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SB-1057 Elementary and secondary education: omnibus bill. (2021-2022)

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Date Published: 09/14/2022 09:00 PM

Senate Bill No. 1057

CHAPTER 301

An act to amend Sections 35147, 35540, 35541, 35710.5, 35711, 35722, 35756, 37223, 44227.2, 48260.5, and 48264.5 of the Education Code, relating to elementary and secondary education.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1057, Committee on Education. Elementary and secondary education: omnibus bill.

(1) The Ralph M. Brown Act and the Bagley-Keene Open Meeting Act require, except as specified, that all meetings of specified governmental bodies be open and public and all persons be permitted to attend. Existing law requires meetings of school district governing boards to be conducted in accordance with the Ralph M. Brown Act and certain other provisions relating to meetings. Existing law exempts certain councils and schoolsite advisory committees from those acts and provisions but specifies other open meeting requirements for those councils and committees.

This bill would extend those exemptions and other open meeting requirements to special education community advisory committees. To the extent that extending the other open meeting requirements would impose new duties on school districts, the bill would create a state-mandated local program.

(2) Existing law establishes procedures under which new school districts may be formed by dissolving 2 or more existing school districts of the same kind from the entire territory of the original school districts, by forming one or more new school districts of the same kind from all or parts of one or more existing school districts of the same kind, or by unifying or deunifying school districts as specified. Existing law requires the boundaries of each high school district to be coextensive with the boundaries of the component school districts included within it and requires that when boundaries of a school district that is a component of a high school district are changed to include or exclude territory, that territory be included in or excluded from the high school district.

This bill would clarify that those boundary requirements also apply to unified school districts.

(3) Existing law establishes various procedures and requirements for the reorganization of school districts. Existing law authorizes an appeal to the State Board of Education of an approval of a petition to transfer territory by a county committee on school district organization, as provided. Existing law requires the state board's appeal decision to be sent to the county committee, which is then required to notify the county board of supervisors or the county superintendent of schools, as specified.

Existing law also authorizes an appeal to the state board of a county committee's findings that an action to transfer territory or form one or more new school districts will not adversely affect the racial or ethnic integration of the schools of the school district, and requires the state board to notify the county committee of its decision on the appeal, as provided.

Existing law requires a county committee to hold a public hearing with respect to reorganization in the area proposed for reorganization and authorizes the committee to adopt a final recommendation for unification or other reorganization and transmit

it to the state board with an order for a hearing, a reorganization, or an election, as provided.

For an appeal of an approved petition, this bill would instead require the state board's decision to be sent directly to the county superintendent of schools. For an appeal of racial or ethnic integration findings, the bill would stay certain actions before and pending an appeal and would additionally require the secretary of the state board to take various notification actions regarding an appeal. For a final recommendation ordering a reorganization or ordering an election, the bill would authorize an appeal under the same procedures as an appeal of an approved petition or an appeal of racial or ethnic integration findings.

(4) Existing law authorizes classes of any elementary, high school, or unified school district to be held on Saturday or Sunday, or both, as specified, but prohibits the voluntary attendance on those days of mentally gifted pupils, as defined, in approved programs from being included in the average daily attendance computation.

This bill would apply that prohibition instead to the voluntary attendance on those days to pupils enrolled in programs for gifted and talented pupils.

(5) Existing law establishes the Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program for purposes of providing alternative routes to credentialing, as specified, and requires the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. Existing law authorizes the commission to also establish alternative criteria, if necessary, for project participants that are not eligible for accreditation by one of the accredited organizations.

This bill would remove that criteria authorization.

(6) Prior law, repealed January 1, 2019, authorized a juvenile court to suspend or order a delay in the issuance of the driving privilege, for one year, of a minor who is a habitual truant, as defined, or who is adjudged to be a ward of the court, as prescribed.

This bill would make conforming changes to other provisions relating to pupil attendance to reflect the change in law described above by deleting obsolete references.

(7) This bill would also update cross-references, delete obsolete provisions, and would make other technical, nonsubstantive changes.

(8) 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.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 35147 of the Education Code, as amended by Section 67 of Chapter 615 of the Statutes of 2021, is amended to read:

35147. (a) Except as specified in this section, any meeting of the councils or committees specified in subdivision (b) is exempt from the provisions of this article, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Division 3 of Title 2 of the Government Code), and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(b) The councils and advisory committees established pursuant to Sections 52063, 52069, and 52176, subdivision (b) of Section 54425, Sections 54444.2, 56190, 62002.5, and 65000, and the committees formed pursuant to Section 11503 are subject to this section.

(c) (1) Any meeting held by a council or committee specified in subdivision (b) shall be open to the public, and any member of the public shall be able to address the council or committee during the meeting on any item within the subject matter jurisdiction of the council or committee. Notice of the meeting shall be posted at the schoolsite, or other appropriate place accessible to the public, at least 72 hours before the time set for the meeting. The notice shall specify the date, time, and location of the meeting and contain an agenda describing each item of business to be discussed or acted upon. The council or committee may not take any action on any item of business unless that item appeared on the posted agenda or unless the council or committee members present, by unanimous vote, find that there is a need to take immediate action and that the need for action came to the attention of the council or committee subsequent to the posting of the agenda.

(2) Questions or brief statements made at a meeting by members of the council, committee, or public that do not have a significant effect on pupils or employees in the school or school district, or that can be resolved solely by the provision of information, need not be described on an agenda as items of business. If a council or committee violates the procedural meeting requirements of this section, upon demand of any person, the council or committee shall reconsider the item at its next meeting, after allowing for public input on the item.

(d) Any materials provided to a schoolsite council shall be made available to any member of the public who requests the materials pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

SEC. 2. Section 35540 of the Education Code is amended to read:

35540. The boundaries of each high school district and unified school district shall be coextensive with the boundaries of the component districts, as defined in Section 35515, included within it.

SEC. 3. Section 35541 of the Education Code is amended to read:

35541. When the boundaries of a district which is a component of a high school district or a unified school district, as defined in Section 35515, are for any cause changed to include territory in, or to exclude from, the district, the territory added to, or removed from, the district shall, at the same time, be included in, or excluded from, the high school district or unified school district.

SEC. 4. Section 35710.5 of the Education Code is amended to read:

35710.5. (a) (1) An action by the county committee approving a petition pursuant to Section 35709, 35710, 35710.1, or paragraph (2) or (3) of subdivision (a) of Section 35722 may be appealed to the state board by the chief petitioners or one or more affected school districts. Except as provided in paragraph (2), the appeal shall be limited to issues of noncompliance with Section 35705, 35706, or 35710, or subdivision (a) or (b) of Section 35709. If an appeal is made as to the issue of whether the proposed transfer will adversely affect the racial or ethnic integration of the schools of the districts affected, it shall be made pursuant to Section 35711.

(2) Notwithstanding paragraph (1), an appeal for which notice of the appeal, pursuant to subdivision (b), was filed before July 1, 2020, shall be considered pursuant to this section, as it read on December 31, 2019.

(b) Within five days after the final action of the county committee, the appellant shall file with the county committee a notice of appeal and shall provide a copy to the county superintendent of schools, except that if the appellant is one of the affected school districts it shall have 30 days to file the notice of appeal with the county committee and provide a copy to the county superintendent. Upon the filing of the notice of appeal, the action of the county committee shall be stayed, pending the outcome of the appeal. Within 15 days after the filing of the notice of appeal, the appellant shall file with the county committee a statement of reasons and factual evidence. The county committee shall then, within 15 days of receipt of the statement, send to the state board the statement and the complete administrative record of the county committee proceedings, including minutes of the oral proceedings.

(c) Upon receipt of the appeal, the state board may either review the appeal or ratify the county committee's decision by summarily denying review of the appeal. The board may review the appeal either solely on the administrative record or in conjunction with a public hearing. Following the review, the board shall affirm or reverse the action of the county committee, and if the petition will be sent to election, shall determine the territory in which the election is to be held. The board may reverse or modify the action of the county committee in any manner consistent with law.

(d) The decision of the state board shall be sent to the county superintendent of schools pursuant to Section 35755.

SEC. 5. Section 35711 of the Education Code is amended to read:

35711. (a) A person questioning the finding of the county committee pursuant to Section 35709, 35710, or paragraph (2) or (3) of subdivision (a) of Section 35722 that the action to transfer territory or form one or more new districts will not adversely affect the racial or ethnic integration of the schools of the districts affected, may appeal a decision based on that finding. The appeal shall be made to the state board within 30 days. The appeal shall be based upon factual and statistical evidence. The secretary of the state board shall expeditiously notify the county superintendent of schools upon the filing of the appeal. Upon the filing of the appeal, the action of the county committee shall be stayed, pending the outcome of the appeal.

(b) If the state board denies the appeal, the decision of the county committee shall stand. If the state board approves the appeal, it shall review the findings of the county committee at a regular meeting of the state board.

(c) The state board shall notify the county committee of its decision on the appeal. If the state board approves the appeal, the county committee shall transmit a copy of the proceedings to the state board within 30 days after receipt of notice. The state board shall review the transcript, considering all factors involved. The state board may reverse, or may affirm, the decision of the county committee, or if it appears that inadequate consideration was given to the effect of the transfer on integration of the schools of the school districts affected, it shall direct the county committee to reconsider its decision and for this purpose to hold another hearing.

(d) The secretary of the state board shall notify the county superintendent of schools of the state board's final action regarding the appeal. If the action of the county committee to approve a territory transfer ultimately stands following the state board action, Section 35709 and subdivision (a) of Section 35710 shall apply, as appropriate.

(e) The county superintendent of schools shall not call an election pursuant to subdivision (a) of Section 35710 until after the time for an appeal pursuant to subdivision (a) of this section has elapsed.

SEC. 6. Section 35722 of the Education Code is amended to read:

35722. (a) Following the public hearing, or the last public hearing, required by Section 35720.5 or subdivision (d) of Section 35721, the county committee may adopt a final recommendation for unification or other reorganization and shall take one of the following actions:

(1) Transmit that recommendation together with the petition filed under subdivision (a) or (b) of Section 35721, or with the resolution filed under subdivision (c) of Section 35721, if any, to the state board for hearing as provided in Article 4 (commencing with Section 35750).

(2) Transmit the petition to the state board and order the reorganization granted if the requirements of Section 35709 are satisfied.

(3) Transmit the petition to the state board and order that an election be held if the requirements of Section 35710 are satisfied.

(b) An action of the county committee that results in a transmittal described in either paragraph (2) or (3) of subdivision (a) may be appealed to the state board pursuant to Section 35710.5 or 35711.

SEC. 7. Section 35756 of the Education Code is amended to read:

35756. The county superintendent of schools, within 35 days after receiving the notification provided by Section 35755, shall call an election, to be conducted at the next election of any kind in the territory of districts as determined by the state board, in accordance with either of the following:

(a) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1 of this code.

(b) Division 4 (commencing with Section 4000) of the Elections Code.

SEC. 8. Section 37223 of the Education Code is amended to read:

37223. (a) The governing board of any elementary, high school, or unified school district or any county superintendent of schools may maintain classes on Saturday or Sunday, or both. The classes maintained pursuant to this section may include, but are not necessarily limited to, all of the following:

(1) Continuation classes.

(2) Special day classes for mentally gifted minors.

(3) Makeup classes for absences occurring during the week.

(4) The programs of a regional occupational center or regional occupational program.

(b) Except as otherwise provided in this code, the attendance of any pupil in a class or program held on a Saturday or Sunday shall not result in the crediting of more than five days of attendance for the pupil per week.

(c) Attendance at classes conducted on Saturday or Sunday, or both, shall be at the election of the pupil or, in the case of a minor pupil, the parent or guardian of the pupil. However, the governing board may require truants, as defined by Section 48260, to attend makeup classes conducted on one day of a weekend.

(d) Except as otherwise provided in this code, any class that is offered on a Saturday or Sunday shall be one offered during the regular Monday through Friday school week.

(e) The voluntary attendance of pupils enrolled in programs for gifted and talented pupils in special educational activities conducted on Saturday or Sunday shall not be included in the computation of the average daily attendance of the school district.

(f) Subdivisions (b) and (d) shall not apply to regional occupational centers or programs.

SEC. 9. Section 44227.2 of the Education Code is amended to read:

44227.2. (a) The Legislature hereby establishes the Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program for purposes of providing alternative routes to credentialing.

(b) No later than June 1, 2010, the commission, in consultation with the Committee on Accreditation established pursuant to Section 44373, shall develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. Organizations participating in this project may offer educator preparation programs for any science, mathematics, and career technical education credential type issued by the commission if the organization meets the requirements for being authorized pursuant to criteria established by the commission.

(c) The commission shall authorize community-based or nongovernmental organizations accredited by an accrediting organization that is recognized by the Council for Higher Education Accreditation and the United States Department of Education.

(d) Participating organizations shall electronically submit credential applications to the commission.

(e) The commission may assess a fee on a community-based or nongovernmental organization that is seeking approval to participate in the program. For purposes of this section, an independent college or university in California is not a community-based or nongovernmental organization.

SEC. 10. Section 48260.5 of the Education Code is amended to read:

48260.5. Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil is truant.

(b) That the parent or guardian is obligated to compel the attendance of the pupil at school.

(c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).

(d) That alternative educational programs are available in the school district.

(e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.

(f) That the pupil may be subject to prosecution under Section 48264.

(g) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

SEC. 11. Section 48264.5 of the Education Code is amended to read:

48264.5. A minor who is classified as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

(a) The first time a truancy report is issued, the pupil and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance.

(b) The second time a truancy report is issued within the same school year, the pupil may be given a written warning by a peace officer as specified in Section 830.1 of the Penal Code. A record of the written warning may be kept at the school for not less than two years or until the pupil graduates or transfers from that school. If the pupil transfers from that school, the record may be forwarded to the school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures. The pupil may also be assigned by the school to an afterschool or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).

(c) The third time a truancy report is issued within the same school year, the pupil shall be classified as a habitual truant, as defined in Section 48262, and may be referred to, and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the Welfare and Institutions Code. If the school district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).

(d) The fourth time a truancy report is issued within the same school year, the pupil may be within the jurisdiction of the juvenile court that may adjudge the pupil to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the pupil is adjudged a ward of the court, the pupil shall be required to do one or more of the following:

(1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure of the pupil to comply with this paragraph.

(2) Payment of a fine by the pupil of not more than fifty dollars (\$50) for which a parent or legal guardian of the pupil may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.

(3) Attendance of a court-approved truancy prevention program.

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.