

# INFORMATION MEMORANDUM

**DATE:** September 29, 2003

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** B. Teri Burns, Deputy Superintendent, CDE Government Affairs

**SUBJECT:** Legislative Update: Including, but not limited to, information on legislation

Legislative update of measures that may be of interest to the State Board and are currently awaiting action on the Governor's desk.

**DATE:** September 29, 2003

**TO:** Members, California State Board of Education

**FROM:** B. Teri Burns, Deputy Superintendent, CDE Government Affairs

**SUBJECT:** Legislative Update on bills currently awaiting action on the Governor's desk  
For your information only.

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**AB 195 (Chan)** - Existing law requires the Department of Education to prepare and distribute to school districts guidelines for the preparation of comprehensive health education plans and programs. Existing law defines a comprehensive health education program as an educational program offered in kindergarten and grades 1 to 12, inclusive, that ensures that pupils receive instruction on making decisions in matters of personal, family, and community health, including, among other subjects, nutrition. This bill would specify that pupils may receive instruction on, among other topics, preventative health care. The bill would further specify that the instruction on nutrition may include instruction on related topics such as obesity and diabetes. The bill would prohibit participating entities from marketing their services when undertaking activities related to the program and would define marketing as the making of a communication about a product or service with the purpose to encourage the purchase or use of the product or service. The bill would exempt specified entities that provide certain services from these marketing prohibitions. This bill contains other related provisions and other existing laws.

**Status:** *09/15/2003-Enrolled and to the Governor at 11:30 a.m.*

**AB 766 (Longville)** - Existing law requires the governing boards of school districts to provide a scoliosis screening of every female pupil in grade 7 and every male pupil in grade 8, in accordance with specified guidelines. This bill would establish a 3-year pilot program whereby any school district may participate in the program and would require those participating school districts, in conjunction with the scoliosis screening, to screen pupils for the risk of developing type 2 diabetes mellitus. The bill would specify individuals who may perform and supervise the screenings, and would prescribe procedures for the screening process, including, but not limited to, compliance with standards and procedures developed by the State Department of Education. The bill would provide for parent or guardian notification of any pupil suspected of being at elevated risk of developing type 2 diabetes mellitus, as described in the bill. This bill contains other related provisions.

**Status:** *09/17/2003-Enrolled and to the Governor at 11 a.m.*

**AB 1137 (Reyes)** - The Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would specify several oversight duties of each chartering authority with respect to charter schools under their authority. The bill would require each chartering authority to identify a contact person for each charter school, annually visit each charter school, ensure that each charter school complies with specified reporting requirements, adjust the amount that may be charged for related administrative costs, and establish policies and procedures to monitor the fiscal condition of each charter school. To the extent that the bill would impose new oversight duties on an authority that had granted a charter prior to the effective date of the bill, the bill would impose a state-mandated local program. The bill would additionally require each charter school to submit various budget reports to its chartering authority and the county superintendent of schools, unless the county board of education is the chartering authority. This bill contains other related provisions and other existing laws.

**Status:** *09/18/2003-Enrolled and to the Governor at 11 a.m.*

**AB 1485 (Firebaugh)** - Existing law establishes the Reading First Plan to provide federally funded reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in any grade of elementary or secondary school. Existing law requires the Reading First Plan submitted to the federal Secretary of Education, among other things, to authorize a local educational agency that meets specified federal requirements to be eligible for federal funding if certain pupils are provided by a prescribed deadline with standards-aligned textbooks or basic instructional materials aligned with the state-adopted reading/language arts content standards. This bill would prohibit the State Department of Education and the State Board of Education from developing or implementing requirements or criteria that make a local educational agency ineligible for funding because the local educational agency provides primary language instruction and comprehensive English language development instruction to English learners in classrooms where English learners are not educated through sheltered or structured English immersion. The bill would authorize the use of primary language materials in specified cases for purposes of participation in a program funded with Reading First funds. The bill would require the State Department of Education to amend California's Reading First Plan to authorize local educational agencies operating programs in which English learners are not educated through sheltered or structural English immersion to apply for funding under the federal No Child Left Behind Act. The bill would additionally require the revised plan to specify that priority to specified federal funds be given to programs meeting certain criteria. This bill contains other related provisions and other existing laws. **Status:** *09/24/2003-Enrolled and to the Governor at 2 p.m.*

**AB 1548 (Pavley)** - Existing law establishes the Office of Integrated Environmental Education within the Integrated Waste Management Board, and requires the office to develop and implement a unified education strategy on the environment for elementary and secondary schools. This bill would repeal those provisions and, instead, establish the Office of Education and the Environment with similar duties. The bill would require the Office of Education and the Environment to report to both the Secretary for Environmental Protection and to the board. This bill contains other related provisions and other existing laws.

**Status:** *09/18/2003-Enrolled and to the Governor at 11 a.m.*

**SB 5 (Karnette)** - Existing law requires the Superintendent of Public Instruction to design and implement a program that includes statewide academically rigorous content and performance standards, as specified. Existing law establishes deadlines by which the State Board of Education must adopt statewide academically rigorous content standards in the areas of reading, writing, mathematics, history/social science, science, physical education, and visual and performing arts. This bill would require the State Department of Education, on or before June 1, 2009, to adopt content standards for teaching foreign languages in kindergarten and grades 1 to 12, inclusive, pursuant to recommendations developed by the Superintendent of Public Instruction. The bill would provide that these standards are intended to guide schools that offer programs of instruction in languages other than English. The bill would require these standards to support the goal of providing programs of instruction in languages other than English as early as feasible, and to include a description of the skills to be attained at each grade level and alignment of the course content with the entrance requirements of the California State University and the University of California. This bill contains other related provisions and other existing laws.

**Status:** 09/15/2003-Enrolled. To Governor at 4 p.m.

**SB 19 (Escutia)** - Existing law authorizes a school district or charter school to offer programs of direct, systematic, and intensive supplemental instruction to pupils in grades 2 to 6, inclusive, who are either deficient in mathematics, reading, or written expression based on the results of statewide achievement tests or at risk of retention in the same grade. Existing law limits the amount of funding a school district or charter school may receive for this instruction. This bill would remove the funding limitation for supplemental instruction to a pupil who is at risk of retention in the same grade and would revise the funding limitation for supplemental instruction for a pupil who is deficient in mathematics, reading, or written expression. The bill would make related conforming changes. This bill contains other related provisions.

**Status:** 09/16/2003-Enrolled. To Governor at 4 p.m.

**SB 71 (Kuehl)** - Existing law contains various provisions relating to the instruction in the public schools on AIDS prevention, venereal disease and other sexually transmitted diseases, sex, and abstinence from sexual activity, the surrender of physical custody of a minor child 72 hours or younger, and the manner in which parents or guardians may excuse their child from this instruction. This bill would consolidate those provisions by establishing the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act. The act would, among other things, authorize school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. The bill would also make conforming changes to related provisions of law and make technical, nonsubstantive changes to some of those provisions. This bill contains other related provisions.

**Status:** 09/16/2003-Enrolled. To Governor at 4 p.m.

**SB 495 (Vasconcellos)** - Existing law establishes the Public School Performance Accountability Program which consists of the Academic Performance Index (API), the Immediate Intervention/Underperforming Schools Program, the High Priority Schools Grant Program for Low Performing Schools, and the High Achieving/Improving Schools Program. The API measures the performance of schools and the academic performance of pupils and consists of a variety of indicators. Existing law establishes the California Quality Education Commission for the purpose of developing, evaluating, validating, and refining a Quality Education Model for prekindergarten through grade 12, inclusive. This bill would state the intent of the Legislature to establish the Opportunities for Teaching and Learning (OTL) index as part of the Public School Performance Accountability Program to measure the opportunities for teaching and learning as evidenced by access to high-quality learning resources, conditions, and opportunities, based on standards that specify what all schools should have available for instruction and support. This bill contains other related provisions.

**Status:** 09/16/2003-Enrolled. To Governor at 4 p.m.

**SB 1058 (Torlakson)** - Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law further requires the state board to ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with specified submission cycles. This bill would, until January 1, 2007, require the State Department of Education, prior to conducting a followup adoption, to notify all publishers and manufacturers known to produce basic instructional materials in that subject, that a fee will be assessed based on the number of programs the publisher or manufacturer indicates will be submitted. The bill would prohibit a review of a submission until the fee is paid in full. The bill would continuously appropriate to the department the revenue derived from this fee and would make the revenue available to the department from year to year until expended. This bill contains other related provisions and other existing laws.

**Status:** 09/18/2003-Enrolled. To Governor at 3 p.m.