



Legislative Report for the Oakland Unified School District

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Bills		
Accountability		
AB 1172 (Mendoza – D) Charter schools: petition for establishment: decision to grant or deny.		
Position: SUPPORT	Approved Position: SUPPORT	Date: February 2012
<p>Current law requires the governing board of a school district, within 60 days of the receipt of a petition for the establishment of a charter school, to either grant or deny the charter, as specified. Current law prohibits the governing board of a school district from denying a petition unless the governing board makes written factual findings in support of one or more specified findings. This bill would include the finding that the charter school would have a negative fiscal impact on the school district, as specified, among those findings upon which a school district may base denial of a petition for the establishment of a charter school.</p> <p>This bill was last heard in the Senate Education Committee, but failed to meet the deadline to move forward in the legislative process.</p>		
AB 1186 (Skinner – D) California Global Warming Solutions Act of 2006: investor-owned utilities: school energy efficiency.		
Position: SUPPORT	Approved Position: SUPPORT	Date: 6/13/2012
<p>Under current law, the Public Utilities Commission has regulatory authority over public utilities , including electrical corporations and gas corporations . Current law authorizes the commission to fix just and reasonable rates and charges. This bill would require the commission to hold a proceeding to establish a program to award grants to public schools providing instruction in kindergarten or grades 1 to 12, inclusive, for energy efficiency improvements including, but not limited to, advanced controls, lighting, upgrades to heating, ventilation, and air-conditioning systems, as well as hot water and kitchen appliances. The bill would require the commission to direct gas corporations and electrical corporations to implement that program within their respective service areas. This bill contains other related provisions and other current laws.</p> <p>This bill was last heard in the Senate Appropriations Committee, where it was placed on the suspense</p>		

file. The suspense file is currently scheduled for reconsideration on August 16, 2012.

AB 1858 (Alejo – D) School finance: emergency loans: South Monterey County Joint Union High School District.

Position: TRACK	Approved Position: SUPPORT IF AMENDED	Date: March 2012
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Current law requires the Controller to transfer from Section A of the State School Fund the amount of funds necessary to pay certain warrants so that the effective cost of the lease financing provided to the Oakland Unified School District, the Vallejo Unified School District, and the West Contra Costa Unified School District is equal to the cost of the original General Fund emergency loan made to each school district. Current law also specifies the original interest rate to be used in determining the cost of the original emergency loan made for these school districts. This bill would also require the Controller to make that transfer with respect to the lease financing provided to the South Monterey County Joint Union High School District. The bill would specify the original interest rate to be used in determining the cost of the original emergency loan for the South Monterey County Joint Union High School District.

This is one of the state takeover bills discussed by the Board in March. In the event that it did continue forward, efforts were made to ensure OUSD’s inclusion in the provisions of this bill. It was widely regarded by Assemblymember Swanson and other state takeover specialists as generally unviable. In line with that expectation, this bill was held in the Assembly Appropriations Committee as of May 25, 2012.

AB 2087 (Swanson – D) School districts: emergency apportionments: audits.

Recommended Position: SUPPORT	Approved Position: SUPPORT	Date: 5/23/2012
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This bill allows The Educational Audit Appeals Panel to waive or reduce a penalty levied on a school district, as a result of an audit conducted by the State Controller (SCO) or his or her designee, if the SCO determines that the district has taken the appropriate corrective action.

Under current law, a school district that is facing insolvency may request an emergency apportionment from the state. As a result of this emergency state loan, the SCO, or his or her designee, is required to conduct the district's audits, or approve an auditor selected by the district, for the fiscal year in when the emergency loan is disbursed and every year thereafter until the loan is repaid.

If the audit reveals that the district is not in compliance with state or federal law, the finding must be reported and the district must either repay funds it received or pay a penalty. If the finding is considered apportionment significant, the district may file an appeal with the Education Audits Appeals

Panel (EAAP).

When a district appeals audit findings, the EAAP can either determine that the district complied or refer the appeals to the Office of Administrative Law (OAL) for a hearing.

Once the appeal is heard, the EAAP can either accept or reject the OAL's decision.

This bill would give a school district 2 years from the date of the final audit report to correct the deficiencies that led to an audit finding and allow the EAAP to waive or reduce the reimbursement or penalty amount if the Controller, or his or her designee, determines that the school district has taken the appropriate corrective action.

The bill also requires the affected district to repay the reimbursement or penalty and waive its right to appeal if the deficiencies are not corrected after 2 years.

AB 2087 will give a local school district governing board that is regaining its control after a state takeover, time to address audit findings that were discovered during a time when the board had no legal rights or control over the district. This bill could potentially save financially vulnerable district millions in fines and penalties by giving districts a two year window of time address SCO audit findings and engage in corrective action to ensure that a district remains on the path to solvency.

This bill was last on the Assembly Appropriation Committee's suspense file, and failed to make it out of the committee by the deadline.

AB 2278 (Swanson – D) School districts: state administrators.

Recommended Position:
SUPPORT

Approved Position:
SUPPORT

Date:
5/23/2012

This bill allows the governing board of a school district that is under state receivership to annually evaluate the district's appointed administrator. If the governing board elects to conduct the evaluation, it will be required to submit it to the Governor, the Legislature, the SPI and the County Office Fiscal Crisis and Management Assistance Team (County FCMAT).

Current law allows school districts that are facing insolvency to request an emergency loan from the state. If a school district accepts a loan from the state that exceeds 200% of a district's recommended reserve, state law requires the SPI to assume all of the legal rights, duties and powers of the district's governing board.

When the SPI assumes control of a school district, he or she is required to appoint an administrator to act on his or her behalf. In addition, the locally elected school board loses its power and serves under the authority of the state administrator in an advisory capacity.

However, the district governing board, despite its loss of legal authority, is still responsible to the community and remains involved in the school district.

This bill would allow the locally elected school district governing board to evaluate the appointed administrator each year the district is under control of the SPI. The bill also requires the governing board to submit the evaluation to the Governor, the Legislature, the SPI and the County FCMAT.

This bill was chaptered on July 23, 2012.

AB 2279 (Swanson – D) School districts: emergency apportionments: trustees.

Recommended Position:
SUPPORT

Approved Position:
SUPPORT

Date:
5/23/2012

AB 2279 allows the SPI to remove a trustee from a school district that is still repaying an emergency loan if the SPI determines that the school district's future compliance with the approved fiscal plan adopted by the governing board to resolve the financial problems of the district is probable.

Current law allows school districts that are facing insolvency to request an emergency loan from the state. State law allows the SPI to appoint a trustee for a school district that has accepted a loan from the state. The trustee is required to serve until the emergency loan is repaid, the district has adequate fiscal systems and controls in place and the SPI had determined that the district's future compliance with the fiscal plan to resolve the district's financial problems is likely. This plan is required to be approved by the by county superintendent and the SPI prior to the district's acceptance of the emergency loan.

The trustee appointed by the SPI is required to monitor and review the operation of the district. In addition, current law gives the trustee the authority to stay or rescind any action of the local district governing board that, in his or her judgment, may affect the financial condition of the district.

AB 2279 will allow the SPI to remove the trustee and restore the district governing board's full power when he or she determines that the school district's future compliance with their approved fiscal plan is probable.

This bill would allow the SPI to restore the full power of a locally elected school district governing board that has demonstrated its ability to maintain fiscal solvency while it is repaying an emergency loan.

This bill is currently scheduled for its third reading on the floor of the Senate on or after August 13, 2012.

SB 843 (Wolk – D) Energy: electrical corporations: City of Davis PVUSA solar facility: Community-Based Renewable Energy Self-Generation Program.		
Recommended Position: SUPPORT	Approved Position: SUPPORT	Date: 6/13/2012
<p>SB 843 seeks to establish an innovative new program which allows local governments, businesses, residents and schools to invest in cost effective clean renewable energy and create local jobs. The bill allows all IOU power customers to choose to get a portion of their power from an off-site renewable energy facility, and also removes the significant obstacles facing schools and local governments which have tried to pursue off-site solar opportunities.</p> <p>Many cities throughout California have for decades invested in trees to provide shade, cool homes, and reduce energy consumption, making homes poorly suited for rooftop solar. Further, home or business owners with roofs not appropriately oriented for solar, and California’s millions of renters, have been shut out of cost effective ways to pursue clean renewable power. Programs set up to offer schools and local governments an avenue to invest in off-site renewable energy have proven uneconomical, with too many barriers to ensure the projects could pencil out.</p> <p>SB 843 establishes a pioneering new program which allows all IOU power customers to pursue off-site renewable energy. Based on the successful model established between Pacific Gas & Electric, the City of Davis and the PVUSA solar facility, this legislation allows all customers to receive a credit on their power bills for the clean power they purchase at an off-site renewable energy garden. By allowing customers to opt into larger energy gardens and pool their resources, the price they pay for clean power will be reduced and access to this power will be increased.</p> <p>This bill is currently being held in the Assembly Appropriations Committee and will be heard on or after August 16, 2012.</p>		
SB 1240 (Cannella – R) School finance: emergency loans: South Monterey County Joint Union High School District.		
Recommended Position: TRACK	Approved Position: SUPPORT IF AMENDED	Date: March 2012
<p>Current law requires the Controller to transfer from Section A of the State School Fund the amount of funds necessary to pay certain warrants so that the effective cost of the lease financing provided to the Oakland Unified School District, the Vallejo City Unified School District, and the West Contra Costa Unified School District is equal to the cost of the original General Fund emergency loan made to each school district. Current law also specifies the original interest rate to be used in determining the cost of the original emergency loan made for these school districts. This bill would also require the Controller</p>		

to make that transfer with respect to lease financing provided to the South Monterey County Joint Union High School District. The bill would specify the original interest rate to be used in determining the cost of the original emergency loan for the South Monterey County Joint Union High School District , but only if the voters of the school district approve a measure to levy a parcel tax, the proceeds of which shall benefit the South Monterey County Joint Union High School District, by January 1, 2015.

This bill is the Senate’s version of AB 1858 (Alejo). It was also considered generally unviable in the education community, but as a safeguard efforts were made to include OUSD in the bill’s provisions. Like its Assembly counterpart, it was held in the Appropriations Committee.

SB 1458 (Steinberg – D) School accountability: Academic Performance Index: graduation rates.

Recommended Position: SUPPORT	Approved Position: SUPPORT	Date: 5/23/2012
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The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) that measures the performance of schools and the academic performance of pupils. Under current law, the API consists of a variety of indicators, including graduation rates for pupils in secondary schools, and is used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. Current law requires the Superintendent to determine the accuracy of high school graduation rate data before including that data in the API, and to provide an annual report to the Legislature on graduation and dropout rates, as specified.

This bill would authorize the Superintendent to develop and implement a specified program of school quality review to complement the API, if an appropriation for this purpose is made in the annual Budget Act. The bill would require the Superintendent to annually provide to local educational agencies and the public an explanation of the individual components of the API and their relative values, as specified, and would prohibit an additional element from being incorporated into the API until at least one full school year after the state board's decision to include the element into the API.

The bill would also require the Superintendent to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates. The bill would authorize the Superintendent to incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school and matriculate from middle school to high school, as well as pupil preparedness for postsecondary education and career.

The bill would delete the requirement that the API be used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. To the extent this bill would require school districts to report additional data for purposes of inclusion in the API or other school quality review, the bill would impose a state-mandated local

program.

This bill was held in the Assembly Appropriations Committee, and will be reviewed on or after August 16, 2012.

Informational Items

Pupil Safety¹

AB 1729 (Ammiano – D) Pupil rights: suspension or expulsion: alternatives and other means of correction.

Existing law provides that a pupil shall not be suspended from school or recommended for expulsion unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed a specified act. Existing law also authorizes a superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this provision. This bill would instead authorize a superintendent of the school district or principal of the school to use alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior, as specified. Existing law requires the imposition of suspension only when other means of correction fail to bring about proper conduct but authorizes the suspension of a pupil, including an individual with exceptional needs, upon a first offense if the principal or superintendent of schools determines that specified offenses were committed or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. This bill would authorize a school district to document the other means of correction used and place that documentation in the pupil's record . The bill would also specify that other means of correction include, but are not limited to, among other things, a positive behavior support approach with tiered interventions that occur during the schoolday on campus, a conference between school personnel, the pupil's parent or guardian, and the pupil, participation in a restorative justice program, and after-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors.

This bill is currently scheduled for its third reading on the floor of the Senate.

AB 2242 (Dickinson – D) Pupils: grounds for suspension and expulsion.

Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless

¹ Pupil Safety has been a hot-button issue this year. We have encouraged legislators to incorporate the positive aspects of these bills into one, more comprehensive piece of legislation to address the issue more adequately.

the superintendent of the school district or the principal of the school determines that the pupil has committed any of various specified acts. Existing law also authorizes the assignment of a pupil suspended from a school to a supervised suspension classroom under certain conditions. Under existing law, the acts for which a pupil may be suspended or recommended for expulsion include, but are not limited to, disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. These acts also include, for a pupil enrolled in any of grades 4 to 12, inclusive, intentionally engaging in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment. This bill would provide that, if the superintendent of the school district or the principal of the school in which a pupil is enrolled determines that a pupil has disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, the pupil may be subject to other means of correction, community service during nonschool hours, or in-school suspension in a supervised suspension classroom, but not to an extended suspension, recommendation for expulsion, or expulsion. The bill would move the language relating to a pupil enrolled in any of grades 4 to 12, inclusive, intentionally engaging in harassment, threats, or intimidation, directed against school district personnel or pupils, to another code section in place of the language relating to a pupil disrupting school activities or otherwise willfully defying valid authority. The bill would also make conforming and nonsubstantive changes. This bill would incorporate additional changes to Section 48900 of the Education Code proposed by AB 1729 that would become operative if this bill and AB 1729 are enacted, and this bill is enacted last. This bill would also incorporate changes to that section proposed by AB 1732, which has been chaptered.

This bill is currently set to be heard in the Senate Energy, Utilities and Communications Committee on June 11, 2012.

AB 2537 (Pérez, M. – D) Pupil discipline: suspensions and expulsions.

Existing law requires the principal of a school or the principal's designee to notify the appropriate law enforcement agencies of the county or city in which the school is situated of certain unlawful acts committed by a pupil that may result in suspension, expulsion, or criminal liability of the pupil, as specified. Existing law provides that a willful failure to make a report required by these provisions is an infraction punishable by a fine of not more than \$500. This bill would delete the provision making a violation of that reporting requirement an infraction. Under existing law, the principal or the superintendent of schools is required to recommend the expulsion of a pupil for certain acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance. These acts include the unlawful possession of certain controlled substances, except for the first offense for the possession of marijuana, as specified. For these acts, the governing board of the school district is authorized, but not

required, to order the expulsion of the pupil.

This bill would instead require the principal or superintendent of schools to make that recommendation unless he or she determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct. The bill would encourage the principal or superintendent of schools to make that determination as quickly as possible to ensure that the pupil does not lose instructional time. The bill would include the act of possessing an over-the-counter medication or medication prescribed for the pupil by a physician as an additional exception to the act of possessing a controlled substance for purposes of the expulsion provisions described above. Under existing law, the principal or superintendent of schools is required to immediately suspend, and to recommend expulsion of, a pupil that he or she determines has committed certain acts at school or at a school activity off school grounds, including the possession of a firearm, and the governing board of the school district is required to order a pupil expelled upon the finding that the pupil did commit one of these acts. This bill would specify that the act of possessing an imitation firearm, as defined, is not an offense for which suspension or expulsion is mandatory, but is an offense for which suspension or expulsion may be imposed. This bill would declare the intent of the Legislature that the acts enumerated in specified provisions form the exclusive bases for the imposition of suspension or expulsion.

This bill is currently scheduled for its third reading on the floor of the Senate.



LEGISLATIVE REPORT
Oakland Unified School District
August 10, 2012
