

State of California

Department of Education

INFORMATION MEMORANDUM

DATE: June 9, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: B. Teri Burns Deputy Superintendent
Government Affairs

SUBJECT: Legislative Update

Attached is a brief update of legislative proposals that relate to the six legislative priorities approved by the Board last November. This update also includes the status of bills requested by members of the Board at the May 13, 2004, meeting. Bills requested by members have been placed in a separate category labeled Legislation Requested by Board Members. Please note that the measures are in different phases of the legislative process. The status of the measures will be reflected in the update.

Legislative Update

1. **Preserve the existing assessment system including the Standardized Testing and Reporting (STAR) Program, the California High School Exit Exam (CAHSEE), and the California English Language Development Test (CELDT).**

SB 1448 (Alpert): reauthorizes the STAR program.

As amended, May 12, 2004, this bill, sponsored by the Superintendent of Public Instruction, extends the repeal date of the act to January 1, 2011, changes the Norm Referenced Test from grades three and eight to grades three and seven. It would:

- direct that results from high school CST be used for higher education placement purposes;
- include the authority for a pupil or pupil's parent or guardian to release test scores to a postsecondary institution;
- authorize the release of 25 percent of CST items each year and provides added flexibility for primary language assessments;
- clarify with intent language, standards-based assessments vs. diagnostic tests and the function of each.

This measure passed out of the Senate Appropriations suspense file with a vote of 12-0 and is on the Senate Floor.

AB 2413 (Diaz): English Learners: Testing

As amended, May 20, 2004, this bill would require CDE, beginning on January 1, 2005, to develop academic assessments of English language arts and mathematics in the primary language of limited-English-proficient pupils, as identified in the annual language census. It would:

- specify that a limited-English-proficient pupil who has attended public school in the United States for three or more consecutive years be administered the assessments in English, beginning on July 1, 2006;
- require that the primary language assessments be administered to limited-English-proficient pupils who receive instruction in their primary language or who enroll in public schools literate in their primary language;
- require the assessments to be phased in by specified grade levels beginning on July 1, 2006, and require pupil data from those assessments be included in the Academic Performance Index. (The Assembly and Senate Budget proposals include a provision to require CDE to use Title III federal funds for this purpose);
- provide for the development of other primary language assessments if additional funds become available.

This measure passed out of the Assembly Appropriations Suspense with a vote of 16-5 and is on the Assembly Floor.

2. Maintain the accountability system, making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.

SB 1419 (Vasconcellos): School accountability: Opportunity to Learn Index:

This bill creates the Opportunities for Teaching and Learning (OTL) index as a component of the Public School Performance Accountability Program (E.C.52051). The OTL index would:

- measure the access to high-quality learning resources, conditions, and opportunities, based on specified criteria;
- include criteria such as the number of fully and properly credentialed teachers employed at the school, the availability of adequate and appropriate instructional materials, and the physical condition and maintenance of school facilities, among other things.

Passed out of the Senate Appropriations Committee on May 20, 2004, and is scheduled to be heard on the Senate floor on or before May 28, 2004.

Note: SB 1419 is the same bill as SB 495 that was vetoed by Governor Davis in 2003.

AB 2360 (Daucher): Special Education: Progress

- This bill would require that an interagency contract between a school district, a county office of education, and/or a special education local plan area and a non-public non-sectarian school (NPS), for special education and related services to include specified provisions. The contract should include a requirement that the NPS shall test each of its pupils, placed by a school district, special education local plan area or county office of education, in accordance with the Public School Performance Accountability Program. (The provision to require the NPS to report the progress made towards pupils' individualized education plan (IEP) goals as a condition of its services being continued was deleted).

This measure was held on suspense in the Assembly Appropriations Committee on May 18, 2004.

3. Encourage more submission of instructional materials by publishers that will meet California's rigorous requirements.

SB 1405 (Karnette): High School Reform: high school instructional materials:

This bill, sponsored by the Superintendent of Public Instruction, would improve high school instructional materials by creating a State of California "seal of approval" to identify materials aligned to California's world-class standards.

The bill was heard in the Senate Education Committee on April 21, 2004, and placed on suspense. The bill was released from the suspense file on April 22, 2004, after the author agreed to accept the following amendments:

- The State Superintendent of Public Instruction shall commence the advisory review of instructional materials for grades 9 through 12, inclusive, by soliciting recommendations from local education agencies which include high schools. The State Superintendent of Public Instruction shall present and make these recommendations available throughout the review process.
- In the development of advisory recommendations, the State Superintendent of Public Instruction shall consider that high schools use multiple instructional media and sources in the development of instructional materials that provide a standards-based program in the various content areas. The published list shall include, where appropriate, both individual and bundled instructional materials that provide the basis for rigorous standards-based instruction and learning.

This measure is scheduled to be heard on the Senate Floor on or before May 28, 2004.

SB 1380 (Escutia): Instructional Materials

This bill requires the State Board of Education (SBE) to annually solicit recommendations from school districts regarding the adoption of instructional materials, and requires the SBE to adopt recommended instructional materials unless the SBE, within 90 days, makes written factual findings that the instructional materials fail to meet the following criteria.

- Alignment of the instructional materials to standards adopted by the state board for the category and grade level in which the instructional materials are to be used.
- A basis of scientific evidence supporting the content and approach of the instructional materials. That evidence may include research studies conducted by the publisher that have been independently reviewed, evidence from federal clearinghouses, or refereed academic journals.
- A narrative of the evaluation or piloting process, or both, of the school district, that led to the recommendation of the instructional materials, and an explanation for the recommendation of the school district that the instructional materials are desirable and appropriate for use.
- A resolution of the governing board of the school district, adopted in a public hearing, that approves of the use of the instructional materials.
- Documentation from the publisher or manufacturer of the instructional materials of compliance with the state board's guidelines for social content.

The bill also authorizes the use of instructional materials funds for the purchase of the locally adopted materials. This bill recently passed the Assembly Appropriations Committee 8-5 and is scheduled to be heard on the Senate floor on or before May 28, 2004.

4. Safeguard the academic content standards as the foundation of California's K-12 educational system.

AB 2744 (Goldberg): Testing: Content Standards.

This bill would remove the authority of the State Board of Education to modify proposed content and performance standards and instead would require the Superintendent of Public Instruction to appoint content standards review panels in each subject area to review content standards every three years.

- Members of each panel shall consist of public school teachers.
- Members shall be appointed based upon their nomination by subject area professional organizations (need not be a member).
- Member's term expires upon completion of review of content standards.

Upon the establishment of content standards the Superintendent of Public Instruction shall also appoint a content standards panel.

Proposed amendments to get out of Appropriations include the following:

- the SPI would at his discretion appoint a content review panel;
- instead of a review of the content standards every three years, a review is required one year prior to the adoption of the curriculum for each subject area;
- instead of the authority of the content review panel revising these standards as necessary, they would make recommendations to the SPI;
- language was deleted to require the SPI to appoint a content standards panel.

It is our understanding that these amendments will not be adopted and the bill will revert to its original form.

This bill passed out of the Assembly Appropriations Suspense with a vote of 16-5 and is on the Assembly Floor.

5. Strengthen coordination between K-12 and higher Education.

SB 905 (Chesbro): Educational Enrichment: As introduced, January 26, 2004, this bill revises the current law on educational enrichment as it relates to concurrent enrollment of pupils in high school and community college. This bill makes changes to current law by eliminating specified requirements for and restrictions upon the admission of k-12 students to a community college summer session as special part-time or full-time students. Specifically, SB 905 would:

- Delete the requirement that a student recommended for admission by the principal of a school must demonstrate adequate preparation in the discipline

- eliminate the restriction, currently percent, of the total number of students who completed a particular grade level, on the number of students a principal may recommend for a community college summer session.
- This bill is an urgency measure and will require a 2/3 floor vote for passage.

Funding may be an issue if the bill results in the redirection of fiscal resources to support increased summer concurrent enrollment.

This bill was amended on May 10, 2004 to include the urgency clause and was re-referred to the Assembly Education Committee.

AB 1819 (La Malfa): Concurrent Enrollment: This bill would remove enrollment caps on the number of high school students who may enroll in community colleges as special admit students. This bill would:

- delete current limitations on the authority of a principal to recommend a pupil for community college summer session;
- delete the 5 percent cap on the number of special admit students who may be recommended by a principal for a community college summer session attendance;
- delete the 5 percent cap on the amount of state apportionment that a community college district may claim for total reported full-time equivalent (FTE) enrollment of special admit students in physical education classes.
- Is an urgency measure and will require a 2/3 floor vote for passage.

CDE recommends that a task force consisting of Community College Chancellor's Office, California Department of Education, Office of the Secretary of Education be formed to review all of the issues involved with concurrent enrollment and establish a comprehensive set of standards and policies.

This measure passed the Assembly Floor with a 74-0 on May 17, 2004, and is awaiting a committee assignment in Senate Rules.

6. Encourage only high-quality charter schools

- AB 1860 (Reyes): Charter Schools. As amended April 26, 2004, the bill:
- Specifies who may circulate a petition to "parents or teachers" versus "any one or more persons".
- Authorizes only the signature of a parent or guardian of a pupil who will be eligible to enroll in the charter school during the first year it commences operations to be counted toward the signature requirement.
- Authorizes only the signature of a teacher employed at the school district in which the charter school will operate to be counted toward the signature requirement.
- Requires the governing board of the school district to verify that each signature counted toward the signature requirement meets the requirements of this bill.

- Requires the governing board of the school district to ensure that establishment of a charter school through conversion of an existing public school not be used as a means for the existing public school to avoid sanctions.
- Requires the charter petition to include the proposed name of the charter school, which is also required to include the word "charter".
- Requires the governing board of a school district to deny a petition for the establishment of a charter school if the petition does not include procedures by which pupils can be disciplined as well as the due process rights of those students.
- Requires the governing board of a school district to deny a petition for the establishment of a charter school if the petition does not include an acknowledgement to comply with the Brown Act.
- Prohibits a charter school from expelling a pupil based on the academic performance of that pupil.
- Require charter schools to notify the school district and county office of education when a student is expelled or dropped.

This bill passed the Assembly Appropriations Committee on May 19, 2004, and was referred to the Floor.

AB 2764 (Bates, co-author Alpert): Charter Schools: Ms. Bates' second attempt to expand the types of charter authorizers. This bill:

- would expand authorizers to include community colleges, California State Universities and Universities of California;
- would allow each UC and CSU campus to have one charter school on site and limit each segment to authorizing no more than ten charter schools.

The bill was held on Assembly Appropriations Suspense on May 19, 2004.

SB 1531 (Knight): Charter Schools. As amended May 4, 2004, this bill would;

- Remove the restriction on the number of charter schools that are authorized to operate in California each year, pursuant to recommendations made recently by the Rand Report and the Legislative Analyst's Office.
- Committee members commented that there's no need to remove the cap since the number of charter schools has never come close to meeting the statutory number, and charter schools are still "experimental" since they have not (collectively) proven to be superior to traditional public schools.

After reconsideration and a courtesy vote in the Senate Education Committee, the bill moved to Senate Appropriations where they passed the bill off suspense on May 20, 2004.

Legislation requested by Board members Categorical Block Grant Proposals

SB 1510 (Alpert) as amended May 12, 2004, makes various changes to the school funding process and would move, effective 2005-06, various K-12 funding programs into block grants that share similar characteristics. The measure would create the following block grants:

- Teacher Credentialing Block Grant
- Pupil retention block grant
- School safety block grant
- Teacher credentialing block grant
- Professional development block grant
- Targeted instructional improvement block grant
- Economic impact aid block grant
- Instructional materials block grant
- School Improvement Block Grant

This measure is strongly supported by the California Categorical Program Directors. The bill passed off the Senate Appropriations suspense file on May 20, 2004.

AB 1650 (Simitian): Categorical Block Grant, Teacher Support and Development Act of 2003. Establishes the Teacher Support and Development Act of 2003 (TSD block grant) by consolidating and streamlining 13 of existing K-12 teacher support and development programs into a formula-based block grant.

- Specifically, some of these programs include: the Beginning Teacher Support and Assessment System, the California Peer Assistance and Review Program for Teachers, the Instructional Time and Staff Development Reform Program, the English Language Development Professional Institutes, the California Pre-Internship Teaching Program, and the Education Technology Professional Development Program.
- A school district has the flexibility to expend funds received under the TSD block grant for any staff development program such as those listed above, however they must demonstrate that their staff development programs are based on a coherent, long-term planning process that involves teachers and administrators, that they have a school site professional development plan in place that implements school improvement objectives and is evaluated based upon gains in pupil achievement and that the school district's staff development programs comply with the standards for professional development and with the 10 Design Elements for High Quality Professional Development.

The SPI would calculate the amount of the TSD block grant awarded to each school district.

This bill passed the Assembly Floor with a vote of 74-1 and is currently awaiting a hearing in the Senate Education Committee.

AB 2675 (Goldberg) gutted and amended on April 26, 2004, has been referred to Assembly Appropriations Committee. Commencing with the 2005-06 fiscal year, the measure would establish the **Student Achievement Grant Program**, which would consolidate funding and provide flexibility for the following categorical programs:

- (a) English Language Acquisition Program.
- (b) English Language and Intensive Literacy Program.
- (c) After School Education and Safety Program.
- (d) Academic Improvement and Achievement Act.
- (e) School Community Policing Partnership Grant Program.
- (f) Supplemental instruction programs.
- (g) Year-Round School Grant Program.
- (h) High-Risk Youth Education and Public Safety Program.
- (i) Opportunity programs.
- (j) School Improvement Program.
- (k) Immediate Intervention/Underperforming School Program.
- (l) High Priority Schools Grant Program.
- (m) Dropout prevention and recovery programs.
- (n) Economic Impact Aid Program.
- (o) Targeted Instructional Improvement Grant Program.
- (p) Specialized Secondary Programs.

Funding would be allocated to school districts on a per pupil grant basis. Schools in the district with higher numbers of disadvantaged pupils receive a higher per pupil grant amount. SB 2675 was held on the Assembly Appropriations Suspense on May 19, 2004.