 September 1, 1999, shall be awarded a planning grant
36 ~~ranging in amount from twenty-five thousand dollars
37 (\$25,000) to fifty thousand dollars (\$50,000). The actual
38 dollar amount of the planning grant shall be based on
39 criteria developed by the Superintendent of Public~~



1 ~~Instruction and approved by the State Board of~~
2 ~~Education.~~

3 ~~(g) from funds appropriated pursuant to paragraph~~
4 ~~(1) of subdivision (a) of Section 2 of the act adding this~~
5 ~~section in the amount of fifty thousand dollars (\$50,000).~~

6 *A school selected to receive federal funds pursuant to*
7 *paragraph (2) of subdivision (a) of Section 2 of the act*
8 *adding this section shall be awarded an implementation*
9 *grant in an amount of at least fifty thousand dollars*
10 *(\$50,000) pursuant to Public Law 105-78.*

11 *(g) Schools receiving funding under paragraph (2) of*
12 *subdivision (a) of Section 2 of the act adding this section*
13 *shall comply with Public Law 105-78.*

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

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

35 (b) The Superintendent of Public Instruction shall
36 develop, and the State Board of Education shall approve,
37 the standards and criteria to be applied by external
38 evaluators in carrying out their duties. The standards and
39 criteria shall include, but are not limited to, the following
40 areas:

[1]



- 1 (1) Governing board policies.
- 2 (2) Curriculum management.
- 3 (3) Fiscal management.
- 4 (4) Parental and community involvement.
- 5 (5) Personnel management.
- 6 (6) Facilities management.

7 52054. (a) By October 1 of the year that the school is
8 selected to participate, the governing board of a school
9 district having jurisdiction over a school selected for
10 participation in the program shall contract with an
11 external evaluator from the list of external evaluators and
12 shall appoint a broad-based schoolsite and community
13 team, consisting of a majority of nonschoolsite personnel.
14 In a school that has a limited-English-proficient pupil
15 population that constitutes at least 40 percent of the total
16 pupil population, an external evaluator shall have
17 demonstrated experience in working with a
18 limited-English-proficient pupil population. Not less than
19 20 percent of the members of the team shall be parents
20 or legal guardians of pupils in the school.

21 (b) By November 15 of the year that the school is
22 selected to participate, the selected external evaluator
23 shall solicit input from the parents and legal guardians of
24 the pupils of the school. At a minimum, the evaluator shall
25 do all of the following:

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

30 (2) Hold a public meeting at the school, in cooperation
31 with the principal, to which all parents and legal
32 guardians of pupils in the school receive a written
33 invitation. The invitation to the meeting may be
34 combined with the written notice required by paragraph
35 (1).

36 (3) Solicit, at the public meeting, the
37 recommendations and opinions of the participating
38 parents and legal guardians of pupils in the school
39 regarding actions that should be taken to improve the
40 performance of the school. These opinions and



1 recommendations shall be considered by the external
2 evaluator and the community team in the development
3 of the action plan pursuant to this section.

4 (4) Notify all parents and legal guardians of pupils in
5 the school of their ~~right~~ *opportunity* to provide written
6 recommendations of actions that should be taken to
7 improve the performance of the school which shall be
8 considered by the external evaluator and the community
9 team in the development of the action plan pursuant to
10 this section. Notice required by this subdivision may be
11 combined with the written notice required by paragraph
12 (1).

13 (c) By December 15 of the year that the school is
14 selected to participate, the selected external evaluator
15 shall complete a review of the school that identifies
16 weaknesses that contribute to the school's below average
17 performance and makes recommendations for
18 improvement.

19 (d) By March 15 of the year that follows the year the
20 school is selected to participate, the external evaluator
21 and the schoolsite and community team selected
22 pursuant to subdivision (a) shall develop an action plan
23 to improve the academic achievement of the pupils
24 enrolled at the school. The action plan shall include
25 percentage growth targets at least as high as the annual
26 growth targets adopted by the State Board of Education
27 pursuant to Section 52052. The action plan shall include
28 an expenditure plan and shall be of a scope that does not
29 require expenditure of funds in excess of those provided
30 pursuant to this article or otherwise available to the
31 school. The action plan may not be of a scope that requires
32 reimbursement by the Commission on State Mandates for
33 its implementation.

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

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

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



1 (3) Identify schoolwide and districtwide strategies to
2 remove these barriers.

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

6 (5) Examine and consider disaggregated data
7 regarding pupil achievement and other indicators to
8 consider whether all groups and types of pupils make
9 adequate progress toward short-term growth targets and
10 long-term performance goals. The disaggregated data to
11 be included and considered by the plan shall, at a
12 minimum, provide information regarding the
13 achievement of English learners, economically
14 disadvantaged pupils, and other groups of pupils, by race,
15 ethnicity, and gender.

16 (6) Set short-term academic objectives pursuant to
17 Section 52052 for a two-year period that will allow the
18 school to make adequate progress toward the growth
19 targets established for each participating school for pupil
20 achievement as measured by all of the following to the
21 extent that the data is available for the school:

22 (A) The achievement test administered pursuant to
23 Section 60640.

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

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

27 ~~(D) Progress towards meeting state and local content
28 and performance standards.~~

29 *(D) Any other indicators approved by the State Board
30 of Education.*

31 (f) The school action plan shall focus on improving
32 pupil academic performance, improving the
33 involvement of parents and guardians, improving the
34 effective and efficient allocation of resources and
35 management of the school, and identifying and
36 developing solutions that take into account the
37 underlying causes for low performance by pupils.

38 (g) The team, in the development of the action plan,
39 shall consult with the exclusive representatives of
40 employee organizations, where they exist.



1 (h) Upon its completion, the action plan shall be
2 submitted to the governing board of the school districts
3 for its approval. After the plan is approved, but no later
4 than April 15 of the year that follows the year the school
5 is selected to participate, the plan shall be submitted to
6 the Superintendent of Public Instruction with a request
7 for funding in the form prescribed by the Superintendent
8 of Public Instruction.

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

25 52054.5. A school whose application is approved on or
26 before June 15 of the year following the year in which a
27 school is selected for funding shall receive a grant for
28 implementing the program, in each fiscal year that it
29 participates in the program, in an amount up to ~~one~~
30 ~~hundred fifty dollars (\$150)~~ *two hundred dollars (\$200)*
31 per pupil enrolled in the school, with a minimum
32 allocation of ~~twenty-five~~ *fifty* thousand dollars ~~(\$25,000)~~
33 *(\$50,000)* per schoolsite. A school that applies after June
34 15 may receive a grant for implementing the program if
35 funds are appropriated for this purpose in the Budget Act.
36 As a condition of receiving this funding, a participating
37 school or the school district having jurisdiction over that
38 school shall match the amount of state funding from any
39 new or existing sources of funding. To help meet this
40 matching requirement, a participating school and the



1 governing board of the school district having jurisdiction
2 over that school shall receive maximum flexibility in the
3 expenditure of any new or existing categorical funds not
4 otherwise prohibited by state or federal law and shall
5 redirect for the purposes of their academic improvement
6 plan new or existing categorical or general purpose funds.

7 52055. The governing board of a school that fails to
8 meet its annual short-term growth target within 12
9 months following receipt of funding pursuant to Section
10 52054.5 shall hold a public hearing at a regularly
11 scheduled meeting to ensure that members of the school
12 community are aware of the lack of progress. The
13 governing board of the school district shall, upon
14 consultation with the external evaluator and the
15 schoolsite and community team selected pursuant to
16 Section 52054, choose from a range of interventions for
17 the school, including reassignment of school personnel to
18 the extent authorized by law, negotiation of site-specific
19 amendments to collective bargaining agreements, or
20 other changes deemed appropriate, in order to continue
21 implementing the action plan approved pursuant to
22 Section 51054, and to make progress toward meeting the
23 school's growth targets.

24 52055.5. (a) Following 24 months after receipt of
25 funding pursuant to Section 52054.5, a school that meets
26 or exceeds its growth target each year shall receive a
27 monetary or nonmonetary award, under the Governor's
28 Performance Award Program, as set forth in Section
29 52057. Funds received from this program shall be used at
30 the school's discretion.

31 (b) Following 24 months after receipt of funding
32 pursuant to Section 52054.5, a school that has not met its
33 performance goals, but demonstrates significant growth,
34 as determined by the State Board of Education, shall
35 continue to participate in the program for an additional
36 year and to receive funding in the amount specified in
37 Section 52054.5.

38 (c) A school that does not meet its performance goals
39 within 24 months after receipt of funding pursuant to
40 Section 52054.5 and has failed to show significant growth,



1 as determined by the State Board of Education, shall be
2 deemed ~~an educationally deficient~~ *a low-performing*
3 school. Notwithstanding any other provision of law, the
4 Superintendent of Public Instruction shall assume all the
5 legal rights, duties, and powers of the governing board
6 with respect to that school. The Superintendent of Public
7 Instruction, in consultation with the State Board of
8 Education and the governing board of the school district,
9 shall reassign the principal of that school subject to the
10 findings in subdivision (e). In addition to reassigning the
11 principal, the Superintendent of Public Instruction, in
12 consultation with the State Board of Education, shall,
13 notwithstanding any other provision of law, do at least
14 one of the following:

15 (1) Revise attendance options for pupils to allow them
16 to attend any public school *in which space is available. If*
17 *additional attendance options are made available,*
18 *nothing in this option shall be construed to require either*
19 *the sending or receiving school district to incur additional*
20 *transportation costs.*

21 (2) Allow parents to apply directly to the State Board
22 of Education for the establishment of a charter school and
23 allow parents to establish the charter school at the
24 existing schoolsite.

25 (3) Under the supervision of the Superintendent of
26 Public Instruction, assign the management of the school
27 to a college, university, county office of education, or
28 other appropriate educational institution. However, the
29 Superintendent of Public Instruction may not assume the
30 management of the school.

31 (4) Reassign other certificated employees of the
32 school.

33 (5) Renegotiate a new collective bargaining
34 agreement at the expiration of the existing collective
35 bargaining agreement.

36 (6) Reorganize the school.

37 (7) Close the school.

38 (d) In addition to the actions listed in subdivision (c),
39 the Superintendent of Public Instruction, in consultation
40 with the State Board of Education, may take any other



1 action considered necessary or desirable against the
2 school district or the school district governing board,
3 including appointment of a new superintendent or
4 suspension of the authority of the governing board with
5 respect to the school or schools identified pursuant to
6 subdivision (c).

7 (e) Before the Superintendent of Public Instruction
8 may take any action against a principal pursuant to
9 subdivision (c), the Superintendent of Public Instruction
10 or a designee of the superintendent shall hold a public
11 hearing on the matter in the school district and make both
12 of the following findings:

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

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

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

21 (g) An action taken pursuant to subdivision (c), (d),
22 or (e) shall be accompanied by specific findings by the
23 Superintendent of Public Instruction and the State Board
24 of Education that the action is directly related to the
25 identified causes for continued failure by a school to meet
26 its performance goals.

27

28 Article 4. High Achieving/Improving Schools
29 Program
30

31 52056. (a) The High Achieving/Improving Schools
32 Program is hereby established. Commencing in June
33 2000, and every June thereafter, the Superintendent of
34 Public Instruction, with approval of the State Board of
35 Education, shall rank all public schools based on the
36 Academic Performance Index established pursuant to
37 Section 52052. The schools shall be ranked *in decile*
38 *categories* by grade level of instruction provided and shall
39 include three categories: elementary, middle, and high
40 school. Commencing in June 2001, the rankings shall



1 indicate the target annual growth rates of schools, the
2 actual growth rates attained by the schools, and how
3 growth rates compare schools that have similar
4 characteristics. For purposes of this section, similar
5 characteristics include, but are not limited to, the
6 following characteristics, insofar as data is available from
7 the State Department of Education’s data: pupil mobility,
8 pupil ethnicity, pupil socioeconomic status, percentage of
9 teachers who are fully credentialed, percentage of
10 teachers who hold emergency credentials, percentage of
11 pupils who are English language learners, average class
12 size per grade level, and whether the schools operate
13 multitrack year-round educational programs. The
14 Superintendent of Public Instruction shall annually
15 publish these rankings on the Internet.

16 (b) Commencing in July 2000, and every July
17 thereafter, all schools shall report their ranking, including
18 a description of the components of the ranking, in their
19 annual school accountability report card pursuant to
20 Sections 33126 and 35256.

21 (c) Commencing in July 2000, and every July
22 thereafter, the governing board of each school district
23 shall discuss the results of the annual ranking at a
24 regularly scheduled meeting.

25 52056.5. Commencing with the 2000–01 fiscal year, a
26 school that fails to meet annual state growth targets
27 established pursuant to Section 52052 may, as determined
28 by the Superintendent of Public Instruction with the
29 approval of the State Board of Education, be subject to
30 the Immediate Intervention/Underperforming Schools
31 Program pursuant to subdivisions (e) and (f) of Section
32 52053, and Sections 52053.5, 52054, 52054.5, 52055, and
33 52055.5.

34 52057. (a) The State Board of Education shall
35 establish a Governor’s Performance Award Program to
36 provide monetary and nonmonetary awards to schools
37 that meet or exceed API performance growth targets
38 established pursuant to Section 52052, and demonstrate
39 comparable improvement in academic achievement by



1 all numerically significant ethnic and socioeconomically
2 disadvantaged subgroups within schools.

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

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

23 (d) A school that is eligible to participate in the
24 Governor’s Performance Award Program may request
25 the State Board of Education to waive, all or any part of
26 any provision of this code, or any regulation adopted by
27 the State Board of Education, controlling any of the
28 programs listed in clause (i) of subparagraph (B) of
29 paragraph (1) of subdivision (a) of Section 54761 and
30 Section 64000, and the board may grant the request 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 (e) A school that demonstrates significant growth shall
36 be granted maximum flexibility in its expenditure of any
37 new or existing categorical funds not otherwise
38 prohibited under state or federal law to enable the school
39 to continue improvement in pupil performance.



1 52058. (a) By January 31, 2002, each school district
2 with schools participating in the Immediate
3 Intervention/Underperforming Schools Program
4 established pursuant to Section 52053 shall submit to the
5 Superintendent of Public Instruction an evaluation of the
6 impact, costs, and benefits of the program as it relates to
7 the school district and the schools under its jurisdiction
8 that are participating in the program and whether or not
9 the schools met their growth targets, with an analysis of
10 the reasons why the schools have or have not met those
11 growth targets. Costs to develop and submit the
12 evaluation shall be funded with resources provided
13 pursuant to Article 3 (commencing with Section 52053).

14 (b) By January 15, 2000, the Superintendent of Public
15 Instruction shall develop, and the State Board of
16 Education shall approve, the guidelines for a request for
17 proposal for an independent evaluator as described in this
18 subdivision. By ~~March 15~~ *September 1*, 2000, the
19 Superintendent of Public Instruction shall contract with
20 an independent evaluator to prepare a comprehensive
21 evaluation of the implementation, impact, costs, and
22 benefits of the Immediate
23 Intervention/Underperforming Schools Program and
24 the High Achieving/Improving Schools Program. The
25 preliminary results of the evaluation shall be
26 disseminated to the Legislature, the Governor, and
27 interested parties no later than March 31, 2002, with a
28 final report no later than June 30, 2002. The final report
29 shall include recommendations for necessary or desirable
30 modifications to the programs established pursuant to this
31 chapter.

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

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

37 (2) Program implementation data, including, but not
38 limited to, a review of startup activities, community
39 support, parental participation, staff development
40 activities associated with implementation of the program,



1 percentage of fully credentialed teachers, percentage of
2 teachers who hold emergency credentials, percentage of
3 teachers assigned outside their subject area of
4 competence, the accreditation status of the school if
5 appropriate, average class size per grade level, and the
6 number of pupils in a multitrack year-round educational
7 program.

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

10 (i) English language learners.

11 (ii) Pupils with exceptional needs.

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

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

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

30 SEC. 2. (a) The sum of one hundred ~~ninety-two~~
31 ~~million three hundred thousand dollars (\$192,300,000)~~ is
32 *ninety-three million two hundred thousand dollars*
33 *(\$193,200,000)* is hereby appropriated according to the
34 following schedule:

35 (1) Sixty-three million ~~eight hundred fifty thousand~~
36 ~~dollars (\$63,850,000)~~ *seven hundred four thousand dollars*
37 *(\$63,704,000)* 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)~~ *four hundred forty-six thousand dollars*
6 *(\$32,446,000)* 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. *Funds appropriated*
21 *pursuant to this paragraph that have not been allocated*
22 *by June 30, 2000, shall be available for allocation and*
23 *expenditure for purposes of this paragraph in the 2001–02*
24 *fiscal year.*

25 (4) *Nine hundred thousand dollars (\$900,000) from*
26 *the General Fund to the Superintendent of Public*
27 *Instruction to provide support services related to*
28 *programs established by the Public Schools*
29 *Accountability Act of 1999 pursuant to Chapter 6.1*
30 *(commencing with Section 52050) of Part 28 of the*
31 *Education Code.*

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



1 appropriated pursuant to Article XIII B,” as defined in
2 subdivision (e) of Section 41202 of the Education Code,
3 for the 1999–2000 fiscal year.

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

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