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LEGISLATIVE RECOMMENDATIONS

OAKLAND UNIFIED SCHOOL DISTRICT

Bill Number	Author	Title and Description	Recommended Position	Approved Position	Date of Action
AB 9	Ammiano	Pupil rights: bullying	TRACK	SUPPORT	6/2/2011
AB 48	Pérez, John A.	Teachers: best practices teacher evaluation.	TRACK	TRACK	6/2/2011
AB 114	Committee on Budget	Education finance	DISSAPROVE		
AB 189	Eng	Education funding.	OPPOSE	TRACK	6/2/2011
AB 224	Bonilla	School accountability: Academic Performance Index.	TRACK	TRACK	6/2/2011
AB 250	Brownley	Instructional materials: pupil assessment.	SUPPORT	TRACK	6/2/2011
AB 519	Hernández	Pupil discipline: restraint and seclusion.	OPPOSE	TRACK	6/2/2011
AB 677	Skinner	Education finance: Oakland Unified School District: sale of surplus property	SPONSOR	SPONSOR	1/1/2011
SB 128	Lowenthal	School facilities funding: high performance schools.	SUPPORT	SUPPORT	6/2/2011
SB 132	Lowenthal	School facilities: state planning priorities.	TRACK	TRACK	6/2/2011
SB 547	Steinberg	Public school performance accountability	SUPPORT		

AB 9 (Ammiano) Pupil rights: bullying		
Recommended Position: TRACK	Approved Position: SUPPORT	Date: 6/2/2011
<p>Existing law provides that it is the policy of the state to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, equal rights and opportunities in the educational institutions of the state, and that it is the purpose of existing law to prohibit acts that are contrary to that policy and to provide remedies therefor. Existing law requires the State Department of Education to develop a model handout, posted on appropriate department Internet Web sites, describing the rights and obligations set forth in these provisions and the policies addressing bias-related discrimination and harassment in schools. Existing law also requires the department to monitor adherence to these provisions and, as part of its regular monitoring and review of local educational agencies, to assess whether local educational agencies have adopted a policy that prohibits discrimination and harassment and a process for receiving and investigating complaints of discrimination and harassment, as specified. This bill would require the policy adopted by the local educational agencies to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics. The bill would also require the process for receiving and investigating complaints to include complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified, and to include a requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so, a timeline to investigate and resolve complaints.</p> <p>This bill is pending action on the Senate floor.</p>		
AB 48 (Pérez, John A. – D) Teachers: best practices: teacher evaluations.		
Recommended Position: SUPPORT	Approved Position: TRACK	Date: 6/2/2011
<p>Existing law provides that in the development and adoption of guidelines and procedures for evaluation and assessment, that the governing board shall avail itself of the advice of the certificated instructional personnel in the district's organization of certificated personnel, as specified.</p> <p>This bill would instead require that the procedures to be used for evaluation of certificated employees shall be subject to specified provisions of law regarding the scope of representation by the exclusive representative of certificated employees and that the school governing board shall consult with the exclusive representative of certificated employees with respect to all other matters related to the evaluation of certificated employees.</p> <p>This is a 2-year bill.</p>		



LEGISLATIVE RECOMMENDATIONS

Oakland Unified School District

August 6, 2011

AB 114 (Committee on Budget) Education finance		
Recommended Position: DISSAPROVE	Approved Position:	Date:
(Please see accompanying issues memo on AB 114.)		

AB 189 (Eng – D) Education funding.		
Recommended Position: OPPOSE	Approved Position: TRACK	Date: 6/2/2011
<p>This bill has been significantly amended (watered down) since the OUSD board last reviewed the bill. It now requires a public hearing to be held prior to and independent of a meeting where the governing board of a school district or county office of education adopts a budget, if the budget includes the shifting, or “flexing,” of categorical funds.</p> <p>The bill is pending on the Senate floor.</p> <p><i>Previous analysis: This bill was originally limited in scope to requiring that 65% of adult education funds received under the Tier 3 categorical flexibility package be expended by LEAs on adult education programs. It was amended to expand the number of categorical programs under the Tier 3 flexibility package for which funds must now be expended on the original categorical programs through which the funds are received.</i></p> <p><i>The bill has been amended to require that LEAs, at a regularly scheduled open hearing, certify that a “sufficient amount” of funding received for the four following categorical programs included in the Tier 3 categorical flexibility package is going to those programs:</i></p> <p style="padding-left: 40px;"><i>Adult Education California High School Exit Exam (CAHSEE) Instructional Support and Services Regional Occupational Centers and Programs (ROC/Ps) Supplemental Instruction (Summer School)</i></p> <p><i>The bill defines a “sufficient amount” of funding as maintaining a sufficient level of instruction services for these four programs so that the LEA should be able to reinstate full funding for the program upon the expiration of categorical funding flexibility. The bill also extends categorical flexibility two additional years, from the end of fiscal year 2012-13 to the end of fiscal year 2014-15.</i></p> <p><i>The new provisions of this bill essentially remove categorical flexibility for the four listed Tier 3 programs. As a result, the California Association of School Business Officials, the California County Superintendents Educational Services Association, and several local education agencies opposed the bill. <u>OUSD may wish to consider an oppose position for the same reasons.</u></i></p>		
AB 224 (Bonilla – D) School accountability: Academic Performance Index.		
Recommended Position:	Approved Position:	Date:

TRACK	TRACK	6/2/2011
<p>This high profile bill could revise existing methods for calculating the Academic Performance Index. Many of the details of the bill are still withstanding, and the author's office is working closely with Assembly Speaker Perez's top education aid, Rick Simpson, to flesh out the bill. <u>It's an important one for OUSD to continue to watch</u> and you may wish to consider a support position now or after further anticipated amendments clarify the details of the bill related to defining the skills and knowledge necessary to attain entry-level employment upon graduation from high school.</p> <p>The SPI established, pursuant to SB 1 X1 (Alpert), Chapter 3, Statutes of 1999-2000 First Extraordinary Session, an advisory committee to advise the SPI and the SBE on all appropriate matters relative to the creation of the API. SB 1 X1 also requires the SPI, with the approval of the SBE, to develop the API to measure the performance of schools, and to include a variety of indicators in that measure, including, but not limited to, achievement test results, attendance rates, and graduation rates. Currently only achievement test results are incorporated into the API, and the API is configured to produce scores measuring a school's static performance at each grade level, in each content area, in each year, at one point in time.</p> <p>This bill includes a number of provisions to broaden the measures included in the calculation of a school's API. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Deletes the requirement that attendance rates be incorporated into the API. 2) Requires the SPI, in consultation with the SBE, to incorporate into the API by FY 2012-13, for schools with any of grades 8 through 12, each of the following indicators using the best available data: <ul style="list-style-type: none"> • High school graduation rates as defined in current law. • The rates at which pupils complete a course of study that fulfills University of California and California State University admission requirements. • The rates at which pupils complete a course of study that provides the skills and knowledge necessary to attain entry-level employment upon graduation from high school. 3) Requires that the weighting of components of the API shall be: <ul style="list-style-type: none"> • Until July 1, 2013 - at least 60% on the results of the achievement tests specified. • Between July 1, 2013 and June 30, 2016 - at least 50% on the results of the achievement tests specified. • On or before June 30, 2016 - 50% on the results of the achievement tests specified in current law, and 50% on the elements listed in 2) above; in addition, requires that each of the elements in 2) above receive equal weight, while the rate at which pupils meet both elements in 2) b) and 2) c) is required to be given additional weight. 4) Authorizes the SPI to convene an advisory committee to provide recommendations for the implementation of these provisions, and to develop recommendations for the inclusion of multiple 		

LEGISLATIVE RECOMMENDATIONS

Oakland Unified School District

August 6, 2011

measures in the API of middle and junior high schools.

This bill is pending on the Senate floor.

AB 250 (Brownley – D) Instructional materials: pupil assessment.

Recommended Position:
SUPPORT

Approved Position:
TRACK

Date:
6/2/2011

This measure would create a new schedule for the state to resume instructional materials adoptions following the hiatus in adoptions that was a component of the categorical flexibility package adopted by the legislature in 2009. Under categorical flexibility, the State Board of Education is prohibited from adopting instructional materials or following the procedures related to adoptions until the 2013-14 school year.

The measure also extends that state’s Standardized Testing and Reporting (STAR) Program one year, from 2012-13 to 2013-14, with the goal of giving the state time to adapt to changes in federal law and to transition to high quality assessments that are aligned to the common core standards.

Finally, the measure includes “spot” or placeholder language related to creating professional development training opportunities that support teachers in delivering curriculum and instruction to all students that is aligned to the state's common core academic standards. Specific provisions include:

Requiring the state board to adopt revised curriculum frameworks and evaluation criteria that are aligned to the common core academic content standards developed by the consortium and adopted by the board for mathematics and language arts no later than December 31, 2012, and March 1, 2013.

Requiring SBE policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12 and instructional materials for kindergarten and grades 1 to 8 include the English language development standards as adopted by the state board in 1997 and English language development strategies in the four core subjects of mathematics, science, history-social science, and English language arts.

SBE policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12 and instructional materials for kindergarten and grades 1 to 8 include strategies to address the needs of pupils with disabilities in the four core subjects of mathematics, science, history-social science, and English language arts.

- 1) This bill would delete the requirement that the Curriculum Development and Supplemental Materials Commission study and evaluate instructional materials and recommend to the state board instructional materials that it approves for adoption.

Instead, this bill would state the intent of the Legislature to:

- a) Provide to local educational agencies a process that is consistent with the implementation of standards-based curricula and the principle of local control and by which they may identify, evaluate, and recommend instructional materials for adoption to the state board.

- b) The measure would also state legislative intent to ensure that school districts are provided with as many standards-aligned instructional material options as possible, so that educators may have many rigorous options in choosing the best materials that meet the needs of all pupils, including English learners and pupils with disabilities, and that ensure that their pupils are able to master the academic content standards adopted by the state board.
- c) The measure also states legislative intent to offer opportunities for professional development training to teachers to support the transition to and implementation of the state's common core academic content standards adopted by the state board.

This bill would also require the criteria developed by the Commission for evaluating instructional materials include directions to publishers to align the materials with English language development standards and incorporate strategies to address the needs of English learners & pupils with disabilities.

- 1) The bill would require that materials for mathematics be submitted for adoption in 2014 and for English language arts in 2016.
- 2) This bill would extend STAR testing requirements by one year (2013-14) by making the Greene Act inoperative on July 1, 2014, and repealing it as of January 1, 2015.

This bill would authorize the department, subject to approval by the state board, to make these primary language assessments available to school districts to assess their nonlimited-English-proficient pupils who are enrolled in a dual language immersion program and their redesignated fluent-English-proficient pupils. The bill would require a school district that chooses to administer a primary language assessment pursuant to this authority to do so at its own expense.

This bill is pending on the Senate floor.

AB 519 (Hernández, Roger – D) Pupil discipline: restraint and seclusion.

Recommended Position: OPPOSE	Approved Position: TRACK	Date: 6/2/2011
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AB 519 is another rendition of a bill advanced over the past 10 years (unsuccessfully) by former Senator and Assembly Member Sheila Kuehl. The bill sets specific guidelines for where, when, how, and why an educational provider may restrain or seclude a pupil for the purposes of coercion, discipline, retaliation, or convenience. It is opposed by ACSA, as they did for similar Kuehl bills in prior sessions.

Specifically, the bill prohibits (for the purposes above) the following types of restraint/seclusion:

- 1) Mechanical restraint such as zip-ties/handcuffs, except for transportation, postural support, or

improved mobility

- 2) Physical restraint for exceptional needs students ONLY, except to calm/comfort, prevent unsafe behavior, or assist/guide a pupil
- 3) Chemical restraint (such as drugs or medication), except for prescribed use
- 4) Involuntary, unsupervised seclusion, except for supervised “timeouts”

The seclusion prohibition in the bill begins on Jan. 1, 2014, until which time seclusion is allowable only if **all** the following conditions are met:

- 1) Provider is a nonpublic, nonsectarian school with intensive behavioral supports – such as an alternative school
- 2) The pupil placed in seclusion is an individual with exceptional needs, has an IEP, and possesses the ability to understand the purpose of seclusion
- 3) The pupil has a behavioral intervention plan, which must be reviewed after every seclusion incident
- 4) The pupil placed in seclusion exhibits behavior that poses an imminent risk of serious physical harm to school personnel, or is in a facility licensed/permitted by the state to use seclusion, and the behavior cannot be addressed by a less restrictive intervention
- 5) Seclusion is visually monitored at all times by a staff member who is free from other responsibilities
- 6) The period of seclusion shall not exceed 15 minutes, except as part of specifically designated behavioral intervention strategies/plans
- 7) The seclusion room is specifically designed for the purposes of seclusion, not mechanically locked/blocked, is free of hazards, and has clearance from the local fire authority

This is now a 2-year bill.

AB 677 (Skinner – D) Education finance: Oakland Unified School District: sale of surplus property

Recommended Position: SPONSOR	Approved Position: SPONSOR	Date: 1/1/2011
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This is OUSD’s sponsored bill to extend the ability for the district to sell surplus property through June 30, 2011.

It was signed into law by the Governor August 3, 2011.

SB 128 (Lowenthal – D) School facilities funding: high-performance schools.

Recommended Position:
SUPPORT

Approved Position:
SUPPORT

Date:
6/2/2011

The Kindergarten-University Public Education Facilities Bond Act of 2006 (the 2006 Bond Act) sets aside \$100 million of the proceeds of the bonds sold under the Leroy F. Greene School Facilities Act of 1999 (the Greene Act) for incentive grants to promote the use of design and materials in new construction and modernization projects that include the attributes of high-performance schools. Approximately \$75 million remains unspent.

Generally, high performing schools are more energy efficient and provide healthier learning environments due to designs that consider natural lighting, indoor air quality, and efficient use of energy and water, among other features.

Existing law authorizes a modernization apportionment to be used for an improvement to extend the useful life of, or to enhance the physical environment of, the school, and specifies the types of costs that may be included in the improvement.

SB 128 would add the cost of designs and materials that support the characteristics of high-performance schools to the types of costs that may be included in modernizations projects.

It would also make CTE projects eligible for an incentive grant if the project meets the criteria prescribed in the 2006 Bond Act for incentive grants to high-performance schools.

This bill is pending on the Assembly floor.

SB 132 (Lowenthal – D) School facilities: state planning priorities.

Recommended Position:
TRACK

Approved Position:
TRACK

Date:
6/2/2011

Existing law sets forth state planning priorities that are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state. Those priorities are as follows: (a) to promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land, (b) to protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, and (c) to encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, supports new development that meets prescribed criteria.

This bill would require the State Allocation Board, on or before July 1, 2012, to revise guidelines, rules, regulations, procedures, and policies for the acquisition of schoolsites and the construction of school facilities pursuant to the Greene Act to reflect the state planning priorities referenced above. The bill also would require, on or after July 1, 2012, a school district, as part of an application for funding under the Greene Act, to certify that a schoolsite or school facility included in that application promote those state planning priorities.

The terms “reflect” and “promote” remain vague and undefined in this legislation, and it is not clear what new requirements may be created for education agencies if school facilities construction projects must “reflect” and “promote” state planning priorities. Although this bill could create problematic new requirements for education agencies, school facilities experts believe it is unlikely to become law while many of its most important definitions remain undefined. We therefore recommend a track position.

This bill is pending on the Assembly floor.

SB 547 (Steinberg – D) Public school performance accountability

Recommended Position:
SUPPORT

Approved Position:

Date:

This measure replaces the state's current measure of school and school district academic performance, the Academic Performance Index (API), with the Education Quality Index (EQI), an index of school and school district quality that is comprised of multiple indices, each reflecting a different dimension of school or district performance.

The measure requires the Superintendent of Public Instruction (SPI), in consultation with the current Public School Accountability Act (PSAA) advisory committee, to develop the EQI system for schools and school districts, and requires the State Board of Education (SBE) to adopt the EQI no later than August 1, 2013, and after providing for public input. It also requires, commencing with the 2013–14 school year, that all schools and school districts to be evaluated using the EQI.

- 1) Requires the EQI to be to be developed for each school type and school district, and to include, but not be limited to, the following:
 - a) For schools and school districts maintaining any of grades 9 through 12, the:
 - i) State Assessment Index (SAI).
 - ii) Graduation Rate Index (GRI).
 - iii) College Preparedness Index (CPI).
 - iv) Career Readiness Index (CRI).
 - b) For schools and school districts maintaining grade 8, the:
 - i) SAI.
 - ii) GRI.
 - iii) A valid and reliable measure or measures of pupil access to and performance in college and

- career preparatory and exploratory experiences is to be considered, if maintained in that school.
- c) For schools and school districts maintaining kindergarten or any of grades 1 to 7, inclusive, the SAI.
- 2) Requires the SPI, in consultation with the PSAA advisory committee, to develop and recommend to the SBE for adoption:
- a) The component indices listed in 8) a) above for school districts and for each school type, including alternative schools, as specified.
 - b) The relative weights of the component indices, and a total value for the EQI, consistent with the following requirements:
 - i) For schools and school districts maintaining kindergarten and any of grades 1 through 8, the SAI is required to comprise no less than 40 percent of the value of the EQI.
 - ii) For schools and school districts maintaining any of grades 9 through 12, the SAI is required to comprise no more than 40 percent of the value of the EQI.
 - iii) Within the EQI, the weights assigned to the CPI and CRI are required to be equal.
 - c) No less than one additional component index for schools maintaining kindergarten or any of grades 1 through 7.
 - d) An annual ranking or evaluation system for the EQI.
 - e) An annual growth target for the SAI and the GRI, including targets for numerically significant pupil subgroups, defined to be subgroups with more than 50 pupils with valid test scores.
 - f) Whether a growth target or an annual measurement of the narrowing of the achievement gap should be established for each additional component index, including targets for numerically significant pupil subgroups.
 - g) The relevant indices and indicators necessary to meet and comply with federal law.
 - h) Any additional data elements, and connections between existing data systems, that are identified as needed, after consulting with the state's three higher education segments, the Employment Development Department, and other appropriate entities.