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CHAPTER 724

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INTRODUCED BY Senator O'Connell
(Principal coauthor: Assembly Member Pavley)

FEBRUARY 21, 2001

An act to amend Sections 64000 and 64001 of the Education Code,
relating to categorical programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 374, O'Connell. Education: categorical programs:
consolidated applications.

Under existing law, school districts that participate in certain school improvement programs are required to develop and annually update a district master plan and submit that plan to the governing board of a school district for approval, in accordance with prescribed procedures. Existing law prohibits any school from participation in school-based coordinated categorical programs unless a school plan has been approved for the school. Under existing law, school districts that participate in those programs are required to ensure that for each school in a district operating categorical programs subject to those provisions, school plans and onsite program reviews are conducted at least once every 3 years, commencing in the 1984-85 school year, by independent persons not employed by the school district. Existing law requires the Superintendent of Public Instruction to adopt regulations establishing criteria for these reviews and to develop a process for State Department of Education training and validation concerning those reviews.

This bill would delete those provisions that require school districts to ensure that for each school in a district operating categorical programs, school plans and onsite program reviews are conducted at least once every 3 years by persons not employed by the

school district. The bill would also delete obsolete provisions from those provisions. The bill would require the Superintendent of Public Instruction to establish the content, process, and frequency for conducting reviews of district achievement related to categorical programs. The bill would instead require that, notwithstanding any other provision of law, as a condition of receiving funding for specified categorical programs, school districts ensure that each school in a district operating those categorical programs consolidates any plans that are required by those programs into a single plan, to be known as the Single Plan for Pupil Achievement. The bill would revise and expand the list of school-based categorical programs covered by those provisions. The bill would also require that this plan be aligned with school goals for improving pupil achievement, and would prescribe related matters. The bill would require the plan to be annually reviewed and updated, as specified, by the schoolsite council, or, if the school does not have such a council, by schoolwide advisory groups that meet certain requirements. The bill would require the governing board of a participating school district to review and approve the school plan and subsequent revisions.

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

SECTION 1. (a) The Legislature finds and declares that:

(1) Pupil achievement of the academic content standards established by the Leroy Greene California Assessment of Academic Achievement Act is the top priority of the education system in California.

(2) The state has a legal responsibility to support compliance with state and federal laws and regulations through education, monitoring, technical assistance, and enforcement.

(3) All state mechanisms, including funding applications, program monitoring, program evaluation, pupil assessment, complaints management, technical assistance, and enforcement, need to be aligned in a systematic accountability system.

(4) The quality of program monitoring can legitimately be differentiated based on history of compliance with state and federal law and regulations, the number of verified complaints, and valid evidence of current academic achievement.

(b) It is the intent of the Legislature to enact legislation that aligns the compliance mechanisms, including the coordinated compliance review, funding applications, program monitoring, program evaluation, pupil assessment, complaints management, and technical assistance of the State Department of Education with the

accountability system established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.

(c) It is the intent of the Legislature to enact legislation that requires the State Department of Education to base coordinated compliance reviews and other compliance functions on local educational agencies' histories of compliance with state and federal law and regulations, the number of verified complaints, and valid evidence of current academic achievement.

(d) It is the intent of the Legislature that this act save school districts time and expense in meeting planning and compliance requirements for state and federal categorical programs, and that state compliance resources are used in the most effective manner.

(e) It is further the intent of the Legislature that, wherever feasible, plans required by categorical programs not subject to this part be included in the Single Plan for Pupil Achievement.

SEC. 2. Section 64000 of the Education Code is amended to read:

64000. (a) The provisions of this part shall apply to applications for funds under the following categorical programs:

(1) School library programs established pursuant to Chapter 2 (commencing with Section 18100) of Part 11.

(2) Staff development centers and programs established pursuant to Chapter 3.1 (commencing with Section 44670) of Part 25.

(3) School improvement programs established pursuant to Chapter 6 (commencing with Section 52000) of Part 28.

(4) Bilingual education programs pursuant to Article 3 (commencing with Section 52160) of Chapter 7 of Part 28.

(5) School-based coordinated categorical programs established pursuant to Chapter 12 (commencing with Section 52800) of Part 28.

(6) Economic Impact Aid programs established pursuant to Chapter 1 (commencing with Section 54000) of Part 29.

(7) The Miller-Unruh Basic Reading Act of 1965 pursuant to Chapter 2 (commencing with Section 54100) of Part 29.

(8) Compensatory education programs established pursuant to Chapter 4 (commencing with Section 54400) of Part 29, except for programs for migrant children pursuant to Article 3 (commencing with Section 54440) of Chapter 4 of Part 29.

(9) Programs providing assistance to disadvantaged pupils under Section 6312 of Title 20 of the United States Code, and programs providing assistance for neglected or delinquent pupils who are at risk of dropping out of school, as funded by Section 6421 of Title 20 of the United States Code.

(10) Capital expense funding, as provided by Title I of the Improving America's Schools Act of 1994 (20 U.S.C. Sec. 1001 et seq.).

(11) Tenth grade counseling programs established pursuant to Section 48431.6.

(12) California Peer Assistance and Review Programs for Teachers established pursuant to Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25.

(13) Professional development programs established pursuant to Section 6601 of Title 20 of the United States Code.

(14) Innovative Program Strategies Programs established pursuant to Section 7303 of Title 20 of the United States Code.

(15) Programs established under the federal Class Size Reduction Initiative (P.L. 106-554).

(16) Programs for tobacco use prevention funded by Section 7115 of Title 20 of the United States Code.

(17) School safety and violence prevention programs, established pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19.

(18) Safe and Drug Free Schools and Communities programs established pursuant to Section 7113 of Title 20 of the United States Code.

(b) Each school district that elects to apply for any of these state funds shall submit to the State Department of Education, for approval by the State Board of Education, a single consolidated application for approval or continuance of those state categorical programs subject to this part.

(c) Each school district that elects to apply for any of these federal funds may submit to the State Department of Education for approval, by the State Board of Education, a single consolidated application for approval or continuance of those federal categorical programs subject to this part.

SEC. 3. Section 64001 of the Education Code is amended to read:

64001. (a) Notwithstanding any other provision of law, school districts shall not be required to submit to the State Department of Education, as part of the consolidated application, school plans for categorical programs subject to this part. School districts shall assure, in the consolidated application, that the Single Plan for Pupil Achievement established pursuant to subdivision (d) has been prepared in accordance with law, that schoolsite councils have developed and approved a plan, to be known as the Single Plan for Pupil Achievement for schools participating in programs funded through the consolidated application process, and any other school program they choose to include, and that school plans were developed with the review, certification, and advice of any applicable school advisory committees. The Single Plan for Pupil Achievement may also be referred to as the Single Plan for Student Achievement. The consolidated application shall also include certifications by appropriate district advisory committees that the application was developed with review and advice of those committees.

For any consolidated application that does not include the

necessary certifications or assurances, the State Department of Education shall initiate an investigation to determine whether the consolidated application and Single Plan for Pupil Achievement were developed in accordance with law and with the involvement of applicable advisory committees and schoolsite councils.

(b) Onsite school and district compliance reviews of categorical programs shall continue, and school plans shall be required and reviewed as part of these onsite visits and compliance reviews. The Superintendent of Public Instruction shall establish the process, and frequency for conducting reviews of district achievement and compliance with state and federal categorical program requirements. In addition, the Superintendent of Public Instruction shall establish the content of these instruments, including any criteria for differentiating these reviews based on the achievement of pupils, as demonstrated by the Academic Performance Index developed pursuant to Section 52052, and evidence of district compliance with state and federal law. The State Board of Education shall review the content of these instruments for consistency with State Board of Education policy.

(c) A school district shall submit school plans whenever the State Department of Education requires the plans in order to effectively administer any categorical program subject to this part. The State Department of Education may require submission of the school plan for any school that is the specific subject of a complaint involving any categorical program or service subject to this part.

The State Department of Education may require a school district to submit other data or information as may be necessary for the department to effectively administer any categorical program subject to this part.

(d) Notwithstanding any other provision of law, as a condition of receiving state funding for a categorical program pursuant to Section 64000, and in lieu of the information submission requirements that were previously required by this section prior to the amendments that added this subdivision and subdivisions (e) to (i), inclusive, school districts shall ensure that each school in a district that operates any categorical programs subject to this part consolidates any plans that are required by those programs into a single plan. Schools may consolidate any plans that are required by federal programs subject to this part into this plan, unless otherwise prohibited to federal law. That plan shall be known as the Single Plan for Pupil Achievement or may be referred to as the Single Plan for Student Achievement.

(e) Plans developed pursuant to subdivision (d) of Section 52054, and Section 6314 and following of Title 20 of the United States Code, shall satisfy this requirement.

(f) Notwithstanding any other provision of law, the content of a

Single Plan for Pupil Achievement shall be aligned with school goals for improving pupil achievement. School goals shall be based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052 and the English Language Development test developed pursuant to Section 60810, and may include any data voluntarily developed by districts to measure pupil achievement. The Single Plan for Pupil Achievement shall, at a minimum, address how funds provided to the school through any of the sources identified in Section 64000 will be used to improve the academic performance of all pupils to the level of the performance goals, as established by the Academic Performance Index developed pursuant to Section 52052. The plan shall also identify the schools' means of evaluating progress toward accomplishing those goals and how state and federal law governing these programs will be implemented.

(g) The plan required by this section shall be reviewed annually and updated, including proposed expenditure of funds allocated to the school through the consolidated application, by the schoolsite council, or, if the school does not have a schoolsite council, by schoolwide advisory groups or school support groups that conform to the requirements of Section 52012. The plans shall be reviewed and approved by the governing board of the local education agency at a regularly scheduled meeting whenever there are material changes that affect the academic programs for students covered by programs identified in Section 64000.

(h) The school plan and subsequent revisions shall be reviewed and approved by the governing board of the school district. School district governing boards shall certify that, to the extent allowable under federal law, plans developed for purposes of this section are consistent with district local improvement plans that are required as a condition of receiving federal funding.

(i) Nothing in this act may be construed to prevent a school district, at its discretion, from conducting an independent review pursuant to subdivision (c) of Section 64001 as that section read on January 1, 2001.