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AB-716 Public elementary and secondary schools: consolidated applications for funding: school plans for student achievement: schoolsite councils. (2017-2018)

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Assembly Bill No. 716

CHAPTER 471

An act to amend Sections 33050, 64000, and 64001 of, to amend and renumber the heading of Part 37 (commencing with Section 64100) of, to add the heading of Part 37 (commencing with Section 64001) to, to add Part 38 (commencing with Section 65000) to, and to repeal Chapter 12 (commencing with Section 52850) of Part 28 of, Division 4 of Title 2 of, the Education Code, relating to public elementary and secondary schools.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 716, O'Donnell. Public elementary and secondary schools: consolidated applications for funding: school plans for student achievement: schoolsite councils.

(1) Existing law establishes a system for public elementary and secondary education in this state. Under this system, local educational agencies throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the schoolsites operated by these agencies. Existing law also establishes a system for providing state and federal funding for public elementary and secondary schools. Existing law authorizes school districts that apply for state funding for any of numerous specified state categorical programs to submit to the State Department of Education, for approval by the State Board of Education, a single consolidated application for approval or continuance of their funding for those programs.

This bill would delete the provision authorizing the single consolidated application for state categorical programs, and instead authorize local educational agencies, as defined to include school districts, county offices of education, and charter schools, to submit to the department for approval by the state board a single consolidated application for approval or continuance of certain federal categorical programs.

(2) Existing law authorizes school districts and schools to establish school plans for categorical programs. Existing law also authorizes school districts to establish schoolsite councils and schoolsite advisory committees.

This bill would recast and revise the statutes relating to school plans and schoolsite councils. The bill would establish School Plans for Student Achievement (SPSAs), and require local educational agencies, as defined, to adopt SPSAs as a condition for receiving certain federal funds and for receiving funding for state categorical programs that are not funded through the local control funding formula. The bill would require specified data to be included in SPSAs by local educational agencies.

The bill would require schools that operate a program that requires a SPSA to establish a schoolsite council. The bill would specify requirements for the membership of schoolsite councils at elementary and secondary schools. The bill would authorize the State Board of Education to grant a waiver of any provision of the bill relating to schoolsite councils.

The bill would also make related conforming and technical changes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 33050 of the Education Code is amended to read:

33050. (a) The governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, may request the state board to waive all or part of any section of this code or any regulation adopted by the state board that implements a provision of this code that may be waived, except:

(1) Article 1 (commencing with Section 15700) and Article 2 (commencing with Section 15780) of Chapter 4 of Part 10 of Division 1 of Title 1.

(2) Chapter 6 (commencing with Section 16000) of Part 10 of Division 1 of Title 1.

(3) Chapter 12 (commencing with Section 17000), Chapter 12.5 (commencing with Section 17070.10), and Chapter 14 (commencing with Section 17085) of Part 10 of Division 1 of Title 1.

(4) Part 13 (commencing with Section 22000), Part 13.5 (commencing with Section 25900), and Part 14 (commencing with Section 26000) of Division 1 of Title 1.

(5) Section 35735.1.

(6) Paragraph (8) of subdivision (a) of Section 37220.

(7) The following provisions of Part 10.5 (commencing with Section 17210) of Division 1 of Title 1:

(A) Chapter 1 (commencing with Section 17210).

(B) Article 1 (commencing with Section 17251) to Article 6 (commencing with Section 17365), inclusive, of Chapter 3.

(C) Sections 17416 to 17429, inclusive; Sections 17459 and 17462; subdivision (a) of Section 17464; and Sections 17582 to 17590, inclusive.

(8) The following provisions of Part 24 (commencing with Section 41000) of Division 3:

(A) Sections 41000 to 41360, inclusive.

(B) Sections 41420 to 41423, inclusive.

(C) Sections 41600 to 41863, inclusive.

(D) Sections 41930 to 42850, inclusive.

(9) Sections 44504 and 44505.

(10) Article 3 (commencing with Section 44930) of Chapter 4 of Part 25 of Division 3 and regulations in Title 5 of the California Code of Regulations adopted pursuant to Article 3 (commencing with Section 44930) of Chapter 4 of Part 25 of Division 3.

(11) Part 26 (commencing with Section 46000) of Division 4.

(12) Chapter 6 (commencing with Section 48900) and Chapter 6.5 (commencing with Section 49060) of Part 27 of Division 4.

(13) Section 51513.

(14) Section 52163.

(15) The identification and assessment criteria relating to any categorical aid program, including Sections 52164.1 and 52164.6.

(16) Sections 52165, 52166, and 52178.

(17) Section 56364.1, except that this restriction shall not prohibit the state board from approving any waiver of Section 56364.2, relating to full inclusion.

(18) Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4, relating to the California Assessment of Student Performance and Progress (CAASPP), and any other provisions of Chapter 5 (commencing with Section 60600) of Part 33 of Division 4 that establish requirements for the CAASPP.

(19) Part 38 (commencing with Section 65000) of Division 4.

(b) A request for a waiver submitted by the governing board of a school district or a county board of education pursuant to subdivision (a) shall include a written statement as to both of the following:

(1) Whether the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, participated in the development of the waiver.

(2) The exclusive representative's position regarding the waiver.

(c) A request for a waiver submitted pursuant to subdivision (a) relating to a regional occupational center or program established pursuant to Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of Division 4, which is operated by a joint powers entity established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, shall be submitted as a joint waiver request for each participating school district and shall meet both of the following conditions:

(1) Each joint waiver request shall comply with all of the requirements of this article.

(2) The submission of a joint waiver request shall be approved by a unanimous vote of the governing board of the joint powers agency.

SEC. 2. Chapter 12 (commencing with Section 52850) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.

SEC. 3. Section 64000 of the Education Code is amended to read:

64000. (a) For purposes of this part, Part 37 (commencing with Section 64001), and Part 38 (commencing with Section 65000), a local educational agency is defined as a county office of education, school district, or charter school.

(b) Each local educational agency that elects to apply for funds under this part may submit to the department for approval by the state board a single consolidated application for approval or continuance of those federal categorical programs subject to this part.

(c) This part shall apply to applications for funds under the following programs:

(1) Federal funds provided to the state through the federal Elementary and Secondary Education Act of 1965 (ESEA) (Public Law 89-10), as amended by the federal Every Student Succeeds Act (ESSA) (Public Law 114-95). These funds exclude those congressional acts funded other than ESEA or ESSA that are provided through federal acts or grants separate from ESEA or ESSA and those ESSA funds that are allocated separately from the consolidated application process.

(2) State categorical programs that are not funded through the local control funding formula. Carryover funds from state categorical programs that have a sunset under their own provisions shall be subject to this part.

(d) The consolidated application shall include annual certifications by the school district English learner parent advisory committee, if one has been established pursuant to Section 52063, that the application was developed with the review and advice of that committee.

SEC. 4. The heading of Part 37 (commencing with Section 64001) is added to Division 4 of Title 2 of the Education Code, to read:

PART 37. SCHOOL PLANS FOR STUDENT ACHIEVEMENT

SEC. 5. Section 64001 of the Education Code is amended to read:

64001. (a) Notwithstanding any other law, as a condition of receiving funding for a program under Part 36 (commencing with Section 64000), a local educational agency shall ensure that each school of the local educational agency that operates any programs subject to Part 36 (commencing with Section 64000) consolidates any plans that are required by those programs into a single plan, unless otherwise prohibited by law. That plan shall be known as the School Plan for Student Achievement (SPSA). In the case that a plan is not required by a program subject to Part 36 (commencing with Section 64000), the governing board or body of a local educational agency may require any school that receives funding from the consolidated application to develop a SPSA.

(b) A local educational agency shall not be required to submit the SPSA to the department as part of the consolidated application.

- (c) A local educational agency shall ensure, in the consolidated application, that the SPSA has been prepared in accordance with law, that schoolsite councils have developed and approved a SPSA for each school participating in programs funded through the consolidated application process, and that SPSAs were developed with the review, certification, and advice of the school English learner advisory committee, if required.
- (d) The department shall monitor and review to ensure that the consolidated application and the SPSA were developed in accordance with law and with the involvement of applicable advisory committees and schoolsite councils.
- (e) Onsite school and district compliance reviews of categorical programs shall continue, and SPSAs shall be required and reviewed as part of these onsite visits and compliance reviews. The Superintendent shall monitor such compliance. To that end, the Superintendent shall develop monitoring instruments and establish the process and frequency for conducting reviews of district achievement and compliance with state and federal categorical program requirements. The state board shall review the content of these instruments for consistency with state board policy.
- (f) (1) A complaint that a local educational agency has not complied with the requirements of Part 36 (commencing with Section 64000), this part, or Part 38 (commencing with Section 65000) may be filed with a local educational agency pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
- (2) The department may require submission of the SPSA for any school that is the specific subject of a complaint involving any program or service subject to this part.
- (3) The department may require a local educational agency to submit other data or information as may be necessary for the department to effectively administer any program subject to this part.
- (g) (1) Notwithstanding any other law, the schoolsite council shall develop the content of the SPSA. SPSAs shall be reviewed in accordance with paragraph (4) of subdivision (a) of Section 52062.
- (2) The development of the SPSA shall include both of the following actions:
- (A) Administration of a comprehensive needs assessment pursuant to Section 1114(b)(6) of the federal Every Student Succeeds Act (Public Law 114-95) that forms the basis of the school's goals contained in the SPSA. The comprehensive needs assessment shall include an analysis of verifiable state data, consistent with all state priorities as noted in Sections 52060 and 52066, and informed by all indicators described in Section 1111(c)(4)(B) of the federal Every Student Succeeds Act, including pupil performance against state-determined long-term goals. The school may include any data voluntarily developed by districts to measure pupil outcomes. In the case that the plan is required by the local governing board or body of the local educational agency only, the local governing board or body of the local educational agency may determine the extent to which the needs assessment is applicable.
- (B) Identification of the process for evaluating and monitoring the implementation of the SPSA and progress towards accomplishing the goals set forth in the SPSA.
- (3) The SPSA shall include all of the following:
- (A) Goals set to improve pupil outcomes, including addressing the needs of pupil groups as identified through the needs assessment in subparagraph (A) of paragraph (2).
- (B) Evidence-based strategies, actions, or services.
- (C) Proposed expenditures, based on the projected resource allocation from the governing board or body of the local educational agency, to address the findings of the needs assessment consistent with the state priorities, including identifying resource inequities, which may include a review of the local educational agency's budgeting, its local control and accountability plan, and school-level budgeting, if applicable.
- (h) SPSAs created under this part may serve as school improvement plans required under federal law for schools identified for targeted support as described in Section 1003(e)(1)(A) of the federal Every Student Succeeds Act (Public Law 114-95) or comprehensive support as described in Section 1003(e)(1)(B) of the federal Every Student Succeeds Act, as long as the SPSAs also meet the requirements as established by the federal Elementary and Secondary Education Act of 1965 (Public Law 89-10), as amended by the federal Every Student Succeeds Act. A local educational agency may utilize the schoolsite council to meet the stakeholder requirements established in Section 1111(d)(1)(B) and Section 1111(d)(2)(B) of the federal Every Student Succeeds Act.
- (i) The SPSA required by this section shall be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application and the local control and accountability plan, if any, by the schoolsite council.

The SPSAs shall be reviewed and approved by the governing board or body of the local educational agency at a regularly scheduled meeting whenever there are material changes that affect the academic programs for pupils covered by programs identified in this part. If a SPSA is not approved by the governing board or body of the local educational agency, specific reasons for that action shall be communicated to the schoolsite council. Modifications to any SPSA shall be developed, recommended, and approved or disapproved by the governing board or body of the local educational agency in the same manner.

(j) Single school districts and charter schools may utilize the local control and accountability plan to serve as the SPSA, provided that the local control and accountability plan meets federal school planning requirements and the stakeholder requirements established in subdivision (a) of Section 52062.

SEC. 6. The heading of Part 37 (commencing with Section 64100) of Division 4 of Title 2 of the Education Code is amended and renumbered to read:

PART 37.5. CATEGORICAL FUNDING

SEC. 7. Part 38 (commencing with Section 65000) is added to Division 4 of Title 2 of the Education Code, to read:

PART 38. SCHOOLSITE COUNCILS

65000. (a) It is the intent of the Legislature that, to the extent possible, the members of the schoolsite council represent the composition of the school's pupil population. It is also the intent of the Legislature that, notwithstanding the size of the school, the composition of the schoolsite council ensure parity between the groups referenced in paragraphs (1) and (2) of subdivision (c).

(b) A school that operates a program that requires a School Plan for Student Achievement, pursuant to Section 64001, shall establish a schoolsite council.

(c) (1) At an elementary school, the schoolsite council shall consist of both of the following groups:

(A) The principal of the school or his or her designee; classroom teachers employed at the school, selected by classroom teachers employed at the school; and school personnel employed at the school who are not teachers, selected by school personnel employed at the school who are not teachers. The classroom teachers selected pursuant to this subparagraph shall constitute a majority of the persons selected pursuant to this subparagraph.

(B) Parents of pupils attending the school, or other members of the school community, selected by parents of pupils attending the school. The number of persons selected pursuant to this subparagraph shall equal the number of persons selected pursuant to subparagraph (A).

(2) At a secondary school, the schoolsite council shall consist of both of the following groups:

(A) The principal of the school or his or her designee; classroom teachers employed at the school, selected by classroom teachers employed at the school; and school personnel employed at the school who are not teachers, selected by school personnel employed at the school who are not teachers. The classroom teachers selected pursuant to this subparagraph shall constitute a majority of the persons selected pursuant to this subparagraph.

(B) Parents of pupils attending the school, or other members of the school community, selected by parents of pupils attending the school; and pupils attending the school, selected by pupils who are attending the school. The number of persons selected pursuant to this subparagraph shall equal the number of persons selected pursuant to subparagraph (A).

(d) An employee of a school who is also a parent or guardian of a pupil who attends a school other than the school of the parent's or guardian's employment is not disqualified by this employment from serving as a parent representative on the schoolsite council established for the school that his or her child or ward attends.

65001. (a) Schools with a common site administration may operate a shared schoolsite council if the schoolsite has a pupil population of less than 300.

(b) Up to three schools with a combined pupil population of less than 1,000 may operate a shared schoolsite council if the schools have at least one of the following characteristics:

(1) A shared campus.

(2) Geographic proximity to one another with similar pupil populations.

(c) In the case of a shared schoolsite council, each elementary school shall have representation as indicated in paragraph (1) of subdivision (c) of Section 65000, and each secondary school shall have representation as indicated in paragraph (2) of subdivision (c) of Section 65000.

(d) A school with a population of fewer than 300 pupils may operate a schoolsite council that has the representation of at least one member of each group identified in paragraph (1) of subdivision (c) of Section 65000 as long as it maintains parity with the representation of the groups referenced in paragraph (2) of subdivision (c) of Section 65000, and the local governing board or body of the local educational agency has obtained approval from its local bargaining unit, if applicable.

(e) The state board may grant a waiver of any provision of this part to a school district or county office of education. A school district governing board or county board of education, on behalf of a schoolsite council, may request that the state board grant a waiver of any provision of this part.

(f) The state board may adopt rules and regulations as necessary to implement the provisions of this part.