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September 16, 2005

RECEIVED
SEP 21 2005
COMMISSION ON STATE MANDATES

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Test Claim of San Diego County Office of Education
and the Sweetwater Union High School District
Statutes of 2004, Chapters 899
Williams Case Implementation

Dear Ms. Higashi:

Enclosed is the original and seven copies of the above referenced test claim.

I have been appointed by the test claimants as their representative for this test claim. The test claimants request that all correspondence originating from your office and documents subject to service by other parties be directed to me, with a copy to:

Lora Duzyk, Assistant Superintendent Business Services
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7399

Dianne L. Russo, Interim Chief Fiscal Officer
Sweetwater Union High School District
1130 Fifth Avenue
Chula Vista, CA 91911-2896

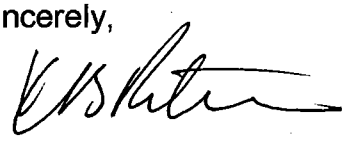
This test claim is filed with the endorsement of the Education Mandated Cost Network, so Robert Miyashiro, EMCN Consultant, and Michael Johnston, EMCN Chair, should be included as interested parties for future correspondence. I have already provided them copies of the test claim material.

The following state agencies may have an interest in this test claim:

State Department of Education
State Allocation Board
Office of Public School Construction

The Commission regulations provide for an informal conference of the interested parties within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,



Keith B. Petersen

C: Lora Duzyk, Assistant Superintendent Business Services
San Diego County Office of Education
Dianne L. Russo, Interim Chief Fiscal Officer
Sweetwater Union High School District
Michael Johnston, Assistant Superintendent, Clovis Unified School District
Robert Miyashiro, School Services of California

COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

1. TEST CLAIM TITLE

Williams Case Implementation

2. CLAIMANT INFORMATION

San Diego County Office of Education
Lora Duzyk
Assistant Superintendent Business Services
6401 Linda Vista Road
San Diego, CA 92111-7399
Voice: 858-292-3618
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Sweetwater Union High School District
Dianne L. Russo
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1130 Fifth Avenue
Chula Vista, CA 91911-2896
Voice: 619-691-5550
Fax: 619-425-3394
E-Mail: dianne.russo@suhsd.k12.ca.us

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Keith B. Petersen
President
SixTen and Associates
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San Diego, CA 92117
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Filing Date:

RECEIVED
SEP 21 2005
COMMISSION ON STATE MANDATES

Test Claim #: 05-TC-04

4.TEST CLAIM STATUTES OR EXECUTIVE ORDERS

Statutes of 2004, Chapter 899 (SB 6), effective September 29, 2004: Education Code Sections 17592.70 17592.71 17592.72 17592.73 41207.5

Statutes of 2004, Chapter 900 (SB 550), effective September 29, 2004: Education Code Sections 1240 14501 17002 17014 17032.5 17070.15 17070.75 17087 17089 33126 33126.1 35186 41020 41344.4 52055.625 52055.640 52055.662 60119 60240 60252 62000.4

Statutes of 2004, Chapter 902 (AB 3001), effective September 29, 2004: Education Code Sections 42127.6 44225.6 44258.9 44274 44275.3 44325 44453 44511 52055.640 52059

Statutes of 2004, Chapter 903 (AB 2727), effective September 29, 2004: Education Code Section 35186

Statutes of 2005, Chapter 118 (AB 831), effective July 25, 2005: Education Code Sections 88 1240 17592.70 32228.6 35186 41500 41501 41572 44258.9 48642 49436 52055.640 52295.35 56836.165 60119

REGULATIONS
Title 5, CCR, Sections 4600-4671
Title 2, CCR, Sections 1859.300-1859.329

EXECUTIVE ORDERS
Office of Public School Construction/ State Allocation Board

Certification of Eligibility
Interim Evaluation Instrument
Needs Assessment Report, SAB 61-01
Needs Assessment Report Worksheet
Expenditure Report, SAB 61-02
Application For Reimbursement and Expenditure Report, SAB 61-03
Web-Based Progress Report Survey
Web-Based Needs Assessment

__ *Copies of all statutes and executive orders cited are attached.*

Sections 5, 6, and 7 are attached as follows:

5. Written Narrative: pages ____ to ____
6. Declarations: pages ____ to ____
7. Documentation: pages ____ to __

LIST OF TEST CLAIM DOCUMENTS

Document		Pages	Total Pages
5. Written Narrative		1-59	59
6. Declarations	See Exhibit A		
7. Documentation	See Exhibits A through E		
8. Claim Certifications		1 and 2	2
Exhibit A DECLARATIONS			
Declaration of Elaine Hodges, Senior Director Leadership and Accountability San Diego County Office of Education		1-15	15
SDCOE FY 2004-05 Estimated Cost-Dollars		1-3	3
SDCOE FY 2004-05 Estimated Cost-Hours		1-3	3
Declaration of Ernest Anastos, Area Superintendent Sweetwater Union High School District		1-29	29
SUHSD FY 200405 Summary of Declaration Detailed Costs		1-9	9
Sample Employee Cost Declaration		1-3	3
Exhibit B STATUTES			
Statutes of 2004, Chapter 899 (SB 6)		5240-5245	3
Statutes of 2004, Chapter 900 (SB 550)		5245-5275	16
Statutes of 2004, Chapter 902 (AB 3001)		5281-5295	8
Statutes of 2004, Chapter 903 (AB 2727)		5294-5297	2
Statutes of 2005, Chapter 118 (AB 831)		1589-1613	13

Document	Pages	Total Pages
Exhibit C REGULATIONS		
Title 2, CCR, Sections 1859.300-1859.329	1-9	9
Title 5, CCR, Sections 4600-4671	86–91	6
Exhibit D EXECUTIVE ORDERS		
Public School Construction web page	1-3	3
Certification of Eligibility	1	1
Interim Evaluation Instrument	1-6	6
Needs Assessment Report, SAB 61-01	1-11	11
Needs Assessment Report Worksheet	1-9	9
Expenditure Report, SAB 61-02	1-2	2
Application for Reimbursement and Expenditure Report SAB 61-03	1-5	5
Web-Based Progress Report Survey	1	1
Web-Based Needs Assessment	1-3	3
Exhibit E STATEWIDE COST ESTIMATE		
State Department of Education Statistical Profile Fiscal Year 2003-04	1-5	5
SDE List of Decile 1-3 Schools by County	1	1
COE Summary Schedule of Questionnaire Responses	1-2	2
Sample COE EMCN Questionnaire	1-3	3
K-12 Summary Schedule of Questionnaire Responses	1-6	6
Sample K-12 EMCN Questionnaire	1-5	5

5. WRITTEN NARRATIVE

This test claim alleges mandated costs reimbursable by the state for school districts and county offices of education ("school districts") to implement the legislation which resulted from the settlement of the "Williams" court case. The *Eliezer Williams, et al., vs. State of California, et al.* case was filed as a class action suit in 2000 in San Francisco County Superior Court. The plaintiffs included nearly 100 San Francisco school district students, who filed suit against the State of California and state education agencies, including the California Department of Education. The basis of the lawsuit was that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The case was settled in 2004, and the settlement implemented by the following legislation, effective as a matter of urgency on September 29, 2004: SB 6, SB 550, AB 1550, AB 2727, AB 3001.

The statutes, Education and other Code sections, regulations, and the executive orders of the Office of Public School Construction and State Allocation Board, referenced in this test claim result in school districts and county offices of education incurring costs mandated by the state, as defined in Government Code section 17514, by creating new state-mandated duties related to the uniquely governmental function of providing services to the public and these statutes apply to school districts and do not apply generally to all residents and entities in the state. County offices of education (the County Superintendent of Schools) incur costs mandated by the state in two capacities: for the required monitoring and oversight of school districts within the

jurisdiction of the county offices of education which implement the Williams Case, as well as in their capacity as a local education agency which operates schools as a "school district."

PART A. ACTIVITIES AND COSTS

SECTION 1. STATUTORY MANDATES

Statutes of 2004, Chapter 899, Senate Bill 6

Statutes of 2004, Chapter 899, Senate Bill 6, effective September 29, 2004 as a matter of urgency: adds Section 41207.5 to, and adds Article 1.5 (commencing with Section 17592.70) to Chapter 5 of Part 10.5 of, the Education Code, relating to school facilities, and makes an appropriation therefor.

Legislative Digest

Existing law requires the governing board of any school district to furnish and repair the school property of its district and authorizes each school district to establish a restricted fund, known as the district deferred maintenance fund, for the purpose of major repair or replacement of specified items. Existing law requires the State Allocation Board to apportion from the State School Deferred Maintenance Fund, to eligible school districts, an amount equal to $1 for each $1 of local funds deposited in the district's Deferred maintenance fund.

This statute:

Establishes the School Facilities Needs Assessment Grant Program, to be administered by the State Allocation Board, for the purpose of awarding grants to

school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, as specified, to conduct a one-time comprehensive assessment of school facilities needs.

Establishes in the State Treasury the School Facilities Emergency Repair Account, to be administered by the State Allocation Board, for the purpose of reimbursing school districts with schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, for emergency facility repairs.

Requires the State Allocation Board, for purposes of the above new program and account, to adopt regulations, establish and publish procedures and policies for their administration, apportion funds to eligible school districts, provide technical assistance to school districts, and make specified reports to the Governor and the Legislature.

Establishes in the General Fund the Proposition 98 Reversion Account and requires the Legislature to transfer into this account moneys previously appropriated in satisfaction of the requirements of Section 8 of Article XVI of the California Constitution that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated.

Requires moneys that are appropriated in satisfaction of the minimum funding obligation under Section 8 of Article XVI of the California Constitution that would otherwise revert to the unexpended balance of the General Fund to be instead deposited in this new account.

Appropriates $250,000 from the General Fund to the State Allocation Board for the administration of the School Facilities Needs Assessment Grant Program and the School Facilities Emergency Repair Account for the 2004-05 fiscal year.

Appropriates $30,000,000 from the General Fund, of which $25,000,000 is to be appropriated to the State Department of Education for transfer to the State Allocation Board for grants to school districts under the School Facilities Needs Assessment Grant Program and $5,000,000 is to be appropriated for transfer to the School Facilities Emergency Repair Account. Requires the Controller to transfer those funds, as provided, upon receipt of certification from the Office of Public School Construction. Provides that for the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation is General Fund revenues appropriated for school districts for the 2003-04 fiscal year.

States that the intent of the Legislature in enacting this act is to implement the settlement agreement in the case of Williams v. State of California.

Declares that it is to take effect immediately as an urgency statute.

Activities and Costs

Education Code Section 17592.70

Education Code Section 17592.70 (d), as added by Statutes of 2004, Chapter 899 requires school districts, as a condition of receiving the School Facilities Needs Assessment Grant Program funds, to:

1 Use the funds to develop a comprehensive needs assessment, as defined in

Section 17592.70 (d)(1), of eligible schoolsites, utilizing data currently filed with the state as part of the process of applying for and obtaining modernization or construction funds for school facilities, or utilizing information that is available in the California Basic Education Data System.

2 Use the comprehensive needs assessment as baseline data for the facilities inspection system required pursuant to subdivision (e) of Section 17070.75.

3 Provide the results of the assessment to the Office of Public School Construction, including a report on the expenditures made in performing the assessment, as soon as possible, but not later than January 1, 2006.

4 Expend the remaining funds not needed for the assessment for making facilities repairs identified in its needs assessment and report to the Office of Public School Construction on the repairs completed and the cost of the repairs.

5 Submit to the Office of Public School Construction an interim report regarding the progress made by the school district in completing the assessments of all eligible schools.

Education Code Section 17592.72

Education Code Section 17592.72, as added by Statutes 2004, Chapter 899, requires school districts, as a condition of receiving the School Facilities Emergency Repair Account funds, to:

(1) Exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) Supplement, not supplant, existing funds available for maintenance of school facilities.

(3) Use the funds for "emergency facilities needs" which means repair or replacement of structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, and not for cosmetic or nonessential repairs.

Education Code Section 17592.73

Education Code Section 17592.73, as added by Statutes of 2004, Chapter 899, requires school districts, as a condition of receiving the funds provided by the statute, to comply with the regulations adopted by the State Allocation Board for the administration of the funds, including those which specify the qualifications of the personnel performing the needs assessment and a method to ensure their independence.

Un-codified Requirements

Section 5, Statutes of 2004, Chapter 899, requires school districts and county offices of education to use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes, regulations, and technical guidance may be provided in the future and may supersede local interpretations.

Statutes of 2004, Chapter 900, Senate Bill 550

Statutes of 2004, Chapter 900, Senate Bill 550, effective September 29, 2004 as

a matter of urgency: amends Sections 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 33126, 33126.1, 41020, 52055.625, 52055.640, 60119, 60240, and 60252 of the Education Code: adds Sections 35186, 41344.4, and 52055.662 to the Education Code: repeals Section 62000.4 of the Education Code; and, amends Section 36 of Chapter 216 of the Statutes of 2004, relating to education, making an appropriation therefor.

Legislative Digest

(1) Existing law requires a county superintendent of schools, among other things, to visit and examine each school in the county to observe its operation and learn of its problems. Existing law authorizes the county superintendent to annually present a report on the state of the schools in the county to the board of education and the board of supervisors of the county.

This statute:

Requires the county superintendent to annually present a report to the governing board of each school district under his or her jurisdiction and to the board of supervisors of the county describing the state of the schools in the county and of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, thereby imposing a state-mandated local program.

Requires the county superintendent for the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco to contract with a neighboring county office of education or an independent auditor to conduct the

required visits and make all required reports.

Makes the priority objective of the visits to determine if there are sufficient textbooks, conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff, and accurate data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, the safety, cleanliness, adequacy, and good repair of school facilities.

(2) Existing law requires a county superintendent of schools, among other things, to enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority.

This statute:

Requires the county superintendent, for purposes of enforcing the use of required textbooks and instructional materials, to specifically review at least annually schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index and that are not currently under review through a state or federal intervention program, thereby imposing a state-mandated local program.

If the county superintendent determines that a school does not have sufficient textbooks or instructional materials, the county superintendent is required to prepare a report that identifies and documents the areas or instances of noncompliance, provide a copy of the report to the school district, forward the report to the Superintendent of Public Instruction, and provide the school district with the opportunity to remedy the deficiency.

If the deficiency is not remedied, requires the county superintendent to request the State Department of Education, with approval by the State Board of Education, to purchase textbooks or instructional materials for the school.

Requires that the funds necessary for the purchase be considered a loan to the school district to be repaid based upon an agreed-upon schedule with the Superintendent of Public Instruction, or by deducting an amount from the district's next principal apportionment or other apportionment of state funds.

Authorizes the State Department of Education to expend up to $5,000,000 from the State Instructional Materials Fund to acquire instructional materials for school districts for purposes of these provisions.

(3) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the Leroy F. Greene State School Building Lease-Purchase Law of 1998, and the State Relocatable Classroom Law of 1979, requires the State Allocation Board to require a school district that receives funds for a school construction or modernization project pursuant to those laws, to make all necessary repairs, renewals, and replacement, to ensure that a project is at all times kept in good repair, working order, and condition.

Existing law requires the State Allocation Board to establish the annual rent and conditions to be met by a school district to which it leases portable classrooms and requires a school district to undertake all necessary repairs, renewals, and replacement, to ensure that those portable classrooms are at all times kept in good

repair, working order, and condition.

This statute requires as a condition of participation in the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the Leroy F. Greene State School Building Lease-Purchase Law of 1998, and the State Relocatable Classroom Law of 1979, and the receipt of funds pursuant to the deferred maintenance program, a school district to establish a facilities inspection system to ensure that each of its schools is in good repair, as defined in the bill.

(4) Existing law requires the Controller, in consultation with the Department of Finance and the State Department of Education, to develop a plan to review and report on financial and compliance audits, and with representatives of other entities, to recommend the statements and other information to be included in the audit reports filed with the state by local educational agencies and to propose the content of an audit guide.

This statute requires a Controller's compliance audit to include the verification of the reporting requirements for the sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of information reported on the school accountability report card.

(5) Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district to develop and implement a school accountability report card, as prescribed. The existing act prohibits any change to its provisions, except a change to further its purpose enacted by a bill passed by a vote of 2/3 of the

Legislature and signed by the Governor.

Existing law requires the State Department of Education to develop and recommend for adoption a standardized template for the school accountability report card and requires the standardized template to include fields for the insertion of data and information by the department and by local educational agencies.

This statute:

Requires the school accountability report card to include information regarding the availability of sufficient textbooks and other instructional materials for each pupil, any needed maintenance of school facilities to ensure good repair, the misassignments of teachers, including misassignments of English learner teachers, and the number of vacant teacher positions for the most recent 3-year period.

Imposes a state-mandated local program.

Provides that if the Commission on State Mandates finds a school district eligible for the reimbursement of costs incurred in complying with the requirements regarding the school accountability report card, the school district is to be reimbursed only if the information provided in the school accountability report card is accurate, as determined by a specified annual audit, or if the information is determined to be inaccurate, the information is corrected by May 15.

Requires that the state template to also include a field to report the determination of the sufficiency of textbooks and instructional materials and a summary statement of the condition of school facilities.

Requires the department to provide examples of summary statements of the condition of school facilities that are acceptable and those that are unacceptable.

Declares that these provisions further the purposes of the Classroom Instructional Improvement and Accountability Act.

(6) Existing regulations require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints and require each local educational agency to include in its policies and procedures the person, employee, or agency position or unit responsible for receiving complaints, investigating complaints, and ensuring local educational agency compliance.

This statute:

Requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment.

Requires a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

Imposes a state-mandated local program.

(7) Existing law requires a county superintendent of schools to provide for an audit of all funds under his or her jurisdiction and requires the governing board of a local

educational agency to either provide for an audit of the books and accounts of the local educational agency or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing.

Existing law requires a county superintendent of schools to be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions were either corrected or an acceptable plan of correction was developed.

This statute:

Commencing with the 2004-05 audit of local educational agencies, requires the county superintendent of schools to include in the review of audit exceptions those audit exceptions related to use of instructional materials program funds, teacher misassignments, and information reported on the school accountability report card and to determine whether the exceptions are either corrected or an acceptable plan of correction developed, thereby imposing a state-mandated local program.

Prohibits a local educational agency from being required to repay an apportionment based on a significant audit exception related to the verification of the sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of the information reported on the school accountability report card if the county superintendent of schools certifies to the Superintendent of Public Instruction and the Controller that the audit exception was corrected or that an acceptable plan of

correction was submitted to the county superintendent of schools.

(8) Existing law establishes, within the Public Schools Accountability Act of 1999, the High Priority Schools Grant Program and requires a school district participating in the program to develop a school action plan that includes four components: (a) pupil literacy and achievement, (b) quality of staff, (c) parental involvement, and (d) facilities, curriculum, instructional materials, and support services.

Existing law requires that a school receiving funds under the High Priority Schools Grant Program submit a report to the Superintendent of Public Instruction that includes, among other things, the availability of instructional materials in core content areas that are aligned with the academic content and performance standards for each pupil.

This statute:

For schools initially applying to participate in the Public Schools Accountability Act of 1999 or the High Priority Schools Grant Program on or after the 2004-05 fiscal year, require the component of the school action plan on quality of staff to include highly qualified teachers and appropriately credentialed teachers for English learners.

Requires the component on facilities, curriculum, instructional materials, and support services for those schools be on facilities in good repair, curriculum, sufficient instructional materials, and support services.

Requires schools to measure the availability of instructional materials against a specified definition of "sufficient instructional materials."

(9) Existing law requires the governing board of a school district to hold a public hearing and make a determination as to whether each pupil in each school in the district has or will have prior to the end of that fiscal year sufficient textbooks or instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

This statute:

Requires the governing board of a school district to hold a public hearing and make a determination as to whether each pupil in each school in the district has sufficient textbooks or instructional materials in each subject that are consistent with the content and cycles of the curriculum frameworks.

Requires the hearing to be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and would prohibit the hearing from taking place during or immediately following schoolhours.

Defines "sufficient textbooks or instructional materials" to mean that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments but would specify that two sets of textbooks or instructional materials for each pupil are not required.

(10) Existing law repeals the Instructional Materials Program on June 30, 2006, and makes implementation of the program during the 2002-03 to 2005-06 fiscal years, inclusive, contingent on funding in the annual Budget Act.

This statute deletes the repeal of the Instructional Materials Program on June 30, 2006, and the repeal of the annual Budget Act implementation contingency for the program during the 2002-03 to 2005-06 fiscal years, inclusive.

(11) Existing law appropriated $138,000,000 from the General Fund to the State Department of Education for transfer to the Instructional Materials Fund.

This statute makes technical changes to that appropriation and other conforming changes.

(12) This statute appropriates $20,200,000 from the General Fund to the State Department of Education and, of that amount $5,000,000 to be appropriated for transfer to the State Instructional Materials Fund for purposes of acquiring instructional materials, as specified, $15,000,000 to be appropriated for allocation to county offices of education for review and monitoring of schools, as specified, and $200,000 to be appropriated for purposes of implementing this act. The funds appropriated are to 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.

(13) This statute states that the intent of the Legislature in enacting this act is to implement the settlement agreement in the case of Williams v. State of California.

(14) This statute provides that, if the Commission on State Mandates determines that this legislation contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the State Mandates Claim Fund.

(15) This statute declares that it is to take effect immediately as an urgency statute.

Activities and Costs

Education Code Section 1240

Education Code Section 1240 (c)(1) required the county superintendent of schools to visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

Education Code Section 1240 (c)(2), as amended by Statutes of 2004, Chapter 900, requires the county superintendent of schools, or his or her designee, to the extent that funds are appropriated for purposes of this paragraph, to annually present a report to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county, describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, of his or her observations while visiting the schools, among other things.

Education Code Section 1240 (c) (2), as amended by Statutes of 2004, Chapter 900, requires the county superintendents of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco to contract with another county office of education or an independent auditor to conduct the required

visits and make all reports required by this paragraph.

Education Code Section 1240 (c) (2), as amended by Statutes 2004, Chapter 900, requires the county superintendent to report the results of the visit to the governing board of the school district on a quarterly basis at a regularly scheduled meeting held in accordance with public notification requirements.

Education Code Section 1240 (c) (2), as amended by Statutes of 2004, Chapter 900, requires the county superintendent to conduct the visits made pursuant to this paragraph at least annually, that the visits not disrupt the operation of the school, that the visits be performed by individuals who meet the requirements of Section 45125.1, and that not less than 25 percent of the visits be unannounced visits which shall only be used to observe the condition of school repair and maintenance and the sufficiency of instructional materials, as defined by Section 60119.

Education Code Section 1240 (c) (2), as amended by Statutes of 2004, Chapter 900, requires the county superintendent to make the priority objective of the visits made pursuant to this paragraph to be to determine the status of all of the following circumstances:

(i) Sufficient textbooks as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.

Education Code Section 1240 (i) previously required the county superintendent of schools to enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority. Education Code Section 1240 (i), as amended by Statutes of 2004, Chapter 900, requires the county superintendent of schools to enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority, as defined in subdivision (c) of Section 60119.

Education Code Section 1240 (i), as amended by Statutes of 2004, Chapter 900, requires the county superintendent, in the case of a school ranked in any of deciles 1 to 3, inclusive and not currently under review through a state or federal intervention program, to specifically review that school at least annually and within the first four weeks of the school year as a priority school. For the 2004-05 fiscal year only, the county superintendent is required to make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

Education Code Section 1240 (i), as amended by Statutes of 2004, Chapter 900, requires the county superintendent, if it is determined that a school does not have

sufficient textbooks or instructional materials, to do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), and forward the report to the Superintendent of Public Instruction.

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the Department of Education, with approval by the State Board of Education, to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the state board approves a recommendation from the department to purchase textbooks or instructional materials for the school district, the board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision.

Education Code Section 1240 (i), as amended by Statutes of 2004, Chapter 900,

requires the school districts to, before purchasing the textbooks or instructional materials as a result of the deficiency determined by the county superintendent, consult with the State Department of Education to determine which textbooks or instructional materials to purchase which comply with Chapter 3.25 (commencing with Section 60420) of Part 33.

Education Code Section 1240 (i), as amended by Statutes of 2004, Chapter 900, requires school districts to accept the amount of funds necessary to the purchase the textbooks and materials as a loan to the school district and repay the amount owed based upon an agreed-upon repayment schedule with the Superintendent of Public Instruction.

Education Code Section 14501

Education Code Section 14501 made local education agencies subject to financial and compliance audits. Education Code Section 14501, as amended by Statutes of 2004, Chapter 900, requires school districts to provide to auditors evidence of compliance of the following increased scope of activities:

(1) The reporting requirements for the sufficiency of textbooks or instructional materials, or both, as defined in Section 60119.

(2) Teacher misassignments pursuant to Section 44258.9.

(3) The accuracy of information reported on the School Accountability Report Card required by Section 33126. The requirements set forth in paragraphs (1) and (2) and this paragraph shall be added to the audit

guide requirements pursuant to subdivision (b) of Section 14502.1.

Education Code Section 17070.75

Education Code Section 17070.75 specifies the fund accounting procedures required for school districts in order to participate in state deferred maintenance funding matches. Education Code Section 17070.75 (e), as amended by Statutes of 2004, Chapter 900, requires the local education agency to, as a condition of participation in the school facilities program or the receipt of funds pursuant to Section 17582, for a fiscal year after the 2004-05 fiscal year, establish a facilities inspection system to ensure that each of its schools is maintained in good repair.

Education Code Section 33126

Education Code Section 33126 specifies the content of the School Accountability Report Card. Education Code Section 33126 (b), as amended by Statutes of 2004, Chapter 900, requires school districts to provide the following new information:

1 The total number of teacher misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

2 The availability of sufficient textbooks and other instructional materials, as defined in Section 60119, for each pupil, including English learners, in each of the following areas:

(i) The core curriculum areas of reading/language arts, mathematics,

science, and history/social science.

(ii) Foreign language and health.

(iii) Science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

3 A statement regarding any needed maintenance of the school to ensure good repair as specified in Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

Education Code Section 33126 (c), as added by Statutes of 2004, Chapter 900, requires the school district to provide accurate school accountability report card information in order to be eligible for reimbursement.

Education Code Section 35186

Title 5 of the California Code of Regulations, Chapter 5.1 (commencing with Section 4600), requires school districts to utilize a uniform complaint process. Education Code Section 35186, as added by Statutes of 2004, Chapter 900, requires school districts to modify the uniform complaint process it has adopted to include complaints regarding instructional materials, facility condition, and teacher misassignment, so that the new process provides that:

(1) A complaint may be filed anonymously and a complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. The complaint form shall specify the location for filing a complaint and allow the complainant to add as much text to explain the complaint as he or

she wishes. A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(2) The principal or the designee of the district superintendent or designee shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same time frame to the designee of the district superintendent.

(3) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent of Public Instruction, who shall

provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(4) The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(5) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district before January 1, 2005, notifying parents and guardians of the following:

(A) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, every student must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(B) School facilities must be clean, safe, and maintained in good repair.

(C) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the

department shall satisfy this requirement.

Education Code Section 41020

Education Code Section 41020 requires county superintendents of schools to review the audit exceptions contained in an audit of a school district related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determine whether the exceptions have been either corrected or an acceptable plan of correction has been developed. Education Code Section 41020, as amended by Statutes of 2004, Chapter 900, requires at subdivision (i) (2), that commencing with the 2004-05 school year, the review include those audit exceptions related to the use of instructional materials program funds, teacher misassignments, information reported on the school accountability report card, which determines whether the exceptions are either corrected or an acceptable plan of correction has been developed.

Education Code Section 41020, as amended by Statutes of 2004, Chapter 900, at subdivision (i) (2), with respect to these additional audit exceptions, requires school districts to prepare and implement a plan of correction.

Education Code Section 41344.4

Education Code Section 41344.4, as added by Statutes of 2004, Chapter 900, requires county superintendents of schools to certify to the Superintendent of Public Instruction and the Controller whether the audit exceptions related to the requirements specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 14501, were corrected by the local educational agency or that an acceptable plan of correction was

submitted to the county superintendent of schools pursuant to subdivision (k) of Section 41020.

Education Code Section 60119

Education Code Section 60119 establishes the eligibility requirements for the Pupil Textbook and Instructional Materials Incentive Program. Education Code Section 60119, subdivision (a) and (b), as amended by Statutes of 2004, Chapter 900, requires school districts to perform the following additional activities in order to establish eligibility:

(1) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, as defined by this section, in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English/language arts, including the English language development component of an adopted program.

(2) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004-05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(3) The governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(4) The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

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Education Code Section 60252

Education Code Section 60252 establishes the compliance requirements for the Pupil Textbook and Instructional Materials Incentive Program. Education Code Section 60252, as amended by Statutes of 2004, Chapter 900, requires school districts to ensure that textbooks and instructional materials are ordered, to the extent practicable, before the school year begins.

Statutes of 2004, Chapter 902, Assembly Bill 3001

Statutes of 2004, Chapter 902, Assembly Bill 3001, effective September 29, 2004, as a matter of urgency, amends Sections 42127.6, 44225.6, 44258.9, 44274, 44275.3, 44325, 44453, 44511, 52055.640, and 52059 of the Education Code, relating to teachers.

Legislative Digest

(1) Existing law requires the county superintendent of schools to report to the Superintendent of Public Instruction on the financial condition of a school district if the county superintendent determines a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification. Existing law requires the county superintendent to take at least one of certain actions and all actions that are necessary to ensure that the district meets its financial obligations.

This statute:

Requires the county superintendent of schools after a determination that a

school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification, take specified actions that are necessary to ensure that the district meets its financial obligations, to include assigning the Fiscal Crisis and Management Assistance Team to review district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment and also to provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers.

Requires a school district that is assigned this review to follow the recommendations made unless it shows good cause for failure to do so.

(2) Existing law requires the Commission on Teacher Credentialing to report, by April 15 of each year, to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year. The report is required to include specified information.

This statute expands the content of the Commission on Teacher Credentialing April 15 report to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year.

(3) Existing law requires the county superintendent of schools to annually monitor and review school district certificated employee assignment practices according to

certain priorities with first priority going to schools and school districts that are likely to have problems with teacher misassignment and teacher vacancies based on past experience or other available information. Existing law requires a county superintendent of schools to submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews. This statute:

Requires the county superintendent of schools to give priority to schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, as defined, if those schools are not currently under review through a state or federal intervention program.

Requires a county superintendent of schools to investigate school and district efforts to ensure that any credentialed teacher in an assignment requiring a certificate authorizing the holder to teach English language development to English learners or training that authorizes the holder to teach English language development to English learners completes the necessary requirements for one of those certificates or completes the required training.

Requires the annual report from the county superintendent of schools to the Commission on Teacher Credentialing summarizing the results of assignment monitoring and reviews to the department include information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, as defined, to ensure that in any classes in these schools in which 20% or more of the pupils are English learners, that the assigned teachers possess a

certificate authorizing the holder to teach English language development to English learners or have completed training that would authorize them to teach English language development to English learners or are otherwise authorized by law to do so, thus imposing a state-mandated local program.

Requires the Superintendent of Public Instruction to submit a summary of the reports submitted by county superintendents of schools to the Legislature and requires the Legislature to hold public hearings on pupil access to teachers and to related statutory provisions.

(4) Existing law requires the Commission on Teacher Credentialing to grant an appropriate credential to an applicant from another state who completes teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California if the applicant has met the requirements of California for the basic skills proficiency test and teacher fitness.

This statute deletes the basic skills proficiency test requirement for the granting of a teaching credential if the Commission on Teacher Credentialing determines, as specified, that the applicant has met a comparable requirement.

(5) Existing law requires an out-of-state prepared teacher who is issued a California 5-year preliminary multiple subject, single subject, or education specialist teaching credential to pass the state basic skills proficiency test, administered by the Commission on Teacher Credentialing, within one year of the issuance date of the credential in order to be eligible to continue teaching.

This statute deletes the requirement, where the Commission on Teacher Credentialing determines, as specified, that an applicant has met a comparable requirement, that an out-of-state prepared teacher who is issued a California 5-year preliminary multiple subject, single subject, or education specialist teaching credential to pass the state basic skills proficiency test within one year of the issuance date of the credential in order to be eligible to continue teaching.

(6) Existing law requires the commission to issue a professional clear credential to an out-of-state prepared teacher who meets certain requirements among which are passing the state basic skills proficiency test administered by the commission and completing the study of health education and of a fifth-year program at a regionally accredited institution of higher education.

This statute:

Deletes the requirements regarding the state basic skills proficiency test and a fifth-year program, where the commission determines, as specified, that the applicant has met comparable requirements, and also deletes the health education requirement.

Requires the Commission on Teacher Credentialing, by June 30, 2005, to report to the Legislature and the Governor on the comparability and equivalency of the preparation of teachers in other states in the areas of basic skills proficiency and fifth year programs.

(7) Existing law establishes university and district teacher intern programs.

This statute requires the Commission on Teacher Credentialing to ensure that

each district and university internship program in California provides program elements to its interns as required by the federal No Child Left Behind Act of 2001 and its implementing regulations.

(8) Existing law establishes the Principal Training Program, administered by the Superintendent of Public Instruction, with the approval of the State Board of Education. Incentive funding is awarded pursuant to the program to provide schoolsite administrators with instruction and training in areas that include, among others, school financial and personnel management and the curriculum frameworks and instructional materials aligned to the state academic standards.

This statute requires that instruction and training include instruction related to personnel management, including hiring, recruitment and retention practices and misassignments of certificated personnel and that instruction and training in the curriculum frameworks and instructional materials aligned to the state academic standard, include ensuring the provision of sufficient textbooks and instructional materials as required by law.

(9) Existing law establishes within the Public Schools Accountability Act of 1999, the High Priority Schools Grant Program and requires a school district that has a school participating in the program to submit a report to the Superintendent of Public Instruction that includes specified information.

This statute requires that, commencing with the 2004-05 fiscal year, for a district with a school initially applying to participate in the program on or after July 2004, the

report include whether at least 80% of the teachers assigned to the school are credentialed and the number of classes in which 20% or more pupils are English learners and assigned to teachers who do not possess a certificate authorizing the holder to teach English language development to English learners or have completed training that would authorize them to teach English language development to English learners or are otherwise authorized by law to do so.

(10) Existing law requires the State Department of Education to establish a statewide system of school support that would provide intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. Existing law requires the system to provide assistance by reviewing and analyzing all facets of a school's operation and by assisting the school in developing recommendations for improving pupil performance and school operations.

This statute:

Requires the review and analysis to include the recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues and the roles and responsibilities of district and school management personnel.

Authorizes the system to access the assistance of the Fiscal Crisis and Management Assistance Team to review district or school recruitment, hiring, and retention practices.

Requires the system also to assist schools and districts in efforts to eliminate misassignments of certificated personnel.

(11) This statute declares that the Legislature encourages school districts to provide all the schools it maintains that are ranked in deciles 1 to 3, inclusive, of the Academic Performance Index first priority to review resumes and job applications received by the district from credentialed teachers.

(12) This statute provides that if the Commission on State Mandates determines that this legislation contains costs mandated by the state, reimbursement for those costs shall be made from the State Mandates Claims Fund.

(13) This statute declares that it is to take effect immediately as an urgency statute.

Activities and Costs

Education Code Section 42127.6

Education Code Section 42127.6 is one of several sections which specify the oversight duties of the county office of education for school districts in fiscal distress. Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires school districts to provide the county superintendent of schools with a copy of any study, report, evaluation, or audit that was commissioned by the district, the county superintendent, the Superintendent of Public Instruction, and state control agencies that contains evidence that the school district is showing fiscal distress under the standards and criteria adopted in Section 33127, or a report on the school district by the County Office Fiscal Crisis and Management Assistance Team or any regional team created pursuant to subdivision (l) of Section 42127.8.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of

2004, Chapter 902, requires the county superintendent to review and consider studies, reports, evaluations, or audits of the school district that contain evidence that the school district is demonstrating fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that more than three of the 15 most common predictors of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team, are present. If these findings are made, the county superintendent is required to investigate the financial condition of the school district and determine if the school district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 42131. The county superintendent is then required to report to the Superintendent of Public Instruction on the financial condition of the school district and his or her proposed remedial actions.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, authorizes the county superintendent to assign the Fiscal Crisis and Management Assistance Team to review school district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. If a review team is assigned, the school district is required to follow the

recommendations of the team, unless the district shows good cause for failure to do so.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires school districts to provide the protection provided pursuant to Article 5 (commencing with Section 44110) of Chapter 1 of Part 25, to any district employee who provides information regarding improper governmental activity, as defined in Section 44112.

Education Code Section 44258.9

Education Code Section 44258.9 is one of several sections which specify the annual credential review and monitoring duties of the county office of education. Education Code Section 44258.9 subdivision (b), as amended by Statutes of 2004, Chapter 902, requires the county superintendent of schools to:

(1) Give priority to the review of districts with schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, if those schools are not currently under review through a state or federal intervention program.

(2) Investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.

Education Code Section 44258.9 subdivision (c), as amended by Statutes of 2004, Chapter 902, requires the county superintendent of schools to identify in its annual report to the Commission on Teacher Credentialing and the State Department of Education summarizing the results of all assignment monitoring and reviews information on certificated employee assignment practices in schools ranked in deciles 1 to 3, the classes in these schools in which 20 percent or more of the pupils are English learners who are assigned a teacher who possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.

Un-codified Requirements

Section 11 (not codified) of Statutes of 2004, Chapter 902, states that it is the intent of the Legislature to require school districts to make resumes and job applications received by the district from credentialed teachers available first to the schools in the district ranked in deciles 1 to 3, and thereafter make the resumes and applications available to other schools maintained by the district.

Statutes of 2004, Chapter 903, Assembly Bill 2727

Statutes of 2004, Chapter 903, Assembly Bill 2727, effective September 29, 2004 as a matter of urgency, amends Section 35186 of the Education Code, relating to schools. This amendment requires a school district to use its uniform complaint process, as amended by Statutes of 2004, Chapter 900 (SB 550), to help identify and resolve any emergency or urgent facilities conditions that pose a threat to the health

and safety of pupils or staff instead of conditions of facilities that are not maintained in a clean and safe manner or in good repair.

Legislative Digest

Existing regulations require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints and require each local educational agency to include in its policies and procedures the person, employee, or agency position or unit responsible for receiving complaints, investigating complaints, and ensuring local educational agency compliance.

Statutes of 2004, Chapter 900, Senate Bill 550, effective September 29, 2004, requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment, and requires a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

This statute requires a school district to use its uniform complaint process to help identify and resolve any emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff instead of conditions of facilities that are not maintained in a clean and safe manner or in good repair.

This statute is operative upon the enactment of Statutes of 2004, Chapter 900,

Senate Bill 550, effective September 29, 2004.

Activities and Costs

Education Code Section 35186

Education Code Section 35186, as concurrently added by Statutes of 2004, Chapter 900, is amended at subdivisions (a) and (e) by Statutes of 2004, Chapter 903, to require school districts to utilize the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff.

Statutes of 2005, Chapter 118, Assembly Bill AB 831

Statutes of 2005, Chapter 118, Assembly Bill AB 831, effective July 25, 2005, as a matter of urgency: amends Education Code Sections 1240, 17592.70, 35186, 41500, 41501, 41572, 44258.9, 48642, 49436, 52055.640, 52295.35, 56836.165, and 60119; adds Education Code Section 88; repeals Education Code Section 32228.6; amends Item 6110-197-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004 (the Budget Act of 2004); amends Sections 22 and 23 of Chapter 900 of the Statutes of 2004; making an appropriation therefor; and, declaring the urgency thereof, and takes effect immediately.

Legislative Digest

(1) Existing law requires a county superintendent of schools to conduct an annual

review of the use of textbooks and instructional materials within the first four weeks of the school year.

This statute requires that review to be completed by the 4th week of the school year, and would permit the county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index to utilize a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials.

(3) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment.

Existing law requires a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

This statute requires that in addition, the notice contain a statement informing parents and guardians that there should be no teacher vacancies or misassignments, as defined.

(8) Existing law, the Pupil Textbook and Instructional Materials Incentive Program Act, requires the governing board of a school district to hold a public hearing and make

a determination as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, as defined, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

This statute, in addition, requires the governing board of a school district that makes that determination to provide information relating to the percentage or number of pupils who lack sufficient textbooks or instructional materials to classroom teachers and the public, thereby creating a state-mandated local program.

(10) Existing law, for the 2003-04 fiscal year, appropriates the sum of $138,000,000 to the State Department of Education for transfer to the Instructional Materials Fund to be apportioned to school districts on the basis of an equal amount per pupil enrolled in schools in decile 1 or 2 of the Academic Performance Index (API).

For these purposes, this statute bases enrollment on the number of pupils reported for purposes of the 2003 base API. The statute specifies that these funds may only be used to purchase instructional materials for schools in decile 1 or 2 of the Academic Performance Index (API).

(11) Existing law makes certain appropriations to the State Department of Education for the acquisition of instructional materials for school districts and for allocation to county offices of education to review, monitor, and report on teacher training, certification, misassignment, hiring and retention practices of school districts, and to oversee the compliance of schools with instructional materials sufficiency requirements.

Existing law provides that, for the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, these appropriations are deemed to be "General Fund revenues appropriated for school districts" for the 2004-05 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" for the 2004-05 fiscal year.

This statute, instead, includes those appropriations in the calculations for the 2003-04 fiscal year.

(14) 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 statute would provides that, if the Commission on State Mandates determines that the statute contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(15) This statute declares that it is to take effect immediately as an urgency statute.

Activities and Costs

Education Code Section 1240

Education Code Section 1240, subdivision (c) (2) (D) (i), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, clarifies that the county superintendent visits shall "minimize disruption" of the operation of the school.

Education Code Section 1240, subdivision (i) (1), as amended by Statutes of

2005, Chapter 118, effective July 25, 2005, adds a cross reference to local adoption requirements to clarify that county superintendents are checking for standards-aligned materials adopted by the state or in accordance with Education Code 51050.

Education Code Section 1240, subdivision (i) (3) (A), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, claries that county superintendents must complete their reviews by the fourth week of the school year beginning with the 2005-06 school year.

Education Code Section 1240, subdivision (i) (3) (B) and (C), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, permits the county superintendent of schools in a county with 200 or more schools (Los Angeles County Office of Education) that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index to utilize a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials.

Education Code Section 35186

Education Code Section 35186, subdivision (2) (A), as amended by Statutes of 2005, Chapter 118,effective July 25, 2005, requires the school district to modify the classroom uniform complaint procedure notices to include teacher vacancies.

Education Code Section 35186, subdivision (f) (3), as amended by Statutes of 2005, Chapter 118,effective July 25, 2005, requires the school district to modify the classroom uniform complaint procedure notices to include teacher vacancies and

misassignments.

Education Code Section 35186, subdivision (h) (3), as amended by Statutes of 2005, Chapter 118,effective July 25, 2005, provides additional criteria to the definition of a "teacher vacancy."

Education Code Section 44258.9

Education Code Section 44258.9, subdivision (b) (1)(A), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, requires the county superintendent of schools to also annually monitor and review schools and school districts that are likely to have problems with teacher misassignments and teacher vacancies (as defined in Section 33126), and to annually review decile 1 to 3 schools for this purpose.

Education Code Section 44258.9, subdivision (b) (1)(B), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, requires the county superintendent of schools to also annually monitor and review decile 1-3 schools that are likely to have problems with teacher misassignments and teacher vacancies, unless the annual review finds no misassignments or vacancies, in which case that school will return to a four-year cycle.

Education Code Section 60119

Education Code Section 60119, subdivision (a) (1)(A), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, requires the school district governing boards determine the sufficiency of the textbook and instructional materials based on

the alignment standards adopted in Section 60605.

Education Code Section 60119, subdivision (a) (2)(A), as amended by Statutes of 2005, Chapter 118, effective July 25, 2005, requires the school district governing boards which declare an insufficiency of instructional materials to specify the percentage of students who lack sufficient standards-aligned materials in each subject area.

SECTION 2. REGULATORY MANDATES

Title 2, California Administrative Code

The Office of Public School Construction (OPSC), State Allocation Board (Board), has adopted Title 2 regulations, final regulations effective May 31, 2005, to implement the facilities portion of Statutes of 2004, Chapter 899, Senate Bill 6, effective September 29, 2004. The new regulations are located at Title 2, Sections 1859.300 through 1859.329, and are entitled "School Facilities Needs Assessment and Emergency Repair Program."

Related Executive Orders

"Certification of Eligibility"

Needs Assessment Report, Form SAB 61-01 (New 01/05)

Expenditure Report, Form SAB 61-02 (New 02/05)

Application For Reimbursement and Expenditure Report, Form SAB 61-03 (New 02/05)

Web-Based Progress Report Survey

Web-Based Needs Assessment

Activities and Costs

Section 1859.310 requires that a school site that qualifies for the School Facilities Needs Assessment Grant Program (decile 1-3 school constructed prior to January 1, 2000) shall be allocated funds by the Board in order to conduct a one-time comprehensive school facilities needs assessment and shall be required to complete and submit a Web-Based Needs Assessment to the OPSC for each school site meeting the provisions of Section 1859.311.

Section 1859.312 requires the Board to allocate $10 per pupil enrolled in eligible school sites, with a minimum allocation of $7,500 for each school site.

Section 1859.313 specifies the use of the Needs Assessment Grant Funds to include:

(a) Unbudgeted administrative or third party costs incurred as a result of performing the Needs Assessment.

(b) Repairs identified in Part V of the Form SAB 61-01 at any eligible school site where a Needs Assessment has been completed.

Section 1859.314 requires the person performing the Needs Assessment to have general knowledge of school facilities construction, operation, and maintenance and either a minimum of three years of experience with cost estimation and building systems life cycle analysis; or, be an architect, engineer, or a general contractor licensed under California law; to personally conduct the assessment on the school sites; and, the persons performing or supervising the Needs Assessment to be

independent third parties and not be employees of the school district.

Section 1859.315 requires school districts that receive School Facilities Needs Assessment Grant funds to:

(a) Complete a Certification of Eligibility and submit it to the OPSC.

(b) Complete a Web-Based Progress Report Survey and submit it to the OPSC.

(c) Complete a Web-Based Needs Assessment for each applicable site and submit it to the OPSC by January 1, 2006.

(d) Complete Form SAB 61-02 to report all expenditures made with Needs Assessment Grant funds by January 1, 2007.

Section 1859.316 states that a school district's Needs Assessment Grant expenditures shall be subject to audit and funds subject to repayment to the state.

Section 1859.320 requires a school district seeking an Emergency Repair Program Grant to complete and file a Form SAB 61-03 with the OPSC.

Section 1859.325 states that school district facility maintenance accounts are subject to a review by the OPSC.

Section 1859.326 states that the school district Emergency Repair Program expenditures are subject to audit by the OPSC and funds subject to collection by the state.

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PART B. COST ESTIMATES

SECTION 1. CLAIMANTS' COST ESTIMATE

The actual and/or estimated costs resulting from the mandate exceeds one thousand dollars ($1,000) for San Diego County Office of Education and exceeds one thousand dollars ($1,000) for the Sweetwater Union High School District. See the declarations in Exhibit A.

SECTION 2. STATEWIDE COST ESTIMATE

STATEWIDE COST ESTIMATE:	FY2004-05	FY2005-06
K-12 School Districts	$8,603,087	$6,087,000
County Offices of Education	$4,202,737	$4,260,000
	$12,805,824	$10,347,000

The statewide cost estimate is based on voluntary responses to a survey questionnaire prepared by the test claimants. The responses from school districts represent about 10% of the Williams Decile 1-3 enrollment. The responses from county offices of education represent about 23% of the Williams Decile 1-3 enrollment. The responses were extrapolated based on the ratio of the survey statistics to total statewide statistics.

A. STATEWIDE STATISTICS

Statewide statistics were obtained from the California Department of Education web page for Fiscal Year 2003-04, the most current year available. The CDE statistics were modified to exclude the following nonconforming types of schoolsites and related

enrollment: alternative, special education, continuation community day, opportunity, juvenile court, county community, and state schools.

FY 2003-04 Statewide Statistics

Number of county offices	58
K-12 enrollment	6,093,666
K-12 school districts	989
K-12 school sites	7895
Decile 1-3 schools	2208

B. SURVEY STATISTICS

In order to obtain cost data for the test claim, two questionnaires were developed: one for county offices of education and one for K-12 school districts. The questionnaires were prepared by the test claimants and sponsored by the Education Mandate Cost Network. The EMCN is a consortium of local education agencies established 25 years ago to promote statewide mandate reimbursement issues. The EMCN fiscal agent is the California County Superintendents Educational Services Association.

The county office of education questionnaires were mailed directly to each county office of education. The K-12 questionnaires were advertised for download from the School Services of California, Inc. website. School Services of California, Inc. is the contract consultant for the EMCN.

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K-12 Questionnaire Responses

Number of K-12 district responses	38
Total schools in K-12 responses	884
Number of Decile 1-3 schools in the K-12 responses	209
Total enrollment of the K-12 responses	663,740

COE Questionnaire Responses

Number of COE questionnaires received	11
Number of school districts included in COE responses	225
Number of Decile 1-3 schools included in COE responses	500
Number of Decile 1-3 schools inspected by COE responses	499

C. SAMPLE SIZE

In order to extrapolate the survey results for a statewide cost estimate, percentages were calculated for the survey statistics compared to the statewide statistics.

K-12 Data Element	Survey Total	State Total	Survey/State Percentage
Number of districts	38	989	3.8%
Number of students	663,740	6,093,666	10.9%
Number of schoolsites	884	7985	11.1%
Number of Decile 1-3 schoolsites	209	2208	9.5%

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COE Data Element	Survey Total	State Total	Survey/State Percentage
County Offices of Education	11	58	19%
Number of districts in COE	225	7895	2.8%
Number of Decile 1-3 sites in COE	500	2208	23%

D. STATEWIDE COST EXTRAPOLATION

The questionnaires requested the local education agencies to provide estimated staff hours for the mandate activities. The survey results were extrapolated by the percentage calculated above which seems most relevant to the activity being considered to obtain a statewide cost estimate for FY 2004-05. The statewide cost estimate for FY 2005-06 is anticipated to be the same amount for ongoing and annual activities.

K-12 School District Staff Costs

K-12 Mandate Activity	Survey Costs	Statewide Costs %	FY2004-05	FY2005-06
1 Preparing to Implement Mandate-Ongoing	$132,310	11.1%	$1,191,982	$1,200,000
2 Facilities Inspection: One-time	$ 96,938	11.1%	$ 873,315	$ n/a
3 Instructional Materials-Annual	$138,890	11.1%	$1,251,261	$1,250,000
4 Teacher Assignments-Ongoing	$ 84,160	11.1%	$ 758,198	$ 760,000
5 SARC-One-time	$109,270	11.1%	$ 984,414	$ n/a
6 Uniform Complaint Procedure-Ongoing	$ 61,460	10.9%	$ 563,853	$ 565,000
7 Financial and Compliance Audits-Ongoing	$ 10,710	11.1%	$ 96,486	$ 97,000
8 School Facility Needs Assessment-One-time	$ 63,510	9.5%	$ 668,526	$ n/a
9A Preparing for COE Reviews-Annual	$107,820	9.5%	$1,134,947	$1,135,000
9B Participating in the COE Reviews-Annual	$ 39,900	9.5%	$ 420,000	$ 420,000
9C Remediation After COE Reviews-Annual	$ 62,710	9.5%	$ 660,105	$ 660,000
Statewide Totals (K-12)			$8,603,087	$6,087,000

County Office of Education Staff Costs

K-12 Mandate Activity	Survey Costs	Statewide Costs %	FY2004-05	FY2005-06
1 Preparing to Implement Mandate-Ongoing	$184,029	19%	$ 968,568	$ 970,000
2 Teacher Assignments-Ongoing	$ 94,070	23%	$ 409,000	$ 410,000
3 Uniform Complaint Procedure-Ongoing	$ 12,010	23%	$ 52,217	$ 50,000
4 Financial and Compliance Audits-Ongoing	$ 4,640	23%	$ 20,174	$ 20,000
5A Preparing for Onsite Visits-Annual	$206,820	23%	$ 899,217	$ 900,000
5B Conducting the Onsite Visit-Annual	$305,160	23%	$1,326,778	$1,330,000
5C Reports and Monitoring-Annual	$121,160	23%	$ 526,783	$ 580,000
Statewide Totals (COE)			$4,202,737	$4,260,000

TOTAL STATEWIDE COST ESTIMATE:	FY2004-05	FY2005-06
Statewide Totals (K-12)	$8,603,087	$6,087,000
Statewide Totals (COE)	$4,202,737	$4,260,000
	$12,805,842	$10,347,000

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PART C. FUNDING SOURCES

1. State Funds

Statutes of 2004, Chapter 899 (SB 6), effective September 29, 2004:

Section 3 appropriates $250,000 from the General Fund to the State Allocation Board for the administration of the School Facilities Needs Assessment Grant Program and the School Facilities Emergency Repair Account for the 2004-05 fiscal year.

Section 4 appropriates $30,000,000 from the General Fund, of which $25,000,000 is to be appropriated to the State Department of Education for transfer to the State Allocation Board for grants to school districts under the School Facilities Needs Assessment Grant Program and $5,000,000 is to be appropriated for transfer to the School Facilities Emergency Repair Account.

Statutes of 2004, Chapter 900 (SB 550), effective September 29, 2004

Section 19 authorizes the State Department of Education to expend up to $5,000,000 from the State Instructional Materials Fund to acquire instructional materials for school districts for purposes of these provisions.

Section 22 and 23 amend Section 36 of Chapter 216, Statutes of 2004 which appropriated $138,000,000 from the General Fund to the State Department of Education for transfer to the Instructional Materials Fund and appropriates $20,200,000 from the General Fund to the State Department of Education and, of that amount $5,000,000 is to be appropriated for transfer to the State Instructional Materials Fund for purposes of acquiring instructional materials, as specified, $15,000,000 is to be

appropriated for allocation to county offices of education for review and monitoring of schools, as specified, and $200,000 is to be appropriated for purposes of implementing this act.

Statutes of 2005, Chapter 118 (AB 831), effective July 25, 2005:

Sections 16, 17, and 18 amend Item 6110-197-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004 (the Budget Act of 2004), and amends Sections 22 and 23 of Chapter 900 of the Statutes of 2004, which appropriated the sum of $138,000,000 to the State Department of Education for transfer to the Instructional Materials Fund to be apportioned to school districts on the basis of an equal amount per pupil enrolled in schools in decile 1 or 2 of the Academic Performance Index.

2. Federal Funds

There are no funds specifically appropriated for the implementation of the mandate.

3. Non-local Agency Funds

There are no funds specifically appropriated for the implementation of the mandate.

4. Local Agency General Purpose Funds

There are no funds specifically appropriated for the implementation of the mandate.

5. Fee authority to offset costs

There is no fee authority for the implementation of the mandate.

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PART D. RELEVANT MANDATE DETERMINATIONS

The test claim legislation amends existing law which is the subject of other mandates previously approved for reimbursement and of test claims in process.

Mandates Approved for Current Reimbursement

448/75	Annual Parent Notification III
36/77	Financial and Compliance Audits
100/81	School District Fiscal Accountability Reporting
641/86	Brown Act Reform / Open Meetings Act
917/87	County Office Fiscal Accountability Reporting
1463/89	School Accountability Report Cards
846/98	Annual Parent Notification 1998-2000

Test Claims in Process

531/00	Reporting Improper Governmental Activities
887/01	Academic Performance Index
1084/02	Deferred Maintenance
1087/02	Teacher Credentialing
1168/02	School Facilities Funding Requirements
1102/02	Uniform Complaint Procedures
04/03	Instructional Materials Adoption
908/03	Clean School Restrooms

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6. DECLARATIONS

Attached as Exhibit "A"

7. DOCUMENTATION

List of Exhibits

Exhibit A Declaration of Elaine Hodges, Senior Director, Leadership and Accountability, San Diego County Office of Education
SDCOE FY 2004-05 Estimated Cost
Declaration of Ernest Anastos, Area Superintendent, District Office Region, Sweetwater Union High School District
SUHSD FY 200405 Summary of Declaration Detailed Costs
Sample Employee Cost Declaration

Exhibit B Statutes

Statutes of 2004, Chapter 899 (SB 6)
Statutes of 2004, Chapter 900 (SB 550)
Statutes of 2004, Chapter 902 (AB 3001)
Statutes of 2004, Chapter 903 (AB 2727)
Statutes of 2005, Chapter 118 (AB 831)

Exhibit C Regulations

Title 2, CCR, Sections 1859.300-1859.329
Title 5, CCR, Sections 4600-4671

Exhibit D Executive Orders
The Office of Public School Construction and the State Allocation Board:

Public School Construction web page (www.opsc.dgs.ca.gov)
Certification of Eligibility
Interim Evaluation Instrument
Needs Assessment Report, SAB 61-01
Needs Assessment Report Worksheet
Expenditure Report, SAB 61-02
Application For Reimbursement and Expenditure Report, SAB 61-03
Web-Based Progress Report Survey
Web-Based Needs Assessment

Exhibit E Statewide Cost Estimate

State Department of Education Statistical Profile Fiscal Year 2003-04
List of Decile 1-3 Schools by County
COE Summary Schedule of Questionnaire Responses
Sample COE Questionnaire
K-12 Summary Schedule of Questionnaire Responses
Sample K-12 Questionnaire

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COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

8. CLAIM CERTIFICATION

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of Article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and correct to the best of my own knowledge or information or belief.

Lora Duzyk
Assistant Superintendent Business Services
San Diego County Office of Education

9/8/05
Date

COMMISSION ON STATE MANDATES TEST CLAIM FORM

(Pursuant to Government Code Section 17553)

8. CLAIM CERTIFICATION

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of Article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and correct to the best of my own knowledge or information or belief.

Dianne L. Russo
Interim Chief Fiscal Officer
Sweetwater Union High School District

09-09-05
Date

Document	Pages	Total Pages
Declaration of Elaine Hodges, Senior Director Leadership and Accountability San Diego County Office of Education	1-15	15
SDCOE FY 2004-05 Estimated Cost-Dollars	1-3	3
SDCOE FY 2004-05 Estimated Cost-Hours	1-3	3
Declaration of Ernest Anastos, Area Superintendent Sweetwater Union High School District	1-29	29
SUHSD FY 200405 Summary of Declaration Detailed Costs	1-9	9
Sample Employee Cost Declaration	1-3	3

Exhibit A DECLARATIONS

DECLARATION OF ELAINE HODGES, EdS
SAN DIEGO COUNTY OFFICE OF EDUCATION

Test Claim of San Diego County Office of Education
and Sweetwater Union High School District.

COSM No. _____

STATUTES

Statutes of 2004, Chapter 899 (SB 6), effective September 29, 2004
Statutes of 2004, Chapter 900 (SB 550), effective September 29, 2004
Statutes of 2004, Chapter 902 (AB 3001), effective September 29, 2004
Statutes of 2004, Chapter 903 (AB 2727), effective September 29, 2004
Statutes of 2005, Chapter 118 (AB 831), effective July 25, 2005

EDUCATION CODE SECTIONS

1240	17014	17032.5	17070.75	17089	17592.70
17592.72	35186	41020	41344.4	42127.6	44258.9
45125.1	51050	60119	Section 5, C 899,S 2004 (uncodified)		

REGULATIONS

Title 5, CCR, Sections 4600 through 4671

Williams Case Implementation

I, Elaine Hodges, Senior Director, Leadership & Accountability, San Diego County Office of Education, make the following declaration and statement.

In my capacity as Senior Director, Leadership & Accountability, and Williams Task Force Chairman, I am the administrative official responsible for the implementation of the Williams Case mandate legislation by the San Diego County Office of Education. I am familiar with the provisions and requirements of the statutes and Education Code sections enumerated above. These new laws and regulations

result in increased costs to, and a new level of service for, the San Diego County Office of Education for the required monitoring and oversight of school districts within the jurisdiction of the San Diego County Office of Education which implement the Williams Case legislation, as well as increased costs to, and a new level of service for, the San Diego County Office of Education in its capacity as a local education agency which operates schools as a "school district." This declaration is limited to the new activities and costs required for monitoring and oversight of the school districts within the jurisdiction of the San Diego County Office of Education.

PART 1. NEW PROGRAM AND INCREASED LEVEL OF SERVICES

The Williams Case mandate legislation results in increased direct and indirect costs of labor, materials and supplies, data processing services and software, contracted services and consultants, equipment and capital assets, and staff training and travel, to implement the following activities:

Education Code Section 1240

Education Code Section 1240 (c) (1) required the county superintendent of schools to visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

Education Code Section 1240 (c) (2) (A) as amended by Statutes of 2004, Chapter 900, requires the county superintendent of schools, or his or her designee, to the extent that funds are appropriated for purposes of this paragraph, to annually present a report to the governing board of each school district under his or her jurisdiction, the county board of education or his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, of his or her observations while visiting the schools, among other things.

Education Code Section 1240 (c) (2) (C), as amended by Statutes of 2004, Chapter 900, requires the county superintendent to report the results of the visit to the governing board of the school district on a quarterly basis at a regularly scheduled meeting held in accordance with public notification requirements.

Education Code Section 1240 (c) (2) (D), as amended by Statutes of 2004, Chapter 900, and as amended by Statutes of 2005, Chapter 118, requires the county superintendent to conduct the visits made pursuant to this paragraph at least annually, that the visits minimize disruption of the operation of the school, that the visits be performed by individuals who meet the requirements of Section 45125.1, and that not less than 25 percent of the visits be unannounced visits which shall only be used to observe the condition of school repair and maintenance and the sufficiency of

instructional materials, as defined by Section 60119.

Education Code Section 1240 (c) (2) (E), as amended by Statutes of 2004, Chapter 900, requires the county superintendent to make the priority objective of the visits made pursuant to this paragraph to be to determine the status of all of the following circumstances:

(i) Sufficient textbooks as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.

Education Code Section 1240 (i) previously required the county superintendent of schools to enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority.

Education Code Sections1240 (i) (1) and (2), as amended by Statutes of 2004, Chapter 900, and as amended by Statutes of 2005, Chapter 118, requires the county

superintendent of schools to enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority, in accordance with Education Code 51050, as defined in subdivision (c) of Section 60119.

Education Code Section 1240 (i) (3) (A), as amended by Statutes of 2004, Chapter 900, and as amended by Statutes of 2005, Chapter 118, requires the county superintendent, commencing with the 2005-06 school year, in the case of a school ranked in any of deciles 1 to 3, inclusive and not currently under review through a state or federal intervention program, to specifically review that school at least annually and within the first four weeks of the school year as a priority school. For the 2004-05 fiscal year only, the county superintendent is required to make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

Education Code Section 1240 (i) (4), as amended by Statutes of 2004, Chapter 900, requires the county superintendent, if it is determined that a school does not have sufficient textbooks or instructional materials, to do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), and forward the report to

the Superintendent of Public Instruction.

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the Department of Education, with approval by the State Board of Education, to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the state board approves a recommendation from the department to purchase textbooks or instructional materials for the school district, the board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision.

Education Code Section 35186

Title 5 of the California Code of Regulations, Chapter 5.1 (commencing with Section 4600), requires school districts to utilize a uniform complaint process. Education Code Section 35186, as added by Statutes of 2004, Chapter 900, requires school districts to report summarized data on the nature and resolution of all complaints

on a quarterly basis to the county superintendent of schools and for the county superintendent of schools to receive and review those reports.

Education Code Section 41020

Education Code Section 41020 requires county superintendents of schools to review the audit exceptions contained in an audit of a school district related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determine whether the exceptions have been either corrected or an acceptable plan of correction has been developed. Education Code Section 41020, as amended by Statutes of 2004, Chapter 900, requires at subdivision (i) (2), that commencing with the 2004-05, the review shall include those audit exceptions related to use of instructional materials program funds, teacher misassignments, information reported on the school accountability report card, which determines whether the exceptions are either corrected or an acceptable plan of correction has been developed.

Education Code Section 41344.4

Education Code Section 41344.4, as added by Statutes of 2004, Chapter 900, requires county superintendents of schools to certify to the Superintendent of Public Instruction and the Controller whether the audit exceptions related to the requirements specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 14501, were corrected by the local educational agency or that an acceptable plan of correction was submitted to the county superintendent of schools pursuant to subdivision (k) of Section

41020.

Education Code Section 42127.6

Education Code Section 42127.6 is one of several sections which specify the oversight duties of the county office of education for school districts in fiscal distress.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires the county superintendent to review and consider studies, reports, evaluations, or audits of the school district that contain evidence that the school district is demonstrating fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that more than three of the fifteen most common predictors of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team, are present. If these findings are made, the county superintendent is required to investigate the financial condition of the school district and determine if the school district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 42131. The county superintendent is then required to report to the Superintendent of Public Instruction on the financial condition of the school district and his or her proposed remedial actions.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, authorizes the county superintendent to assign the Fiscal Crisis

and Management Assistance Team to review school district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. If a review team is assigned, the school district is required to follow the recommendations of the team, unless the district shows good cause for failure to do so.

Education Code Section 44258.9

Education Code Section 44258.9 is one of several sections which specify the annual credential review and monitoring duties of the county office of education for school districts. Education Code Section 44258.9 subdivision (b) (1), as amended by Statutes of 2004, Chapter 902, and as amended by Statutes of 2005, Chapter 118, requires the county superintendent of schools to:

(A) Annually monitor and review schools and school districts of schools that are likely to have problems with teacher misassignments and teacher vacancies, and to annually review decile 1 to 3 schools for this purpose.

(B) Annually monitor and review schools and school districts with schools ranked in deciles 1 to 3, inclusive, if those schools are not currently under review through a state or federal intervention program until the annual reviews indicate that

there are no teacher misassignments or vacancies.

Education Code Section 44258.9 subdivision (b) (2), as amended by Statutes of 2004, Chapter 902, requires the county superintendent of schools to investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.

Education Code Section 44258.9 subdivision (c) (4), as amended by Statutes of 2004, Chapter 902, requires the county superintendent of schools to identify in its annual report to the Commission on Teacher Credentialing and the State Department of Education summarizing the results of all assignment monitoring and reviews information on certificated employee assignment practices in schools ranked in deciles 1 to 3, the classes in these schools in which 20 percent or more pupils the are English learners who are assigned a teacher who possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.

Un-codified Requirements

Section 5, Statutes of 2004, Chapter 899, requires school districts and county offices of education to use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes,

regulations, and technical guidance may be provided in the future and may supersede local interpretations.

PART 2. COST TO IMPLEMENT THE MANDATE

The actual and/or estimated costs resulting from the mandate exceed one thousand dollars ($1,000) for San Diego County Office of Education.

1. PREPARING TO IMPLEMENT THE MANDATE

Policies, Procedures, Planning, Training: Staff time developing policies and procedures, planning, developing a site review procedure, and training school district and county office staff to implement the mandate.

Estimated Costs October 2004 through June 2005 $82,100

Estimated Costs July 2005 through June 2006 $215,000

2. TEACHER ASSIGNMENTS

A District Evaluation: Staff time for district Williams Deciles 1-3 schools annual reviews, investigating district efforts to ensure staff assignments requiring CLAD, BCLAD, or SDAIE training have required authorizations or training. Submitting an Assignment Monitoring and Review Report to the CCTC and CDE.

Estimated Costs October 2004 through June 2005 $8,600

Estimated Costs July 2005 through June 2006 $23,000

B. FCMAT Referrals: Staff time to refer the district to the Fiscal Crisis and Management Assistance Team (FCMAT) for review and recommendations on teacher

hiring practices, teacher retention rate, percentage of highly qualified teachers, and the extent of teacher misassignments.

Estimated Costs October 2004 through June 2005 $0

Estimated Costs July 2005 through June 2006 $unknown

3. UNIFORM COMPLAINT PROCEDURE

Quarterly Uniform Complaint Report: Staff time developing a process, receiving, monitoring, processing, and reporting on the quarterly uniform complaint reports from school districts.

Estimated Costs October 2004 through June 2005 $700

Estimated Costs July 2005 through June 2006 $2,500

4. FINANCIAL AND COMPLIANCE AUDITS

Audit Exceptions: Staff time (A) Reviewing school district audit exceptions relating to the new Williams audit criteria, (B) monitoring corrective actions taken, (C) obtaining a district response, and (D) certifying to the Superintendent of Public Instruction that these exceptions have been corrected.

Estimated Costs October 2004 through June 2005 $0

Estimated Costs July 2005 through June 2006 $unknown

5. COUNTY OFFICE INSPECTIONS OF WILLIAMS DECILES 1-3 SCHOOLS

A. Preparing for Onsite Visits: Staff time preparing the materials needed for the visit, scheduling personnel and locations, notification and training of districts, training of

team members and other related administrative tasks.

Estimated Costs October 2004 through June 2005 $25,500

Estimated Costs July 2005 through June 2006 $25,000

B. Conducting the Onsite Visit: Staff time for inspections, staff interviews, data research, and related tasks.

Estimated Costs October 2004 through June 2005 $52,900

Estimated Costs July 2005 through June 2006 $100,000

C. Reports and Monitoring: Staff time for data collection from team leads, data evaluation, report preparation, notification to districts, compliance reporting to the state, and FCMAT referrals. Staff time reporting to county Board of Education, County Board of Supervisors and California Commission on Teacher Credentialing

Estimated Costs October 2004 through June 2005 $15,200

Estimated Costs July 2005 through June 2006 $15,000

PART 3. FUNDING SOURCES

Statutes of 2004, Chapter 900 (SB 550), appropriated $15,000,000 for allocation to county offices of education for review and monitoring of schools. From this appropriation, the San Diego County Office of Education has received, or has receivable, the amount of $312,000 for Fiscal Year 2004-05, and the estimated amount of $312,000 for Fiscal Year 2005-06.

No federal funds have been received by the county office of education, or are

receivable, which were specifically appropriated to implement this mandate. No other state or local monies were received by the county office of education, or are receivable, which were specifically appropriated to implement this mandate. No federal, state, local government, or private grants or awards have been received by the county office of education, or are receivable, which were specifically designated to implement this mandate. There is no authority in federal, state, or local law for this county office of education to levy fees to offset the costs to implement this mandate.

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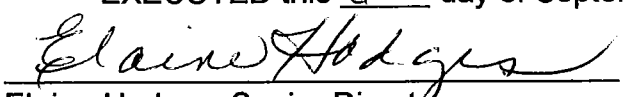
CERTIFICATION

I hereby declare under penalty of perjury under the laws of the State of California that the information in this declaration is true and complete to the best of my own knowledge or information or belief.

EXECUTED this 6th day of September, 2005, at San Diego, California



Elaine Hodges, Senior Director
Leadership &Accountability
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7399
Voice: 858-292-3836
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E-Mail: ehodges@sdcoe.net

Williams Case Implementation Test Claim
San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

Entry #	Name of Declarant	Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits
		Policies & Procedures	Reports & Forms	Training	Prep-Onsite Visits	Onsite Visits	Reports & Monitoring	District Evaluation	FCMAT Referrals	Quarterly Uniform Complaint Report	Audit Exceptions
1	Barker, Sheridan			$ 120.64	$ 120.64	$ 482.56					
2	Bishop, Cynthia			$ 308.44	$ 308.44	$ 1,233.76					
3	Blackman, Mary			$ 251.12	$ 502.24	$ 2,511.20					
4	Branch, Joanne	$ 206.00		$ 309.00	$ 25.75	$ 1,158.75					
5	Bromley, Bridget					$ 1,116.64					
6	Carreon, Victoria	$ 3,586.80	$ 614.88	$ 1,537.20	$ 204.96	$ 888.16	$ 34.16			$ 717.36	
7	Cates, Patti		$ 1,897.50								
8	Choate, Casey							$ 3,928.50			
9	Colli, Sharon				$ 743.40	$ 1,239.00					
10	Cunningham, Justin				$ 278.16	$ 1,668.96					
11	Danielson, Dennis			$ 265.84		$ 1,063.36					
12	Dorta, Sylvia					$ 540.24					
13	Dunlevy, Cynthia					$ 179.52					
14	Ehm, Bryan	$ 2,722.24		$ 752.96		$ 1,621.76					
15	Fleming, Chuck	$ 4,265.11	$ 2,891.60			$ 1,156.64					
16	Flynn, Kristine	$ 954.80			$ 381.92	$ 1,145.76					
17	Fort-Merrill, Michele	$ 3,679.13	$ 323.44	$ 646.88							
18	Free, Cynthia							$ 4,741.62			
19	Gassang, Myrna					$ 745.60					
20	Giberson, Nancy	$ 5,124.06				$ 189.78					
21	Glover, Mary					$ 616.88					
22	Gomez, Norma			$ 125.52		$ 627.60					

Prepared by SixTen and Associates
September 8, 2005

Williams Case Implementation Test Claim
San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

Entry #	Name of Declarant	Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits
		Policies & Procedures	Reports & Forms	Training	Prep-Onsite Visits	Onsite Visits	Reports & Monitoring	District Evaluation	FCMAT Referrals	Quarterly Uniform Complaint Report	Audit Exceptions
23	Gomez, Ricardo			$ 97.36		$ 194.72					
24	Grey, Marie			$ 244.60	$ 733.80	$ 1,956.80					
25	Hays, Leslie			$ 534.16	$ 400.62	$ 1,736.02					
26	Hickle, Rosa	$ 2,335.20		$ 88.96	$ 978.56	$ 266.88	$ 3,336.00				
27	Hodges, Elaine	$ 11,191.69			$ 3,098.68	$ 510.37	$ 656.19				
28	Hogarth, Warren	$ 2,052.00	$ 228.00	$ 1,824.00		$ 912.00	$ 4,959.00				
29	Jesse, Ron				$ 252.44	$ 2,019.52					
30	Kerr, Jean	$ 4,316.13	$ 2,187.36	$ 937.44	$ 8,983.80	$ 2,812.32	$ 4,765.32				
31	LaBonte, Karen	$ 177.98		$ 71.19		$ 284.76					
32	Maybury, Dana			$ 120.88		$ 483.52					
33	McIntyre, Patti			$ 205.88		$ 823.52					
34	Medina, Oscar	$ 767.25				$ 204.60					
35	Meyers, Jane			$ 280.92	$ 280.92	$ 561.84					
36	Morales, Christopher					$ 1,001.88					
37	Nicholson, Robert	$ 5,916.29		$ 1,581.11		$ 1,250.18	$ 73.54				
38	Odenthal, Joanne			$ 304.70	$ 243.76	$ 1,767.26	$ 60.94				
39	Pourzamani, Flora					$ 534.00					
40	Ramirez, Oscar		$ 1,932.53								
41	Reed, Victoria					$ 523.92					
42	Reising, Chris					$ 561.76					
43	Rens, Kimberley	$ 142.42				$ 569.68					
44	Rienick, Jameson			$ 106.28		$ 850.24					

Prepared by SixTen and Associates
September 8, 2005

Williams Case Implementation Test Claim
San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

Entry #	Name of Declarant	Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits
		Policies & Procedures	Reports & Forms	Training	Prep-Onsite Visits	Onsite Visits	Reports & Monitoring	District Evaluation	FCMAT Referrals	Quarterly Uniform Complaint Report	Audit Exceptions
45	Sapien, Rebecca			$ 203.28		$ 406.56					
46	Simpson, William				$ 280.80	$ 1,123.20					
47	Snyder, Sharon			$ 272.84		$ 545.68					
48	Spears, Tony			$ 308.52	$ 308.52	$ 1,234.08					
49	Sterman, Daryl			$ 261.80		$ 1,047.20					
50	Stremski, Regina			$ 239.68		$ 1,438.08					
51	Suber, Joyce			$ 277.64		$ 555.28					
52	Sulzer, Dennis			$ 222.28		$ 889.12					
53	Takashima, Barbara	$ 3,944.40	$ 3,615.70	$ 2,629.60	$ 2,958.30	$ 3,352.74	$ 1,314.80				
54	Taylor, Nancy				$ 523.76	$ 1,571.28					
55	Taylor-Austin, Lee			$ 193.72		$ 387.44					
56	Thompson-Noble, Sandie			$ 182.46		$ 364.92					
57	Toth, Melinda	$ 244.25			$ 2,246.32						
58	Tyler, Myrtice			$ 215.92		$ 431.84					
59	Villeza, Emriss	$ 758.09	$ 132.23	$ 176.30							
60	Wagner, Karen				$ 244.56	$ 978.24					
61	Wong, Sam				$ 1,395.20	$ 558.08					
	TOTALS	**$ 52,383.84**	**$ 13,823.24**	**$ 15,899.12**	**$ 25,495.55**	**$ 52,895.70**	**$ 15,199.95**	**$ 8,670.12**	**$ -**	**$ 717.36**	**$ -**

$ 82,106.20

Prepared by SixTen and Associates
September 8, 2005

Williams Case Implementation Test Claim
San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

Entry #	Name of Declarant	Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits			
		Policies & Procedures	Reports & Forms	Training	Prep-Onsite Visits	Onsite Visits	Reports & Monitoring	District Evaluation	FCMAT Referrals	Quarterly Uniform Complaint Report	Audit Exceptions	PHR	Total # hours	Cost to SDCOE
1	Barker, Sheridan	0.0	0.0	4.0	4.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 30.16	24.0	$ 723.84
2	Bishop, Cynthia	0.0	0.0	4.0	4.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 77.11	24.0	$ 1,850.64
3	Blackman, Mary	0.0	0.0	4.0	8.0	40.0	0.0	0.0	0.0	0.0	0.0	$ 62.78	52.0	$ 3,264.56
4	Branch, Joanne	4.0	0.0	6.0	0.5	22.5	0.0	0.0	0.0	0.0	0.0	$ 51.50	33.0	$ 1,699.50
5	Bromley, Bridget	0.0	0.0	0.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 69.79	16.0	$ 1,116.64
6	Carreon, Victoria	52.5	9.0	22.5	3.0	13.0	0.5	0.0	0.0	10.5	0.0	$ 68.32	111.0	$ 7,583.52
7	Cates, Patti	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	$ 37.95	50.0	$ 1,897.50
8	Choate, Casey	0.0	0.0	0.0	0.0	0.0	0.0	135.0	0.0	0.0	0.0	$ 29.10	135.0	$ 3,928.50
9	Colli, Sharon	0.0	0.0	0.0	12.0	20.0	0.0	0.0	0.0	0.0	0.0	$ 61.95	32.0	$ 1,982.40
10	Cunningham, Justin	0.0	0.0	0.0	4.0	24.0	0.0	0.0	0.0	0.0	0.0	$ 69.54	28.0	$ 1,947.12
11	Danielson, Dennis	0.0	0.0	4.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 66.46	20.0	$ 1,329.20
12	Dorta, Sylvia	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 67.53	8.0	$ 540.24
13	Dunlevy, Cynthia	0.0	0.0	0.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 11.22	15.0	$ 179.52
14	Ehm, Bryan	47.0	0.0	13.0	0.0	28.0	0.0	0.0	0.0	0.0	0.0	$ 57.92	88.0	$ 5,096.96
15	Fleming, Chuck	59.0	40.0	0.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 72.29	115.0	$ 8,313.35
16	Flynn, Kristine	20.0	0.0	0.0	8.0	24.0	0.0	0.0	0.0	0.0	0.0	$ 47.74	52.0	$ 2,482.48
17	Fort-Merrill, Michele	45.5	4.0	8.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	$ 80.86	57.5	$ 4,649.45
18	Free, Cynthia	0.0	0.0	0.0	0.0	0.0	0.0	78.0	0.0	0.0	0.0	$ 60.79	78.0	$ 4,741.62
19	Gassang, Myrna	0.0	0.0	0.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 46.60	16.0	$ 745.60
20	Giberson, Nancy	54.0	0.0	0.0	0.0	2.0	0.0	0.0	0.0	0.0	0.0	$ 94.89	56.0	$ 5,313.84
21	Glover, Mary	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 77.11	8.0	$ 616.88
22	Gomez, Norma	0.0	0.0	2.0	0.0	10.0	0.0	0.0	0.0	0.0	0.0	$ 62.76	12.0	$ 745.60

Prepared by SixTen and Associates
September 8, 2005

Williams Case Implementation Test Claim
San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

Entry #	Name of Declarant	Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits			
		Policies & Procedures	Reports & Forms	Training	Prep-Onsite Visits	Onsite Visits	Reports & Monitoring	District Evaluation	FCMAT Referrals	Quarterly Uniform Complaint Report	Audit Exceptions	PHR	Total # hours	Cost to SDCOE
23	Gomez, Ricardo	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 24.34	12.0	$ 292.08
24	Grey, Marie	0.0	0.0	4.0	12.0	32.0	0.0	0.0	0.0	0.0	0.0	$ 61.15	48.0	$ 2,935.20
25	Hays, Leslie	0.0	0.0	8.0	6.0	26.0	0.0	0.0	0.0	0.0	0.0	$ 66.77	40.0	$ 2,670.80
26	Hickle, Rosa	52.5	0.0	2.0	22.0	6.0	75.0	0.0	0.0	0.0	0.0	$ 44.48	157.5	$ 7,005.60
27	Hodges, Elaine	153.5	0.0	0.0	42.5	7.0	9.0	0.0	0.0	0.0	0.0	$ 72.91	212.0	$ 15,456.92
28	Hogarth, Warren	18.0	2.0	16.0	0.0	8.0	43.5	0.0	0.0	0.0	0.0	$ 114.00	87.5	$ 9,975.00
29	Jesse, Ron	0.0	0.0	0.0	4.0	32.0	0.0	0.0	0.0	0.0	0.0	$ 63.11	36.0	$ 2,271.96
30	Kerr, Jean	110.5	56.0	24.0	230.0	72.0	122.0	0.0	0.0	0.0	0.0		614.5	$ 24,000.00
31	LaBonte, Karen	2.5	0.0	1.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	$ 71.19	7.5	$ 533.93
32	Maybury, Dana	0.0	0.0	4.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 30.22	20.0	$ 604.40
33	McIntyre, Patti	0.0	0.0	4.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 51.47	20.0	$ 1,029.40
34	Medina, Oscar	15.0	0.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	$ 51.15	19.0	$ 971.85
35	Meyers, Jane	0.0	0.0	4.0	4.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 70.23	16.0	$ 1,123.68
36	Morales, Christopher	0.0	0.0	0.0	0.0	12.0	0.0	0.0	0.0	0.0	0.0	$ 83.49	12.0	$ 1,001.88
37	Nicholson, Robert	80.5	0.0	21.5	0.0	17.0	1.0	0.0	0.0	0.0	0.0	$ 73.54	120.0	$ 8,821.12
38	Odenthal, Joanne	0.0	0.0	5.0	4.0	29.0	1.0	0.0	0.0	0.0	0.0	$ 60.94	39.0	$ 2,376.66
39	Pourzamani, Flora	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 66.75	8.0	$ 534.00
40	Ramirez, Oscar	0.0	67.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	$ 28.63	67.5	$ 1,932.53
41	Reed, Victoria	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 65.49	8.0	$ 532.92
42	Reising, Chris	0.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 70.22	8.0	$ 561.76
43	Rens, Kimberley	2.0	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 71.21	10.0	$ 712.10
44	Rienick, Jameson	0.0	0.0	4.0	0.0	32.0	0.0	0.0	0.0	0.0	0.0	$ 26.57	36.0	$ 956.52

Prepared by SixTen and Associates
September 8, 2005

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San Diego County Office of Education 2004-05 Estimated Cost
Source: SDCOE Declaration

		Preparation for the Mandate			Decile 1-3 Schools Inspections			Teacher Assignments		Uniform Complaint Procedure	Financial & Compliance Audits			
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45	Sapien, Rebecca	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 50.82	12.0	$ 609.84
46	Simpson, William	0.0	0.0	0.0	4.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 70.20	20.0	$ 1,404.00
47	Snyder, Sharon	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 68.21	12.0	$ 818.52
48	Spears, Tony	0.0	0.0	4.0	4.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 77.13	24.0	$ 1,851.12
49	Sterman, Daryl	0.0	0.0	4.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 65.45	20.0	$ 1,309.00
50	Stremski, Regina	0.0	0.0	4.0	0.0	24.0	0.0	0.0	0.0	0.0	0.0	$ 59.92	28.0	$ 1,677.76
51	Suber, Joyce	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 69.41	12.0	$ 832.92
52	Sulzer, Dennis	0.0	0.0	4.0	0.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 55.57	20.0	$ 1,111.40
53	Takashima, Barbara	60.0	55.0	40.0	45.0	51.0	20.0	0.0	0.0	0.0	0.0	$ 65.74	271.0	$ 17,815.54
54	Taylor, Nancy	0.0	0.0	0.0	8.0	24.0	0.0	0.0	0.0	0.0	0.0	$ 65.47	32.0	$ 2,095.04
55	Taylor-Austin, Lee	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 48.43	12.0	$ 581.16
56	Thompson-Nobile, Sandie	0.0	0.0	3.0	0.0	6.0	0.0	0.0	0.0	0.0	0.0	$ 60.82	9.0	$ 547.38
57	Toth, Melinda	25.0	0.0	0.0	229.9	0.0	0.0	0.0	0.0	0.0	0.0	$ 9.77	254.9	$ 2,490.37
58	Tyler, Myrtice	0.0	0.0	4.0	0.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 53.98	12.0	$ 647.76
59	Villeza, Emriss	21.5	3.8	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	$ 35.26	30.3	$ 1,066.62
60	Wagner, Karen	0.0	0.0	0.0	4.0	16.0	0.0	0.0	0.0	0.0	0.0	$ 61.14	20.0	$ 1,222.80
61	Wong, Sam	0.0	0.0	0.0	20.0	8.0	0.0	0.0	0.0	0.0	0.0	$ 69.76	28.0	$ 1,953.28
	TOTALS	**823.0**	**287.3**	**253.0**	**682.9**	**905.5**	**272.0**	**213.0**	**0.0**	**10.5**	**0.0**	**$ 3,559.31**	**3446.1**	**$ 185,083.78**

Prepared by SixTen and Associates
September 8, 2005

DECLARATION OF ERNEST ANASTOS
SWEETWATER UNION HIGH SCHOOL DISTRICT

Test Claim of San Diego County Office of Education
and Sweetwater Union High School District.

COSM No. _____

STATUTES

Statutes of 2004, Chapter 899 (SB 6), effective September 29, 2004
Statutes of 2004, Chapter 900 (SB 550), effective September 29, 2004
Statutes of 2004, Chapter 902 (AB 3001), effective September 29, 2004
Statutes of 2004, Chapter 903 (AB 2727), effective September 29, 2004
Statutes of 2005, Chapter 118 (AB 831), effective July 25, 2005

EDUCATION CODE SECTIONS

1240	14501	14502.1	17014	17032.5	17070.75
17089	17592.70	17592.72	17592.73	33126	35186
41020	42127.6	44110	44111	44112	44113
44258.9	60119	60252	Section 11, C. 904, S. 2004 (uncodified)		

Section 5, C. 899, S. 2004 (uncodified)

REGULATIONS

Title 5, CCR, Sections 4600-4671 Uniform Complaint Procedure

Title 2, Sections 1859.300 through 1859.329, effective May 31, 2005, which implement the facilities portion of Statutes of 2004, Chapter 899, Senate Bill 6, effective September 29, 2004.

Related Executive Orders of the Office of Public School Construction and State Allocation Board:
Certification of Eligibility
Interim Evaluation Instrument
Needs Assessment Report, SAB 61-01
Needs Assessment Report Worksheet
Expenditure Report, SAB 61-02
Application for Reimbursement and Expenditure Report, SAB 61-03
Web-Based Progress Report Survey
Web-Based Needs Assessment

Williams Case Implementation

I, Ernest Anastos, Area Superintendent, District Office Region, Sweetwater Union High School District, make the following declaration and statement.

In my capacity as Area Superintendent, District Office Region, I am one of the administrative officials responsible for the implementation of the Williams Case mandate by the school district. I am familiar with the provisions and requirements of the Statutes, Education Code Sections and Title 2 and Title 5 Regulations enumerated above. These new laws and regulations result in increased costs to, and a new level of service for, school districts and county offices of education in their capacity as a local education agency which operates schools as a "school district," to implement the Williams Case legislation.

PART 1. NEW PROGRAM AND INCREASED LEVEL OF SERVICE

The Williams Case mandate results in increased direct and indirect costs of labor, materials and supplies, data processing services and software, contracted services and consultants, equipment and capital assets, and staff training and travel, to implement the following activities:

Education Code Section 1240

Education Code Section 1240 (c) (1) required the county superintendent of schools to visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including,

but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

Education Code Section 1240 (c) (2) (A), as amended by Statutes of 2004, Chapter 900, requires the county superintendent of schools, or his or her designee, to the extent that funds are appropriated for purposes of this paragraph, to annually present a report to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, his or her observations while visiting the schools, among other things. School districts are required to provide information requested by the county office of education.

Education Code Section 1240 (c) (2) (C), as amended by Statutes of 2004, Chapter 900, requires the county superintendent to report the results of the visit to the governing board of the school district on a quarterly basis at a regularly scheduled meeting held in accordance with public notification requirements. School districts are required to include this information in their governing board agendas.

Education Code Section 1240 (c) (2), as amended by Statutes of 2004, Chapter 900, and Statutes of 2005, Chapter 118, requires the county superintendent to conduct the announced and unannounced visits to observe the condition of school repair and maintenance, the sufficiency of instructional materials, and content of the

school report card, at least annually. School districts are required to participate in the preparation for the visits, the site visit, and subsequent reporting and monitoring tasks as directed by the county office of education.

Education Code Section 1240 (i) previously required the county superintendent of schools to enforce the use of state textbooks and of high school textbooks regularly adopted by the proper authority. Education Code Section 1240 (i) (1) and (2), as amended by Statutes of 2004, Chapter 900, and Statutes of 2005, Chapter 118, requires the county superintendent of schools to enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority, as defined in subdivision (c) of Section 60119. School districts are required to comply with the county office of education enforcement actions.

Education Code Section 1240 (i) (3) (A), as amended by Statutes of 2004, Chapter 900, and Statutes of 2005, Chapter 118, requires the county superintendent to annually review any school ranked in any of deciles 1 to 3 at specified times. School districts are required to participate in the preparation for the visits, the site visit, and subsequent reporting and monitoring tasks as directed by the county office of education.

Education Code Section 1240 (i) (4), as amended by Statutes of 2004, Chapter 900, and Statutes of 2005, Chapter 118, requires the county superintendent, if it is determined that a school does not have sufficient textbooks or instructional materials,

to do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance. The school district is required to provide information to the county office of education for this report.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), and forward the report to the Superintendent of Public Instruction.

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term. The school distrtict is required to perform the remediation as directed by the county office of education.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the Department of Education, with approval by the State Board of Education, to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. The school district, before purchasing the textbooks or instructional materials, is required to consult with the State Department of Education. The school district is required to accept the amount of funds necessary to purchase the textbooks and materials as a loan to the school district and repay the amount owed based upon an

agreed-upon repayment schedule with the Superintendent of Public Instruction.

Education Code Section 14501

Education Code Section 14501 made school districts subject to state mandated financial and compliance audits. Education Code Section 14501, subdivision (b), as amended by Statutes of 2004, Chapter 900, requires the school districts to provide to auditors evidence of compliance of the following increased scope of activities:

(1) The reporting requirements for the sufficiency of textbooks or instructional materials, or both, as defined in Section 60119.

(2) Teacher misassignments pursuant to Section 44258.9.

(3) The accuracy of information reported on the School Accountability Report Card required by Section 33126. The requirements set forth in paragraphs (1) and (2) and this paragraph shall be added to the audit guide requirements pursuant to subdivision (b) of Section 14502.1.

Education Code Section 17070.75

Education Code Section 17070.75 specifies the fund accounting procedures required for school districts in order to participate in state deferred maintenance funding matches. Education Code Section 17070.75 (e), as amended by Statutes of 2004, Chapter 900, requires school districts to, as a condition of participation in the school facilities program or the receipt of funds pursuant to Section 17582, for a fiscal

year after the 2004-05 fiscal year, to establish a facility inspection system to ensure that each of its schools is maintained in good repair.

Education Code Section 17592.70

Education Code Section 17592.70 (d), as added by Statutes of 2004, Chapter 899 requires school districts, as a condition of receiving the School Facilities Needs Assessment Grant Program funds, to:

1 Use the funds to develop a comprehensive needs assessment, as defined in Section 17592.70 (d) (1) and (2), of eligible schoolsites, utilizing data currently filed with the state as part of the process of applying for and obtaining modernization or construction funds for school facilities, or information that is available in the California Basic Education Data System.

2 Use the comprehensive needs assessment as baseline data for the facilities inspection system required pursuant to subdivision (e) of Section 17070.75.

3 Provide the results of the assessment to the Office of Public School Construction, including a report on the expenditures made in performing the assessment, as soon as possible, but not later than January 1, 2006.

4 Expend the remaining funds not needed for the assessment for making facilities repairs identified in its needs assessment and report to the Office of Public School Construction on the repairs completed and the cost of the repairs.

5 Submit to the Office of Public School Construction an interim report regarding the progress made by the school district in completing the assessments of all eligible

schools.

Education Code Section 17592.72

Education Code Section 17592.72, as added by Statutes of 2004, Chapter 899, requires school districts, as a condition of receiving the School Facilities Emergency Repair Account funds, to:

(1) Exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) Supplement, not supplant, existing funds available for maintenance of school facilities.

(3) Use the funds for "emergency facilities needs" which means repair or replacement of structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, and not for cosmetic or nonessential repairs.

Education Code Section 17592.73

Education Code Section 17592.73, as added by Statutes of 2004, Chapter 899, requires school districts, as a condition of receiving the funds provided by the statute, to comply with the regulations adopted by the State Allocation Board for the administration of the funds, including those necessary to specify the qualifications of the personnel performing the needs assessment and a method to ensure their independence.

Education Code Section 33126

Education Code Section 33126 specifies the content of the School Accountability Report Card. Education Code Section 33126 (b), as amended by Statutes of 2004, Chapter 900, requires school districts to provide the following new information:

1 The total number of teacher misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

2 The availability of sufficient textbooks and other instructional materials, as defined in Section 60119, for each pupil, including English learners, in each of the following areas:

(i) The core curriculum areas of reading/language arts, mathematics, science, and history/social science.

(ii) Foreign language and health.

(iii) Science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

3 A statement regarding any needed maintenance of the school to ensure good repair as specified in Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

Education Code Section 33126 (c), as added by Statutes of 2004, Chapter 900, requires the school district to provide accurate school accountability report card

information in order to be eligible for reimbursement.

Education Code Section 35186

Title 5 of the California Code of Regulations, Chapter 5.1 (commencing with Section 4600), requires school districts to utilize a uniform complaint process. Education Code Section 35186, as added by Statutes of 2004, Chapter 900, as amended by Statutes of 2004, Chapter 902, and Statutes of 2005, Chapter 118, requires school districts to modify the uniform complaint process it has adopted to include complaints regarding instructional materials, facility condition, and teacher misassignment and vacancy, so that the new process provides that:

(1) A complaint may be filed anonymously and a complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. The complaint form shall specify the location for filing a complaint and allow the complainant to add as much text to explain the complaint as he or she wishes. A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate school district official for resolution.

(2) The principal or the designee of the district superintendent or designee shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days

from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same time frame to the designee of the district superintendent.

(3) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving the condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(4) The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints

by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(5) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district before January 1, 2005, notifying parents and guardians of the following:

(A) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(B) School facilities must be clean, safe, and maintained in good repair.

(C) There should be no teacher vacancies or misassignments.

(D) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

Education Code Section 41020

Education Code Section 41020 requires county superintendents of schools to review the audit exceptions contained in an audit of a school district related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determine whether the exceptions have been either corrected or an acceptable plan of correction has been developed. Education Code Section 41020, as amended by

Statutes of 2004, Chapter 900, requires at subdivision (i) (2), that commencing with the 2004-05 fiscal year, the review include those audit exceptions related to use of instructional materials program funds, teacher misassignments, the school accountability report card, which determines whether the exceptions are either corrected or an acceptable plan of correction has been developed. With respect to these additional audit exceptions, school districts are required to prepare and implement a plan of correction.

Education Code Section 42127.6

Education Code Section 42127.6 is one of several sections which specify the oversight duties of the county office of education for school districts in fiscal distress. Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires school districts to provide the county superintendent of schools with a copy of any study, report, evaluation, or audit that was commissioned by the district, the county superintendent, the Superintendent of Public Instruction, and state control agencies that contains evidence that the school district is showing fiscal distress under the standards and criteria adopted in Section 33127, or a report on the school district by the County Office Fiscal Crisis and Management Assistance Team or any regional team created pursuant to subdivision (i) of Section 42127.8.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires the county superintendent to review and consider studies, reports, evaluations, or audits of the school district that contain evidence that the

school district is demonstrating fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that more than three of the fifteen most common predictors of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team, are present. If these findings are made, the county superintendent is required to investigate the financial condition of the school district and determine if the school district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 42131. The county superintendent is then required to report to the Superintendent of Public Instruction on the financial condition of the school district and his or her proposed remedial actions. School districts are required to respond to the requests for information from the county office of education and Superintendent of Public Instruction.

Education Code Section 42127.6 subdivision (a) (1), as amended by Statutes of 2004, Chapter 902, authorizes the county superintendent to assign the Fiscal Crisis and Management Assistance Team to review school district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rates, extent of teacher misassignment, and provision of highly qualified teachers. If a review team is assigned, the school district is required to provide the

information and support requested and required to follow the recommendations of the team, unless the district shows good cause for failure to do so.

Education Code Section 42127.6 subdivision (a), as amended by Statutes of 2004, Chapter 902, requires school districts to provide the protection provided pursuant to Article 5 (commencing with Section 44110) of Chapter 1 of Part 25, to any district employee who provides information regarding improper governmental activity, as defined in Section 44112.

Education Code Section 44258.9

Education Code Section 44258.9 is one of several sections which specify the annual credential review and monitoring duties of the county office of education for school districts. Education Code Section 44258.9 subdivision (b) (1), as amended by Statutes of 2004, Chapter 902, and as amended by Statutes of 2005, Chapter 118, requires the county superintendent of schools to:

(A) Annually monitor and review schools and school districts of schools that are likely to have problems with teacher misassignments and teacher vacancies, and to annually review decile 1 to 3 schools for this purpose.

(B) Annually monitor and review schools and school districts with schools ranked in deciles 1 to 3, inclusive, if those schools are not currently under review through a state or federal intervention program, until the annual reviews indicate that there are no teacher misassignments or vacancies.

The school district is required to provide information to the county office of education

for this review.

Education Code Section 44258.9 subdivision (b) (2), as amended by Statutes of 2004, Chapter 902, requires the county superintendent of schools to investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training. The school district is required to provide information to the county office of education for this investigation.

Uncodified Requirements

Section 11 (not codified) of Statutes of 2004, Chapter 902, requires school districts to make resumes and job applications received by the district from credentialed teachers available first to the schools in the district ranked in deciles 1 to 3, and thereafter make the resumes and applications available to other schools maintained by the district.

Education Code Section 60119

Education Code Section 60119 establishes the eligibility requirements for the Pupil Textbook and Instructional Materials Incentive Program. Education Code Section 60119, subdivision (a) and (b), as amended by Statutes of 2004, Chapter 900, and Statutes of 2005, Chapter 118, requires school districts to perform the following additional activities in order to establish eligibility:

(1) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, as defined by this section, in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English/language arts, including the English language development component of an adopted program.

(2) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004-05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(3) The governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(4) The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

Education Code Section 60252

Education Code Section 60252 establishes the compliance requirements for the Pupil Textbook and Instructional Materials Incentive Program. Education Code Section 60252 (a), as amended by Statutes of 2004, Chapter 900, requires school districts to ensure that textbooks and instructional materials are ordered, to the extent practicable, before the school year begins.

Uncodified Requirements

Section 5, Statutes of 2004, Chapter 899, requires school districts and county

offices of education to use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes, regulations, and technical guidance may be provided in the future and may supersede local interpretations.

Title 2, California Administrative Code

The Office of Public School Construction (OPSC), State Allocation Board (SAB or Board), has adopted Title 2 regulations (sections 1859.300 through 1859.329), final regulations effective May 31, 2005, to implement the facilities portion of Statutes of 2004, Chapter 899, Senate Bill 6, effective September 29, 2004. In conjunction with this rulemaking, the OPSC and SAB created forms and reports for the implementation of the mandate which constitute executive orders, and require school districts to complete these forms and reports.

Section 1859.310 requires that a school site that qualifies for the School Facilities Needs Assessment Grant Program (decile 1-3 school constructed prior to January 1, 2000) shall be allocated funds by the Board in order to conduct a one-time comprehensive school facilities needs assessment and shall be required to complete and submit a Web-Based Needs Assessment to the OPSC for each school site meeting the provisions of Section 1859.311.

Section 1859.312 requires the Board to allocate $10 per pupil enrolled in eligible school sites with a minimum allocation of $7,500 for each school site.

Section 1859.313 specifies the use of the Needs Assessment Grant Funds to

include:

(a) Unbudgeted administrative or third party costs incurred as a result of performing the Needs Assessment.

(b) Repairs identified in Part V of the Form SAB 61-01 at any eligible school site where a Needs Assessment has been completed.

Section 1859.314 requires the person performing the Needs Assessment to have general knowledge of school facility construction, operation, and maintenance and either a minimum of three years of experience with cost estimation and building systems life cycle analysis; or, be an architect, engineer, or general contractor licensed under California law; to personally conduct the assessment on the school sites; and, the persons performing or supervising the Needs Assessment to be independent third parties and not be employees of the school district.

Section 1859.315 requires school districts that receive School Facilities Needs Assessment Grant funds to:

(a) Complete a Certification of Eligibility and submit it to the OPSC.

(b) Complete a Web-Based Progress Report Survey and submit it to the OPSC.

(c) Complete a Web-Based Needs Assessment for each applicable site and submit it to the OPSC by January 1, 2006.

(d) Complete Form SAB 61-02 to report all expenditures made with the Needs Assessment Grant funds by January 1, 2007.

Section 1859.316 states that a school district's Needs Assessment Grant

expenditures shall be subject to audit and funds subject to repayment to the state.

Section 1859.320 requires a school district seeking an Emergency Repair Program Grant to complete and file a Form SAB 61-03 with the OPSC.

Section 1859.325 states that school districts are subject to a review by the OPSC of the district's facility maintenance accounts.

Section 1859.326 states that the school district Emergency Repair Program expenditures are subject to audit by the OPSC and funds are subject to collection by the state.

PART 2. COST TO IMPLEMENT THE MANDATE

The actual and/or estimated costs resulting from the mandate exceed one thousand dollars ($1,000) for the Sweetwater Union High School District.

1 PREPARING TO IMPLEMENT THE MANDATE

Policies, Procedures, Planning, Training: Staff time developing policies and procedures, planning, and training to implement the mandate.

Estimated Costs October 2004 through June 2005	$21,367
Estimated Costs July 2005 through June 2006	$10,000

2. FACILITIES INSPECTION

District School Facility Inspection System: Staff time implementing a School Facilities Inspection System (SFIS) to ensure that each of the district's schools is maintained in good repair, as a condition of receiving state building funds and deferred maintenance program funds.

Estimated Costs October 2004 through June 2005 $1,339

Estimated Costs July 2005 through June 2006 $2,000

3. INSTRUCTIONAL MATERIALS

Determination of Sufficient Instructional Materials Staff time:

-Preparing materials and information required for the governing board to annually, after a public hearing, make its determination that every pupil has sufficient textbooks and instructional materials for the specified course areas.

- Annually adopt a board resolution as to whether each pupil has sufficient instructional materials for the specified course areas. If an insufficiency of instructional materials is determined, providing information to teachers and the public regarding schools where the insufficiency exists, and the reasons for the insufficiency.

-Taking appropriate action using instructional materials funds to ensure that each pupil has sufficient instructional materials within two months of the school year for which the determination is made.

Estimated Costs October 2004 through June 2005 $14,182

Estimated Costs July 2005 through June 2006 $20,000

4. TEACHER ASSIGNMENT

Four-year Reviews and Monitoring: Additional staff time preparing for and participating in the district off-cycle monitoring evaluation process by the county office of education or the Fiscal Crisis and Management Assistance Team. Implementing the recommendations of the county office of education and/or the Fiscal Crisis and

Management Assistance Team or showing good cause for failure to do so.

Estimated Costs October 2004 through June 2005 $ 8,828

Estimated Costs July 2005 through June 2006 $ 9,000

5. SCHOOL ACCOUNTABILITY REPORT CARDS

New SARC Data: Staff time compiling the following data and revising the school and district SARC to include information on:

-Instructional materials for each student in four core areas (mathematics, science, history-social science and reading/language arts) and, for secondary schools, also in foreign language, health curriculum, and science lab equipment availability.

-Teacher misassignments, including misassignments of teachers of English learners, and number of teacher vacancies for the most recent three years.

-Facilities maintenance issues, including safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair.

-Making information available to parents and the community sometime during the school year (through the Internet or in hard copy form).

Estimated Costs October 2004 through June 2005 $ no data

Estimated Costs July 2005 through June 2006 $ no data

6. UNIFORM COMPLAINT PROCEDURE

Uniform Complaint Process Staff time:

-Updating the Uniform Complaint Process procedures and forms to address issues dealing with insufficient instructional materials, teacher vacancies and misassignment,

and the emergency or urgent facility issues.

-Preparing and posting a notice in each classroom to notify the public that there should be sufficient instructional materials, the facilities must be in good repair, and of the location for the parent or guardian to obtain a complaint form.

-Preparing and operating a complaint resolution process whereby the district designee shall receive and investigate and remedy any complaint within thirty working days, and reporting the results to the complainant within forty-five working days.

-The governing board to establish a process and consider appeals if the complainant is not satisfied with the district resolution of the complaint.

-Participating in the state's complaint resolution process if a complaint involves an emergency facility issue or an appeal of the governing board action filed with the Superintendent of Public Instruction

-Preparing and submitting a quarterly report to the county superintendent and district board for public hearing on the nature and resolution of the type of complaints specified.

Estimated Costs October 2004 through June 2005 $2,605

Estimated Costs July 2005 through June 2006 $5,000

7. FINANCIAL AND COMPLIANCE AUDITS

Financial Audit Exceptions Staff time for:

-Preparing and providing to the district's financial auditor a written correction plan to correct exceptions pertaining to use of instructional materials program funds, teacher

misassignments, and information reported on the school accountability report card.

-Responding to COE audit exception review findings.

-Paying any penalty for insufficiency of textbooks or instructional materials, teacher misassignments, or accuracy of information reported in SARC, which is not excused by the state.

Estimated Costs October 2004 through June 2005 $ 513

Estimated Costs July 2005 through June 2006 $1,000

8. COMPREHENSIVE SCHOOL FACILITY NEEDS ASSESSMENT

School Facilities Needs Assessment(SFNA) Staff time:

-Completing the one-time comprehensive school facilities needs assessment by January 2006 for Deciles 1-3 schools with buildings newly constructed prior to January 2000. Maintaining a copy of the school facilities needs assessment and a list of emergency or urgent repairs completed or to be completed on site.

-Making emergency and urgent repairs.

-Prepare the State Allocation Board required status reports, progress reports, and site assessment reports for submission to the county office of education and to the Office of Public School Instruction in order to obtain one-time School Facility Needs Assessment Grant Program funds ($10 per pupil, with a minimum amount of $7,500 per schoolsite) to reimburse the unbudgeted administrative or third party costs incurred as a result of performing the Needs Assessment and specified repairs after the Needs Assessment.

Complying with any audit requirements.

-For each building component or system, preparing and submitting to the State Allocation Board the request for SFERA reimbursement for the cost of emergency and urgent repair projects and certification of fund use. Complying with any audit requirements.

Estimated Costs October 2004 through June 2005 $ no data

Estimated Costs July 2005 through June 2006 $ no data

9. COE INSPECTIONS OF DISTRICT'S WILLIAMS DECILES 1-3 SCHOOLS

A Preparing for the COE Reviews: Staff time to prepare the reports and information required by the county office of education for its evaluation of the district's and decile 1-3 school compliance with Williams.

Estimated Costs October 2004 through June 2005 $9,881

Estimated Costs July 2005 through June 2006 $15,000

B Participating in the COE Reviews: Staff time to schedule site visits, staff and student interviews, documentation, and other administrative tasks to facilitate the reviews.

Estimated Costs October 2004 through June 2005 $1,625

Estimated Costs July 2005 through June 2006 $3,000

C Remediaton After COE Reviews: Staff time to prepare and implement corrective actions, facility repairs, apply for special funding, board action, updating policy and procedures, and other actions in response to the site inspection findings.

Estimated Costs October 2004 through June 2005 $ 0

Estimated Costs July 2005 through June 2006 $5,000

10. NON-LABOR WILLIAMS REMEDIATION COSTS

The amount of non-labor costs (materials, supplies, contractors, purchased services) incurred by the district for Williams remediation:

Expenditures Incurred or Budgeted		FY 2004-05	FY 2005-06
1.	School Facilities Needs Assessment	$ no data	$
2.	School Facilities Emergency Repairs	$ no data	$
3.	Instructional Materials	$ 347,821	$ 789,585
4.	Teacher Misassignment	$	$
5.	SARC	$	$
6.	Uniform Complaint Procedure	$	$
	TOTALS	$	$

PART 3. FUNDING SOURCES

Statutes of 2004, Chapter 899 (SB 6) appropriated funds to State Department of Education for transfer to the State Allocation Board for grants to school districts under the School Facilities Needs Assessment Grant Program and the School Facilities Emergency Repair Account. Statutes of 2004, Chapter 900 (SB 550) appropriated funds to the State Department of Education for transfer to the Instructional Materials Fund for purposes of acquiring instructional materials. From these appropriations, the Sweetwater Union High School District has received, or has receivable, the following amounts:

State Funds Received or Receivable		FY 2004-05	FY 2005-06
1.	School Facilities Needs Assessment	$ no data	$ no data
2.	School Facilities Emergency Repairs	$ no data	$ no data
3.	Instructional Materials	$1,137,406	$ unknown

No federal funds have been received by the District, or are receivable, which were specifically appropriated to implement this mandate. No other state or local monies were received by the District, or are receivable, which were specifically appropriated to implement this mandate. No federal, state, local government, or private grants or awards have been received by the District, or are receivable, which were specifically designated to implement this mandate. There is no authority in federal, state, or local law for this District to levy fees to offset the costs to implement this mandate.

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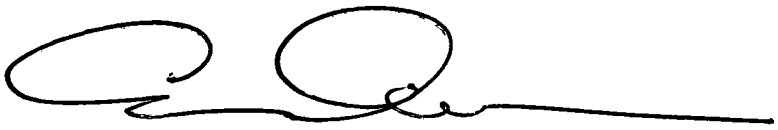
CERTIFICATION

I hereby declare under penalty of perjury under the laws of the State of California that the information in this declaration is true and complete to the best of my own knowledge or information or belief.

EXECUTED this 12 day of September, 2005, at Chula Vista, California



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SWEETWATER UNION HIGH SCHOOL DISTRICT
WILLIAMS TEST CLAIM
SUMMARY OF DECLARATION DETAILED COSTS
2004-05

DECILE 1-3
PREPARING **(1)** [1,2,3]

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
P. Parr	15.0	39.78	597
J. Dominquez	77.4	76.43	5,916
M. Fraga-Lopez	15.0	42.99	645
M. Castilleja	3.0	81.25	244
R. Livesay	60.0	68.99	4,139
M. Litwiller	5.0	69.87	349
L. Nelson	8.0	35.81	286
E. Anastos	12.0	89.56	1,075
M. Stuckey	5.0	24.78	124
N. Stubbs	2.0	63.37	127
E. Brand	52.0	151.25	7,865
			21,367

DECILE 1-3
TEACHER ASSIGNMENTS **(4)** [7, 8]

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
E. Anastos	6.0	89.56	537
K. O'Brien	206.0	40.24	8,290
			8,828

DECILE 1-3
SARC (5)

Employee Name	Time on Task	Hourly Wage and Benefits	Costs

DECILE 1-3
COMPLAINT PROCEDURE (6) [9]

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
J. Dominquez	20.0	76.43	1,529
R. Livesay	1.0	68.99	69
J. Cobian	4.0	28.85	115
A. Melendrez	1.0	71.40	71
O. Mays	1.0	28.85	29
L. Maestre	10.0	79.21	792
			2,605

DECILE 1-3
INSPECTIONS **(2)**

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
Calculated Average	45.0	29.75	1,339

DECILE 1-3
INSTRUCTIONAL MATERIALS **(3)** [4]

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
J. Dominquez	10.0	76.43	764
M. Urias-Islas	15.0	76.43	1,146
G. Lopez	79.5	43.99	3,497
J. Neria	11.0	49.27	542
M. Castilleja	8.0	81.25	650
W. Fernal	16.0	24.89	398
R. Livesay	8.0	68.99	552
D. Jenkins	1.0	76.43	76
M. Gonzalez	3.0	71.40	214
J. Cobian	9.0	28.85	260
C. Gonzalez	40.0	53.42	2,137
K. Janney	5.0	81.26	406
A. Melendrez	8.0	71.40	571
O. Mays	8.0	28.85	231
N. Stubbs	4.5	63.37	285
L. Nelson	40.0	35.81	1,432
E. Anastos	1.0	89.56	90
L. Maestre	6.0	79.21	475
E. Brand	3.0	151.25	454
			14,182

DECILE 1-3
FINANCIAL (7) [10]

Employee Name	Time on Task	Hourly Wage and Benefits	Costs
R. Livesay	4.0	68.99	276
D. Martens	3.0	36.65	110
B. Atwood	1.5	36.78	55
D. Russo	1.0	72.24	72
			513

SWEETWATER UNION HIGH SCHOOL DISTRICT
WILLIAMS TEST CLAIM
SUMMARY OF DECLARATION DETAILED COSTS
2004-05

Employee Name	DECILE 1-3 NEEDS ASSESSMENT (8) Time on Task	Hourly Wage and Benefits	Costs

Employee Name	DECILE 1-3 REMEDIATION (10) [6] Time on Task	Hourly Wage and Benefits	Costs
J. Dominquez	8.5	76.43	650
R. Livesay	8.0	68.99	552
E. Brand	5.0	151.25	756
			1,958

Employee Name	DECILE 1-3 COE INSPECTIONS (9) [5] Time on Task	Hourly Wage and Benefits	Costs
J. Dominquez	40.0	76.43	3,057
M. Urias-Islas	1.0	76.43	76
G. Lopez	0.5	43.99	22
J. Neria	2.0	49.27	99
M. Castilleja	1.0	81.25	81
R. Livesay	12.0	68.99	828
D. Jenkins	1.0	76.43	76
M. Gonzalez	5.0	71.40	357
J. Cobian	3.0	28.85	87
K. Janney	1.0	81.26	81
M. Litwiller	52.0	69.87	3,633
M. Stuckey	52.0	24.78	1,289
N. Stubbs	0.3	63.37	19
L. Nelson	30.0	35.81	1,074
E. Anastos	1.0	89.56	90
L. Maestre	6.0	79.21	475
E. Brand	1.0	151.25	151
			11,496

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Patricia K. Parr
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	3.0				
2	1.0				
3	11.0				
4					
5					
6					
7					
8					
9					
10					
	15.0				
		32.88	0.21	39.78	
					596.70

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Jorge Dominquez
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	52.5				
2	14.6				
3	10.3				
4	10.0				
5	40.0				
6	8.5				
7					
8					
9	20.0				
10					
	155.9				
		63.16	0.21	76.43	
					11,915.17

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Martha Urias-Islas*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	15.0				
5	1.0				
6					
7					
8					
9					
10					
	16.0				
		63.16	0.21	76.43	
					1,222.85

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Gabriela Lopez
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	79.5				
5	0.5				
6					
7					
8					
9					
10					
	80.0				
		36.35	0.21	43.99	
					3,518.94

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Juan M. Neria*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	11.0				
5	2.0				
6					
7					
8					
9					
10					
	13.0	40.72	0.21	49.27	640.50

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Martha Fraga-Lopez*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	5.0				
2	8.0				
3	2.0				
4					
5					
6					
7					
8					
9					
10					
	15.0	35.53	0.21	42.99	644.81

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Maria Castilleja
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3	3.0				
4	8.0				
5	1.0				
6					
7					
8					
9					
10					
	12.0	67.15	0.21	81.26	975.09

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Wilson Farnal
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	16.0				
5					
6					
7					
8					
9					
10					
	16.0	20.57	0.21	24.89	398.17

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Rick Livesy
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	24.0				
2	16.0				
3	20.0				
4	8.0				
5	12.0				
6	8.0				
7					
8					
9	1.0				
10	4.0				
	93.0	57.02	0.21	68.99	6,416.30

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Doug Jenkins*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	6.0				
5	1.0				
6					
7					
8					
9					
10					
	7.0	63.16	0.21	76.43	535.00

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Manuel Gonzalez
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	3.0				
5	5.0				
6					
7					
8					
9					
10					
	8.0	59.01	0.21	71.40	571.20

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Livier Nelson
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3	8.0				
4					
5	40.0				
6	30.0				
7					
8					
9					
10					
	78.0	29.59	0.21	35.81	2,793.02

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Jose Cobian*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	9.0				
5	3.0				
6					
7					
8					
9	4.0				
10					
	16.0	23.84	0.21	28.85	461.54

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Ernie Anastos
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	4				
2	4				
3	4				
4	1				
5	1				
6					
7	6				
8					
9					
10					
	20	74.02	0.21	89.56	1,791.20

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Camille Gonzalez
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	40.0				
5					
6					
7					
8					
9					
10					
	40.0	44.15	0.21	53.42	2,136.85

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Karen Janney*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	5.0				
5	1.0				
6					
7					
8					
9					
10					
	6.0	67.15	0.21	81.26	487.54

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Marsha Litwiller
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3	5.0				
4					
5	52.0				
6					
7					
8					
9					
10					
	57.0	57.74	0.21	69.87	3,982.38

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Martha Stuckey
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4					
5	52.0				
6					
7					
8					
9					
10					
	52.0	20.48	0.21	24.78	1,288.81

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Alfonso Melendrez*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	8.0				
5					
6					
7					
8					
9	1.0				
10					
	9.0	59.01	0.21	71.40	642.60

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Orbie Mays
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	8.0				
5					
6					
7					
8					
9	1.0				
10					
	9.0	23.84	0.21	28.85	259.62

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Nancy Stubbs*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3	2.0				
4	4.5				
5	0.3				
6					
7					
8					
9					
10					
	6.8	52.37	0.21	63.37	430.93

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Luis Maestre*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4	6.0				
5	6.0				
6					
7					
8					
9	10.0				
10					
	22.0	65.47	0.21	79.21	1,742.70

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Edward Brand*
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1	52.0				
2					
3					
4	3.0				
5	1.0				
6	5.0				
7					
8					
9					
10					
	61.0	125.00	0.21	151.25	9,226.25

* Costs derived from district survey of actual time on task.

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Kathryn O'Brien
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3	6.0				
4					
5					
6	120.0				
7	40.0				
8					
9					
10	40.0				
	206.0	33.26	0.21	40.24	8,290.39

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Doug Martens
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4					
5					
6					
7					
8					
9					
10	3				
	3				
		30.29	0.21	36.65	
					109.94

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Barbara Atwood
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4					
5					
6					
7					
8					
9					
10	1.5				
	1.5				
		30.39	0.21	36.78	
					55.16

SWEETWATER UNION HIGH SCHOOL DISTRICT
Williams Settlement Salary Cost Estimate
Dianne Russo
2004-05

Task No.	Hours on Task	Productive Hourly Rate	Benefit Factor	Total Productive Rate	Total Estimated Costs
1					
2					
3					
4					
5					
6					
7					
8					
9					
10	1				
	1				
		59.70	0.21	72.24	
					72.24

DECLARATION OF Victoria Carreon

San Diego County Office of Education

Test Claim of San Diego County Office of Education
and Sweetwater Union High School District

COSM No. _____

Statutes of 2004, Chapter 899 (SB 6)
Statutes of 2004, Chapter 900 (SB 550)
Statutes of 2004, Chapter 902 (AB 3001)
Statutes of 2004, Chapter 903 (AB 2727)

Williams Case Implementation

I, **Victoria Carreon,** the undersigned, declare:

I am over the age of 18 and otherwise competent to testify in any court or administrative proceeding. I have been employed by the San Diego County Office of Education since **June 2003**. At the present time, I am a **Consultant, Business Advisory Services** for the San Diego County Office of Education. I am familiar with the provisions and requirements of the statutes enumerated above. For the period October 1, 2004 through June 30, 2005, I performed the following functions required to implement the state mandate for the indicated estimated hours:

PREPARATION FOR THE MANDATE

1. Policies and Procedures: Developing and adopting policies and procedures to implement the mandate. 52.5 hours.

2. Reports and Forms: Developing the reports, forms, and format to be used for reviews, evaluations, and audits of school districts. 11 hours.

3. Training: Preparing, presenting, and attending training on how to

SAMPLE

implement the mandate. 22.5 hours.

DECILE 1-3 SCHOOLS INSPECTIONS

4. Preparing for Onsite Visits: Preparing the materials needed for the visit, scheduling personnel and locations, notification of districts, and other related administrative tasks. 3 hours.

5. Conducting the Onsite Visit: Inspections, staff interviews, data research, and related tasks. 13 hours.

6. Reports and Monitoring: Data evaluation, report preparation, notification to district, compliance reporting to the state, and FCMAT referrals. .5 hours.

UNIFORM COMPLAINT PROCEDURE

7. Quarterly Uniform Complaint Report: Receiving and processing the quarterly complaint report from school districts. 10.5 hours.

Based on my productive hourly rate of $68.32, it is estimated that the San Diego County Office of Education incurred $7720.16 to compensate me for the total time of 113 hours spent implementing these activities for the period October 1, 2004 through June 30, 2005, and for which the San Diego County Office of Education did not receive state funding for this purpose and cannot otherwise obtain reimbursement.

The foregoing facts are known to me personally and, if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the

laws of the State of California that the foregoing is true and correct except where stated upon information or belief and where so stated I declare that I believe them to be true.

EXECUTED this 8th day of September, 2005, at San Diego, California.

Victoria Carreon

Victoria Carreon
Consultant, Business Advisory Services
San Diego County Office of Education

Document	Pages	Total Pages
Statutes of 2004, Chapter 899 (SB 6)	5240-5245	3
Statutes of 2004, Chapter 900 (SB 550)	5245-5275	16
Statutes of 2004, Chapter 902 (AB 3001)	5281-5295	8
Statutes of 2004, Chapter 903 (AB 2727)	5294-5297	2
Statutes of 2005, Chapter 118 (AB 831)	1589-1613	13

Exhibit B STATUTES

(2)(A) If eligibility for the preliminary apportionment was calculated pursuant to Section 17071.76, the current year or five-year projected enrollment as recorded on a cohort survival enrollment projection system, developed and approved by the board, that uses pupil residence in the high school attendance area, for the year in which the application for the final apportionment is submitted.

(B) A district that uses the method described in this paragraph to calculate enrollment shall also use this method to calculate enrollment for all applications it submits for final apportionments for projects for which preliminary apportionments were approved from the same bond authorization.

SCHOOLS AND SCHOOL DISTRICTS—REPAIRS—FUNDS

CHAPTER 899

S.B. No. 6

AN ACT to add Section 41207.5 to, and to add Article 1.5 (commencing with Section 17592.70) to Chapter 5 of Part 10.5 of, the Education Code, relating to school facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 6, Alpert. School facilities: needs assessment: emergency repairs.

Existing law requires the governing board of any school district to furnish and repair the school property of its district and authorizes each school district to establish a restricted fund, known as the district deferred maintenance fund, for the purpose of major repair or replacement of specified items. Existing law requires the State Allocation Board to apportion from the State School Deferred Maintenance Fund, to eligible school districts, an amount equal to $1 for each $1 of local funds deposited in the district's deferred maintenance fund.

This bill would establish the School Facilities Needs Assessment Grant Program, to be administered by the State Allocation Board, for the purpose of awarding grants to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, as specified, to conduct a one-time comprehensive assessment of school facilities needs, as provided.

The bill would establish in the State Treasury the School Facilities Emergency Repair Account, to be administered by State Allocation Board, for the purpose of reimbursing school districts with schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, as specified, for emergency facility repairs, as provided. The bill would specify the source of the funds to be deposited into this account, including from the Proposition 98 Reversion Account, and would prescribe other requirements relating to the transfer of those funds.

The bill would require the State Allocation Board, for purposes of the above new program and account, to adopt regulations, establish and publish any procedures and policies for their administration, apportion funds to eligible school districts, provide technical assistance to school districts, and make specified reports to the Governor and the Legislature.

This bill would establish in the General Fund the Proposition 98 Reversion Account and would require the Legislature to transfer into this account moneys previously appropriated in satisfaction of the requirements of Section 8 of Article XVI of the California Constitution that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated. The bill would require moneys that are appropriated in satisfaction of the minimum funding obligation under Section 8 of Article XVI of the California Constitution that would otherwise revert to the unexpended balance of the General Fund to be instead deposited in this new account.

This bill would appropriate $250,000 from the General Fund to the State Allocation Board for the administration of the School Facilities Needs Assessment Grant Program and the School Facilities Emergency Repair Account for the 2004–05 fiscal year.

This bill would appropriate $30,000,000 from the General Fund, of which $25,000,000 would be appropriated to the State Department of Education for transfer to the State Allocation Board for grants to school districts under the School Facilities Needs Assessment Grant Program and $5,000,000 would be appropriated for transfer to the School Facilities Emergency Repair Account. The bill would require the Controller to transfer those funds, as provided, upon receipt of certification from the Office of Public School Construction. The bill would provide that for the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation is General Fund revenues appropriated for school districts for the 2003–04 fiscal year.

This bill would state that the intent of the Legislature in enacting this act is to implement the settlement agreement in the case of Williams v. State of California.

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

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 1.5 (commencing with Section 17592.70) is added to Chapter 5 of Part 10.5 of the Education Code, to read:

Article 1.5. School Assessments of Buildings and Emergency Repairs Grant Program

17592.70. (a) There is hereby established the School Facilities Needs Assessment Grant Program with the purpose to provide for a one-time comprehensive assessment of school facilities needs. The grant program shall be administered by the State Allocation Board.

(b)(1) The grants shall be awarded to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school newly constructed prior to January 1, 2000.

(2) For purposes of this section, schools ranked in deciles 1 to 3, inclusive, on the 2003 base Academic Performance Index (API) shall include any schools determined by the State Department of Education to meet either of the following:

(A) The school meets all of the following criteria:

(i) Does not have a valid base API score for 2003.

(ii) Is operating in fiscal year 2004–05 and was operating in fiscal year 2003–04 during the Standardized Testing and Reporting (STAR) Program testing period.

(iii) Has a valid base API score for 2002 that was ranked in deciles 1 to 3, inclusive, in that year.

(B) The school has an estimated base API score for 2003 that would be in deciles 1 to 3, inclusive.

(3) The State Department of Education shall estimate an API score for any school meeting the criteria of clauses (i) and (ii) of subparagraph (A) of paragraph (2) and not meeting the criteria of clause (iii) of subparagraph (A) of that paragraph, using available testing scores and any weighting or corrective factors it deems appropriate. The department shall provide those API scores to the Office of Public School Construction and post them on its Web site within 30 days of the enactment of this section.

(c) The board shall allocate funds pursuant to subdivision (b) to school districts with jurisdiction over eligible schoolsites, based on ten dollars ($10) per pupil enrolled in the eligible school as of October 2003, with a minimum allocation of seven thousand five hundred dollars ($7,500) for each schoolsite.

(d) As a condition of receiving funds pursuant to this section, school districts shall do all of the following:

(1) Use the funds to develop a comprehensive needs assessment of all schoolsites eligible for grants pursuant to subdivision (b). The assessment shall contain, at a minimum, all of the following information for each schoolsite:

(A) The year each building that is currently used for instructional purposes was constructed.

(B) The year, if any, each building that is currently used for instructional purposes was last modernized.

(C) The pupil capacity of the school.

(D) The number of pupils enrolled in the school.

(E) The density of the school campus measured in pupils per acre.

(F) The total number of classrooms at the school.

(G) The age and number of portable classrooms at the school.

(H) Whether the school is operating on a multitrack, year-round calendar, and, if so, what type.

(I) Whether the school has a cafeteria, or an auditorium or other space used for pupil eating and not for class instruction.

(J) The useful life remaining of all major building systems for each structure housing instructional space, including, but not limited to, sewer, water, gas, electrical, roofing, and fire and life safety protection.

(K) The estimated costs for five years necessary to maintain functionality of each instructional space to maintain health, safety, and suitable learning environment, as applicable, including classroom, counseling areas, administrative space, libraries, gymnasiums, multipurpose and dining space, and the accessibility to those spaces.

(L) A list of necessary repairs.

(2) Use the data currently filed with the state as part of the process of applying for and obtaining modernization or construction funds for school facilities, or information that is available in the California Basic Education Data System for the element required in subparagraphs (D), (E), (F), and (G) of paragraph (1).

(3) Use the assessment as the baseline for the facilities inspection system required pursuant to subdivision (e) of Section 17070.75.

(4) Provide the results of the assessment to the Office of Public School Construction, including a report on the expenditures made in performing the assessment. It is the intent of the Legislature that the assessments be completed as soon as possible, but not later than January 1, 2006.

(5) If a school district does not need the full amount of the allocation it receives pursuant to this section, the school district shall expend the remaining funds for making facilities repairs identified in its needs assessment. The school district shall report to the Office of Public School Construction on the repairs completed pursuant to this paragraph and the cost of the repairs.

(6) Submit to the Office of Public School Construction an interim report regarding the progress made by the school district in completing the assessments of all eligible schools.

17592.71. (a) There is hereby established in the State Treasury the School Facilities Emergency Repair Account. The State Allocation Board shall administer the account.

(b) Commencing with the 2005–06 fiscal year, an amount of moneys shall be transferred in the annual Budget Act from the Proposition 98 Reversion Account to the School Facilities Emergency Repair Account equaling 50 percent of the unappropriated balance of the Proposition 98 Reversion Account or one hundred million dollars ($100,000,000), whichever amount is greater. Moneys transferred pursuant to this subdivision shall be used for the purpose of addressing emergency facilities needs pursuant to Section 17592.72.

(c) The Legislature may transfer to the School Facilities Emergency Repair Account other one-time Proposition 98 funds, except funds specified pursuant to Section 41207. Donations by private entities shall be deposited in the account and, for tax purposes, be treated as otherwise provided by law.

(d) Funds shall be transferred pursuant to this section until a total of eight hundred million dollars ($800,000,000) has been disbursed from the School Facilities Emergency Repair Account.

17592.72. (a) All moneys in the School Facilities Emergency Repair Account are available for reimbursement to schools ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school, as defined in subdivision (b) of Section 17592.70, to meet the repair costs of the school district projects that meet the criteria specified in subdivisions (c) and (d) and as approved by the State Allocation Board.

(b)(1) It is the intent of the Legislature that each school district exercise due diligence in the administration of deferred maintenance and regular maintenance in order to avoid the occurrence of emergency repairs.

(2) Funds made available pursuant to this article shall supplement, not supplant, existing funds available for maintenance of school facilities.

(3) The board is authorized to deny future funding pursuant to this article to a school district if the board determines that there is a pattern of failure to exercise due diligence pursuant to paragraph (1) or supplantation. If the board finds a pattern of failure to exercise due diligence, the board shall notify the county superintendent of schools in which the school district is located.

(c)(1) For purposes of this article, "emergency facilities needs" means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repair or replacements of:

(A) Gas leaks.

(B) Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.

(C) Electrical power failure.

(D) Major sewer line stoppage.

(E) Major pest or vermin infestation.

(F) Broken windows or exterior doors or gates that will not lock and that pose a security risk.

(G) Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.

(H) Structural damage creating a hazardous or uninhabitable condition.

(2) For purposes of this section, "emergency facilities needs" does not include any cosmetic or nonessential repairs.

(d) For the purpose of this section, structures or components shall only be replaced if it is more cost-effective than repair.

17592.73. (a) The State Allocation Board shall do all of the following:

(1) Adopt regulations and review and amend its regulations, as necessary, pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), for the administration of this article, including those necessary to specify the qualifications of the personnel performing the needs assessment and a method to ensure their independence. The initial regulations adopted pursuant to this article shall be adopted as emergency regulations, and the circumstances related to the initial adoption are hereby deemed to constitute an emergency for this purpose. The initial regulations adopted pursuant to this article shall be adopted by January 31, 2005.

(2) Establish and publish any procedures and policies in connection with the administration of this article as it deems necessary.

(3) Apportion funds to eligible school districts under this article.

(4) Provide technical assistance to school districts to implement this article.

(5) Submit an interim status report to the Legislature and the Governor by June 30, 2005, by compiling the reports submitted pursuant to paragraph (6) of subdivision (d) of Section 17592.70.

(6) By June 30, 2008, report to the Legislature and the Governor on expenditures pursuant to Section 17592.72 and projections of future expenditures pursuant to Section 17592.72.

SEC. 2. Section 41207.5 is added to the Education Code, to read:

41207.5. There is hereby established in the General Fund the Proposition 98 Reversion Account. The Legislature shall, from time to time, transfer into the Proposition 98 Reversion Account moneys previously appropriated in satisfaction of the requirements of Section 8 of Article XVI of the California Constitution that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated. Moneys that are appropriated in satisfaction of the minimum funding obligation under Section 8 of Article XVI of the California Constitution that would otherwise revert to the unexpended balance of the General Fund shall instead be deposited in the Proposition 98 Reversion Account.

SEC. 3. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to the State Allocation Board for the administration of Article 1.5 (commencing with Section 17592.70) of Chapter 5 of Part 10.5 of the Education Code for the 2004–05 fiscal year.

SEC. 4. (a) The sum of thirty million dollars ($30,000,000) is hereby appropriated from the General Fund according to the following schedule:

(1) The sum of twenty-five million dollars ($25,000,000) to the State Department of Education for transfer to the State Allocation Board for grants to school districts pursuant to Section 17592.70 of the Education Code.

(2) The sum of five million dollars ($5,000,000) for transfer to the School Facilities Emergency Repair Account for grants to school districts pursuant to Section 17592.72 of the Education Code.

(3) The Controller shall transfer any amount certified by the Office of Public School Construction to be needed to fully fund the grants provided pursuant to Section 17592.70 of the Education Code from the appropriation in paragraph (2) to the appropriation in paragraph (1). The Controller shall transfer any amount certified by the Office of Public School Construction to be unneeded to fully fund the grants provided pursuant to Section 17592.70 of the Education Code from the appropriation in paragraph (1) to the appropriation in paragraph (2). The Controller shall not make the transfer provided in paragraph (2) until receiving a certification from the Office of Public School Construction pursuant to this paragraph.

(b) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

SEC. 5. It is the intent of the Legislature in enacting this act to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) and that local educational agencies, county offices of education, and state agencies with responsibility for implementing this act begin implementation as soon as practicable and with due diligence. Local educational agencies and county offices of education should use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes, regulations, and technical guidance may be provided in the future and may supersede local interpretations. The state recognizes that due to the date of enactment of this act and the time it will take to allocate the funding to local educational agencies and county offices of education, that full implementation of some of the provisions for school terms beginning in 2004–05 is impracticable.

SEC. 6. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to improve the condition of school facilities and to ensure the safety of pupils at public schools and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—SUPERINTENDENTS—MAINTENANCE AND REPAIRS

CHAPTER 900

S.B. No. 550

AN ACT to amend Sections 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 33126, 33126.1, 41020, 52055.625, 52055.640, 60119, 60240, and 60252 of, to add Sections 35186, 41344.4, and 52055.662 to, and to repeal Section 62000.4 of, the Education Code, and to amend Section 36 of Chapter 216 of the Statutes of 2004, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 550, Vasconcellos. Education.

(1) Existing law requires a county superintendent of schools, among other things, to visit and examine each school in the county to observe its operation and learn of its problems. Existing law authorizes the county superintendent to annually present a report on the state of the schools in the county to the board of education and the board of supervisors of the county.

This bill would require the county superintendent to annually present a report to the governing board of each school district under his or her jurisdiction and to the board of supervisors of the county describing the state of the schools in the county and of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, thereby imposing a state-mandated local program. The bill would require the county superintendent for the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco to contract with a neighboring county office of education or an independent auditor to conduct the required visits and make all required reports. The bill would make the priority objective of the visits to determine if there are sufficient textbooks, conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff, and accurate data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, the safety, cleanliness, adequacy, and good repair of school facilities.

(2) Existing law requires a county superintendent of schools, among other things, to enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority.

This bill would require the county superintendent, for purposes of enforcing the use of required textbooks and instructional materials, to specifically review at least annually schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index and that are not currently under review through a state or federal intervention program, thereby imposing a state-mandated local program. If the county superintendent determines that a school does not have sufficient textbooks or instructional materials, the bill would require the county superintendent to prepare a report that identifies and documents the areas or instances of noncompliance, provide a copy of the report to the school district, forward the report to the Superintendent of Public Instruction, and provide the school district with the opportunity to remedy the deficiency. If the deficiency is not remedied, the bill

(5) Submit an interim status report to the Legislature and the Governor by June 30, 2005, by compiling the reports submitted pursuant to paragraph (6) of subdivision (d) of Section 17592.70.

(6) By June 30, 2008, report to the Legislature and the Governor on expenditures pursuant to Section 17592.72 and projections of future expenditures pursuant to Section 17592.72.

SEC. 2. Section 41207.5 is added to the Education Code, to read:

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SEC. 3. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to the State Allocation Board for the administration of Article 1.5 (commencing with Section 17592.70) of Chapter 5 of Part 10.5 of the Education Code for the 2004–05 fiscal year.

SEC. 4. (a) The sum of thirty million dollars ($30,000,000) is hereby appropriated from the General Fund according to the following schedule:

(1) The sum of twenty-five million dollars ($25,000,000) to the State Department of Education for transfer to the State Allocation Board for grants to school districts pursuant to Section 17592.70 of the Education Code.

(2) The sum of five million dollars ($5,000,000) for transfer to the School Facilities Emergency Repair Account for grants to school districts pursuant to Section 17592.72 of the Education Code.

(3) The Controller shall transfer any amount certified by the Office of Public School Construction to be needed to fully fund the grants provided pursuant to Section 17592.70 of the Education Code from the appropriation in paragraph (2) to the appropriation in paragraph (1). The Controller shall transfer any amount certified by the Office of Public School Construction to be unneeded to fully fund the grants provided pursuant to Section 17592.70 of the Education Code from the appropriation in paragraph (1) to the appropriation in paragraph (2). The Controller shall not make the transfer provided in paragraph (2) until receiving a certification from the Office of Public School Construction pursuant to this paragraph.

(b) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

SEC. 5. It is the intent of the Legislature in enacting this act to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) and that local educational agencies, county offices of education, and state agencies with responsibility for implementing this act begin implementation as soon as practicable and with due diligence. Local educational agencies and county offices of education should use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes, regulations, and technical guidance may be provided in the future and may supersede local interpretations. The state recognizes that due to the date of enactment of this act and the time it will take to allocate the funding to local educational agencies and county offices of education, that full implementation of some of the provisions for school terms beginning in 2004–05 is impracticable.

SEC. 6. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to improve the condition of school facilities and to ensure the safety of pupils at public schools and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—SUPERINTENDENTS—MAINTENANCE AND REPAIRS

CHAPTER 900

S.B. No. 550

AN ACT to amend Sections 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 33126, 33126.1, 41020, 52055.625, 52055.640, 60119, 60240, and 60252 of, to add Sections 35186, 41344.4, and 52055.662 to, and to repeal Section 62000.4 of, the Education Code, and to amend Section 36 of Chapter 216 of the Statutes of 2004, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 550, Vasconcellos. Education.

(1) Existing law requires a county superintendent of schools, among other things, to visit and examine each school in the county to observe its operation and learn of its problems. Existing law authorizes the county superintendent to annually present a report on the state of the schools in the county to the board of education and the board of supervisors of the county.

This bill would require the county superintendent to annually present a report to the governing board of each school district under his or her jurisdiction and to the board of supervisors of the county describing the state of the schools in the county and of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, thereby imposing a state-mandated local program. The bill would require the county superintendent for the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco to contract with a neighboring county office of education or an independent auditor to conduct the required visits and make all required reports. The bill would make the priority objective of the visits to determine if there are sufficient textbooks, conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff, and accurate data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, the safety, cleanliness, adequacy, and good repair of school facilities.

(2) Existing law requires a county superintendent of schools, among other things, to enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority.

This bill would require the county superintendent, for purposes of enforcing the use of required textbooks and instructional materials, to specifically review at least annually schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index and that are not currently under review through a state or federal intervention program, thereby imposing a state-mandated local program. If the county superintendent determines that a school does not have sufficient textbooks or instructional materials, the bill would require the county superintendent to prepare a report that identifies and documents the areas or instances of noncompliance, provide a copy of the report to the school district, forward the report to the Superintendent of Public Instruction, and provide the school district with the opportunity to remedy the deficiency. If the deficiency is not remedied, the bill

would require the county superintendent to request the State Department of Education, with approval by the State Board of Education, to purchase textbooks or instructional materials for the school. The bill would require that the funds necessary for the purchase be considered a loan to the school district to be repaid based upon an agreed-upon schedule with the Superintendent of Public Instruction, or by deducting an amount from the district's next principal apportionment or other apportionment of state funds. The bill would authorize the department to expend up to $5,000,000 from the State Instructional Materials Fund to acquire instructional materials for school districts for purposes of these provisions.

(3) Existing law, the Leroy F. Greene State School Building Lease–Purchase Law of 1976, the Leroy F. Greene State School Building Lease–Purchase Law of 1998, and the State Relocatable Classroom Law of 1979, requires the State Allocation Board to require a school district that receives funds for a school construction or modernization project pursuant to those laws, to make all necessary repairs, renewals, and replacement to ensure that a project is at all times kept in good repair, working order, and condition.

Existing law requires the State Allocation Board to establish the annual rent and conditions to be met by a school district to which it leases portable classrooms and requires a school district to undertake all necessary repairs, renewals, and replacement to ensure that those portable classrooms are at all times kept in good repair, working order, and condition.

This bill would, as a condition of participation in the school facilities program and the receipt of funds pursuant to the deferred maintenance program, require a school district to establish a facilities inspection system to ensure that each of its schools is in good repair, as defined in the bill.

(4) Existing law requires the Controller, in consultation with the Department of Finance and the State Department of Education, to develop a plan to review and report on financial and compliance audits, and with representatives of other entities, to recommend the statements and other information to be included in the audit reports filed with the state by local educational agencies and to propose the content of an audit guide.

This bill would require a compliance audit to include the verification of the reporting requirements for the sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of information reported on the school accountability report card.

(5) Existing law, the Classroom Instructional Improvement and Accountability Act, requires each school district to develop and implement a school accountability report card, as prescribed. The existing act prohibits any change to its provisions, except a change to further its purpose enacted by a bill passed by a vote of ⅔ of the Legislature and signed by the Governor.

This bill would require the school accountability report card to include information regarding the availability of sufficient textbooks and other instructional materials for each pupil, any needed maintenance of school facilities to ensure good repair, the misassignments of teachers, including misassignments of English learner teachers, and the number of vacant teacher positions for the most recent 3–year period. The bill would define "misassignment" and "vacant position" for this purpose. By requiring school districts to include this additional information on the school accountability report card, the bill would impose a state-mandated local program. The bill would also provide that if the Commission on State Mandates finds a school district eligible for the reimbursement of costs incurred in complying with the requirements regarding the school accountability report card, the school district is to be reimbursed only if the information provided in the school accountability report card is accurate, as determined by a specified annual audit, or if the information is determined to be inaccurate, the information is corrected by May 15.

Existing law requires the State Department of Education to develop and recommend for adoption a standardized template for the school accountability report card and requires the standardized template to include fields for the insertion of data and information by the department and by local educational agencies.

This bill would require that template to also include a field to report the determination of the sufficiency of textbooks and instructional materials and a summary statement of the condition of school facilities. The bill would require the department to provide examples of

summary statements of the condition of school facilities that are acceptable and those that are unacceptable.

This bill would declare that these provisions further the purposes of the Classroom Instructional Improvement and Accountability Act.

(6) Existing regulations require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints and require each local educational agency to include in its policies and procedures the person, employee, or agency position or unit responsible for receiving complaints, investigating complaints, and ensuring local educational agency compliance.

This bill would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. The bill would require a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage. By requiring the posting of this notice, the bill would impose a state-mandated local program.

(7) Existing law requires a county superintendent of schools to provide for an audit of all funds under his or her jurisdiction and requires the governing board of a local educational agency to either provide for an audit of the books and accounts of the local educational agency or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing. Existing law requires a county superintendent of schools to be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions were either corrected or an acceptable plan of correction was developed.

This bill would, commencing with the 2004–05 audit of local educational agencies, require the county superintendent of schools to include in the review of audit exceptions those audit exceptions related to use of instructional materials program funds, teacher misassignments, and information reported on the school accountability report card and to determine whether the exceptions are either corrected or an acceptable plan of correction developed, thereby imposing a state-mandated local program.

The bill would prohibit a local educational agency from being required to repay an apportionment based on a significant audit exception related to the verification of the sufficiency of textbooks and instructional materials, teacher misassignments, and the accuracy of the information reported on the school accountability report card if the county superintendent of schools certifies to the Superintendent of Public Instruction and the Controller that the audit exception was corrected or that an acceptable plan of correction was submitted to the county superintendent of schools.

(8) Existing law establishes, within the Public Schools Accountability Act of 1999, the High Priority Schools Grant Program and requires a school district participating in the program to develop a school action plan that includes 4 components: (a) pupil literacy and achievement, (b) quality of staff, (c) parental involvement, and (d) facilities, curriculum, instructional materials, and support services.

This bill would, for schools initially applying to participate in the program on or after the 2004–05 fiscal year, require the component of the school action plan on quality of staff to include highly qualified teachers and appropriately credentialed teachers for English learners. The bill would specify that the component on facilities, curriculum, instructional materials, and support services for those schools be on facilities in good repair, curriculum, sufficient instructional materials, and support services.

Existing law requires that a school receiving funds under the High Priority Schools Grant Program submit a report to the Superintendent of Public Instruction that includes, among other things, the availability of instructional materials in core content areas that are aligned with the academic content and performance standards for each pupil.

This bill would require schools initially applying to participate in the program on or after the 2004–05 fiscal year to measure the availability of instructional materials against a specified definition of "sufficient instructional materials."

(9) Existing law requires the governing board of a school district to hold a public hearing and make a determination as to whether each pupil in each school in the district has or will have prior to the end of that fiscal year sufficient textbooks or instructional materials in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

This bill would instead require the determination to be as to whether each pupil in each school in the district has sufficient textbooks or instructional materials in each subject that are consistent with the content and cycles of the curriculum frameworks. The bill would require the hearing to be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and would prohibit the hearing from taking place during or immediately following school hours. The bill would define "sufficient textbooks or instructional materials" to mean that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments but would specify that 2 sets of textbooks or instructional materials for each pupil are not required.

(10) Existing law repeals the Instructional Materials Program on June 30, 2006, and makes implementation of the program during the 2002–03 to 2005–06, inclusive, fiscal years contingent on funding in the annual Budget Act.

This bill would delete the date of repeal and the contingent implementation of the program.

(11) Existing law appropriated $138,000,000 from the General Fund to the State Department of Education for transfer to the Instructional Materials Fund.

This bill would make technical changes to that appropriation and would make other conforming changes.

(12) This bill would appropriate $20,200,000 from the General Fund to the State Department of Education and, of that amount $5,000,000 would be appropriated for transfer to the State Instructional Materials Fund for purposes of acquiring instructional materials, as specified, $15,000,000 would be appropriated for allocation to county offices of education for review and monitoring of schools, as specified, and $200,000 would be appropriated for purposes of implementing this act.

The funds appropriated by the bill for purposes of acquiring instrucional materials and for review and monitoring activities 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.

(13) The bill would state that the intent of the Legislature in enacting this act is to implement the settlement agreement in the case of Williams v. State of California.

(14) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 these statutory provisions.

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

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1240 of the Education Code is amended to read:

1240. The county superintendent of schools * * * shall do all of the following:

(a) Superintend the schools of his or her county.

(b) Maintain responsibility for the fiscal oversight of each school district in his or her county pursuant to the authority granted by this code.

(c)(1) Visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

(2)(A) To the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or his or her designee, shall annually present a report to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, and shall include, among other things, his or her observations while visiting the schools.

(B) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(C) The results of the visit shall be reported to the governing board of the school district on a quarterly basis at a regularly scheduled meeting held in accordance with public notification requirements.

(D) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) Not disrupt the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance and the sufficiency of instructional materials, as defined by Section 60119.

(E) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff as defined in district policy, or as defined by paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.

(d) Distribute all laws, reports, circulars, instructions, and blanks that he or she may receive for the use of the school officers.

(e) Annually present a report to the * * * governing board of the school district and the Superintendent of Public Instruction regarding the fiscal solvency of any school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that * * * is determined at any time to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in his or her office the reports of the Superintendent of Public Instruction.

(g) Keep a record of his or her official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of any applicant or his or her authorized agent.

(h) Enforce the course of study.

(i)(1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3) If a school is ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, and is not currently under review through a state or federal intervention program, the county superintendent shall specifically review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be conducted within the first four weeks of the school year. For the 2004-05 fiscal year only, the county superintendent shall make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

(4) If the county superintendent determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), and forward the report to the Superintendent of Public Instruction.

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department, with approval by the State Board of Education, to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the state board approves a recommendation from the department to purchase textbooks or instructional materials for the school district, the board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the district to determine which textbooks or instructional materials to purchase. All purchases of textbooks or instructional materials shall comply with Chapter 3.25 (commencing with Section 60420) of Part 33. The amount of funds necessary to the purchase the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent of Public Instruction, the Superintendent of Public Instruction shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials, from the next principal apportionment of the district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to his or her successor, at the close of his or her official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the * * * department.

(*l*)(1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent of schools no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of

the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent of Public Instruction, for the purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to any county office of education that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to any county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to any county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent of Public Instruction may reclassify any certification. If a county office of education receives a negative certification, the Superintendent of Public Instruction, or his or her designee, may exercise the authority set forth in subdivision (c) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent of Public Instruction at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification * * * and * * * the report containing that certification * * * shall be sent to the Controller at the time the certification is submitted to the county board of education.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent of Public Instruction, and shall be based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent of schools to any interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent of Public Instruction.

(4) The county superintendent of schools is not responsible for the fiscal oversight of the community colleges in the county, however, he or she may perform financial services on behalf of those community colleges.

(m) * * * If requested, act as agent for the purchase of supplies for the city and high school districts of his or her county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of any certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of any educational program. This requirement applies only if, in the course of his or her normal duties, the county superintendent of schools discovers information that gives him or her reasonable cause to believe that false fiscal expenditure data relative to the conduct of any educational program has been reported.

SEC. 2. Section 14501 of the Education Code is amended to read:

14501. (a) As used in this chapter, "financial and compliance audit" shall be consistent with the definition provided in the "Standards for Audits of Governmental Organizations, Programs, Activities, and Functions" promulgated by the Comptroller General of the United States. Financial and compliance audits conducted under this chapter shall fulfill federal single audit requirements.

(b) As used in this chapter, "compliance audit" means an audit that ascertains and verifies whether or not funds provided through apportionment, contract, or grant, either federal or state, have been properly disbursed and expended as required by law or regulation or both and includes the verification of each of the following:

(1) The reporting requirements for the sufficiency of textbooks or instructional materials, or both, as defined in Section 60119.

(2) Teacher misassignments pursuant to Section 44258.9.

(3) The accuracy of information reported on the School Accountability Report Card required by Section 33126. The requirements set forth in paragraphs (1) and (2) and this paragraph shall be added to the audit guide requirements pursuant to subdivision (b) of Section 14502.1.

SEC. 3. Section 17002 of the Education Code is amended to read:

17002. The following terms wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Apportionment" means a reservation of funds necessary to finance the cost of any project approved by the board for lease to an applicant school district.

(b) "Board" means the State Allocation Board.

(c) "Cost of project" includes, but is not limited to, the cost of all real estate property rights, and easements acquired, and the cost of developing the site and streets and utilities immediately adjacent thereto, the cost of construction, reconstruction, or modernization of buildings and the furnishing and equipping, including the purchase of educational technology hardware, of those buildings, the supporting wiring and cabling, and the technological modernization of existing buildings to support that hardware, the cost of plans, specifications, surveys, and estimates of costs, and other expenses that are necessary or incidental to the financing of the project. For purposes of this section, "educational technology hardware" includes, but is not limited to, computers, telephones, televisions, and video cassette recorders.

(d)(1) "Good repair" means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant to an interim evaluation instrument developed by the Office of Public School Construction. The instrument shall not require capital enhancements beyond the standards to which the facility was designed and constructed.

(2) By January 25, 2005, the Office of Public School Construction shall develop the interim evaluation instrument based on existing prototypes and shall consult with county superintendents of schools and school districts during the development of the instrument. The Office of Public School Construction shall report and make recommendations to the Legislature and Governor not later than December 31, 2005, regarding options for state standards as an alternative to the interim evaluation instrument developed pursuant to paragraph (1). By September 1, 2006, the Legislature and Governor shall, by statute, determine the state standard that shall apply for subsequent fiscal years.

* * * (e) "Lease" includes a lease with an option to purchase.

(f) "Project" means the facility being constructed or acquired by the state for rental to the applicant school district and may include the reconstruction or modernization of existing buildings, construction of new buildings, the grading and development of sites, acquisition of sites therefor and any easements or rights-of-way pertinent thereto or necessary for its full use including the development of streets and utilities.

(g) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.

SEC. 4. Section 17014 of the Education Code is amended to read:

17014. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times kept in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the school district.

(b) In order to ensure compliance with subdivision (a) and encourage applicants to maintain all buildings under their control, the board shall require the applicant to do all of the following prior to the approval of a project:

(1) Establish a restricted account within the * * * general fund of the school district for the exclusive purpose of providing moneys for regular maintenance and routine repair of school buildings, according the highest priority to funding for the purpose set forth in subdivision (a).

(2) Agree to deposit into the account established pursuant to paragraph (1), in each fiscal year for the term of the lease agreements of all projects constructed under this chapter, a minimum amount equal to or greater than 2 percent of the * * * general fund budget of the applicant district for that fiscal year. This paragraph is applicable only to the following districts:

(A) High school districts with average daily attendance greater than 300.

(B) Elementary school districts with average daily attendance greater than 900.

(C) Unified school districts with average daily attendance greater than 1,200.

(c) For each project funded after July 1, 1998, the board shall require the applicant school district governing board to certify, as part of the * * * annual budget process of the school district and beginning in the fiscal year in which the project is funded by the state, that a plan has been prepared for completing major maintenance, repair, and replacement requirements for the project. For purposes of this subdivision, the term "major maintenance, repair, and replacement" means roofing, siding, painting, floor and window coverings, fixtures, cabinets, heating and cooling systems, landscaping, fences, and other items designated by the governing board of the school district. The board shall require the school district's governing board to certify that the plan includes and is being implemented as follows:

(1) Identification of the major maintenance, repair, and replacement needs for the project.

(2) Specification of a schedule for completing the major maintenance, repair, and replacement needs.

(3) Specification of a current cost estimate for the scheduled major maintenance, repair, and replacement needs.

(4) Specification of the school district's schedule for funding a reserve to pay for the scheduled major maintenance, repair, and replacement needs.

(5) Review of the plan annually, as a part of the * * * annual budget process of the school district, and update, as needed, the major maintenance, repair, and replacement needs, the estimates of expected costs, and any adjustments in funding the reserve.

(6) Availability for public inspection of the original plan, and all updated versions of the plan, at the office of the superintendent of the school district during the working hours of the school district.

(7) Provision in the * * * annual budget of the school district of a provision that states the total funding available in reserve for scheduled major maintenance, repair and replacement needs as specified in the updated plan, and an explanation if this amount is less than that specified in the updated plan. The reserve shall be maintained in the restricted account established pursuant to subdivision (b).

(d) For purposes of this section, "good repair" has the same meaning as specified in subdivision (d) of Section 17002.

SEC. 5. Section 17032.5 of the Education Code is amended to read:

17032.5. (a) The board shall establish the annual rent and conditions to be met by the lessee of a portable classroom leased pursuant to Section 17717.2 and shall require lessees to undertake all necessary maintenance, repairs, renewals, and replacements to ensure that a project is at all times kept in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the lessee.

(b) For purposes of this section, "good repair" has the same meaning as specified in subdivision (d) of Section 17002.

SEC. 6. Section 17070.15 of the Education Code is amended to read:

17070.15. The following terms, wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Apportionment" means a reservation of funds for the purpose of eligible new construction, modernization, or hardship approved by the board for an applicant school district.

(b) "Attendance area" means the geographical area serving an existing high school and those junior high schools and elementary schools included therein.

(c) "Board" means the State Allocation Board as established by Section 15490 of the Government Code.

(d) "Committee" means the State School Building Finance Committee established pursuant to Section 15909.

(e) "County fund" means a county school facilities fund established pursuant to Section 17070.43.

(f) "Department" means the Department of General Services.

(g) "Fund" means the applicable 1998 State School Facilities Fund, the 2002 State School Facilities Fund, or the 2004 State School Facilities Fund, * * * established pursuant to Section 17070.40.

(h) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(i) "Modernization" means any modification of a permanent structure that is at least 25 years old, or in the case of a portable classroom, that is at least 20 years old, that will enhance the ability of the structure to achieve educational purposes.

(j) "Portable classroom" means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and with respect to a single story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area not in excess of 2,000 square feet.

(k) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.

(l) "School building capacity" means the capacity of a school building to house pupils.

(m) "School district" means a school district or a county office of education. For purposes of determining eligibility under this chapter, "school district" may also mean a high school attendance area.

SEC. 7. Section 17070.75 of the Education Code is amended to read:

17070.75. (a) The board shall require the school district to make all necessary repairs, renewals, and replacements to ensure that a project is at all times maintained in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the school district.

(b) In order to ensure compliance with subdivision (a) and to encourage school districts to maintain all buildings under their control, the board shall require an applicant school district to do all of the following prior to the approval of a project:

(1) Establish a restricted account within the * * * general fund of the school district for the exclusive purpose of providing moneys for ongoing and major maintenance of school buildings, according the highest priority to funding for the purposes set forth in subdivision (a).

(2)(A) Agree to deposit into the account established pursuant to paragraph (1), in each fiscal year for 20 years after receipt of funds under this chapter, a minimum amount equal to or greater than 3 percent of the * * * total general fund expenditures of the applicant school district, including other financing uses, for that fiscal year. * * * Annual deposits to the account established pursuant to paragraph (1) in excess of 2½ percent of the school district general fund budget may count towards the * * * amount of funds required to be contributed by a school district in order to receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584 to the extent that those funds are used for purposes that qualify for funding under that section.

* * * (B) Notwithstanding subparagraph (A), for the 2004–05 fiscal year only, an applicant school district shall deposit into the account established pursuant to paragraph (1), no less than 2 percent of the total general fund expenditures of the school district, including other financing uses, for the fiscal year. The annual deposit to the account in excess of 1½ percent of the school district general fund budget for the 2004–05 fiscal year may count towards the amount that a school district is required to contribute in order to receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584 to the extent that those funds are used for purposes that qualify for funding under that section.

(C) A school district contribution to * * * the account may be provided in lieu of meeting the ongoing maintenance requirements pursuant to Section 17014 to the extent the funds are used for purposes established in that section. A school district that serves as the administrative unit for a special education local plan area may elect to exclude from its total general fund expenditures, for purposes of this paragraph, the distribution of revenues that are passed through to participating members of the special education local plan area.

(D) This paragraph * * * applies only to the following school districts:

(i) High school districts with an average daily attendance greater than 300 pupils.

(ii) Elementary school districts with an average daily attendance greater than 900 pupils.

(iii) Unified school districts with an average daily attendance greater than 1,200 pupils.

(3) Certify that it has publicly approved an ongoing and major maintenance plan that outlines the use of the funds deposited, or to be deposited, pursuant to paragraph (2). The plan may provide that the school district need not expend all of its annual allocation for ongoing and major maintenance in the year in which it is deposited if the cost of major maintenance requires that the allocation be carried over into another fiscal year. However, any state funds carried over into a subsequent year may not be counted toward the annual minimum contribution by the school district. A plan developed in compliance with this section shall be deemed to meet the requirements of Section 17585.

(c) A school district to which paragraph (2) of subdivision (b) does not apply shall certify to the board that it can reasonably maintain its facilities with a lesser level of maintenance.

(d) For * * * purposes of calculating a county office of education requirement pursuant to this section, the 3 percent maintenance requirement shall be * * * based upon the county office of education general fund less any restricted accounts.

(e) As a condition of participation in the school facilities program or the receipt of funds pursuant to Section 17582, for a fiscal year after the 2004–05 fiscal year, a school district shall establish a facilities inspection system to ensure that each of its schools is maintained in good repair.

(f) For purposes of this section, "good repair" has the same meaning as specified in subdivision (d) of Section 17002.

SEC. 8. Section 17087 of the Education Code is amended to read:

17087. As used in this chapter:

(a) "Board" means the State Allocation Board.

(b) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(c) "Lessee" means a school district or county superintendent of schools to whom the board has leased a portable classroom pursuant to this chapter.

(d) "State School Building Aid Fund" means that fund established pursuant to Section 16096.

SEC. 9. Section 17089 of the Education Code is amended to read:

17089. (a) The board shall lease portable classrooms to qualifying school districts and county superintendents of schools for not less than one dollar ($1) per year, nor more than four thousand dollars ($4,000) per year, for each portable classroom * * *. This amount shall be annually increased according to the adjustment for inflation set forth in the statewide cost index for classroom construction, as determined by the board at its January meeting.

(b) The board shall require each lessee to undertake all necessary maintenance, repairs, renewal, and replacement to ensure that a project is at all times kept in good repair, working order, and condition. All costs incurred for this purpose shall be borne by the lessee.

(c) For purposes of this section, "good repair" has the same meaning as specified in subdivision (d) of Section 17002.

SEC. 10. Section 33126 of the Education Code is amended to read:

33126. (a) The school accountability report card shall provide data by which * * * a parent can make meaningful comparisons between public schools * * * that will enable him or her to make informed decisions on which school to enroll * * * his or her children.

(b) The school accountability report card shall include, but is not limited to, assessment of the following school conditions:

(1)(A) Pupil achievement by grade level, as measured by the standardized testing and reporting programs pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33.

(B) Pupil achievement in and progress toward meeting reading, writing, arithmetic, and other academic goals, including results by grade level from the assessment tool used by the school district using percentiles when available for the most recent three-year period.

(C) After the state develops a statewide assessment system pursuant to Chapter 5 (commencing with Section 60600) and Chapter 6 (commencing with Section 60800) of Part 33, pupil achievement by grade level, as measured by the results of the statewide assessment.

(D) Secondary schools with high school seniors shall list both the average verbal and math Scholastic Assessment Test scores to the extent provided to the school and the percentage of seniors taking that exam for the most recent three-year period.

(2) Progress toward reducing dropout rates, including the one-year dropout rate listed in the California Basic Education Data System or any successor data system for the schoolsite over the most recent three-year period, and the graduation rate, as defined by the State Board of Education, over the most recent three-year period when available pursuant to Section 52052.

(3) Estimated expenditures per pupil and types of services funded.

(4) Progress toward reducing class sizes and teaching loads, including the distribution of class sizes at the schoolsite by grade level, the average class size, and, if applicable, the percentage of pupils in kindergarten and grades 1 to 3, inclusive, participating in the Class Size Reduction Program established pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28, using California Basic Education Data System or any successor data system information for the most recent three-year period.

(5) The total number of the school's fully credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials, * * * any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

(A) For purposes of this paragraph, "vacant teacher position" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

(B) For purposes of this paragraph, "misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(6)(A) Quality and currency of textbooks and other instructional materials, including whether textbooks and other materials meet state standards and * * * are adopted by the State Board of Education for kindergarten and grades 1 to 8, inclusive, and adopted by the governing boards of school districts for grades 9 to 12, inclusive, and the ratio of textbooks per pupil and the year the textbooks were adopted.

(B) The availability of sufficient textbooks and other instructional materials, as defined in Section 60119, for each pupil, including English learners, in each of the following areas:

(i) The core curriculum areas of reading/language arts, mathematics, science, and history/social science.

(ii) Foreign language and health.

(iii) Science laboratory equipment for grades 9 to 12, inclusive, as appropriate.

(7) The availability of qualified personnel to provide counseling and other pupil support services, including the ratio of academic counselors per pupil.

(8) Availability of qualified substitute teachers.

(9) Safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair as specified in Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089.

(10) Adequacy of teacher evaluations and opportunities for professional improvement, including the annual number of schooldays dedicated to staff development for the most recent three-year period.

(11) Classroom discipline and climate for learning, including suspension and expulsion rates for the most recent three-year period.

(12) Teacher and staff training, and curriculum improvement programs.

(13) Quality of school instruction and leadership.

(14) The degree to which pupils are prepared to enter the workforce.

(15) The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level.

(16) The total number of minimum days, as specified in Sections 46112, 46113, 46117, and 46141, in the school year.

(17) The number of advanced placement courses offered, by subject.

(18) The Academic Performance Index, including the disaggregation of subgroups as set forth in Section 52052 and the decile rankings and a comparison of schools.

(19) Whether a school qualified for the Immediate Intervention Underperforming Schools Program pursuant to Section 52053 and whether the school applied for, and received a grant pursuant to, that program.

(20) Whether the school qualifies for the Governor's Performance Award Program.

(21) When available, the percentage of pupils, including the disaggregation of subgroups as set forth in Section 52052, completing grade 12 who successfully complete the high school exit examination, as set forth in Sections 60850 and 60851, as compared to the percentage of pupils in the district and statewide completing grade 12 who successfully complete the examination.

(22) Contact information pertaining to any organized opportunities for parental involvement.

(23) For secondary schools, the percentage of graduates who have passed course requirements for entrance to the University of California and the California State University pursuant to Section 51225.3 and the percentage of pupils enrolled in those courses, as reported by the California Basic Education Data System or any successor data system.

(24) Whether the school has a college admissions test preparation course program.

(25) When available from the * * * department, the claiming rate of pupils who earned a Governor's Scholarship Award pursuant to subdivision (a) of Section 69997 for the most recent two-year period. This paragraph applies only to schools that enroll pupils in grade 9, 10 or 11.

(c) If the Commission on State Mandates finds a school district is eligible for a reimbursement of costs incurred complying with this section, the school district shall be reimbursed only if the information provided in the school accountability report card is accurate, as determined by the annual audit performed pursuant to Section 41020. If the information is determined to be inaccurate, the school district is not ineligible for reimbursement if the information is corrected by May 15.

(d) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; to ensure that local educational agencies with access to the Internet make available current copies of the report cards through the Internet; and to ensure that administrators and teachers are available to answer any questions regarding the report cards.

SEC. 11. Section 33126.1 of the Education Code is amended to read:

33126.1. (a) The * * * department shall develop and recommend for adoption by the State Board of Education a standardized template intended to simplify the process for completing the school accountability report card and make the school accountability report card more meaningful to the public.

(b) The standardized template shall include fields for the insertion of data and information by the * * * department and by local educational agencies, including a field to report the determination of the sufficiency of textbooks and instructional materials, as defined in Section 60119, and a summary statement of the condition of school facilities, as defined in Section 17014, Section 17032.5, subdivision (a) of Section 17070.75, and subdivision (b) of Section 17089. The department shall provide examples of summary statements of the condition of school facilities that are acceptable and those that are unacceptable. When the template for a school is completed, it should enable parents and guardians to compare * * * the manner in which local schools compare to other schools within that district as well as other schools in the state.

(c) In conjunction with the development of the standardized template, the * * * department shall furnish standard definitions for school conditions included in the school accountability report card. The standard definitions shall comply with the following:

(1) Definitions shall be consistent with the definitions already in place or under the development at the state level pursuant to existing law.

(2) Definitions shall enable schools to furnish contextual or comparative information to assist the public in understanding the information in relation to the performance of other schools.

(3) Definitions shall specify the data for which the * * * department will be responsible for providing and the data and information for which the local educational agencies will be responsible.

(d) By December 1, 2000, the * * * department shall report to the State Board of Education on the school conditions for which it already has standard definitions in place or under development. The report shall include a survey of the conditions for which the * * * department has valid and reliable data at the state, district, or school level. The report shall provide a timetable for the inclusion of conditions for which standard definitions or valid and reliable data do not yet exist through the * * * department.

(e) By December 1, 2000, the Superintendent of Public Instruction shall recommend and the State Board of Education shall appoint 13 members to serve on a broad-based advisory committee of local administrators, educators, parents, and other knowledgeable parties to develop definitions for the school conditions for which standard definitions do not yet exist. The State Board of Education may designate outside experts in performance measurements in support of activities of the advisory board.

(f) By January 1, 2001, the State Board of Education shall approve available definitions for inclusion in the template as well as a timetable for the further development of definitions and data collection procedures. By July 1, 2001, and each year thereafter, the State Board of Education shall adopt the template for the current year's school accountability report card. Definitions for all school conditions shall be included in the template by July 1, 2002.

(g) The * * * department shall annually post the completed and viewable template on the Internet. The template shall be designed to allow schools or districts to download the template from the Internet. The template shall further be designed to allow local educational agencies, including individual schools, to enter data into the school accountability report card electronically, individualize the report card, and further describe the data elements. The * * * department shall establish model guidelines and safeguards that may be used by school districts secured access only for those school officials authorized to make modifications.

(h) The * * * department shall annually post, on the Internet, each eligible school's claiming rate of pupils who earned an award for either of the programs established by subdivision (a) of Section 69997. The Scholarshare Investment Board shall provide the claiming rates, for the most recent two-year period, for each eligible school to the * * * department by June 30 of each year. Schools shall post their claiming rate, required in paragraph (25) of subdivision (b) of Section 33216, from the * * * Internet site of the department.

(i) The * * * department shall maintain current Internet links with the Web sites of local educational agencies to provide parents and the public with easy access to the school accountability report cards maintained on the Internet. In order to ensure the currency of these Internet links, local educational agencies that provide access to school accountability

report cards through the Internet shall furnish current Uniform Resource Locators for their Web sites to the * * * department.

(j) A school or school district that chooses not to utilize the standardized template adopted pursuant to this section shall report the data for its school accountability report card in a manner that is consistent with the definitions adopted pursuant to subdivision (c) * * *.

(k) The * * * department shall provide recommendations for changes to the California Basic Education Data System, or any successor data system, and other data collection mechanisms to ensure that the information will be preserved and available in the future.

(l) Local educational agencies shall make these school accountability report cards available through the Internet or through paper copies.

(m) The * * * department shall monitor the compliance of local educational agencies with the requirements to prepare and to distribute school accountability report cards.

SEC. 12. Section 35186 is added to the Education Code, to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a certificated teacher is not assigned to teach the class.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a vacant teacher position as defined in subparagraph (A) of paragraph (5) of subdivision (b) of Section 33126.

SEC. 13. Section 41020 of the Education Code is amended to read:

41020. (a) It is the intent of the Legislature to encourage sound fiscal management practices among school districts for the most efficient and effective use of public funds for the education of children in California by strengthening fiscal accountability at the district, county, and state levels.

(b)(1) Not later than the first day of May of each fiscal year, each county superintendent of schools shall provide for an audit of all funds under his or her jurisdiction and control and the governing board of each local educational agency shall either provide for an audit of the books and accounts of the local educational agency, including an audit of income and expenditures by source of funds, or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing.

(2) A contract to perform the audit of a local educational agency that has a disapproved budget or has received a negative certification on any budget or interim financial report during the current fiscal year or either of the two preceding fiscal years, or for which the county superintendent of schools has otherwise determined that a lack of going concern exists, is not valid unless approved by the responsible county superintendent of schools and the governing board.

(3) If the governing board of a local educational agency has not provided for an audit of the books and accounts of the local educational agency by April 1, the county superintendent of schools having jurisdiction over the local educational agency shall provide for the audit of each local educational agency.

(4) An audit conducted pursuant to this section shall fully comply with the Government Auditing Standards issued by the Comptroller General of the United States.

(5) For purposes of this section, "local educational agency" does not include community colleges.

(c) Each audit conducted in accordance with this section shall include all funds of the local educational agency, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the local educational agency. Each audit shall also include an audit of pupil attendance procedures.

(d) All audit reports for * * * each * * * fiscal year * * * shall be developed and reported using a format established by the Controller after consultation with the Superintendent of Public Instruction and the Director of Finance.

(e)(1) The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each district from district funds.

(2) The cost of the audit provided for by a governing board shall be paid from local educational agency funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

(f)(1) The audits shall be made by a certified public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the local educational agency, as applicable, from a directory of certified public accountants and public accountants deemed by the Controller as qualified to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

(2) Commencing with the 2003–04 fiscal year and except as provided in subdivision (d) of Section 41320.1, it is unlawful for a public accounting firm to provide audit services to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous fiscal years. The Education Audits Appeal Panel may waive this requirement if the panel finds that no otherwise eligible auditor is available to perform the audit.

(3) It is the intent of the Legislature that, notwithstanding paragraph (2) of this subdivision, the rotation within public accounting firms conform to provisions of the federal Sarbanes–Oxley Act of 2002 (P.L. 107–204; 15 U.S.C. Sec. 7201 * * * et seq.), and upon release of the report required by the act of the Comptroller General of the United States addressing the mandatory rotation of registered public accounting firms, the Legislature intends to reconsider the provisions of paragraph (2). In determining which certified public accountants and public accountants shall be included in the directory, the Controller shall use the following criteria:

(A) The certified public accountants or public accountants shall be in good standing as certified by the Board of Accountancy.

(B) The certified public accountants or public accountants, as a result of a quality control review conducted by the Controller pursuant to Section 14504.2, shall not have been found to have conducted an audit in a manner constituting noncompliance with subdivision (a) of Section 14503.

(g)(1) The auditor's report shall include each of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3 (commencing with Section 14500) of Part 9 of Division 1 of Title 1.

(B) A summary of audit exceptions and management improvement recommendations.

(C) Each local education agency's audit shall include an auditor's evaluation on whether there is substantial doubt about the local agency's ability to continue as a going concern for a

reasonable period of time. This evaluation shall be based on the Statement of Auditing Standards (SAS) No. 59, as issued by the AICPA regarding disclosure requirements relating the entity's ability to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as "will implement," "accepted the recommendation," or "will discuss at a later date."

(h) Not later than December 15, a report of each local educational agency audit for the preceding fiscal year shall be filed with the county superintendent of schools of the county in which the local educational agency is located, the State Department of Education, and the Controller. The Superintendent of Public Instruction shall make any adjustments necessary in future apportionments of all state funds, to correct any audit exceptions revealed by those audit reports.

(i)(1) Commencing with the 2002–03 audit of local educational agencies pursuant to this section, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions have been either corrected or an acceptable plan of correction has been developed.

(2) Commencing with the 2004–05 audit of local educational agencies pursuant to this section, each county superintendent of schools shall include in the review of audit exceptions performed pursuant to this subdivision those audit exceptions related to use of instructional materials program funds, teacher misassignments pursuant to Section 44258.9, information reported on the school accountability report card required pursuant to Section 33126 and shall determine whether the exceptions are either corrected or an acceptable plan of correction has been developed.

(j) Upon submission of the final audit report to the governing board of each local educational agency and subsequent receipt of the audit by the county superintendent of schools having jurisdiction over the local educational agency, the county office of education shall do all of the following:

(1) Review audit exceptions related to attendance, inventory of equipment, internal control, and other miscellaneous exceptions. Attendance exceptions or issues shall include, but not be limited to, those related to revenue limits, adult education, and independent study.

(2) If a description of the correction or plan of correction has not been provided as part of the audit required by this section, then the county superintendent of schools shall notify the local educational agency and request the governing board of the local educational agency to provide to the county superintendent of schools a description of the corrections or plan of correction by March 15.

(3) Review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate, the county superintendent of schools shall require the local educational agency to resubmit that portion of its response that is inadequate.

(k) Each county superintendent of schools shall certify to the Superintendent of Public Instruction and the Controller, not later than May 15, that his or her staff has reviewed all audits of local educational agencies under his or her jurisdiction for the prior fiscal year, that all exceptions that the county superintendent was required to review were reviewed, and that all of those exceptions, except as otherwise noted in the certification, have been corrected by the local educational agency or that an acceptable plan of correction has been submitted to the county superintendent of schools. In addition, the county superintendent shall identify, by local educational agency, any attendance-related audit exception or exceptions involving state funds, and require the local educational agency to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent of Public Instruction.

(l) In the audit of a local educational agency for a subsequent year, the auditor shall review the correction or plan or plans of correction submitted by the local educational agency to determine if the exceptions have been resolved. If not, the auditor shall immediately notify the appropriate county office of education and the State Department of Education and restate the exception in the audit report. After receiving that notification, the State Department of Education shall either consult with the local educational agency to resolve the exception or require the county superintendent of schools to follow up with the local educational agency.

(m)(1) The Superintendent of Public Instruction shall be responsible for ensuring that local educational agencies have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identified in the audit.

(B) Any exceptions that the county superintendent certifies as of May 15 have not been corrected.

(C) Any repeat audit exceptions that are not assigned to a county superintendent to correct.

(2) In addition, the Superintendent of Public Instruction shall be responsible for ensuring that county superintendents of schools and each county board of education that serves as the governing board of a local educational agency either correct all audit exceptions identified in the audits of county superintendents of schools and of the local educational agencies for which the county boards of education serve as the governing boards or develop acceptable plans of correction for those exceptions.

(3) The Superintendent of Public Instruction shall report annually to the Controller on his or her actions to ensure that school districts, county superintendents of schools, and each county board of education that serves as the governing board of a school district have either corrected or developed plans of correction for any of the exceptions noted pursuant to paragraph (1).

(n) To facilitate correction of the exceptions identified by the audits issued pursuant to this section, commencing with 2002–03 audits pursuant to this section, the Controller shall require auditors to categorize audit exceptions in each audit report in a manner that will make it clear to both the county superintendent of schools and the Superintendent of Public Instruction which exceptions they are responsible for ensuring the correction of by a local educational agency. In addition, the Controller annually shall select a sampling of county superintendents of schools and perform a followup of the audit resolution process of those county superintendents of schools and report the results of that followup to the Superintendent of Public Instruction and the county superintendents of schools that were reviewed.

(o) County superintendents of schools shall adjust subsequent local property tax requirements to correct audit exceptions relating to local educational agency tax rates and tax revenues.

(p) If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for the audit pursuant to this section, the Controller shall make arrangements for the audit and the cost of the audit shall be paid from local educational agency funds or the county school service fund, as the case may be.

(q) Audits of regional occupational centers and programs are subject to the provisions of this section.

(r) * * * This section * * * does not authorize examination of, or reports on, the curriculum used or provided for in any local educational agency.

(s) Notwithstanding any other provision of law, a nonauditing, management, or other consulting service to be provided to a local educational agency by a certified public accounting firm while the certified public accounting firm is performing an audit of the ageney pursuant to this section must be in accord with Government Accounting Standards, Amendment No. 3, as published by the United States General Accounting Office.

SEC. 14. Section 41344.4 is added to the Education Code, to read:

41344.4. Notwithstanding any other provision of law, a local educational agency is not required to repay an apportionment based on a significant audit exception related to the

requirements specified in paragraphs (1), (2), and (3) of subdivision (b) of Section 14501 if the county superintendent of schools certifies to the Superintendent of Public Instruction and the Controller that the audit exception was corrected by the local educational agency or that an acceptable plan of correction was submitted to the county superintendent of schools pursuant to subdivision (k) of Section 41020. With respect to textbooks and instructional materials, the plan shall be consistent with the requirements of subparagraph (A) of paragraph (2) of subdivision (a) of Section 60119.

SEC. 15. Section 52055.625 of the Education Code is amended to read:

52055.625. (a) It is the intent of the Legislature that the lists contained in paragraph (2) of subdivisions (c), (d), (e), and (f) be considered options that may be considered by a school in the development of its school action plan and that a school not be required to adopt all of the listed options as a condition of funding under the terms of this section. Instead, this listing of options is intended to provide the opportunity for focus and strategic planning as schools plan to address the needs of high-priority pupils.

(b)(1) As a condition of the receipt of funds, a school action plan shall include each of the following essential components:

(A) Pupil literacy and achievement.

(B) Quality of staff.

(C) Parental involvement.

(D) Facilities, curriculum, instructional materials, and support services.

(2) As a condition of the receipt of funds, a school action plan for a school initially applying to participate in the program on or after the 2004–05 fiscal year, shall include each of the following essential components:

(A) Pupil literacy and achievement.

(B) Quality of staff, including highly qualified teachers, as required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and appropriately credentialed teachers for English learners.

(C) Parental involvement.

(D) Facilities maintained in good repair as specified in Sections 17014, 17032.5, 17070.75, and 17089, curriculum, instructional materials that are, at a minimum, consistent with the requirements of Section 60119, and support services.

(c)(1) The pupil literacy and achievement component shall contain a strategy to focus on increasing pupil literacy and achievement, with necessary attention to the needs of English language learners. At a minimum, this strategy shall include a plan to achieve the following goals:

(A) Each pupil at the school will be provided appropriate instructional materials aligned with the academic content and performance standards adopted by the State Board of Education as required by law.

(B) Each significant subgroup at the school will demonstrate increased achievement based on API results by the end of the implementation period.

(C) English language learners at the school will demonstrate increased performance based on the English language development test required by Section 60810 and the achievement tests required pursuant to Section 60640.

(2) To achieve the goals in paragraph (1), a school in its action plan may include, among other things, any of the following options:

(A) Selective class size reduction in key curricular areas provided this does not result in a decrease in the proportion of experienced credentialed teachers at the schoolsite.

(B) Increased learning time in key curricular areas identified as needing attention, including mathematics.

(C) Targeted intensive reading instruction utilizing reading capacity-level materials that may include, but are not limited to, the following strategies:

(i) The development of a reading competency program for pupils in grades 5 to 8, inclusive, whose reading scores are at or below the 40th percentile or in the two lowest performance

levels, as adopted by the State Board of Education, on the reading portion of the achievement test, authorized by Section 60640. This program may include direct instruction in reading at grade level utilizing the English language arts content standards adopted pursuant to Section 60605. Additionally, this program may offer specialized intervention that utilizes state approved instructional materials adopted pursuant to Section 60200. It is the intent of the Legislature, as a recommendation, that this curriculum consist of at least one class period during the regular schoolday taught by a teacher trained in the English language arts standards pursuant to Section 60605. It is also the intent of the Legislature, as a recommendation, that periodic assessments throughout the year be conducted to monitor the progress of the pupils involved.

(ii) The use of a library media teacher to work cooperatively with every teacher and principal at the schoolsite to develop and implement an independent and free reading program, help teachers determine a pupil's reading level, order books that have been determined to meet the needs of pupils, help choose books at pupils' independent reading levels, and assure that pupils read a variety of genres across all academic content areas. For purposes of this article, "library media teacher" means a classroom teacher who possesses or is in the process of obtaining a library media teacher services credential consistent with Section 44868.

(D) Mentoring programs for pupils.

(E) Community, business, or university partnerships with the school.

(d)(1) The quality of staff component shall contain a strategy to attract, retain, and fairly distribute the highest quality staff at the school, including teachers, administrators, and support staff. At a minimum, this strategy shall include a plan to achieve the following goals:

(A) An increase in the number of credentialed teachers working at that schoolsite.

(B) An increase in or targeting of professional development opportunities for teachers related to the goals of the action plan and English language development standards adopted by the State Board of Education aligned with the academic content and performance standards, including, but not limited to, participation in professional development institutes established pursuant to Article 2 (commencing with Section 92220) of Chapter 5 of Part 65.

(C) By the end of the implementation period, successful completion by the schoolsite administrators of a program designed to maximize leadership skills.

(2) To achieve the goals in paragraph (1) a school may include in its action plan, among others, any of the following options:

(A) Incentives to attract credentialed teachers and quality administrators to the schoolsite, including, but not limited to, additional compensation strategies similar to those authorized pursuant to Section 44735.

(B) A school district preintern or intern program within which eligible emergency permit teachers located at the schoolsite would be required to participate, unless those individuals are already participating in another teacher preparation program that leads to the attainment of a valid California teaching credential.

(C) Common planning time for teachers, administrators, and support staff focused on improving pupil achievement.

(D) Mentoring for site administrators, peer assistance for credentialed teachers, and support services for new teachers, including, but not limited to, the Beginning Teacher Support and Assessment System.

(E) Providing assistance and incentives to teachers for completion of professional certification programs and toward attaining BCLAD or CLAD certification.

(F) Increasing professional development in state academic content and performance standards, including English language development standards.

(e)(1) The parental involvement component shall contain a strategy to change the culture of the school community to recognize parents and guardians as partners in the education of their children and to prepare and educate parents and guardians in the learning and academic progress of their children. At a minimum, this strategy shall include a commitment to develop a school-parent compact as required by Section 51101 and a plan to achieve the goal

of maintaining or increasing the number and frequency of personal parent and guardian contacts each year at the schoolsite and school-home communications designed to promote parent and guardian support for meeting state standards and core curriculum requirements.

(2) To achieve the goals in subdivision (a), a school may in its action plan include, among others, any of the following options:

(A) Parent and guardian homework support classes.

(B) A program of regular home visits.

(C) After school and evening opportunities for parents, guardians, and pupils to learn together.

(D) Training programs to educate parents and guardians about state standards and testing requirements, including the high school exit examination.

(E) Creation, maintenance, and support of parent centers located on schoolsites to educate parents and guardians regarding pupil expectations and provide support to parents and guardians in their efforts to help their children learn.

(F) Programs targeted at parents and guardians of special education pupils.

(G) Efforts to develop a culture at the schoolsite focused on college attendance, including programs to educate parents and guardians regarding college entrance requirements and options.

(H) Providing more bilingual personnel at the schoolsite and at school related functions to communicate more effectively with parents and guardians who speak a language other than English.

(I) Providing an opportunity for parents to monitor online, if the technology is available, and in compliance with applicable state and federal privacy laws, the academic progress and attendance of their children.

(f)(1) The facilities, curriculum, instructional materials, and support services component shall contain a strategy to provide an environment that is conducive to teaching and learning and that includes the development of a high-quality curriculum and instruction aligned with the academic content and performance standards adopted pursuant to Section 60605 and the standards for English language development adopted pursuant to Section 60811 to measure progress made towards achieving English language proficiency. At a minimum, this strategy shall include the goal of providing adequate logistical support including, but not limited to, curriculum, quality instruction, instructional materials, support services, and supplies for every pupil.

(2) To achieve the goal specified in paragraph (1), a school in its action plan may include, among others, any of the following options:

(A) State and locally developed valid and reliable assessments based on state academic content standards.

(B) Increased learning time in key curricular areas identified as needing attention, including mathematics.

(C) The addition of more pupil support services staff, including, but not limited to, paraprofessionals, counselors, library media teachers, nurses, psychologists, social workers, speech therapists, audiologists, and speech pathologists.

(D) Pupil support centers for additional tutoring or homework assistance.

(E) Use of most current standards-aligned textbooks adopted by the State Board of Education, including materials for English language learners.

(F) For secondary schools, offering advanced placement courses and courses that meet the requirements for admission to the University of California or the California State University.

(g) A school action plan to improve pupil performance that is developed for participation in the program established pursuant to this article shall meet the requirements of subdivisions (d) and (e) of Section 52054 and this article.

SEC. 16. Section 52055.640 of the Education Code is amended to read:

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards

meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the following:

(1) The academic improvement of pupils within the participating school as measured by the tests under Section 60640 and the progress made towards achieving English language proficiency as measured by the English language development test administered pursuant to Section 60810.

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district.

(3) The availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners. Schools initially applying to participate in the program on or after the 2004–05 fiscal year shall measure the availability of instructional materials against the definition of "sufficient instructional materials" set forth in subdivision (c) of Section 60119.

(4) The number of parents and guardians presently involved at each participating schoolsite as compared to the number participating at the beginning of the program.

(5) The number of pupils attending afterschool, tutoring, or homework assistance programs.

(6) For participating secondary schools, the number of pupils who are enrolled in and successfully completing advanced placement courses, by type, and requirements for admission to the University of California or the California State University, including courses in algebra, biology, and United States or world history.

(b) The report on the pupil literacy and achievement component shall be disaggregated by numerically significant subgroups, as defined in Section 52052, and English language learners and have a focus on improved scores in reading and mathematics as measured by the following:

(1) The Academic Performance Index, including the data collected pursuant to tests that are part of the Standardized Testing and Reporting Program and the writing sample that is part of that program.

(2) The results of the primary language test pursuant to Section 60640.

(3) Graduation rates, when the methodology for collecting this data has been confirmed to be valid and reliable.

(4) In addition, a school may use locally developed assessments to assist it in determining the pupil progress in academic literacy and achievement.

(c) The report on the quality of staff component shall include, but not be limited to, the following information:

(1) The number of teachers at the schoolsite holding a valid California teaching credential or district or university intern certificate or credential compared to those teachers at the same schoolsite holding a preintern certificate, emergency permit, or waiver.

(2) The number and ratio of teachers across the district holding a valid California teaching credential or district or university intern certificate or credential compared to those holding a preintern certificate, emergency permit, or waiver.

(3) The number of principals having completed training pursuant to Article 4.6 (commencing with Section 44510) of Chapter 3 of Part 25.

(4) The number of principals by credential type or years of experience and length of time at the schoolsite by years.

(d) The report on the parental involvement component shall include explicit involvement strategies being implemented at the schoolsite that are directly linked to activities supporting pupil academic achievement and verification that the schoolsite has developed a school-parent compact as required by Section 51101.

(e) All comparisons made in the reports required pursuant to this section shall be based on baseline data provided by the district and schoolsite in the action plan that is certified and submitted with the initial application.

(f) To the extent that data is already reported to the Superintendent of Public Instruction, a school district need not include the data in the reports submitted pursuant to this section.

(g) Before submitting the reports required pursuant to this section, the school district shall, at a regularly scheduled public meeting of the governing board, review a participating school's progress towards achieving those goals.

SEC. 17. Section 52055.662 is added to the Education Code, to read:

52055.662. It is the intent of the Legislature to appropriate any savings achieved as a result of schools being phased out of the Immediate Intervention Underperforming School Program and the High Priority Schools Grant Program to provide High Priority Schools Grant awards to eligible schools, pursuant to Section 52055.605, that have not previously received a grant under this program.

SEC. 18. Section 60119 of the Education Code is amended to read:

60119. (a) * * * In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1)(A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has * * * sufficient textbooks or instructional materials, or both, in each * * * of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History–social science.

(iv) English/language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004–05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(C) As part of the hearing required pursuant to this section, the governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2)(A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within * * * two months of the beginning of the school year in which the determination is made.

(B) In carrying out subparagraph (A), the governing board may use money in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

(c)(1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments. This paragraph does not require two sets of textbooks or instructional materials for each pupil.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1), does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) Except for purposes of Section 60252, governing boards of school districts that receive funds for instructional materials from any state source, are subject to the requirements of this section only in a fiscal year in which the Superintendent of Public Instruction determines that the base revenue limit for each school district will increase by at least 1 percent per unit of average daily attendance from the prior fiscal year.

* * *

SEC. 19. Section 60240 of the Education Code is amended to read:

60240. (a) The State Instructional Materials Fund is hereby continued in existence in the State Treasury. The fund shall be a means of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. Notwithstanding Section 13340 of the Government Code, all money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this part. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials, including classroom library materials.

(b) The State Department of Education shall administer the fund under policies established by the state board.

(c)(1) The state board shall encumber part of the fund to pay for accessible instructional materials pursuant to Sections 60312 and 60313 to accommodate pupils who are visually impaired or have other disabilities and are unable to access the general curriculum.

(2) The state board may encumber funds, in an amount not to exceed two hundred thousand dollars ($200,000), for replacement of instructional materials, obtained by a school district with its allowance that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism.

(3) The state board may encumber funds for the costs of warehousing and transporting instructional materials it has acquired.

(d) The department may expend up to five million dollars ($5,000,000) from the fund to acquire instructional materials for school districts pursuant to subdivision (i) of Section 1240. The fund shall be replenished by amounts repaid by school districts or deducted from apportionments to school districts by the Controller pursuant to subdivision (i) of Section 1240.

SEC. 20. Section 60252 of the Education Code is amended to read:

60252. (a) The Pupil Textbook and Instructional Materials Incentive Account is hereby created in the State Instructional Materials Fund, to be used for the Pupil Textbook and Instructional Materials Incentive Program set forth in Article 7 (commencing with Section

60117) of Chapter 1. All money in the account shall be allocated by the Superintendent of Public Instruction to school districts maintaining any kindergarten or any of grades 1 to 12, inclusive, that satisfy each of the following criteria:

(1) A school district shall provide assurance to the Superintendent of Public Instruction that the district has complied with Section 60119.

(2) A school district shall ensure that the money will be used to carry out its compliance with Section 60119 and shall supplement any state and local money that is expended on textbooks or instructional materials, or both.

(3) A school district shall ensure that textbooks and instructional materials are ordered, to the extent practicable, before the school year begins.

(b) The superintendent shall ensure that each school district has an opportunity for funding per pupil based upon the district's prior year base revenue limit in relation to the prior year statewide average base revenue limit for similar types and sizes of districts. Districts below the statewide average shall receive a greater percentage of state funds, and districts above the statewide average shall receive a smaller percentage of state funds, in an amount equal to the percentage that the district's base revenue limit varies from the statewide average. Any district with a base revenue limit that equals or exceeds 200 percent of the statewide average shall not be eligible for state funding under this section.

* * *

SEC. 21. Section 62000.4 of the Education Code is repealed.

SEC. 22. Section 36 of Chapter 216 of the Statutes of 2004 is amended to read:

Sec. 36. (a) The sum of nine hundred fifteen million four hundred forty-one thousand dollars ($915,441,000) is hereby appropriated from the General Fund in accordance with the following schedule:

(1) The following amounts are appropriated for the 2005–06 fiscal year:

(A) The sum of five million nine hundred thirty-three thousand dollars ($5,933,000) to the State Department of Education for apprenticeship programs to be expended consistent with the requirements specified in Item 6110–103–0001 of Section 2.00 of the Budget Act of 2004.

(B) The sum of eighty-five million eight hundred sixty-six thousand dollars ($85,866,000) to the State Department of Education for supplemental instruction to be expended consistent with the requirements specified in Item 6110–104–0001 of Section 2.00 of the Budget Act of 2004. Of the amount appropriated by this subparagraph, forty-eight million six hundred fifty-two thousand dollars ($48,652,000) shall be expended consistent with Schedule (1) of Item 6110–104–0001 of Section 2.00 of the Budget Act of 2004, eleven million seven hundred forty-nine thousand dollars ($11,749,000) shall be expended consistent with Schedule (2) of that item, four million four hundred sixty-nine thousand dollars ($4,469,000) shall be expended consistent with Schedule (3) of that item, and twenty million nine hundred ninety-six thousand dollars ($20,996,000) shall be expended consistent with Schedule (4) of that item.

(C) The sum of thirty-seven million fifty-one thousand dollars ($37,051,000) to the State Department of Education for regional occupational centers and programs to be expended consistent with the requirements specified in Schedule (1) of Item 6110–105–0001 of Section 2.00 of the Budget Act of 2004.

(D) The sum of fifty million one hundred three thousand dollars ($50,103,000) to the State Department of Education for home-to-school transportation to be expended consistent with the requirements specified in Schedule (1) of Item 6110–111–0001 of Section 2.00 of the Budget Act of 2004.

(E) The sum of four million ninety-two thousand dollars ($4,092,000) to the State Department of Education for the Gifted and Talented Pupil Program to be expended consistent with the requirements specified in Item 6110–124–0001 of Section 2.00 of the Budget Act of 2004.

(F) The sum of ninety-five million three hundred ninety-seven thousand dollars ($95,397,000) to the State Department of Education for Targeted Instructional Improvement Grant Program to be expended consistent with the requirements specified in Item 6110–132–0001 of Section 2.00 of the Budget Act of 2004.

(G) The sum of forty-two million nine hundred fifty-nine thousand dollars ($42,959,000) to the State Department of Education for adult education to be expended consistent with the requirements specified in Schedule (1) of Item 6110–156–0001 of Section 2.00 of the Budget Act of 2004.

(H) The sum of four million five hundred fifty-eight thousand dollars ($4,558,000) to the State Department of Education for community day schools to be expended consistent with the requirements specified in Item 6110–190–0001 of Section 2.00 of the Budget Act of 2004.

(I) The sum of five million two hundred ninety-eight thousand dollars ($5,298,000) to the State Department of Education for categorical block grants for charter schools to be expended consistent with the requirements specified in Item 6110–211–0001 of Section 2.00 of the Budget Act of 2004.

(J) The sum of thirty-six million eight hundred ninety-four thousand dollars ($36,894,000) to the State Department of Education for the School Safety Block Grant to be expended consistent with the requirements specified in Schedule (1) of Item 6110–228–0001 of Section 2.00 of the Budget Act of 2004.

(K) The sum of two hundred million dollars ($200,000,000) to the Board of Governors of the California Community Colleges for apportionments, to be expended in accordance with the requirements specified for Schedule (1) of Item 6870–101–0001 of Section 2.00 of the Budget Act of 2004.

(2) The sum of one hundred nine million nine hundred fourteen thousand dollars ($109,914,000) is appropriated for the 2004–05 fiscal year to the Superintendent of Public Instruction for the purposes of Section 42238.44 of the Education Code, to be allocated to school districts on a pro rata basis.

(3) The following amounts are appropriated for the 2003–04 fiscal year:

(A) The sum of twelve million six hundred four thousand dollars ($12,604,000) to the State Department of Education for transfer to the State School Deferred Maintenance Fund to be available for funding applications received by the Department of General Services, Office of Public School Construction from school districts for deferred maintenance projects pursuant to Section 17584 of the Education Code.

(B) The sum of one hundred thirty-eight million dollars ($138,000,000) to the State Department of Education for transfer to the Instructional Materials Fund. The funds appropriated pursuant to this subparagraph shall be apportioned to school districts on the basis of an equal amount per pupil enrolled in schools in decile 1 or 2 of the Academic Performance Index (API), as ranked based on the 2003 base API score pursuant to Section 52056 of the Education Code. The funds apportioned pursuant to this subparagraph shall be used to purchase standards-aligned instructional materials pursuant to Section 60605 of the Education Code.

(C) The sum of fifty-eight million three hundred ninety-six thousand dollars ($58,396,000) to the Controller to pay for prior year state obligations for education mandate claims and interest. The Controller shall use the funds to pay for the oldest claims of those no longer subject to audit pursuant to subdivision (a) of Section 17558.5 of the Government Code, including accrued interest. No payments shall be made from these funds on any claims for the Standardized Testing and Reporting (STAR) Program, schoolsite councils, Brown Act reform, School Bus Safety II, or the removal of chemicals.

(D) The sum of twenty-eight million three hundred seventy-six thousand dollars ($28,376,000) to the Board of Governors of the California Community Colleges to provide one-time funding to districts for scheduled maintenance, special repairs, instructional materials, and library materials replacement. These funds shall be expended for the purposes of and be subject to the conditions of expenditures pursuant to Schedule (24.5) of Item 6870–101–0001 of the Budget Act of 2003 (Ch. 157, Stats. 2003).

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subparagraphs (A) to (J), inclusive, of paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2005–06 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to

Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2005–06 fiscal year.

(c) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subparagraph (K) of paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2005–06 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2005–06 fiscal year.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 2004–05 fiscal year and be included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2004–05 fiscal year.

(e) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by paragraph (3) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

(f) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subparagraph (F) of paragraph (3) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

SEC. 23. (a) The sum of twenty million two hundred thousand dollars ($20,200,000) is hereby appropriated from the General Fund in accordance with the following schedule:

(1) The sum of five million dollars ($5,000,000) to the State Department of Education for transfer to the State Instructional Materials Fund for purposes of acquiring instructional materials for school districts pursuant to subdivision (i) of Section 1240 of the Education Code.

(2) The sum of fifteen million dollars ($15,000,000) to the State Department of Education for allocation to county offices of education to review, monitor, and report on teacher training, certification, misassignment, hiring and retention practices of school districts pursuant to subparagraph (G) of paragraph (1) of subdivision (a) of Section 42127.6 of the Education Code, subparagraphs (A) and (B) of paragraph (1) of subdivision (b) of Section 44258.9 of the Education Code, and paragraph (4) of subdivision (e) of Section 44258.9 of the Education Code, and to conduct and report on site visits pursuant to paragraph (2) of subdivision (c) of Section 1240 of the Education Code, and oversee schools' compliance with instructional materials sufficiency requirements as provided in paragraphs (2) to (4), inclusive, of subdivision (i) of Section 1240 of the Education Code. Funds appropriated in this paragraph shall be allocated annually to county offices of education at the rate of three thousand dollars ($3,000) for each school in the county ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, pursuant to Section 52056 of the Education Code, based on the 2003 base Academic Performance Index score for each school, provided that the annual allocation for each county shall be a minimum of twenty thousand dollars ($20,000). If there are insufficient funds in any year to make the allocations required by this paragraph, the department shall allocate funding in proportion to the number of sites in each county. County offices shall contract with another county office or independent auditor for any work funded by this paragraph that is associated with a school operated by that county office.

(3) The sum of two hundred thousand dollars ($200,000) to the State Department of Education to implement this act.

(b) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraphs (1) and (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2004–05 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2004–05 fiscal year. Funds appropriated by this section shall be available for transfer or encumbrance for three fiscal years, beginning in 2004–05.

SEC. 24. The State Department of Education shall develop an instrument to assist county superintendents of schools evaluate the sufficiency of textbooks pursuant to Section 1240 of the Education Code. It is the intent of the Legislature that county superintendents conduct the evaluation during the same visit that they inspect sites pursuant to Section 1240 of the Education Code.

SEC. 25. (a) It is the intent of the Legislature to memorialize and to implement the State of California's settlement agreement in the case of Williams v. California (Super. Ct. San Francisco, No. CGC–00–312236) and that the provisions of law added or modified by this act be substantially preserved as a matter of state policy in settlement of this case. The state is not, however, precluded from taking additional measures in furtherance of the settlement agreement and to improve the quality of education for pupils, in ways consistent with the provisions of the settlement agreement.

(b) Further, it is the intent of the Governor and the Legislature in enacting this act to establish these minimum thresholds for teacher quality, instructional materials, and school facilities. The Legislature finds and the Governor agrees that these minimum thresholds are essential in order to ensure that all of California's public school pupils have access to the basic elements of a quality public education. However, these minimum thresholds in no way reflect the full extent of the Legislature's and the Governor's expectations of what California's public schools are capable of achieving. Instead, these thresholds for teacher quality, instructional materials, and school facilities are intended by the Legislature and by the Governor to be a floor, rather than a ceiling, and a beginning, not an end, to the State of California's commitment and effort to ensure that all California school pupils have access to the basic elements of a quality public education.

(c) It is the intent of the Legislature and of the Governor that teachers, school administrators, trustees and staff, parents, and pupils all recommit themselves to the pursuit of academic excellence in California public schools.

(d) It is the intent of the Legislature that local educational agencies, county offices of education, and state agencies with responsibility for implementing this act begin implementation as soon as practicable and with due diligence. Local educational agencies and county offices of education should use their best judgment as to the interpretation of provisions, recognizing that further implementation direction from the state in the form of statutes, regulations, and technical guidance may be provided in the future and may supersede local interpretations. The state recognizes that due to the date of enactment of this act and the time it will take to allocate the funding to local educational agencies and county offices of education, that full implementation of some of the provisions for school terms beginning in 2004–05 is impracticable.

SEC. 26. The Legislature finds and declares that Sections 10 and 11 of this act further the purposes of the Classroom Instructional Improvement and Accountability Act.

SEC. 27. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 28. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that all pupils in the public schools are provided standards-aligned instructional materials and are housed in adequately maintained school facilities, to ensure that school accountability report cards include important information, and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC-00-312236) as soon possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—SCHEDULES—CONCEPT 6 PROGRAM

CHAPTER 901

A.B. No. 1550

AN ACT to amend Section 37670 of, to add an article heading immediately preceding Section 37670 of, and to add Article 2 (commencing with Section 37680) to Chapter 5.5 of Part 22 of, the Education Code, relating to year-round schools, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1550, Daucher. Concept 6 program.

Existing law authorizes a school district to operate a program of multitrack year-round scheduling at one or more schools within the district. Under existing law, a program of multitrack year-round scheduling may operate for as few as 163 days in each fiscal year if the governing board of the school district adopts a resolution containing specified certifications at a regularly scheduled board meeting.

This bill would, commencing with the 2004–05 school year, prohibit a school district from operating a Concept 6 program unless the school district operated a Concept 6 program continuously since the 2003–04 school year. The bill would define a Concept 6 program to mean a program whereby a school operates on a 3–track year-round calendar in which each track provides fewer than 180 days, but no fewer than 163 days, of instruction per school year. The bill would require a district, as a condition of operating a Concept 6 program, by January 1, 2005, to present to the State Department of Education a comprehensive action plan detailing the strategy and steps to be taken annually to eliminate the use of the Concept 6 program as soon as practicable and no later than July 1, 2012.

The bill would require a district that plans to operate a Concept 6 program after June 30, 2006, and after July 30, 2009, to submit specified reports to the Superintendent of Public Instruction that establish substantial progress has been made toward meeting its annual goals stated in the comprehensive action plan and that it has developed a specific school building plan to provide adequate pupil capacity to eliminate the Concept 6 program. The bill would authorize the State Board of Education to appoint a monitor to oversee the district if it finds that substantial progress has not been made or a specific school building plan has not been developed and the reason for the failure is not due to circumstances beyond the control of the district. The bill would prohibit the operation of a Concept 6 program after July 1, 2012.

Existing law requires the State Department of Education, in consultation with the Office of Public School Construction, by July 1, 2008, to conduct a survey to determine whether school districts operating a program of multitrack year-round scheduling for as few as 163 days in a fiscal year will phase out this scheduling by the 2009–10 fiscal year, and to submit the survey to specified education committees of the Legislature and to the Department of Finance. Existing law requires the Legislature to determine, based on this survey, whether to repeal

or continue the authority of a school district to operate a multitrack year-round schedule for as few as 163 days.

This bill, instead, would require the department, in consultation with the Office of Public School Construction, by July 1, 2008, to conduct a survey to determine whether school districts operating a Concept 6 program will phase out this program by the 2009–10 fiscal year, and to submit the survey to specified education committees of the Legislature and to the Department of Finance. The bill would require the Legislature to determine, based on the survey, whether to repeal the authority of a school district to operate a Concept 6 program prior to July 1, 2012.

The bill would declare that it would take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. An article heading is added immediately preceding Section 37670 of the Education Code, to read:

Article 1. Multitrack Year-round Scheduling

SEC. 2. Section 37670 of the Education Code is amended to read:

37670. (a) * * * Except as provided in Article 2 (commencing with Section 37680), a school district may operate a program of multitrack year-round scheduling at one or more schools within the district. A program of multitrack year-round scheduling may operate at a schoolsite for as few as 163 days in each fiscal year if the governing board of the school district adopts a resolution at a regularly scheduled board meeting certifying that both of the following criteria are met at the schoolsite:

(1) The number of annual instructional minutes is not less than that of schools of the same grade levels utilizing the traditional school calendar.

(2) It is not possible for the school to maintain a multitrack schedule containing the same number of instructional days as are provided in schools of the district utilizing the traditional school calendar given the facilities, program, class sizes, and projected number of pupils enrolled at the schoolsite.

(b) A certificated * * * employee working under a program described in this section, except * * * one serving under an administrative or supervisorial credential * * * who is assigned full time to a school in * * * a position requiring qualifications for certification, shall work the same number of days and shall increase the number of minutes worked daily on a uniform basis.

(c) A program conducted pursuant to this section * * * is eligible for apportionment from the State School Fund.

* * *

SEC. 3. Article 2 (commencing with Section 37680) is added to Chapter 5.5 of Part 22 of the Education Code, to read:

Article 2. Concept 6 Class Scheduling

37680. For purposes of this article, the following terms have the following meanings:

(a) "Capacity–related busing" means transporting a pupil to a school other than the school of residence in order to reduce the number of pupils attending the school of residence.

(b) "Circumstances beyond the control of the district" means any of the following:

(1) An increase in pupil population beyond the demographic projections set forth in the district's comprehensive action plan, or an amendment thereto, if the increase was not reasonably foreseeable through the use of annual, informed reestimates of demographic projections.

(2) A cost escalation, shortage in construction material or capacity, delay in completion of an environmental review, or natural or human-made disaster materially affecting the district's

6 program is enrolled shall be disregarded, at the option of a school district, in calculating the number of days taught in the calculation of average daily attendance of that district for any school year, if the pupil entered the Concept 6 program after September 1 of that school year and the track in which the pupil is enrolled began instruction in July or August of that school year. For purposes of this subdivision, "late entry makeup class" is a class in which a pupil in a Concept 6 program is enrolled in order to compensate for the pupil's late enrollment in that program. The number of days taught that are disregarded under this subdivision shall not exceed the number of schooldays occurring in the school year prior to September 1 in the track in which the pupil is enrolled, reduced by the number of schooldays, if any, occurring in a program operating under the traditional school calendar in which the pupil was enrolled in that school district in the same school year prior to the date upon which the pupil is first enrolled in the Concept 6 program.

SEC. 4. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to reduce overcrowding in public schools and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, 2004, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—TEACHERS—GENERAL AMENDMENTS

CHAPTER 902

A.B. No. 3001

AN ACT to amend Sections 42127.6, 44225.6, 44258.9, 44274, 44275.3, 44325, 44453, 44511, 52055.640, and 52059 of the Education Code, relating to teachers, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3001, Goldberg. Teachers.

(1) Existing law requires the county superintendent of schools to report to the Superintendent of Public Instruction on the financial condition of a school district if the county superintendent determines a school district may be unable to meet its financial obligations for the current or 2 subsequent fiscal years or if a school district has a qualified or negative certification. Existing law requires the county superintendent to take at least one of certain actions and all actions that are necessary to ensure that the district meets its financial obligations.

This bill would require those possible actions to include assigning the Fiscal Crisis and Management Assistance Team to review district teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment and also to provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. The bill would require a school district that is assigned this review to follow the recommendations made unless it shows good cause for failure to do so.

(2) Existing law requires the Commission on Teacher Credentialing to report, by April 15 of each year, to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year. The report is required to include specified information.

This bill would expand, as specified, the kind of information to be included in that report.

(3) Existing law requires the county superintendent of schools to annually monitor and review school district certificated employee assignment practices according to certain priorities with first priority going to schools and school districts that are likely to have problems with teacher misassignment and teacher vacancies based on past experience or other available information. Existing law requires a county superintendent of schools to submit an annual report to the Commission on Teacher Credentialing summarizing the results of all assignment monitoring and reviews.

This bill would require the county superintendent of schools to give priority to schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, as defined, if those schools are not currently under review through a state or federal intervention program. The bill would require a county superintendent of schools to investigate school and district efforts to ensure that any credentialed teacher in an assignment requiring a certificate authorizing the holder to teach English language development to English learners or training that authorizes the holder to teach English language development to English learners completes the necessary requirements for one of those certificates or completes the required training.

The bill would require a county superintendent of schools to submit the annual report summarizing the results of assignment monitoring and reviews to the department. The bill would require that report to include information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, as defined, to ensure that in any classes in these schools in which 20% or more pupils are English learners, the assigned teachers possess a certificate authorizing the holder to teach English language development to English learners or have completed training that would authorize them to teach English language development to English learners or are otherwise authorized by law to do so. By adding these new requirements to the duties of county superintendents of schools, the bill would impose a state-mandated local program.

The bill would require the Superintendent of Public Instruction to submit a summary of the reports submitted by county superintendents of schools to the Legislature and would require the Legislature to hold public hearings on pupil access to teachers and to related statutory provisions.

(4) Existing law requires the Commission on Teacher Credentialing to grant an appropriate credential to an applicant from another state who completes teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California if the applicant has met the requirements of California for the basic skills proficiency test and teacher fitness.

This bill would delete the basic skills proficiency test requirement for these teacher credentialing applicants if the commission determines, as specified, that the applicant has met a comparable requirement.

(5) Existing law requires an out-of-state prepared teacher who is issued a California 5–year preliminary multiple subject, single subject, or education specialist teaching credential to pass the state basic skills proficiency test, administered by the Commission on Teacher Credentialing, within one year of the issuance date of the credential in order to be eligible to continue teaching.

This bill would delete this requirement, unless the commission determines, as specified, that the applicant has met a comparable requirement.

(6) Existing law requires the commission to issue a professional clear credential to an out-of-state prepared teacher who meets certain requirements among which are passing the state basic skills proficiency test administered by the commission and completing the study of health education and of a fifth-year program at a regionally accredited institution of higher education.

This bill would delete the requirements regarding the state basic skills proficiency test and a fifth-year program, unless the commission determines, as specified, that the applicant has met comparable requirements. The bill would delete the health education requirement.

The bill would require the Commission on Teacher Credentialing, by June 30, 2005, to report to the Legislature and the Governor on the comparability and equivalency of the preparation of teachers in other states in the areas of basic skills proficiency and fifth year programs.

(7) Existing law establishes university and district teacher intern programs.

This bill would require the Commission on Teacher Credentialing to ensure that each district and university internship program in California provides program elements to its interns as required by the federal No Child Left Behind Act of 2001 and its implementing regulations.

(8) Existing law establishes the Principal Training Program, administered by the Superintendent of Public Instruction, with the approval of the State Board of Education. Incentive funding is awarded pursuant to the program to provide schoolsite administrators with instruction and training in areas that include, among others, school financial and personnel management and the curriculum frameworks and instructional materials aligned to the state academic standards.

This bill would require that instruction and training include instruction related to personnel management, including hiring, recruitment and retention practices and misassignments of certificated personnel and that instruction and training in the curriculum frameworks and instructional materials aligned to the state academic standard, include ensuring the provision of sufficient textbooks and instructional materials as required by law.

(9) Existing law establishes within the Public Schools Accountability Act of 1999, the High Priority Schools Grant Program and requires a school district that has a school participating in the program to submit a report to the Superintendent of Public Instruction that includes specified information.

This bill would require that, commencing with the 2004–05 fiscal year, for a district with a school initially applying to participate in the program on or after July 2004, the report include whether at least 80% of the teachers assigned to the school are credentialed and the number of classes in which 20% or more pupils are English learners and assigned to teachers who do not possess a certificate authorizing the holder to teach English language development to English learners or have completed training that would authorize them to teach English language development to English learners or are otherwise authorized by law to do so.

(10) Existing law requires the State Department of Education to establish a statewide system of school support that would provide intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. Existing law requires the system to provide assistance by reviewing and analyzing all facets of a school's operation and by assisting the school in developing recommendations for improving pupil performance and school operations.

This bill would require the review and analysis to include the recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues and the roles and responsibilities of district and school management personnel. The bill would authorize the system to access the assistance of the Fiscal Crisis and Management Assistance Team to review district or school recruitment, hiring, and retention practices. The bill would require the system also to assist schools and districts in efforts to eliminate misassignments of certificated personnel.

(11) The bill would declare that the Legislature encourages school districts to provide all the schools it maintains that are ranked in deciles 1 to 3, inclusive, of the Academic Performance Index first priority to review resumes and job applications received by the district from credentialed teachers.

(12) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 these statutory provisions.

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

The people of the State of California do enact as follows:

SECTION 1. Section 42127.6 of the Education Code is amended to read:

42127.6. (a)(1) A school district shall provide the county superintendent of schools with a copy of a study, report, evaluation, or audit that was commissioned by the district, the county superintendent, the Superintendent of Public Instruction, and state control agencies and that contains evidence that the school district is showing fiscal distress under the standards and criteria adopted in Section 33127, or a report on the school district by the County Office Fiscal Crisis and Management Assistance Team or any regional team created pursuant to subdivision (i) of Section 42127.8. The county superintendent shall review and consider studies, reports, evaluations, or audits of the school district that contain evidence that the school district is demonstrating fiscal distress under the standards and criteria adopted in Section 33127 or that contain a finding by an external reviewer that more than three of the 15 most common predictors of a school district needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team, are present. If these findings are made, the county superintendent shall investigate the financial condition of the school district and determine if the school district may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 42131. If at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified or negative certification pursuant to Section 42131, he or she shall notify the governing board of the school district and the Superintendent of Public Instruction in writing of that determination and the basis for the determination. The notification shall include the assumptions used in making the determination and shall be available to the public. The county superintendent of schools * * * shall report to the Superintendent of Public Instruction on the financial condition of the school district and his or her proposed remedial actions and shall do at least one of the following and all actions that are necessary * * * to ensure that the district meets its financial obligations:

(A) Assign a fiscal expert, paid for by the county superintendent, to advise the district on its financial problems.

(B) Conduct a study of the financial and budgetary conditions of the district that * * * includes, but is not * * * limited to, a review of internal controls. If, in the course of this review, the county superintendent determines that his or her office requires analytical assistance or expertise that is not available through the district, he or she may employ, on a short-term basis, with the approval of the Superintendent of Public Instruction, staff, including certified public accountants, to provide the assistance and expertise. The school district shall pay 75 percent and the county office of education shall pay 25 percent of these staff costs.

(C) Direct the school district to submit a financial projection of all fund and cash balances of the district as of June 30 of the current year and subsequent fiscal years as he or she requires.

(D) Require the district to encumber all contracts and other obligations, to prepare appropriate cashflow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables.

(E) Direct the district to submit a proposal for addressing the fiscal conditions that resulted in the determination that the district may not be able to meet its financial obligations.

(F) Withhold compensation of the members of the governing board and the district superintendent for failure to provide requested financial information. This action may be appealed to the Superintendent of Public Instruction pursuant to subdivision (b).

(G) Assign the Fiscal Crisis and Management Assistance Team to review teacher hiring practices, teacher retention rate, percentage of provision of highly qualified teachers, and the extent of teacher misassignment in the school district and provide the district with recommendations to streamline and improve the teacher hiring process, teacher retention rate, extent of teacher misassignment, and provision of highly qualified teachers. If a review team is assigned to a school district, the district shall follow the recommendations of the team, unless the district shows good cause for failure to do so. The Fiscal Crisis and Management

Assistance Team may not recommend an action that would abrogate a contract that governs employment.

(2) Any contract entered into by a county superintendent of schools for the purposes of this subdivision is subject to the approval of the Superintendent of Public Instruction.

(3) An employee of a school district who provides information regarding improper governmental activity, as defined in Section 44112, is entitled to the protection provided pursuant to Article 5 (commencing with Section 44110) of Chapter 1 of Part 25.

(b) Within five days of the county superintendent making the determination specified in subdivision (a), a school district may appeal the basis of the determination * * * and any of the proposed actions that the county superintendent has indicated that he or she will take to further examine the financial condition of the district. The Superintendent of Public Instruction shall sustain or deny any or all parts of the appeal within 10 days.

(c) If, after taking the actions identified in subdivision (a), the county superintendent determines that a district will be unable to meet its financial obligations for the current or subsequent fiscal year, he or she shall notify the school district governing board and the Superintendent of Public Instruction in writing of that determination and the basis for that determination. The notification shall include the assumptions used in making the determination and shall be * * * provided to the superintendent of the school district and parent and teacher organization of the district.

(d) Within five days of the county superintendent making the determination specified in subdivision (c), a school district may appeal that determination to the Superintendent of Public Instruction. The Superintendent * * * shall sustain or deny the appeal within 10 days. If the governing board of the school district appeals the determination, the county superintendent of schools may stay any action of the governing board that he or she determines is inconsistent with the * * * ability of the district to meet its financial obligations for the current or subsequent fiscal year until resolution of the appeal by the Superintendent of Public Instruction.

(e) If the appeal described in subdivision (d) is denied or not filed, or if the district has a negative certification pursuant to Section 42131, the county superintendent, in consultation with the Superintendent of Public Instruction, shall * * * take at least one of the actions described in paragraphs (1) to (5), inclusive, and all actions that are necessary to ensure that the district meets its financial obligations and shall make a report to the Superintendent about the financial condition of the district and remedial actions proposed by the county superintendent.

(1) Develop and impose, in consultation with the Superintendent of Public Instruction and the school district governing board, a budget revision that will enable the district to meet its financial obligations in the current fiscal year.

(2) Stay or rescind any action that is determined to be inconsistent with the ability of the school * * * district to meet its obligations for the current or subsequent fiscal year. This includes any actions up to the point that the subsequent year's budget is approved by the county superintendent of schools. The county superintendent of schools shall inform the school district governing board in writing of his or her justification for any exercise of authority under this paragraph.

(3) Assist in developing, in consultation with the governing board of the school district, a financial plan that will enable the district to meet its future obligations.

(4) Assist in developing, in consultation with the governing board of the school district, a budget for the subsequent fiscal year. If necessary, the county superintendent of schools shall continue to work with the governing board of the school district until the budget for the subsequent year is adopted.

(5) As necessary, appoint a fiscal adviser to perform any or all of the duties prescribed by this section on his or her behalf.

(f) Any action taken by the county superintendent of schools pursuant to paragraph (1) or (2) of subdivision (e) shall be accompanied by a notification that shall include the actions to be taken, the reasons for the actions, and the assumptions used to support the necessity for these actions.

(g) This section does not authorize the county superintendent to abrogate any provision of a collective bargaining agreement that was entered into by a school district prior to the date upon which the county superintendent of schools assumed authority pursuant to subdivision (e).

(h) The school district shall pay 75 percent and the county office of education shall pay 25 percent of the administrative expenses incurred pursuant to subdivision (e) or costs associated with improving the district's financial management practices. The Superintendent of Public Instruction shall develop * * * and distribute to affected school districts and county offices of education * * * advisory guidelines regarding the appropriate amount of administrative expenses charged pursuant to this subdivision.

(i) Notwithstanding Section 42647 or 42650 * * * or any other * * * law, a county treasurer shall not honor any warrant if, pursuant to Sections 42127 to 42127.5, inclusive, or pursuant to this section, the county superintendent or the Superintendent of Public Instruction, as appropriate, has disapproved that warrant or the order on school district funds for which a warrant was prepared.

(j) Effective upon the certification of the election results for a newly organized school district pursuant to Section 35763, the county superintendent of schools may exercise any of the powers and duties of this section regarding the reorganized school district and the other affected school districts until the reorganized school district becomes effective for all purposes in accordance with Article 4 (commencing with Section 35530) of Chapter 3 of Part 21.

(k) The Superintendent of Public Instruction shall monitor the efforts of a county office of education in exercising its authority under this section and may exercise any of that authority if he or she finds that the actions of the county superintendent of schools are not effective in resolving the financial problems of the school district. Upon a decision to exercise the powers of the county superintendent of schools, the county superintendent of schools is relieved of those powers assumed by the Superintendent. In addition to the actions taken by the county superintendent, the Superintendent of Public Instruction shall take further actions to ensure the long-term fiscal stability of the district. The county office of education shall reimburse the Superintendent of Public Instruction for all of his or her costs in exercising his or her authority under this subdivision. The Superintendent of Public Instruction shall promptly notify the county superintendent of schools, the county board of education, the superintendent of the school district, the governing board of the school district, the appropriate policy and fiscal committees of each house of the Legislature, and the Department of Finance of his or her decision to exercise the authority of the county superintendent of schools.

SEC. 2. Section 44225.6 of the Education Code is amended to read:

44225.6. (a) By April 15 of each year, the commission shall report to the Legislature and the Governor on the * * * availability of teachers * * * in California. This report shall include the following information:

(1) The number of individuals recommended for credentials by institutions of higher education and the type of credential or certificate, or both, for which they were recommended, including certificates issued pursuant to Sections 42253.3 and 42253.4.

(2) The number of individuals recommended by school districts operating district internship programs and the type of credential or certificate, or both, for which they were recommended, including certificates issued pursuant to Sections 42253.3 and 42253.4.

(3) The number of individuals receiving an initial credential based on a program completed outside of California and the type of credential or certificate, or both, for which they were recommended, including certificates issued pursuant to Sections 42253.3 and 42253.4.

(4) The number of individuals receiving an emergency permit, credential waiver, or other authorization that does not meet the definition of a highly qualified teacher under the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

* * * (5) By county and school district, the number of individuals serving in the following capacities * * * and as a percentage of the total number of individuals serving as teachers in the county * * * and school district:

(A) University internship.

(B) District internship.

(C) Preinternship.

(D) Emergency permit.

(E) Credential waiver.

(F) Preliminary or professional clear credential.

(G) An authorization, other than those listed in this paragraph, that does not meet the definition of a highly qualified teacher under the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) by category of authorization.

(H) Certificate issued pursuant to Section 42253.3.

(I) Certificate issued pursuant to Section 42253.4.

(J) Certificate of completion issued pursuant to Section 42253.10.

(6) The specific subjects and teaching areas in which there are a sufficient number of new holders of credentials to fill the positions currently held by individuals with emergency permits.

(b) The commission shall make this report available to school districts and county offices of education to assist them in the recruitment of credentialed teachers and shall make the report and supporting data publicly available on the commission's Web site.

(c) A common measure of whether teacher preparation programs are meeting the challenge of preparing increasing numbers of new teachers is the number of teaching credentials awarded. The number of teaching credentials recommended by these programs and awarded by the commission are indicators of the productivity of teacher preparation programs. The commission shall include in the report prepared for the Legislature and Governor pursuant to subdivision (a) the total number of teaching credentials recommended by all accredited teacher preparation programs authorized by the commission and the number recommended by each of the following:

(1) The University of California system.

(2) The California State University system.

(3) Independent colleges and universities that offer teacher preparation programs approved by the commission.

(4) Other institutions that offer teacher preparation programs approved by the commission.

SEC. 3. Section 44258.9 of the Education Code is amended to read:

44258.9. (a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).

(b)(1) Each county superintendent of schools shall annually monitor and review school district certificated employee assignment practices according to the following priority:

(A) Schools and school districts that are likely to have problems with teacher misassignment and teacher vacancies based on past experience or other available information. The county superintendent of schools shall give priority to schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, if those schools are not currently under review through a state or federal intervention program.

(B) All other schools on a four-year cycle.

(2) Each county superintendent of schools shall investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.

(3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of

certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity.

(c) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing and the department summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:

(1) The numbers of teachers assigned and types of assignments made by * * * the governing * * * board of a school district under the authority of Sections 44256, 44258.2, and 44263 * * *.

(2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.

(3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.

(4) Information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to ensure that, at a minimum, in any class in these schools in which 20 percent or more pupils are English learners the assigned teacher possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.

(5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.

* * * (d) The Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments which shall be based, in part, on the annual reports of the county superintendents of schools.

(e)(1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credential holders.

Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.

(2) Commencing July 1, 1989, any certificated person who * * * is required by an administrative superior to accept an assignment for which he or she has no legal authorization shall, after exhausting any existing local remedies, notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools shall, within 15 working days, advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who * * * files a written notification with the county superintendent of schools shall be exempt from the provisions of Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.

(3) * * * The county superintendent of schools shall notify, through the office of the district superintendent, any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(4) * * * The county superintendent of schools shall notify any superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 days of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

* * * (f) An applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.

(g) The Superintendent of Public Instruction shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (c) to the Legislature. The Legislature may hold, within a reasonable period after receipt of the summary, public hearings on pupil access to teachers and to related statutory provisions. The Legislature may also assign one or more of the standing committees or a joint committee, to determine the following:

(1) The effectiveness of the reviews required pursuant to this section.

(2) The extent, if any, of vacancies and misassignments.

(3) The need, if any, to assist schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to eliminate vacancies and misassignments.

SEC. 4. Section 44274 of the Education Code is amended to read:

44274. (a) The commission shall conduct periodic reviews * * * to determine whether any state has established teacher preparation standards, including standards for teachers of English learners, that are at least comparable and equivalent to teacher preparation standards in California.

(b) If the commission determines, pursuant to subdivision (a), that the teacher preparation standards established by any state are at least comparable and equivalent to teacher preparation standards in California, the commission shall initiate negotiations with that state to provide reciprocity in teacher credentialing.

(c)(1) The commission shall grant an appropriate credential to any applicant from another state who * * * completes teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in California, as determined by the commission pursuant to this section, if the applicant * * * meets the requirements of California for the basic skills proficiency test pursuant to subdivision (d) of Section 44275.3 and teacher fitness pursuant to Sections 44339, 44340, and 44341.

(2) If the commission determines that the teacher licensing body of another state requires an applicant to demonstrate a level of basic skills proficiency that is at least comparable to passage of the state basic skills proficiency test, applicants from that state are not required to meet the requirements of California for the basic skills proficiency test.

(d) A reciprocity agreement established pursuant to subdivision (b) shall not exempt an out-of-state applicant from submitting an identification card pursuant to Section 44340 and obtaining a certificate of clearance, credential, permit, or certificate of eligibility from the commission.

(e) The commission shall issue credentials to out-of-state prepared teachers based on all of the following:

(1) Equivalent preparation received outside of this state.

(2) Equivalent reading instruction, as determined by the reviews conducted pursuant to Section 44274.1.

(3) Equivalent subject matter programs or credential emphasis programs, as determined by the reviews conducted pursuant to Section 44274.1.

SEC. 5. Section 44275.3 of the Education Code is amended to read:

44275.3. Notwithstanding any other provision of law:

(a) It is the intent of the Legislature that both of the following occur:

(1) That this section provide flexibility to enable school districts to recruit credentialed out-of-state elementary, secondary, and special education teachers to relocate to California.

(2) That any and all teachers hired in California pursuant to this section fully meet the requirements of the State of California * * * or requirements deemed to be equivalent.

(b) Notwithstanding any other provision of this chapter, the commission shall issue a five-year preliminary multiple subject or single subject teaching credential or a five-year preliminary education specialist credential to any out-of-state prepared teacher who meets all of the following requirements:

(1) Possesses a baccalaureate degree from a regionally accredited institution of higher education.

(2) Completed a teacher preparation program at a regionally accredited institution of higher education.

(3) Successfully completes any criminal background check conducted pursuant to Sections 44339, 44340, and 44341 for credentialing purposes.

(4) Earned or qualified for a corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program. The commission shall determine the area of concentration of the California education specialist credential based on the special education program completed out of state.

(c) An out-of-state prepared teacher who has been issued a California five-year preliminary multiple subject, single subject, or education specialist teaching credential shall pass the state basic skills proficiency test, administered by the commission pursuant to Section 44252, within one year of the issuance date of the credential in order to be eligible to continue teaching pursuant to this section, unless the commission determines that the teacher licensing body of the state in which the teacher completed his or her preparation requires an applicant to demonstrate a level of basic skills proficiency that is at least comparable to passage of the state basic skills proficiency test.

(d) The commission shall issue a professional clear credential to an out-of-state prepared teacher who has met the requirements in subdivision (b) and who meets the following requirements:

(1) Passage of the state basic skills proficiency test administered by the commission pursuant to Section 44252, unless the commission determines that the teacher licensing body of the state in which the teacher completed his or her preparation requires an applicant to demonstrate a level of basic skills proficiency that is at least comparable to passage of the state basic skills proficiency test.

(2) Demonstration of subject matter competence by completion of coursework or an examination approved by the commission pursuant to paragraph (5) of subdivision (b) of Section 44259. Completion of subject matter in another state that * * * is determined by the commission to be comparable or equivalent pursuant to paragraph (1) of subdivision (a) of Section 44274.1 shall meet this requirement.

(3) Completion of a course, or for multiple subject and education specialist credentials, a course or an examination, on the various methods of teaching reading pursuant to paragraph (4) of subdivision (b) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent pursuant to paragraph (2) of subdivision (a) of Section 44274.1 shall meet this requirement.

(4) Completion of a course or examination on the provisions and principles of the United States Constitution pursuant to paragraph (6) of subdivision (b) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

* * *

(5) With the exception of the education specialist credential, completion of study and field experience in methods of delivering appropriate educational services to pupils with exception-

al needs in regular education programs. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(6) Completion of the study of computer-based technology through demonstration by course or examination of basic competence in the use of computers in the classroom, and study of advanced computer-based technology, including the uses of technology in educational settings pursuant to subparagraph (C) of paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(7) Completion of a fifth-year program at a regionally accredited institution of higher education, except that the commission shall eliminate this requirement for any candidate who has completed an induction program for beginning teachers. Completion of preparation in another state determined by the commission to be comparable and equivalent to the requirement specified by this paragraph shall meet this requirement.

(8) A teacher holding a specialist credential pursuant to this section shall complete the requirements for nonspecial education pedagogy and a supervised field experience program in general education pursuant to Section 44265.

(9) A teacher holding a specialist credential pursuant to this section shall complete a program for the Professional Level II credential accredited by the Committee on Accreditation, established pursuant to Section 44373, and the requirements specified in this subdivision.

SEC. 6. Section 44325 of the Education Code is amended to read:

44325. (a) The Commission on Teacher Credentialing shall issue district intern credentials authorizing persons employed by a school district that maintains kindergarten and grades 1 to 12, inclusive, or that maintains classes in bilingual education to provide classroom instruction to pupils in those grades and classes in accordance with the requirements of Section 44830.3. The commission, until January 1, 2008, also shall issue district intern credentials authorizing persons employed by a school district to provide classroom instruction to pupils with mild and moderate disabilities in special education classes, in accordance with the requirements of Section 44830.3.

(b) Each district intern credential is valid for a period of two years. * * * A credential may be valid for three years if the intern is participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities * * * or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities. Upon the recommendation of the school district, the commission may grant a one-year extension of the district intern credential.

(c) The commission shall require each applicant for a district intern credential to demonstrate that he or she meets all of the following minimum qualifications for that credential:

(1) The possession of a baccalaureate degree conferred by a regionally accredited institution of postsecondary education.

(2) The successful passage of the state basic skills proficiency test administered under Sections 44252 and 44252.5.

(3) The successful completion of the appropriate subject matter examination administered by the commission, or a commission-approved subject matter preparation program for the subject areas in which the district intern is authorized to teach.

(4) The oral language component of the assessment program leading to the bilingual-crosscultural language and academic development certificate for persons seeking a district intern credential to teach bilingual education classes.

(d) The commission shall apply the requirements of Sections 44339, 44340, and 44341 to each applicant for a district intern credential.

(e) The Commission on Teacher Credentialing shall ensure that each district internship program in California provides program elements to its interns as required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and its implementing regulations.

SEC. 7. Section 44453 of the Education Code is amended to read:

44453. (a) For admission to all teaching internship programs authorized by this article, an applicant shall have a baccalaureate or higher degree from a regionally accredited institution of postsecondary education and shall pass a subject matter examination as provided in Section 44280 or complete a commission-approved subject matter program as provided in Section 44310.

(b) The Commission on Teacher Credentialing shall ensure that each university internship program in California provides program elements to its interns as required by the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and its implementing regulations.

SEC. 8. Section 44511 of the Education Code is amended to read:

44511. (a) From funds appropriated for the purpose of this article, the Superintendent of Public Instruction shall award incentive funding to provide schoolsite administrators with instruction and training in areas including, but not limited to, the following:

(1) School financial and personnel management. This training shall specifically provide instruction related to personnel management, including hiring, recruitment, and retention practices and misassignments of certificated personnel.

(2) Core academic standards.

(3) Curriculum frameworks and instructional materials aligned to the state academic standards, including ensuring the provisions of textbooks and instructional materials as defined in Section 60119.

(4) The use of pupil assessment instruments, specific ways of mastering the use of assessment data from the Standardized Testing and Reporting Program, and school management technology to improve pupil performance.

(5) The provision of instructional leadership and management strategies regarding the use of instructional technology to improve pupil performance.

(6) Extension of the knowledge, skills, and abilities acquired in the preliminary administrative preparation program that is designed to strengthen the ability of administrators to serve all pupils in the school to which they are assigned.

(b) The additional instruction and training areas that may be considered to improve pupil learning and achievement based upon the needs of participating schoolsite administrators, include pedagogies of learning, motivating pupil learning, collaboration, conflict resolution, diversity, parental involvement, employee relations, and the creation of effective learning and workplace environments.

(c) All local education agencies are eligible to apply for funds appropriated for the purpose of this article.

SEC. 9. Section 52055.640 of the Education Code is amended to read:

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent of Public Instruction that includes the following:

(1) The academic improvement of pupils within the participating school as measured by the tests under Section 60640 and the progress made towards achieving English language proficiency as measured by the English language development test administered pursuant to Section 60810.

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district. Commencing with the 2004–05 fiscal year, for a school district with a school initially applying to participate in the program on or after July 1, 2004, the report shall include whether at least 80 percent of the teachers assigned to the school are credentialed and the number of classes in which 20 percent or more pupils are English learners and assigned to teachers who do not possess a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or have not completed training pursuant to Section 44253.10, or are not otherwise authorized by statute to be assigned to those classes. This paragraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) The availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners.

(4) The number of parents and guardians presently involved at each participating schoolsite as compared to the number participating at the beginning of the program.

(5) The number of pupils attending afterschool, tutoring, or homework assistance programs.

(6) For participating secondary schools, the number of pupils who are enrolled in and successfully completing advanced placement courses, by type, and requirements for admission to the University of California or the California State University, including courses in algebra, biology, and United States or world history.

(b) The report on the pupil literacy and achievement component shall be disaggregated by numerically significant subgroups, as defined in Section 52052, and English language learners and have a focus on improved scores in reading and mathematics as measured by the following:

(1) The Academic Performance Index, including the data collected pursuant to tests that are part of the Standardized Testing and Reporting Program and the writing sample that is part of that program.

(2) The results of the primary language test pursuant to Section 60640.

(3) Graduation rates, when the methodology for collecting this data has been confirmed to be valid and reliable.

(4) In addition, a school may use locally developed assessments to assist it in determining the pupil progress in academic literacy and achievement.

(c) The report on the quality of staff component shall include, but not be limited to, the following information:

(1) The number of teachers at the schoolsite holding a valid California teaching credential or district or university intern certificate or credential compared to those teachers at the same schoolsite holding a preintern certificate, emergency permit, or waiver.

(2) The number and ratio of teachers across the district holding a valid California teaching credential or district or university intern certificate or credential compared to those holding a preintern certificate, emergency permit, or waiver.

(3) The number of principals having completed training pursuant to Article 4.6 (commencing with Section 44510) of Chapter 3 of Part 25.

(4) The number of principals by credential type or years of experience and length of time at the schoolsite by years.

(d) The report on the parental involvement component shall include explicit involvement strategies being implemented at the schoolsite that are directly linked to activities supporting pupil academic achievement and verification that the schoolsite has developed a school-parent compact as required by Section 51101.

(e) All comparisons made in the reports required pursuant to this section shall be based on baseline data provided by the district and schoolsite in the action plan that is certified and submitted with the initial application.

(f) To the extent that data is already reported to the Superintendent of Public Instruction, a school district need not include the data in the reports submitted pursuant to this section.

(g) Before submitting the reports required pursuant to this section, the school district shall, at a regularly scheduled public meeting of the governing board, review a participating school's progress towards achieving those goals.

SEC. 10. Section 52059 of the Education Code is amended to read:

52059. (a) For purposes of complying with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a Statewide System of School Support shall be established by the * * * department * * * to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. The system shall consist of regional consortia, which may include county

offices of education and school districts, that work collaboratively with school districts and county offices of education to meet the needs of school districts and schools in need of improvement.

(b) The system shall provide assistance to school districts and schools in need of improvement by:

(1) Reviewing and analyzing all facets of a school's operation, including the[1] following:

(A) The design and operation of the instructional program offered by the school * * *.

(B) The recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues. The system may request the assistance of the Fiscal Crisis and Management Assistance Team to review school district or school recruitment, hiring, and retention practices.

(C) The roles and responsibilities of district and school management personnel.

(2) Assisting the school in developing recommendations for improving pupil performance and school operations.

(3) Assisting schools and school districts in efforts to eliminate misassignments of certificated personnel.

(c) In carrying out this article, the * * * department * * * shall ensure that support is provided in the following order of priority:

(1) To school districts or county offices of education with schools that are subject to corrective action under paragraph (7) of subsection (b) of Section 6316 of Title 20 of the United States Code.

(2) To school districts or county offices of education with schools that are identified as being in need of improvement pursuant to subsection (b) of Section 6316 of Title 20 of the United States Code.

(3) To provide support and assistance to school districts and county offices of education with schools participating under the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) that need support and assistance to achieve the purposes of that act.

(4) To provide support and assistance to other school districts and county offices of education with schools participating in a program carried out under this chapter.

(d) For purposes of this article, all references to schools shall include charter schools.

(e) Funds shall be distributed under this article based on the number of schools and enrollment of those schools in each region that have been identified as being in need of improvement pursuant to Section 6316 of Title 20 of the United States Code, or are participating in the programs conducted under this chapter.

SEC. 11. The Legislature encourages school districts to provide all the schools it maintains that are ranked in deciles 1 to 3, inclusive, of the Academic Performance Index first priority to review resumes and job applications received by the district from credentialed teachers. It is the intent of the Legislature that after all schools maintained by the district that are ranked in deciles 1 to 3, inclusive, of the Academic Performance Index have had the opportunity to review the resumes and job applications received by the district from credentialed teachers, a school district make the resumes and applications available to other schools maintained by the district. It is not the intent of the Legislature to require, as a condition of employment, that an applicant teacher accept an offer from a school ranked in any of deciles 1 to 3, inclusive, of the Academic Performance Index.

SEC. 12. In developing the annual budget for the 2006–07 fiscal year and subsequent fiscal years, the Department of Finance, in consultation with the State Department of Education, shall review the implementation of legislation enacted pursuant to the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) and shall propose whether to use the Academic Performance Index rankings of later years in determining the applicability of legislation limited to schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index.

[1] So in enrolled bill.

SEC. 13. By June 30, 2005, the Commission on Teacher Credentialing shall report to the Legislature and the Governor on the comparability and equivalency of the preparation of teachers in other states in the areas of basic skills proficiency and fifth-year programs, including, but not limited to, the number of states that have met these requirements.

SEC. 14. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 15. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that pupils in the public schools have access to qualified teachers and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—UNIFORM COMPLAINT PROCESS

CHAPTER 903

A.B. No. 2727

AN ACT to amend Section 35186 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, Daucher. Schools: uniform complaint process.

Existing regulations require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints and require each local educational agency to include in its policies and procedures the person, employee, or agency position or unit responsible for receiving complaints, investigating complaints, and ensuring local educational agency compliance.

Senate Bill 550, of the 2003–04 Regular Session, would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. SB 550 would require a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

This bill would require a school district to use its uniform complaint process to help identify and resolve any emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff instead of conditions of facilities that are not maintained in a clean and safe manner or in good repair.

This bill would become operative only if Senate Bill 850 [1] is also enacted.

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

The people of the State of California do enact as follows:

[1] So in enrolled bill. Probably should read Senate Bill 550.

SECTION 1. Section 35186 of the Education Code, as proposed to be added by Senate Bill 550 of the 2003–04 Regular Session, is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, * * * emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a certificated teacher is not assigned to teach the class.

SEC. 13. By June 30, 2005, the Commission on Teacher Credentialing shall report to the Legislature and the Governor on the comparability and equivalency of the preparation of teachers in other states in the areas of basic skills proficiency and fifth-year programs, including, but not limited to, the number of states that have met these requirements.

SEC. 14. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 15. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that pupils in the public schools have access to qualified teachers and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

SCHOOLS AND SCHOOL DISTRICTS—UNIFORM COMPLAINT PROCESS

CHAPTER 903

A.B. No. 2727

AN ACT to amend Section 35186 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2727, Daucher. Schools: uniform complaint process.

Existing regulations require each local educational agency to adopt policies and procedures for the investigation and resolution of complaints and require each local educational agency to include in its policies and procedures the person, employee, or agency position or unit responsible for receiving complaints, investigating complaints, and ensuring local educational agency compliance.

Senate Bill 550, of the 2003–04 Regular Session, would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. SB 550 would require a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

This bill would require a school district to use its uniform complaint process to help identify and resolve any emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff instead of conditions of facilities that are not maintained in a clean and safe manner or in good repair.

This bill would become operative only if Senate Bill 850 [1] is also enacted.

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

The people of the State of California do enact as follows:

[1] So in enrolled bill. Probably should read Senate Bill 550.

SECTION 1. Section 35186 of the Education Code, as proposed to be added by Senate Bill 550 of the 2003–04 Regular Session, is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, * * * emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent of Public Instruction, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a certificated teacher is not assigned to teach the class.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a vacant teacher position as defined in subparagraph (A) of paragraph (5) of subdivision (b) of Section 33126.

SEC. 2. This act shall become operative only if Senate Bill 550 of the 2003–04 Regular Session is enacted.

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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that all pupils in the public schools are housed in adequately maintained school facilities and to implement the settlement agreement in the case of Williams v. State of California (Super. Ct., San Francisco, No. CGC–00–312236) as soon as possible, it is necessary for this act to take effect immediately.

ANIMALS—BIRDS—FORCE FEEDING

CHAPTER 904

S.B. No. 1520

AN ACT to add Chapter 13.4 (commencing with Section 25980) to Division 20 of the Health and Safety Code, relating to force fed birds.

[Filed with Secretary of State September 29, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1520, Burton. Force fed birds.

Existing law authorizes an officer to issue a citation to a person or entity keeping horses or other equine animals for hire if the person or entity fails to meet standards of humane treatment regarding the keeping of horses or other equine animals.

This bill would establish similar provisions regarding force feeding a bird, as defined. The bill would prohibit a person from force feeding a bird for the purpose of enlarging the bird's liver beyond normal size, and would prohibit a person from hiring another person to do so. The bill would also prohibit a product from being sold in the state if it is the result of force feeding a bird for the purpose of enlarging the bird's liver beyond normal size. The bill would authorize an officer to issue a citation for a violation of those provisions in an amount up to $1,000 per violation per day.

The bill would provide that these prohibitions shall become operative on July 1, 2012.

Until July 1, 2012, this bill would prohibit an existing or future civil or criminal cause of action for engaging in an act prohibited by the bill, from proceeding against a person or entity engaged in, or controlled by persons or entities who were engaged in, agricultural practices that involved force feeding birds at the time of the enactment of this bill.

The people of the State of California do enact as follows:

SECTION 1. Chapter 13.4 (commencing with Section 25980) is added to Division 20 of the Health and Safety Code, to read:

Chapter 13.4. Force Fed Birds

25980. For purposes of this section, the following terms have the following meanings:

(a) A bird includes, but is not limited to, a duck or goose.

(b) Force feeding a bird means a process that causes the bird to consume more food than a typical bird of the same species would consume voluntarily. Force feeding methods include, but are not limited to, delivering feed through a tube or other device inserted into the bird's esophagus.

25981. A person may not force feed a bird for the purpose of enlarging the bird's liver beyond normal size, or hire another person to do so.

25982. A product may not be sold in California if it is the result of force feeding a bird for the purpose of enlarging the bird's liver beyond normal size.

25983. (a) A peace officer, officer of a humane society as qualified under Section 14502 or 14503 of the Corporations Code, or officer of an animal control or animal regulation department of a public agency, as qualified under Section 830.9 of the Penal Code, may issue a citation to a person or entity that violates this chapter.

(b) A citation issued under this section shall require the person cited to pay a civil penalty in an amount up to one thousand dollars ($1,000) for each violation, and up to one thousand dollars ($1,000) for each day the violation continues. The civil penalty shall be payable to the local agency initiating the proceedings to enforce this chapter to offset the costs to the agency related to court proceedings.

(c) A person or entity that violates this chapter may be prosecuted by the district attorney of the county in which the violation occurred, or by the city attorney of the city in which the violation occurred.

25984. (a) Sections 25980, 25981, 25982, and 25983 of this chapter shall become operative on July 1, 2012.

(b)(1) No civil or criminal cause of action shall arise on or after January 1, 2005, nor shall a pending action commenced prior to January 1, 2005, be pursued under any provision of law against a person or entity for engaging, prior to July 1, 2012, in any act prohibited by this chapter.

(2) The limited immunity from liability provided by this subdivision shall not extend to acts prohibited by this chapter that are committed on or after July 1, 2012.

(A) One-half of the amount shall be distributed to supplement the trainer-administered pension plans for backstretch personnel established pursuant to Section 19613. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19613 or any other provision of law.

(B) One-half of the amount shall be distributed to the welfare fund established for the benefit of horsemen and backstretch personnel pursuant to subdivision (b) of Section 19641. Moneys distributed pursuant to this subparagraph shall supplement, and not supplant, moneys distributed to that fund pursuant to Section 19641 or any other provision of law.

(4) With respect to wagers on each breed of racing that originate in California, an amount equal to 2 percent of the first two hundred fifty million dollars ($250,000,000) of handle from all advance deposit wagers originating from within California annually, an amount equal to 1.5 percent of the next two hundred fifty million dollars ($250,000,000) of handle from all advance deposit wagers originating from within California annually, and an amount equal to 1 percent of handle from all advance deposit wagers originating from within California in excess of five hundred million dollars ($500,000,000) annually, shall be distributed as satellite wagering commissions. The satellite wagering facility commissions calculated in accordance with this subdivision shall be distributed to each satellite wagering facility and racing association or fair in the zone in which the wager originated in the same relative proportions that the satellite wagering facility or the racing association or fair generated satellite commissions during the previous calendar year. In the event of a reduction in the satellite wagering commissions, pursuant to this section, the benefits therefrom shall be distributed equitably as purses and commissions to all associations and racing fairs generating advance deposit wagers in proportion to the handle generated by those associations and racing fairs. For purposes of this section, the purse funds distributed pursuant to Section 19605.72 shall be considered to be satellite wagering facility commissions attributable to thoroughbred races at the locations described in that section.

(5) With respect to wagers on each breed of racing that originate in California for each racing meeting, after the payment of contractual obligations to the licensee, the betting system, or the multijurisdictional wagering hub, and the distribution of the amounts set forth in paragraphs (1) through (4), inclusive, the amount remaining shall be distributed to the racing association or fair that is conducting live racing on that breed during the calendar period in the zone in which the wager originated, and this amount shall be allocated to that racing association or fair as commissions, to horsemen participating in that racing meeting in the form of purses, and as incentive awards, in the same relative proportion as they were generated or earned during the prior calendar year at that racing association or fair on races conducted or imported by that racing association or fair after making all deductions required by applicable law. Purse funds generated pursuant to this section may be utilized to pay 50 percent of the total costs and fees incurred due to the implementation of advance deposit wagering. "Incentive awards" shall be those payments provided for in Sections 19617.2, 19617.7, 19617.8, 19617.9, and 19619. The amount determined to be payable for incentive awards shall be payable to the applicable official registering agency and thereafter distributed as provided in this chapter. If the provisions of Section 19601.2 apply, then the amount distributed to the applicable racing associations or fairs from advance deposit wagering shall first be divided between those racing associations or fairs in direct proportion to the total amount wagered in the applicable zone on the live races conducted by the respective association or fair. Notwithstanding this requirement, when the provisions of subdivision (b) of Section 19607.5 apply to the 2nd District Agricultural Association in Stockton or the California Exposition and State Fair in Sacramento, then the total amount distributed to the applicable racing associations or fairs shall first be divided equally, with 50 percent distributed to applicable fairs and 50 percent distributed to applicable associations. For purposes of this subdivision, the zones of the state shall be as defined in Section 19530.5, except as modified by the provisions of subdivision (f) of Section 19601, and the combined central and southern zones shall be considered one zone.

Notwithstanding any provision of this section to the contrary, the distribution of the market access fee, other than the distributions specified in paragraph (1) or (2), may be altered upon the approval of the board, in accordance with an agreement signed by all parties receiving a distribution under paragraphs (4) and (5).

(h) Notwithstanding any provisions of this section to the contrary, all funds derived from advance deposit wagering that originate from California for each racing meeting on out-of-state and out-of-country thoroughbred races conducted after 6 p.m., Pacific time, shall be distributed in accordance with this subdivision. With respect to these wagers, 50 percent of the amount remaining after the payment of contractual obligations to the multijurisdictional wagering hub, betting system, or licensee and the amounts set forth in paragraphs (1) through (5), inclusive, of subdivision (g) shall be distributed as commissions to thoroughbred associations and racing fairs, as thoroughbred and fair purses, and as incentive awards in accordance with subdivision (g), and the remaining 50 percent, together with all funds derived for each racing meeting from advance deposit wagering originating from California out-of-state and out-of-country harness and quarter horse races conducted after 6 p.m., Pacific time, shall be distributed as commissions on a pro rata basis to the applicable licensed quarter horse association and the applicable licensed harness association, based upon the amount handled instate, both on- and off-track, on each breed's own live races in the previous year by that association, or it's predecessor association. One-half of the amount thereby received by each association shall be retained by that association as a commission, and the other half of the money received shall be distributed as purses to the horsemen participating in its current or next scheduled licensed racing meeting.

(i) Notwithstanding any provisions of this section to the contrary, all funds derived from advance deposit wagering which originate from California for each racing meeting on out-of-state and out-of-country nonthoroughbred races conducted before 6 p.m., Pacific time, shall be distributed in accordance with this subdivision. With respect to these wagers, 50 percent of the amount remaining after the payment of contractual obligations to the multijurisdictional wagering hub, betting system, or licensee and the amounts set forth in paragraphs (1) through (5), inclusive, of subdivision (g) shall be distributed as commissions as provided in subdivision (h) for licensed quarter horse and harness associations, and the remaining 50 percent shall be distributed as commissions to the applicable thoroughbred associations or fairs, as thoroughbred and fair purses, and as incentive awards in accordance with subdivision (g).

(j) A racing association, a fair, or a satellite wagering facility may accept and facilitate the placement of any wager from a patron at its facility that a California resident could make through a betting system or multijurisdictional wagering hub duly offering advance deposit wagering in this state, and the facility accepting the wager shall receive a 2-percent commission on that wager in lieu of any distribution for satellite commissions pursuant to subdivision (g).

(k) Any disputes concerning the interpretation or application of this section shall be resolved by the board.

This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SCHOOLS AND SCHOOL DISTRICTS—INSTRUCTIONAL MATERIALS—SUFFICIENCY

CHAPTER 118

A.B. No. 831

AN ACT to amend Sections 1240, 17592.70, 35186, 41500, 41501, 41572, 44258.9, 48642, 49436, 52055.640, 52295.35, 56836.165, and 60119 of, to add Section 88 to, and to repeal Section 32228.6 of, the Education Code, to amend Item 6110-197-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004 (the Budget Act of 2004), and to amend Sections 22 and 23 of Chapter 900 of the Statutes of 2004, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State July 25, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 831, Committee on Education. Education.

(1) Existing law requires a county superintendent of schools to conduct an annual review of the use of textbooks and instructional materials within the 1st 4 weeks of the school year.

This bill would, instead, require that review to be completed by the 4th week of the school year, and would permit the county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index to utilize a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials.

(2) The existing School Safety and Violence Prevention Act declares the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving those specified pupils. Existing law makes the act inoperative on July 1, 2005, and repeals it on January 1, 2006.

This bill would delete the inoperative and repeal dates, extending the operation of the act indefinitely.

(3) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. Existing law requires a notice to be posted in each classroom in each school in the school district notifying parents and guardians that there should be sufficient textbooks or instructional materials, school facilities must be clean, safe, and in good repair, and the location to obtain a form to file a complaint in case of a shortage.

This bill would, in addition, require that notice to contain a statement informing parents and guardians that there should be no teacher vacancies or misassignments, as defined.

(4) Existing law, the Pupil Nutrition, Health, and Achievement Act of 2001, prohibits the sale of certain beverages and food items at elementary, middle, and junior high schools. Existing law requires the State Department of Education to monitor the implementation of that act and report its evaluation to the Legislature by January 1, 2005.

This bill would instead require the department to report its evaluation to the Legislature by May 1, 2005.

(5) Existing law establishes within the Public Schools Accountability Act of 1999 the High Priority Schools Grant Program and requires a school district that has a school participating in the program to submit a report to the Superintendent of Public Instruction that includes specified information, including, but not limited to, information regarding the availability of certain instructional materials.

This bill would, for a school district that initially applies to participate in the High Priority Schools Grant Program during the 2004–05 fiscal year, or any fiscal year thereafter, apply the definition of "sufficient textbooks or instructional materials" from the Pupil Textbook and Instructional Materials Incentive Program Act to these provisions.

(6) Existing law establishes the Education Technology Grant Program of 2002 to provide grants to eligible school districts, county offices of education, and charter schools for purposes of implementing and supporting a comprehensive system that effectively uses technology to improve pupil academic achievement. Existing law requires that the minimum amount of a grant for a region be at least $1,000,000 or 2% of available grant funds, whichever amount is greater.

This bill would modify that minimum grant amount to $500,000 or 2% of available grant funds, whichever amount is greater.

(7) Existing law, for the 2004–05 fiscal year and each fiscal year thereafter, requires the Superintendent of Public Instruction to calculate for each special education local plan area an amount based on (a) the number of children and youth residing in foster family homes and foster family agencies, (b) the licensed capacity of group homes licensed by the State Department of Social Services, and (c) the number of children and youth ages 3 through 21

referred by the State Department of Developmental Services who are residing in certain skilled nursing or intermediate care facilities and the number of youth ages 18 through 21 referred by the State Department of Developmental Services who are residing in certain community care facilities.

This bill would require the Superintendent of Public Instruction to continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment for that fiscal year.

(8) Existing law, the Pupil Textbook and Instructional Materials Incentive Program Act, requires the governing board of a school district to hold a public hearing and make a determination as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, as defined, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

This bill would, in addition, require the governing board of a school district that makes that determination to provide information relating to the percentage or number of pupils who lack sufficient textbooks or instructional materials to classroom teachers and the public, thereby creating a state-mandated local program.

(9) Existing law appropriates certain funds for the 21st Century Community Learning Centers program contained within the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and specifies the purposes for which each appropriation may be used.

This bill would make an appropriation as it would authorize any recipient of a grant award from these funds during the 2004–05 fiscal year to use those awarded funds for other purposes contained in existing law, if the recipient submits documentation as part of its expenditure report that reasonably justifies to the State Department of Education that, subsequent to the grant award, it became impractical or no longer feasible to fully earn or expend those funds for the purpose for which those funds were originally granted to the recipient.

(10) Existing law, for the 2003–04 fiscal year, appropriates the sum of $138,000,000 to the State Department of Education for transfer to the Instructional Materials Fund to be apportioned to school districts on the basis of an equal amount per pupil enrolled in schools in decile 1 or 2 of the Academic Performance Index (API).

For these purposes, this bill would base enrollment on the number of pupils reported for purposes of the 2003 base API. The bill would specify that these funds may only be used to purchase instructional materials for schools in decile 1 or 2 of the Academic Performance Index (API).

(11) Existing law makes certain appropriations to the State Department of Education for the acquisition of instructional materials for school districts and for allocation to county offices of education to review, monitor, and report on teacher training, certification, misassignment, hiring and retention practices of school districts, and to oversee the compliance of schools with instructional materials sufficiency requirements. Existing law provides that, for the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, these appropriations are deemed to be "General Fund revenues appropriated for school districts" for the 2004–05 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" for the 2004–05 fiscal year.

This bill would, instead, include those appropriations in the calculations for the 2003–04 fiscal year.

(12) Existing law authorizes the State Department of Education to cooperate with the federal government and its agencies in securing the expeditious and equitable distribution of surplus food commodities donated by the federal government to public agencies, institutions, and organizations in California. Existing law requires the cash resources of the Donated Food Program to be deposited into the Donated Food Revolving Fund.

This bill would appropriate $1,200,000 from the Donated Food Revolving Fund for support of the State Department of Education for purposes of the Donated Food Program.

(13) This bill would also make various technical, nonsubstantive changes to existing law.

(14) 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 these statutory provisions.

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

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 88 is added to the Education Code, to read:

88. "State Board" or "state board" whenever used in this code means the State Board of Education, unless the context requires otherwise.

SEC. 2. Section 1240 of the Education Code is amended to read:

1240. The county superintendent of schools shall do all of the following:

(a) Superintend the schools of his or her county.

(b) Maintain responsibility for the fiscal oversight of each school district in his or her county pursuant to the authority granted by this code.

(c)(1) Visit and examine each school in his or her county at reasonable intervals to observe its operation and to learn of its problems. He or she may annually present a report of the state of the schools in his or her county, and of his or her office, including, but not limited to, his or her observations while visiting the schools, to the board of education and the board of supervisors of his or her county.

(2)(A) To the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or his or her designee, shall annually present a report to the governing board of each school district under his or her jurisdiction, the county board of education of his or her county, and the board of supervisors of his or her county describing the state of the schools in the county or of his or her office that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, and shall include, among other things, his or her observations while visiting the schools.

(B) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(C) The results of the visit shall be reported to the governing board of the school district on a quarterly basis at a regularly scheduled meeting held in accordance with public notification requirements.

(D) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

(i) * * * Minimize disruption to the operation of the school.

(ii) Be performed by individuals who meet the requirements of Section 45125.1.

(iii) Consist of not less than 25-percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance and the sufficiency of instructional materials, as defined by Section 60119.

(E) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

(i) Sufficient textbooks as defined in Section 60119 and as specified in subdivision (i).

(ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as defined in district policy, or as defined by paragraph (1) of subdivision (c) of Section 17592.72.

(iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials as defined by Section 60119 and the safety, cleanliness, and adequacy of school facilities, including good repair as required by Sections 17014, 17032.5, 17070.75, and 17089.

(d) Distribute all laws, reports, circulars, instructions, and blanks that he or she may receive for the use of the school officers.

(e) Annually present a report to the governing board of the school district and the Superintendent * * * regarding the fiscal solvency of any school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined at any time to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in his or her office the reports of the Superintendent.

(g) Keep a record of his or her official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of any applicant or his or her authorized agent.

(h) Enforce the course of study.

(i)(1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3)(A) Commencing with the 2005–06 school year, if a school is ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, and is not currently under review through a state or federal intervention program, the county superintendent shall specifically review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be * * * completed by the fourth week of the school year. For the 2004–05 fiscal year only, the county superintendent shall make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, may utilize a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent of schools elects to conduct written surveys of teachers, the county superintendent of schools shall visit the schools surveyed within the same academic year to verify the accuracy of the information reported on the surveys.

(C) For purposes of this paragraph, "written surveys" may include paper and electronic or online surveys.

(4) If the county superintendent determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), and forward the report to the Superintendent * * *.

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure remediation of the deficiency no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department, with approval by the State Board of Education,

to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the state board approves a recommendation from the department to purchase textbooks or instructional materials for the school district, the board shall issue a public statement at a regularly scheduled meeting indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the district to determine which textbooks or instructional materials to purchase. All purchases of textbooks or instructional materials shall comply with Chapter 3.25 (commencing with Section 60420) of Part 33. The amount of funds necessary to the purchase the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent * * *, the Superintendent * * * shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials, from the next principal apportionment of the district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to his or her successor, at the close of his or her official term, all records, books, documents, and papers belonging to the office, taking a receipt for them, which shall be filed with the department.

(l)(1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent of schools no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent * * *, for the purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to any county office of education that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to any county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to any county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent * * * may reclassify any certification. If a county office of education receives a negative certification, the Superintendent * * *, or his or her designee, may exercise the authority set forth in subdivision (c) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent * * * at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent * * *, and shall be based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent of schools to any interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent * * *.

(4) The county superintendent of schools is not responsible for the fiscal oversight of the community colleges in the county, however, he or she may perform financial services on behalf of those community colleges.

(m) If requested, act as agent for the purchase of supplies for the city and high school districts of his or her county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of any certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of any educational program. This requirement applies only if, in the course of his or her normal duties, the county superintendent of schools discovers information that gives him or her reasonable cause to believe that false fiscal expenditure data relative to the conduct of any educational program has been reported.

SEC. 3. Section 17592.70 of the Education Code is amended to read:

17592.70. (a) There is hereby established the School Facilities Needs Assessment Grant Program with the purpose to provide for a one-time comprehensive assessment of school facilities needs. The grant program shall be administered by the State Allocation Board.

(b)(1) The grants shall be awarded to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, pursuant to Section 52056, based on the 2003 base Academic Performance Index score for each school newly constructed prior to January 1, 2000.

(2) For purposes of this section, schools ranked in deciles 1 to 3, inclusive, on the 2003 base Academic Performance Index (API) shall include any schools determined by the * * * department * * * to meet either of the following:

(A) The school meets all of the following criteria:

(i) Does not have a valid base API score for 2003.

(ii) Is operating in fiscal year 2004–05 and was operating in fiscal year 2003–04 during the Standardized Testing and Reporting (STAR) Program testing period.

(iii) Has a valid base API score for 2002 that was ranked in deciles 1 to 3, inclusive, in that year.

(B) The school has an estimated base API score for 2003 that would be in deciles 1 to 3, inclusive.

(3) The * * * department * * * shall estimate an API score for any school meeting the criteria of * * * subparagraph (A) of paragraph (2) * * *, using available testing scores and any weighting or corrective factors it deems appropriate. The department shall provide those API scores to the Office of Public School Construction and post them on its Web site within 30 days of the enactment of this section.

(c) The board shall allocate funds pursuant to subdivision (b) to school districts with jurisdiction over eligible schoolsites, based on ten dollars ($10) per pupil enrolled in the eligible school as of October 2003, with a minimum allocation of seven thousand five hundred dollars ($7,500) for each schoolsite.

(d) As a condition of receiving funds pursuant to this section, school districts shall do all of the following:

(1) Use the funds to develop a comprehensive needs assessment of all schoolsites eligible for grants pursuant to subdivision (b). The assessment shall contain, at a minimum, all of the following information for each schoolsite:

(A) The year each building that is currently used for instructional purposes was constructed.

(B) The year, if any, each building that is currently used for instructional purposes was last modernized.

(C) The pupil capacity of the school.

(D) The number of pupils enrolled in the school.

(E) The density of the school campus measured in pupils per acre.

(F) The total number of classrooms at the school.

(G) The age and number of portable classrooms at the school.

(H) Whether the school is operating on a multitrack, year-round calendar, and, if so, what type.

(I) Whether the school has a cafeteria, or an auditorium or other space used for pupil eating and not for class instruction.

(J) The useful life remaining of all major building systems for each structure housing instructional space, including, but not limited to, sewer, water, gas, electrical, roofing, and fire and life safety protection.

(K) The estimated costs for five years necessary to maintain functionality of each instructional space to maintain health, safety, and suitable learning environment, as applicable, including classroom, counseling areas, administrative space, libraries, gymnasiums, multipurpose and dining space, and the accessibility to those spaces.

(L) A list of necessary repairs.

(2) Use the data currently filed with the state as part of the process of applying for and obtaining modernization or construction funds for school facilities, or information that is available in the California Basic Education Data System for the element required in subparagraphs (D), (E), (F), and (G) of paragraph (1).

(3) Use the assessment as the baseline for the facilities inspection system required pursuant to subdivision (e) of Section 17070.75.

(4) Provide the results of the assessment to the Office of Public School Construction, including a report on the expenditures made in performing the assessment. It is the intent of the Legislature that the assessments be completed as soon as possible, but not later than January 1, 2006.

(5) If a school district does not need the full amount of the allocation it receives pursuant to this section, the school district shall expend the remaining funds for making facilities repairs identified in its needs assessment. The school district shall report to the Office of Public School Construction on the repairs completed pursuant to this paragraph and the cost of the repairs.

(6) Submit to the Office of Public School Construction an interim report regarding the progress made by the school district in completing the assessments of all eligible schools.

SEC. 4. Section 32228.6 of the Education Code is repealed.

SEC. 5. Section 35186 of the Education Code is amended to read:

35186. (a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) A complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received. The principal or designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes

this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent * * *, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to instructional materials to use at home or after school * * *.

(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(2) A complaint related to teacher vacancy or misassignment as follows:

(A) A semester begins and a * * * teacher * * * vacancy exists.

(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20-percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(C) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(3) A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home * * *.

(2) School facilities must be clean, safe, and maintained in good repair.

(3) There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

(4) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.

(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

(3) "Teacher vacancy" means a * * * position * * * to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

SEC. 6. Section 41500 of the Education Code is amended to read:

41500. (a) Notwithstanding any other provision of law, a school district and county office of education may expend in a fiscal year up to 15 percent of the amount apportioned for the block grants set forth in Article 3 (commencing with Section 41510), Article 5 (commencing with Section 41530), Article 6 (commencing with Section 41540), or Article 7 (commencing with Section 41570) for any other programs for which the school district or county office is eligible for funding, including programs whose funding is not included in any of the block grants established pursuant to this chapter. The total amount of funding a school district or county office of education may expend for a program to which funds are transferred pursuant to this section may not exceed 120 percent of the amount of state funding allocated to the school district or county office for purposes of that program in a fiscal year. For purposes of this subdivision, "total amount" means the amount of state funding allocated to a school district or county office for purposes of a particular program in a fiscal year plus the amount transferred in that fiscal year to that program pursuant to this section.

(b) A school district and county office of education shall not, pursuant to this section, transfer funds from Article 2 (commencing with Section 41505) and Article 4 (commending with Section 41520).

(c) Before a school district or county office of education may expend funds pursuant to this section, the governing board of the school district or the county board of education, as applicable, shall discuss the matter at a noticed public meeting.

(d) A school district shall * * * track transfers made pursuant to this section * * *.

SEC. 7. Section 41501 of the Education Code is amended to read:

41501. (a) The reduction made to categorical education program funding received by a basic aid school district pursuant to Section 38 of Chapter 227 of the Statutes of 2003 or Section 31 of Chapter 216 of the Statutes of 2004, or for a fiscal year subsequent to the 2004–05 fiscal year shall be deemed not to have occurred for purposes of calculating the amount of block grants a basic aid school district shall receive pursuant to this chapter.

(b) For purposes of this section, "basic aid school district" means a school district that does not receive from the state, for any fiscal year in which the section is applied, an apportionment of state funds pursuant to subdivision (h) of Section 42238.

SEC. 8. Section 41572 of the Education Code is amended to read:

41572. A school district that receives funds pursuant to this article shall have a school level advisory committee as required by Chapter 6 (commencing with Section 52000) of Part 28, as it read on January 1, 2004, and shall have a single school plan that incorporates the requirements of Sections 18181, 52014, and 52015, as those sections read on January 1, 2004.

SEC. 9. Section 44258.9 of the Education Code is amended to read:

44258.9. (a) The Legislature finds that continued monitoring of teacher assignments by county superintendents of schools will ensure that the rate of teacher misassignment remains low. To the extent possible and with funds provided for that purpose, each county superintendent of schools shall perform the duties specified in subdivisions (b) and (c).

(b)(1) Each county superintendent of schools shall * * * monitor and review school district certificated employee assignment practices * * * in accordance with the following * * *:

(A) Annually monitor and review schools and school districts that are likely to have problems with teacher misassignments and teacher vacancies, as defined in subparagraphs

(A) and (B) of paragraph (5) of subdivision (b) of Section 33126, based on past experience or other available information.

* * * (B) Annually monitor and review schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, if those schools are not currently under review through a state or federal intervention program. If a review completed pursuant to this subparagraph finds that a school has no teacher misassignments or teacher vacancies, the next review of that school may be conducted according to the cycle specified in subparagraph (C), unless the school meets the criteria of subparagraph (A).

(C) All other schools on a four-year cycle.

(2) Each county superintendent of schools shall investigate school and district efforts to ensure that any credentialed teacher serving in an assignment requiring a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or training pursuant to Section 44253.10 completes the necessary requirements for these certificates or completes the required training.

(3) The Commission on Teacher Credentialing shall be responsible for the monitoring and review of those counties or cities and counties in which there is a single school district, including the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco. All information related to the misassignment of certificated personnel and teacher vacancies shall be submitted to each affected district within 30 calendar days of the monitoring activity.

(c) County superintendents of schools shall submit an annual report to the Commission on Teacher Credentialing and the department summarizing the results of all assignment monitoring and reviews. These reports shall include, but need not be limited to, the following:

(1) The numbers of teachers assigned and types of assignments made by the governing board of a school district under the authority of Sections 44256, 44258.2, and 44263.

(2) Information on actions taken by local committees on assignment, including the number of assignments authorized, subject areas into which committee-authorized teachers are assigned, and evidence of any departures from the implementation plans presented to the county superintendent by school districts.

(3) Information on each school district reviewed regarding misassignments of certificated personnel, including efforts to eliminate these misassignments.

(4)(A) Information on certificated employee assignment practices in schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to ensure that, at a minimum, in any class in these schools in which 20 percent or more pupils are English learners the assigned teacher possesses a certificate issued pursuant to Section 44253.3 or 44253.4 or has completed training pursuant to Section 44253.10 or is otherwise authorized by statute.

(B) This paragraph shall not relieve a school district from compliance with state and federal law regarding teachers of English learners or be construed to alter the definition of "misassignment" in subparagraph (B) of paragraph (5) of subdivision (b) of Section 33126.

(5) After consultation with representatives of county superintendents of schools, other information as may be determined to be needed by the Commission on Teacher Credentialing.

(d) The Commission on Teacher Credentialing shall submit biennial reports to the Legislature concerning teacher assignments and misassignments which shall be based, in part, on the annual reports of the county superintendents of schools.

(e)(1) The Commission on Teacher Credentialing shall establish reasonable sanctions for the misassignment of credentialholders.

Prior to the implementation of regulations establishing sanctions, the Commission on Teacher Credentialing shall engage in a variety of activities designed to inform school administrators, teachers, and personnel within the offices of county superintendents of schools of the regulations and statutes affecting the assignment of certificated personnel. These activities shall include the preparation of instructive brochures and the holding of regional workshops.

(2) Commencing July 1, 1989, any certificated person who is required by an administrative superior to accept an assignment for which he or she has no legal authorization shall, after exhausting any existing local remedies, notify the county superintendent of schools in writing of the illegal assignment. The county superintendent of schools shall, within 15 working days, advise the affected certificated person concerning the legality of his or her assignment. There shall be no adverse action taken against a certificated person who files a notification of misassignment with the county superintendent of schools. During the period of the misassignment, the certificated person who files a written notification with the county superintendent of schools shall be exempt from the provisions of Section 45034. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.

(3) The county superintendent of schools shall notify, through the office of the school district superintendent, any certificated school administrator responsible for the assignment of a certificated person to a position for which he or she has no legal authorization of the misassignment and shall advise him or her to correct the assignment within 30 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignment if the certificated school administrator has not corrected the misassignment within 30 days of the initial notification, or if the certificated school administrator has not described, in writing, within the 30-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(4) The county superintendent of schools shall notify any superintendent of a school district in which 5 percent or more of all certificated teachers in the secondary schools are found to be misassigned of the misassignments and shall advise him or her to correct the misassignments within 120 calendar days. The county superintendent of schools shall notify the Commission on Teacher Credentialing of the misassignments if the school district superintendent has not corrected the misassignments within 120 days of the initial notification, or if the school district superintendent of schools has not described, in writing, within the 120-day period, to the county superintendent of schools the extraordinary circumstances which make this correction impossible.

(f) An applicant for a professional administrative service credential shall be required to demonstrate knowledge of existing credentialing laws, including knowledge of assignment authorizations.

(g) The Superintendent * * * shall submit a summary of the reports submitted by county superintendents pursuant to subdivision (c) to the Legislature. The Legislature may hold, within a reasonable period after receipt of the summary, public hearings on pupil access to teachers and to related statutory provisions. The Legislature may also assign one or more of the standing committees or a joint committee, to determine the following:

(1) The effectiveness of the reviews required pursuant to this section.

(2) The extent, if any, of vacancies and misassignments, as defined in subparagraphs (A) and (B) of paragraph (5) of subdivision (b) of Section 33126.

(3) The need, if any, to assist schools ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index, as defined in subdivision (b) of Section 17592.70, to eliminate vacancies and misassignments.

SEC. 10. Section 48642 of the Education Code is amended to read:

48642. * * * Sections 48630, 48631, 48632, 48633, 48634, 48635, 48636, 48637, 48637.1, 48637.2, 48637.3, 48638, and 48639, and this section, shall become inoperative on July 1, 2005, and, as of January 1, 2006, are repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends the dates on which * * * these sections become inoperative and are repealed.

SEC. 11. Section 49436 of the Education Code is amended to read:

49436. * * * The department * * * shall monitor the implementation of Sections 49431, 49433, 49433.5, 49433.7, and 49433.9 and shall report to the Legislature by May 1, 2005, * * * its evaluation of all of the following:

(1) The fiscal impact of the policies and standards developed by school districts.

(2) The effect of this article upon school districts and pupils, including * * * an assessment of pupil responses and related findings.

(3) Recommendations for improvements or additions.

(4) The resulting changes in food and beverage sales at schools.

* * *

SEC. 12. Section 52055.640 of the Education Code is amended to read:

52055.640. (a) As a condition of the receipt of funds for the initial and each subsequent year of funding pursuant to this article and to ensure that the school is progressing towards meeting the goals of each of the essential components of its school action plan, each year the school district shall submit a report to the Superintendent * * * that includes the following:

(1) The academic improvement of pupils within the participating school as measured by the tests under Section 60640 and the progress made towards achieving English language proficiency as measured by the English language development test administered pursuant to Section 60810.

(2) The improvement of distribution of experienced teachers holding a valid California teaching credential across the district. Commencing with the 2004–05 fiscal year, for a school district with a school initially applying to participate in the program on or after July 1, 2004, the report shall include whether at least 80 percent of the teachers assigned to the school are credentialed and the number of classes in which 20 percent or more pupils are English learners and assigned to teachers who do not possess a certificate issued pursuant to Section 44253.3, 44253.4, or 44253.7 or have not completed training pursuant to Section 44253.10, or are not otherwise authorized by statute to be assigned to those classes. This paragraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) The availability of instructional materials in core content areas that are aligned with the academic content and performance standards, including textbooks, for each pupil, including English language learners. For a school district that initially applies to participate in the High Priority Schools Grant Program during the 2004–05 fiscal year, or any fiscal year thereafter, the definition of "sufficient textbooks or instructional materials" contained in subdivision (c) of Section 60119 applies to this paragraph.

(4) The number of parents and guardians presently involved at each participating school-site as compared to the number participating at the beginning of the program.

(5) The number of pupils attending after school, tutoring, or homework assistance programs.

(6) For participating secondary schools, the number of pupils who are enrolled in and successfully completing advanced placement courses, by type, and requirements for admission to the University of California or the California State University, including courses in algebra, biology, and United States or world history.

(b) The report on the pupil literacy and achievement component shall be disaggregated by numerically significant subgroups, as defined in Section 52052, and English language learners and have a focus on improved scores in reading and mathematics as measured by the following:

(1) The Academic Performance Index, including the data collected pursuant to tests that are part of the Standardized Testing and Reporting Program and the writing sample that is part of that program.

(2) The results of the primary language test pursuant to Section 60640.

(3) Graduation rates, when the methodology for collecting this data has been confirmed to be valid and reliable.

(4) In addition, a school may use locally developed assessments to assist it in determining the pupil progress in academic literacy and achievement.

(c) The report on the quality of staff component shall include, but not be limited to, the following information:

(1) The number of teachers at the schoolsite holding a valid California teaching credential or district or university intern certificate or credential compared to those teachers at the same schoolsite holding a preintern certificate, emergency permit, or waiver.

(2) The number and ratio of teachers across the district holding a valid California teaching credential or district or university intern certificate or credential compared to those holding a preintern certificate, emergency permit, or waiver.

(3) The number of principals having completed training pursuant to Article 4.6 (commencing with Section 44510) of Chapter 3 of Part 25.

(4) The number of principals by credential type or years of experience and length of time at the schoolsite by years.

(d) The report on the parental involvement component shall include explicit involvement strategies being implemented at the schoolsite that are directly linked to activities supporting pupil academic achievement and verification that the schoolsite has developed a school-parent compact as required by Section 51101.

(e) All comparisons made in the reports required pursuant to this section shall be based on baseline data provided by the district and schoolsite in the action plan that is certified and submitted with the initial application.

(f) To the extent that data is already reported to the Superintendent, a school district need not include the data in the reports submitted pursuant to this section.

(g) Before submitting the reports required pursuant to this section, the school district shall, at a regularly scheduled public meeting of the governing board, review a participating school's progress towards achieving those goals.

SEC. 13. Section 52295.35 of the Education Code, as added by Section 9 of Chapter 681 of the Statutes of 2004, is amended to read:

52295.35. (a) Applicants within each of the 11 California Technology Assistance Project regions shall compete against other applicants from that region. The amount of funding for grants available to each region shall be determined based upon the proportionate enrollment of pupils in grades 4 to 8, inclusive, in eligible schools from that region, but a region shall not be allocated less than * * * five hundred thousand dollars ($500,000) or 2 percent of available grant funds, whichever amount is greater.

(b) If a region is allocated more funding than is needed for its eligible applicants, the Superintendent * * * may develop a policy to ensure that all funding is distributed to other regions for their eligible but unfunded applicants.

(c) Grants shall be awarded to an eligible school district for the eligible school or schools specified in the program application. All grant funds shall be spent in a manner consistent with the local educational agency technology plan, pursuant to subdivision (a) of Section 51871.5 and subdivision (a) of Section 2414 of Part D of Title II of the No Child Left Behind Act of 2001 (Public Law 107-110), and the program application and shall be used for the eligible school or schools specified in the approved application.

(d) The initial one-time implementation grant for a school selected to receive a grant shall be calculated based upon three hundred dollars ($300) per pupil for pupils in grades 4 to 8, inclusive. Upon recommendation from the department, the State Board of Education may adopt criteria that establish fixed minimum grant levels for a small school.

(e) Subject to availability of federal funding appropriated for competitive grants under Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), any grant recipient that successfully completes the initial grant shall receive an additional one-time grant of forty-five dollars ($45) per pupil in grades 4 to 8, inclusive, at the school or schools selected for funding. The purpose of this funding shall be to continue implementation of the grant recipients' approved technology plan in a manner consistent with the requirements of Part D of Title II of the federal No Child Left Behind Act of 2001 (Public Law 107-110), including plans to sustain the use of technology as a tool in improving teaching and pupil academic achievement once the grant period ends.

(f) This section shall become operative July 1, 2005.

SEC. 14. Section 56836.165 of the Education Code is amended to read:

56836.165. (a) For the 2004–05 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth ages 3 through 21 referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Services and the number of youth ages 18 through 21 referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14. Foster family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c)(1) The department shall establish a "bed allowance" for each severity level. For the 2004–05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005–06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility defined in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Services.

(2)(A) The bed allowance for severity level 1 shall be five hundred two dollars ($502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars ($610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars ($1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars ($1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars ($1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars ($2,080).

(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars ($2,295).

(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars ($2,510).

(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars ($5,451).

(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars ($5,881).

(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars ($9,467).

(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars ($13,483).

(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars ($14,343).

(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars ($20,081).

(d)(1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).

(2) The number of children and youth residing on April 1 in foster family homes and foster family agencies located in each special education local plan area times the appropriate bed allowance.

(3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(4) The number on April 1 of children and youth (A) ages 3 through 21 referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Services located in each special education local plan area times the appropriate bed allowance, and (B) ages 18 through 21 referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.

SEC. 15. Section 60119 of the Education Code is amended to read:

60119. (a) In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1)(A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History–social science.

(iv) English/language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004–05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(C) As part of the hearing required pursuant to this section, the governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

(2)(A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of pupils who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or

instructional materials, or both, within two months of the beginning of the school year in which the determination is made.

(B) In carrying out subparagraph (A), the governing board may use money in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district. The hearing shall be held at a time that will encourage the attendance of teachers and parents and guardians of pupils who attend the schools in the district and shall not take place during or immediately following school hours.

(c)(1) For purposes of this section, "sufficient textbooks or instructional materials" means that each pupil, including English learners, has a standards-aligned textbook or instructional materials, or both, to use in class and to take home * * *. This paragraph does not require two sets of textbooks or instructional materials for each pupil.

(2) Sufficient textbooks or instructional materials as defined in paragraph (1), does not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage.

(d) Except for purposes of Section 60252, governing boards of school districts that receive funds for instructional materials from any state source, are subject to the requirements of this section only in a fiscal year in which the Superintendent * * * determines that the base revenue limit for each school district will increase by at least 1 percent per unit of average daily attendance from the prior fiscal year.

SEC. 16. Item 6110–197–0890 of Section 2.00 of the Budget Act of 2004 is amended to read:

6110-197-0890—For local assistance, Department of Education, payable from the Federal Trust Fund, 21st Century Community Learning Centers Program..... 162,757,000

Schedule:

(1) 30.10.080-Special Program, Child Development, 21st Century Community Learning Centers Program..... 162,757,000

Provisions:

1. (a) It is the intent of the Legislature that the department give significant weight in rating applications, reallocations of available funding and in approving use of grant carryover amounts to the level of student participation and cost per student served. Approval of use of carryover funds from year to year for programs receiving grants shall ensure that additional participation be required so as to not increase the cost per student served in the fiscal year in which grant funds are expended. The department shall also track cost per student planned versus actually achieved and actively ensure that each grant maximizes student participation in relation to the level of the annual grant or shall reduce grant amounts accordingly in subsequent fiscal years.

(b) The department shall provide an annual report to the Legislature and Department of Finance by September 1 of each year that identifies by cohort for the previous fiscal year each high school program funded, the amount of the annual grant and actual funds expended, the numbers of students served and planned to be served, and the average cost per student per day. If the average cost per student per day exceeds $10 per day, the department shall provide specific reasons why the costs are justified and cannot be reduced. In calculating cost per student per day, the department shall not count attendance unless the student is under the direct supervision of after school program staff funded through the grant. Additionally, the department shall calculate cost per day on the basis of the equivalent of a three-hour day for 180 days per school year. The department shall also identify for each program, as applicable, if the attendance of students is restricted to any particular subgroup of students at the school in which the program is located. If such restrictions exist, the department shall provide an explanation of the circumstances and necessity therefor.

2. The State Department of Education (SDE) shall provide a report to the Department of Finance (DOF), the budget committees of each house of the Legislature, and the Legislative Analyst's Office (LAO) by October 15, 2004, on the requests and awards of direct grants pursuant to Article 22.6 (commencing with Section 8484.7) of Chapter 2 of Part 6 of the Education Code, the 21st Century Community Learning Centers Program. The report shall include, but not be limited to, the purposes of the direct grants awarded, the amount requested and the subsequent awards received. The report shall also include the number of applications and awards, both core and direct grants, categorized by public and private high schools, then by school type (elementary, middle, or junior high schools) as well as information identifying those grantees that have been awarded funding through both the state-funded and the federally funded program. In addition, SDE shall report to DOF, the budget committees of each house of the Legislature, and the LAO by May 1, 2005, on the effectiveness of 21st Century Community Learning Centers Program operated by private schools.
3. The provisions of this item shall become inoperative in the event federal funds are not made available for this purpose. It is the intent of the Legislature that the provisions of this item not be considered a precedent for General Fund augmentation of either this state-administered, federally funded program or any state-funded before or after school program.

4. (a) Of the amount appropriated in this item, $60,410,000 is new ongoing federal 21st Century Community Learning Centers Program funds, $782,000 is one-time reallocated federal funds, and $608,000 is one-time federal carryover funds. Of the ongoing funds, $5,000,000 shall be used for high school grants, and $47,977,000 shall be used for elementary, middle, and junior high school grants, with priority placed on increasing the number of slots available for 11- and 12-year-olds and their eligible younger siblings in order to accommodate them in after school programs rather than subsidized child care programs pursuant to Section 8263.4 of the Education Code.

(b) Notwithstanding any other provision of law, the Superintendent of Public Instruction may, upon request by a program that is earning the full grant amount, waive the funding caps for core grants for elementary, middle, and junior high schools to enable those programs to create additional slots for 11- and 12-year-old pupils and their eligible younger siblings pursuant to subdivision (a).

(c) Of the funds remaining in subdivision (a) after the allocations pursuant to that subdivision, $2,118,000 shall be for technical assistance grants, $5,195,000 shall be for access grants, and $1,510,000 shall be for literacy grants.

5. (a) Of the amount appropriated in this item, $25,430,000 is available on a one-time basis, of which $488,000 is one-time federal reallocated funds, and the remaining $24,942,000 is carryover of program savings. $20,000,000 of these funds shall be expended in priority order as follows, to: (1) increase core grant caps for those programs that are at or above their maximum amount to provide additional slots for 11- and 12-year-olds and their eligible younger siblings; (2) expand existing grants to allow programs to offer summer, vacation, and intersession programs thus increasing the number of program days of operation, and (3) increase core grant caps for programs above their maximum amount or with waiting lists. Notwithstanding any other provision of law, the Superintendent of Public Instruction may waive the caps on core grants for these purposes.

(b) The remainder of these funds shall be available on a one-time basis to programs that were allocated funding from the appropriation in this item in the 2002 Budget Act (Ch. 379, Stats. 2002) and in the 2003 Budget Act (Ch. 157, Stats. 2003). Funds shall be available for training, standards-aligned materials, and other allowable one-time costs. The State Department of Education shall provide a report to the Legislature and the Department of Finance by December 1, 2005, identifying how these funds and funds expended pursuant to subdivision (c) were allocated and expended.

(c) Notwithstanding subdivisions (a) and (b), any recipient of a grant award from these funds during the 2004–05 fiscal year may use those awarded funds for any of the purposes in subdivision (b), if the recipient submits documentation as part of its expenditure report that reasonably justifies to the State Department of Education that, subsequent to the grant award, it became impractical or no longer feasible to fully earn or expend those funds for the purpose for which those funds were originally granted to the recipient.

SEC. 17. Section 22 of Chapter 900 of the Statutes of 2004 is amended to read:

Sec. 22. (a) The sum of nine hundred fifteen million four hundred forty-one thousand dollars ($915,441,000) is hereby appropriated from the General Fund in accordance with the following schedule:

(1) The following amounts are appropriated for the 2005–06 fiscal year:

(A) The sum of five million nine hundred thirty-three thousand dollars ($5,933,000) to the State Department of Education for apprenticeship programs to be expended consistent with the requirements specified in Item 6110–103–0001 of Section 2.00 of the Budget Act of 2004.

(B) The sum of eighty-five million eight hundred sixty-six thousand dollars ($85,866,000) to the State Department of Education for supplemental instruction to be expended consistent with the requirements specified in Item 6110–104–0001 of Section 2.00 of the Budget Act of 2004. Of the amount appropriated by this subparagraph, forty-eight million six hundred fifty-two thousand dollars ($48,652,000) shall be expended consistent with Schedule (1) of Item 6110–104–0001 of Section 2.00 of the Budget Act of 2004, eleven million seven hundred forty-nine thousand dollars ($11,749,000) shall be expended consistent with Schedule (2) of that item, four million four hundred sixty-nine thousand dollars ($4,469,000) shall be expended consistent with Schedule (3) of that item, and twenty million nine hundred ninety-six thousand dollars ($20,996,000) shall be expended consistent with Schedule (4) of that item.

(C) The sum of thirty-seven million fifty-one thousand dollars ($37,051,000) to the State Department of Education for regional occupational centers and programs to be expended consistent with the requirements specified in Schedule (1) of Item 6110–105–0001 of Section 2.00 of the Budget Act of 2004.

(D) The sum of fifty million one hundred three thousand dollars ($50,103,000) to the State Department of Education for home-to-school transportation to be expended consistent with the requirements specified in Schedule (1) of Item 6110–111–0001 of Section 2.00 of the Budget Act of 2004.

(E) The sum of four million ninety-two thousand dollars ($4,092,000) to the State Department of Education for the Gifted and Talented Pupil Program to be expended consistent with the requirements specified in Item 6110–124–0001 of Section 2.00 of the Budget Act of 2004.

(F) The sum of ninety-five million three hundred ninety-seven thousand dollars ($95,397,000) to the State Department of Education for Targeted Instructional Improvement Grant Program to be expended consistent with the requirements specified in Item 6110–132–0001 of Section 2.00 of the Budget Act of 2004.

(G) The sum of forty-two million nine hundred fifty-nine thousand dollars ($42,959,000) to the State Department of Education for adult education to be expended consistent with the requirements specified in Schedule (1) of Item 6110–156–0001 of Section 2.00 of the Budget Act of 2004.

(H) The sum of four million five hundred fifty-eight thousand dollars ($4,558,000) to the State Department of Education for community day schools to be expended consistent with the requirements specified in Item 6110–190–0001 of Section 2.00 of the Budget Act of 2004.

(I) The sum of five million two hundred ninety-eight thousand dollars ($5,298,000) to the State Department of Education for categorical block grants for charter schools to be expended consistent with the requirements specified in Item 6110–211–0001 of Section 2.00 of the Budget Act of 2004.

(J) The sum of thirty-six million eight hundred ninety-four thousand dollars ($36,894,000) to the State Department of Education for the School Safety Block Grant to be expended consistent with the requirements specified in Schedule (1) of Item 6110–228–0001 of Section 2.00 of the Budget Act of 2004.

(K) The sum of two hundred million dollars ($200,000,000) to the Board of Governors of the California Community Colleges for apportionments, to be expended in accordance with the requirements specified for Schedule (1) of Item 6870–101–0001 of Section 2.00 of the Budget Act of 2004.

(2) The sum of one hundred nine million nine hundred fourteen thousand dollars ($109,914,000) is appropriated for the 2004–05 fiscal year to the Superintendent of Public Instruction for the purposes of Section 42238.44 of the Education Code, to be allocated to school districts on a pro rata basis.

(3) The following amounts are appropriated for the 2003–04 fiscal year:

(A) The sum of twelve million six hundred four thousand dollars ($12,604,000) to the State Department of Education for transfer to the State School Deferred Maintenance Fund to be available for funding applications received by the Department of General Services, Office of Public School Construction from school districts for deferred maintenance projects pursuant to Section 17584 of the Education Code.

(B) The sum of one hundred thirty-eight million dollars ($138,000,000) to the State Department of Education for transfer to the Instructional Materials Fund. The funds appropriated pursuant to this subparagraph shall be apportioned to school districts on the basis of an equal amount per pupil enrolled in schools in decile 1 or 2 of the Academic Performance Index (API), as ranked based on the 2003 base API score pursuant to Section 52056 of the Education Code. The funds apportioned pursuant to this subparagraph shall only be used to purchase instructional materials for schools in decile 1 or 2 that are aligned to the content standards adopted pursuant to Section 60605 of the Education Code. For purposes of this subparagraph, enrollment shall be based on the number of pupils reported for purposes of the 2003 base API pursuant to Section 52052 of the Education Code.

(C) The sum of fifty-eight million three hundred ninety-six thousand dollars ($58,396,000) to the Controller to pay for prior year state obligations for education mandate claims and interest. The Controller shall use the funds to pay for the oldest claims of those no longer subject to audit pursuant to subdivision (a) of Section 17558.5 of the Government Code, including accrued interest. No payments shall be made from these funds on any claims for the Standardized Testing and Reporting (STAR) Program, schoolsite councils, Brown Act reform, School Bus Safety II, or the removal of chemicals.

(D) The sum of twenty-eight million three hundred seventy-six thousand dollars ($28,376,000) to the Board of Governors of the California Community Colleges to provide one-time funding to districts for scheduled maintenance, special repairs, instructional materials, and library materials replacement. These funds shall be expended for the purposes of and be subject to the conditions of expenditures pursuant to Schedule (24.5) of Item 6870–101–0001 of the Budget Act of 2003 (Ch. 157, Stats. 2003).

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subparagraphs (A) to (J), inclusive, of paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2005–06 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2005–06 fiscal year.

(c) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subparagraph (K) of paragraph (1) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2005–06 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2005–06 fiscal year.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 2004–05 fiscal year and be included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2004–05 fiscal year.

(e) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by paragraph (3) of subdivision (a) shall be

deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

(f) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subparagraph (F) of paragraph (3) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for community college districts," as defined in subdivision (d) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year.

SEC. 18. Section 23 of Chapter 900 of the Statutes of 2004 is amended to read:

Sec. 23. (a) The sum of twenty million two hundred thousand dollars ($20,200,000) is hereby appropriated from the General Fund in accordance with the following schedule:

(1) The sum of five million dollars ($5,000,000) to the State Department of Education for transfer to the State Instructional Materials Fund for purposes of acquiring instructional materials for school districts pursuant to subdivision (i) of Section 1240 of the Education Code.

(2) The sum of fifteen million dollars ($15,000,000) to the State Department of Education for allocation to county offices of education to review, monitor, and report on teacher training, certification, misassignment, hiring and retention practices of school districts pursuant to subparagraph (G) of paragraph (1) of subdivision (a) of Section 42127.6 of the Education Code, subparagraphs (A) and (B) of paragraph (1) of subdivision (b) of Section 44258.9 of the Education Code, and paragraph (4) of subdivision (e) of Section 44258.9 of the Education Code, and to conduct and report on site visits pursuant to paragraph (2) of subdivision (c) of Section 1240 of the Education Code, and oversee the compliance of schools with instructional materials sufficiency requirements as provided in paragraphs (2) to (4), inclusive, of subdivision (i) of Section 1240 of the Education Code. Funds appropriated in this paragraph shall be allocated annually to county offices of education at the rate of three thousand dollars ($3,000) for each school in the county ranked in deciles 1 to 3, inclusive, of the Academic Performance Index, pursuant to Section 52056 of the Education Code, based on the 2003 base Academic Performance Index score for each school, provided that the annual allocation for each county shall be a minimum of twenty thousand dollars ($20,000). If there are insufficient funds in any year to make the allocations required by this paragraph, the department shall allocate funding in proportion to the number of sites in each county. County offices shall contract with another county office or independent auditor for any work funded by this paragraph that is associated with a school operated by that county office.

(3) The sum of two hundred thousand dollars ($200,000) to the State Department of Education to implement this act.

(b) For the purpose of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraphs (1) and (2) of subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2003–04 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2003–04 fiscal year. Funds appropriated by this section shall be available for transfer or encumbrance for three fiscal years, beginning in the 2004–05 fiscal year.

SEC. 19. The sum of one million two hundred thousand dollars ($1,200,000) is appropriated from the Donated Food Revolving Fund for support of the State Department of Education, for the purposes of Program 30.50, Donated Food Distribution.

SEC. 20. 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.

SEC. 21. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the educational programs affected by this act are properly implemented, it is necessary that this act take effect immediately.

HORSE RACING—WAGERS—REGULATIONS

CHAPTER 119

A.B. No. 834

AN ACT to amend Sections 19412, 19549.6, and 19610.8 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State July 25, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 834, Jones. Horse racing.

Existing law defines various types of parimutuel pools, as specified.

This bill would permit harness racing results to be included in proposition parimutuel pool wagers.

Existing law requires the California Horse Racing Board to allocate racing weeks as it deems appropriate, while generally limiting harness racing in the northern zone to 25 weeks per year. Existing law provides a separate general limitation on racing by each fair of 14 days, or 3 weeks in certain circumstances. However, existing law provides that, notwithstanding these general limitations, the board may allocate additional weeks of harness racing to a lessee of the California Exposition and State Fair in Sacramento to be raced at the California Exposition and State Fair in Sacramento.

This bill would authorize the board to allocate these additional weeks of harness racing to the California Exposition and State Fair in Sacramento or to its lessee, to be raced at the California Exposition and State Fair in Sacramento.

Existing law permits the board, upon the request of the association or fair accepting the wager, and the organization of participating horsemen and horsewomen, to set the percentage deducted from the parimutuel pool for any new wager introduced after January 1, 2004, as specified, to be distributed as specified.

This bill would include proposition wagers with any new wager introduced for which the board sets the percentage deducted, and would prescribe an alternate distribution scheme for quarter horse racing commissions and purses.

Under existing law, revenues distributed to the state as license fees from horse racing are required to be distributed in the Fair and Exposition fund and are continuously appropriated to the Department of Food and Agriculture for various regulatory and general governmental purposes.

By providing for state license fees of 3% for new types of wagers that otherwise would be subject to lower state license fees as exotic wagers, this bill would increase the amount of continuously appropriated license fees, thereby making an appropriation.

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

Appropriation: yes.

The people of the State of California do enact as follows: