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AB-908 Education finance: National Board for Professional Teaching Standards Certification Incentive Program: local control funding formula. (2023-2024)

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Date Published: 10/16/2023 02:00 PM

Assembly Bill No. 908

CHAPTER 819

An act to amend Section 44395 of, and to repeal Section 42238.053 of, the Education Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 908, Committee on Education. Education finance: National Board for Professional Teaching Standards Certification Incentive Program: local control funding formula.

(1) Existing law includes average daily attendance as a component of the calculation under the local control funding formula. For each school district that operates a school where one or more state-operated migrant housing projects are located within the attendance area of the school, and at least $\frac{1}{3}$ of the maximum number of pupils enrolled in the school in the relevant fiscal year are migratory children, existing law requires the school district's fiscal year average daily attendance to be increased, as specified.

This bill would repeal the latter provision.

(2) Existing law establishes the National Board for Professional Teaching Standards Certification Incentive Program to award grants to teachers who have, among other things, attained certification from the National Board for Professional Teaching Standards. Under the program, a teacher who has attained a national board certification is eligible for an award of up to \$25,000, upon agreeing to teach for 5 years at a high-priority school, and a teacher who initiates the process of attaining national board certification when teaching at a high-priority school is eligible for an award of \$2,500, as provided. Existing law defines a high-priority school for these purposes as a school with 55% or more of its pupils being unduplicated pupils, determined as of the date of the teacher's agreement. Existing law appropriates \$250,000,000 from the General Fund to the department for purposes of the program and makes those moneys available for encumbrance until June 30, 2026, as provided.

This bill would, commencing July 1, 2023, authorize a teacher who initiates the process of maintenance of certification from the National Board for Professional Teaching Standards when teaching at a high-priority school to receive an award of \$495. By expanding the allowable purposes of funds appropriated for the National Board for Professional Teaching Standards Certification Incentive Program, the bill would make an appropriation. The bill would require the State Department of Education to disburse these funds to the National Board for Professional Teaching Standards and would require unused funds to be applied to future candidates. The bill would revise the definition of a high-priority school to be a school with 55% or more of its pupils being unduplicated pupils, as determined by the department.

(3) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 42238.053 of the Education Code is repealed.

SEC. 2. Section 44395 of the Education Code is amended to read:

44395. (a) (1) The National Board for Professional Teaching Standards Certification Incentive Program is hereby established to award grants to school districts for the purpose of providing awards to teachers who are employed by school districts or charter schools, are assigned to teach in California public schools, and have attained or will attain certification from the National Board for Professional Teaching Standards. Awards shall be granted to the extent that funds have been appropriated for this purpose in the annual Budget Act.

(2) (A) Commencing July 1, 2021, any teacher who has attained certification from the National Board for Professional Teaching Standards is eligible to receive an award of up to twenty-five thousand dollars (\$25,000) if the teacher agrees to teach at a high-priority school for at least five years. Teaching service before July 1, 2021, may not be counted towards satisfaction of this five-year commitment.

(B) Awards granted pursuant to this paragraph shall be disbursed in annual payments of five thousand dollars (\$5,000) over a five-year period. The annual payment shall be made upon completion of the school year, and upon approval of a district-certified application pursuant to the guidelines of subdivision (c) of Section 44396.

(3) (A) Commencing July 1, 2021, any teacher who initiates the process of pursuing a certification from the National Board for Professional Teaching Standards when teaching at a high-priority school is eligible to receive an award of two thousand five hundred dollars (\$2,500).

(B) Awards granted pursuant to this paragraph shall be disbursed from the department to the National Board for Professional Teaching Standards. Any unused funds shall be applied to future candidates.

(C) A teacher who receives an award pursuant to this paragraph may still apply to receive funds under paragraph (2) after completion of a certification from the National Board for Professional Teaching Standards to the extent funds are available.

(4) (A) (i) Commencing July 1, 2023, any teacher who initiates the process of maintenance of certification from the National Board for Professional Teaching Standards when teaching at a high-priority school is eligible to receive an award of four hundred ninety-five dollars (\$495).

(ii) Awards granted pursuant to this paragraph shall be disbursed from the department to the National Board for Professional Teaching Standards. Any unused funds shall be applied to future candidates.

(iii) A teacher who receives an award pursuant to this paragraph may still apply to receive funds under paragraph (2).

(B) This paragraph may be implemented using funds appropriated pursuant to Section 137 of Chapter 44 of the Statutes of 2021.

(b) The department shall administer the awards authorized by subdivision (a), and shall develop, in consultation with the Commission on Teacher Credentialing, certification and award information, criteria, procedures, and applications, all of which shall be submitted to the state board for approval. Amendments requested by the state board to that information, criteria, procedures, and applications shall be made before the dissemination of the material and the granting of any award under this article.

(c) The department shall distribute the materials described in subdivision (b) to school districts. Each school district is strongly encouraged to ensure that teachers employed by the district or by charter schools affiliated with the district are informed about the program and can acquire the necessary application and information materials.

(d) School districts are encouraged to provide for adequate release time and support for a teacher to complete the certification process. As a condition to providing that release time and support, a school district may require that a teacher serve in a mentor teacher capacity.

(e) For purposes of this article, the following definitions apply:

(1) "School district" means school district, county board of education, county superintendent of schools, a state operated program, including a special school, a regional occupational center or program operated by a joint powers authority or a county

office of education, or an education program providing instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, that is offered by a state agency, including the Department of Youth and Community Restoration and the State Department of Developmental Services.

(2) "High-priority school" means a school with 55 percent or more of its pupils being unduplicated pupils, as defined in subdivision (b) of Section 42238.02. This designation shall be determined by the department.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allow teachers to use funds for the purpose of maintaining their certification from the National Board for Professional Teaching Standards and to implement other changes to education funding prior or close to the start of the 2023–24 school year, it is necessary for this act to take effect immediately.