

State of California

Department of Education

INFORMATION MEMORANDUM

DATE: August 5, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: B. Teri Burns, Deputy Superintendent
Government Affairs

SUBJECT: Legislative Update

Attached is a brief update of the legislative proposals that relate to the six legislative priorities approved by the Board last November and presented to the Board at the July 2004 meeting. The status of the measures will be reflected in the update. August 31, 2004, is the last day for each house to pass bills. Recess begins upon adjournment on August 31, 2004.

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): STAR reauthorization

As amended, July 28, 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. Extends sunset of second grade testing to July 1, 2007. Requires the State Department of Education (SDE) to use designated federal funds to develop and adopt a primary language test that is aligned to academic content standards for reading/language arts and mathematics, in the primary language of the greatest number of limited-English-proficient (LEP) pupils enrolled in the public schools.

This measure was heard off the floor and passed the Assembly Appropriations Committee with a vote of 14-3 on July 28, 2004, and was passed on the Assembly Floor with a vote of 68-6 on July 28, 2004. The bill also passed off the Senate Floor for concurrence with a vote of 39-0. The measure was enrolled to the Governor on August 2, 2004, and he has 12 days to sign the bill.

AB 2413 (Diaz): English Learners: Testing

As proposed to be amended, this bill will be the clean up vehicle for SB 1448. This measure will apply the primary language assessment appropriation and development and testing to the 2011 sunset date. In addition, AB 2413 makes technical clarifying changes to the Education Code section relating to program preparation for statewide pupil assessments and makes clarifying changes to the use of the augmented California Standardized Tests by institutions of higher education.

This measure passed the Senate Appropriations Committee on August 4, 2004.

AB 921 (Firebaugh): English language learners

AB 921 requires the SBE to only seek a waiver from the federal government requiring California to add reading and writing assessments in grades K and 1.

This bill passed the Senate Appropriations Committee on August 4, 2004.

SPI has removed sponsorship and support of this measure as amended.

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).

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

AB 1846 (Goldberg): NCLB

This bill would designate the Superintendent of Public Instruction as the "state educational agency" that carries out the provisions of NCLB. Under NCLB the "the state educational agency" is responsible for all decision-making, including implementation, submission of the state plan, application of federal funds, and reporting requirements related to NCLB. Currently, the SBE serves as the state education agency.

This bill passed the Senate Education Committee 9-0 on June 24, 2004, and awaiting a vote on the Senate floor.

AB 2066 (Steinberg): Program Improvement Districts

AB 2066 authorizes the California Department of Education (CDE) to provide support for districts in Program Improvement (PI), as required by NCLB. CDE is seeking legislative support to appropriate the federal set-aside for PI districts, districts at risk of PI identification, districts with large numbers and/or percentages of PI schools, and for county offices of education to support districts and schools.

This bill was placed on the Senate Appropriations Committee suspense file on August 4, 2004

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

SB 1405 (Karnette): High School Reform-instructional materials

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

This measure placed on the Assembly Appropriations Committee suspense file on August 4, 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 certain criteria.

This bill was placed on the Assembly Appropriations Committee suspense file on August 4, 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. This bill would also allow the Superintendent of Public Instruction to appoint content standards review panels in each subject area to review content standards every 2 years prior to the adoption of curriculum for each subject area. The membership of the panel shall consist of 60 percent teachers, each review panel shall review the content standards and shall revise the standards as the panel deems necessary. CDE testified in opposition of this measure on August 4, 2004 in the Senate Appropriations Committee.

This measure was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

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

SB 905 (Chesbro): Educational Enrichment

As amended, June 24, 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.

This measure was placed on the Assembly Appropriations Committee suspense file on June 30, 2004.

SB 1795 (Alarcon): Pupil preparation

This bill establishes legislative intent that all high school students be enrolled in a standards-based rigorous curriculum by 2012, and authorizes the State Superintendent of Public instruction to define a "standards-based rigorous curriculum" with the cooperation of an advisory panel.

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

6. Encourage only high-quality charter schools.

AB 1860 (Reyes): Charter Schools

This bill makes several changes to charter school law. This measure was amended in the Senate Education Committee to delete all provisions related to the petition process and signature requirements.

The measure will contain the following provisions:

- Require charter schools to comply with the Public Records Act and Brown Act for public meetings.
- Clarify how annual audits are to be performed.
- Prohibit charter schools from expelling students solely on the basis of their academic achievement.
- Require charter schools to notify the district and county office of education of a student's residence if the child drops out or is expelled from the school.

This measure was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

SB 1617 (Ducheny): Charter Schools

The author's intent is to have programs for high school dropouts, regardless of their age, to earn their diploma. The author and supporters stated that while the SBE has authority to define "satisfactory progress" for continuing education students in regulations, it overstepped its boundaries when it restricted enrollment in a charter school to continuously enrolled students age 19-22.

SB 1617 would allow students, who may or may not have been continuously enrolled, ages 19 years and older to enroll in a charter school. This measure specifies that ADA for students age 19-20 would be apportioned at the charter school ADA rate, and for students 21 years or older at the adult education rate. The measure "grandfathers" students enrolled in charter school prior to January 1, 2005, to apportionments at the charter school ADA rate as long as the student remains continuously enrolled.

The bill was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

SB 1423 (Brulte): Charter Schools

Exempts a charter school authorized by Riverside Unified School District and operated in cooperation with the Riverside Community College District from several charter requirements. It would indefinitely exempt the program from the requirement that students over age 19 must be continuously enrolled in the charter school and make satisfactory progress toward a diploma in order to generate ADA. It would exempt the program from the requirement that teachers in charter schools to hold a certificate, permit, or other document that a teacher in the public schools is required to hold until the program sunsets July 1, 2010.

This measure was placed on the Assembly Appropriations Committee suspense file

on August 4, 2004.

Legislation requested by Board members Categorical Block Grant Proposals

SB 1510 (Alpert): Categorical education reform

As amended June 30, 2004, this bill 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.

This measure was placed on the Assembly Appropriations Committee suspense file on August 4, 2004.

AB 1650 (Simitian): Teacher support and development

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. The SPI would calculate the amount of the TSD block grant awarded to each school district. The provisions of this bill become operative on July 1, 2005.

This bill was placed on the Senate Appropriations Committee suspense file on August 4, 2004.

AB 1897 (Reyes): School District Governing Boards

Would require school district governing boards that maintain one or more high schools to appoint to its membership one or more preferential voting pupil members. The governing board would be required to continue to grant each pupil member "preferential voting privileges," meaning a formal expression of opinion that is recorded in the minutes and cast prior to the official vote of the governing board.

This measure was placed on the Assembly Appropriations Committee suspense file on June 28, 2004.