



BUDGET UPDATE: LEGISLATURE RECONVENES

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Legislature Resumes Business

The Governor and Legislature are back in Sacramento for four busy weeks preceding the September 9th close of the 2011 legislative year. Unlike many previous years where budget negotiations dragged throughout the summer and fall, this year's summer legislative recess was observed in earnest following the passage of an on-time budget. With a state budget in place, there is less immediate business for lawmakers to attend to before they wrap up for the year. Still, there are some important issues to sort out that will affect the interpretation and implementation of the state budget, and a few high-profile bills that are moving through the legislative process.

State Considers Impact of Budget Trigger List

Following the passage of the state budget, we prepared a letter to the Governor and Legislative leaders warning against the impact of the budget "trigger list," which would essentially implement mid-year budget cuts to revenue limit funds if state revenues come in below 2011-12 budget estimates. (For your reference, our letter is included with this memo.) As we've mentioned previously, a decision to pull the trigger won't be made until the December 15th release of Department of Finance estimates of state revenues (and the November 15th release of the Legislative Analyst's estimates of state revenue. Coalition efforts are now underway to address the challenges caused by imposing cuts this far into the school year. In the following days, education leaders will be invited to sign on to a state-wide letter very much like the one we developed for the Board's consideration, warning against making any mid-year reductions to education funding.

State policy-makers have a few options to avoid pulling the "trigger." Re-writing existing budget statutes would require unlikely action on the part of the Governor and the Legislature. The Department of Finance, working in consultation with the Governor's office, may also choose to make careful, selective projections about available state revenues in order to prevent the trigger cuts from becoming necessary.



It is not clear, however, that the Governor's office is willing to push for rosy projections of state revenue in December.

Education leaders are also considering coalition efforts to support controversial concessions that may make budget trigger cuts easier to bear, including a unilateral state action to shorten the school year. (As you'll recall, current budget statute allows education agencies to make reductions in the local school year if cuts are made to revenue limit funding. This provides little relief in expenditure requirements if education agencies can't reach new agreements with their local bargaining units.)

Other Budget "Clean-Up" Is Less Likely

The California Department of Education is calling for budget clean-up legislation to clarify that education agencies may adhere to the Governor's signing message for Education Budget bill AB 114. The Governor's message states that:

"In fashioning their local budgets, school boards may nevertheless need to make reductions due to cost increases, loss of federal funds, enrollment declines or other factors. AB 114 does not interfere with these local school board decisions. School boards should take all reasonable steps to balance their budgets and to maintain positive cash balances."

This message stands in contrast to the actual statutes of AB 114, which require education agencies to project the same level of revenue per unit of average daily attendance as was received in the 2010-11 fiscal year, and to maintain the same level of staffing and programs that were supported by the 2010-11 funding level.

In calling for clean-up legislation, CDE is raising the issue that the Governor's signing message does not legally override budget statute. This could lead to legal challenges for districts that follow the Governor's message and make programmatic or staffing reductions in order to balance their budgets.

However, common consensus that education agencies can and should follow the Governor's signing message to balance their budgets may make clean-up legislation unnecessary. State agencies and major state education organizations agree that districts should follow the Governor's message. The California Teacher's Association has made it clear that the organization will not push for the restoration of jobs commensurate with 2010-11 funding levels pursuant to AB 114, nor will it support local CTA units in working for the restoration of jobs.

The disagreement among education leaders over the need for AB 114 clean-up gives increasingly poor prospects to CDE's efforts.



“AB 1200” Budget Certification Remains in Place

CDE has also confirmed that clean-up language is not necessary with regard to upholding “AB 1200” fiscal reporting requirements for school districts, or the role of county offices of education in certifying district budgets. Although AB 114 made vague reference to up-ending this process by waiving the requirement for districts to submit balanced budget projections for 2 additional years beyond the budget year, this change pertains only to budget adoption, which does not affect the process of certifying district budgets. The statutes that establish interim reporting requirements and the AB 1200 budget certification process (Education Code 42131) remain unchanged.

“Trigger Cut” provisions:

(As a reminder, from our previous budget memo)

If 2011-12 state revenues are forecast to be at \$2 billion below what’s projected in the Budget, 2011-12 K-12 revenue limit funds will be reduced by up to \$1.5 billion, with the cut increasing to a full \$1.5 billion in proportion with revenue shortfalls that reach a full \$4 billion.

This funding cut is intended to be offset by a budget provision that allows local education agencies to reduce the school year by up to 7 instructional days, however, any local action to shorten the school year would still be subject to collective bargaining.

Funding for home-to-school transportation will also be eliminated.



OUSD SUPPLEMENTAL LEGISLATIVE REPORT PENDING LEGISLATION AND NEW LAWS

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High profile legislation pending in the legislature:

AB 52 (Feuer and Huffman): Subjects health insurance company rate increases to state review

SB 161 (Huff): Allows non-medical personnel to voluntarily administer emergency seizure medication

SB 547 (Steinberg): Replaces the Academic Performance Index with and Education Quality Index

New laws:

SB 614 (Kehoe): creates a 30-day grace period for whooping cough vaccinations

ACTIVE BILLS

AB 52 (Feuer D and Huffman D) Health care coverage: rate approval

AB 52 would give the Department of Managed Health Care and the California Department of Insurance the authority to approve, deny, or modify excessive rate changes by health insurance agencies. It would also limit rate increases to one per year and establish required public hearings for health insurance rate increases.

This bill is pending on the Senate Floor.

AB 86 (Mendoza D) Charter schools: authorization: petition.

(1) The Charter Schools Act of 1992 allows one or more persons seeking to establish a charter school within a school district to circulate a petition to that effect. The act allows a charter petition to be submitted to the governing board of a school district for review after the petition has been signed by a number of parents or guardians of pupils that is equivalent to at least 1/2 of the number of pupils that the petitioner estimates will enroll in the charter school for its first year of operation or has been signed by a number of teachers that is equivalent to at least 1/2 of the number of teachers that the petitioner estimates will be employed at the charter school during its first year of operation.

This bill, with respect to charter petitions signed by teachers, would require instead that the petition be signed by a number of nonsupervisory certificated staff and classified employees that combined is equivalent to at least 1/2 of the total number of nonsupervisory certificated staff and classified employees that the charter school estimates will be employed at the school during its first year of operation.

(2) The act allows a petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan, as specified, to be circulated by one or more persons seeking to establish the charter school. The act allows such a petition to be submitted to the governing board of a school district for review after the petition has been signed by not less than 50% of the permanent status teachers currently employed at the public school to be converted.

This bill, instead, would require the petition to be signed by a number of permanent status nonsupervisory certificated staff and permanent classified employees that combined is equivalent to at least 1/2 of the total number of permanent status nonsupervisory certificated staff and permanent classified employees currently employed at the public school to be converted to a charter school.

This bill is pending on the Senate floor.

AB 180 (Carter-D) Education: academic performance.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index (API) and as part of the Public School Performance Accountability Program, to measure the performance of schools, especially the academic performance of pupils. The API consists of a variety of indicators including specified achievement test schools, attendance rates, and graduation rates.

This bill would require the Superintendent and the state board, as part of the Public School Performance Accountability Program, to allow a dropout recovery high school to report the results of an individual pupil growth model that is proposed by the school and certified by the Superintendent instead of reporting other indicators commonly used under the Public School Performance Accountability Program.

“Dropout recovery high school” would be defined as a high school in which 50 percent or more of its pupils are designated as dropouts pursuant to the exit and withdrawal codes developed by the department and the school provides instruction in partnership with any of the following:

- The federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.).
- Federally affiliated Youthbuild programs (42 U.S.C. Sec. 12899 et seq.).
- Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.
- The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Section 14406 or 14507.5 of the Public Resources Code.

The Superintendent shall review the individual pupil growth model proposed by the dropout recovery high school and certify that model if it meets all of the following criteria:

- The model measures learning based on valid and reliable nationally normed or criterion-referenced reading and mathematics tests.
- The model measures skills and knowledge aligned with state standards.
- The model measures the extent to which a pupil scored above an expected amount of growth based on the individual pupil’s initial achievement score.
- The model demonstrates the extent to which a school is able to accelerate learning on an annual basis.

This bill pending on the Senate floor.

AB 200 (Hayashi D) Physical education: Health and Fitness Award Program.

Existing law requires school districts to include physical education in the course of study for pupils in grades 1 to 12, inclusive. Existing law requires the governing board of a school district maintaining any of grades 5, 7, and 9 to administer the physical performance test designated by the State Board of Education to each pupil in those grades during the month of February, March, April, or May.

This bill would require the state board to establish the Health and Fitness Award Program to recognize schools that conduct their physical education courses pursuant to the model content standards and demonstrate that increasing numbers of pupils enrolled in those schools meet minimum standards on the physical performance test designated by the state board. The Superintendent of Public Instruction would be required to use currently collected data and specified eligibility criteria to identify one school from each legislative district in the state to receive recognition, which may include, but would not be limited to, classification as a distinguished school, being listed on a published public school honor roll, and public commendations by the Governor and the Legislature. The bill would require that private funds be used to pay for all of the costs of implementing the program, including the administrative costs of the State Department of Education, and would authorize the Superintendent to receive donations of private funds for purposes of implementing the program. The bill would prohibit the state board from establishing the program unless and until the Department of Finance certifies to the Superintendent that private donations received by the state are sufficient to implement the program. The bill would also require the state board to suspend the program if the private donations received are insufficient to complete or continue program implementation.

AB 200 was approved by the Senate and is pending concurrence in the Assembly.

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

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.

This bill was approved by the Senate Appropriations Committee and has been returned to the

Assembly for concurrence.

AB 288 (Fong D) Public postsecondary education: community colleges: expulsion hearing.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law authorizes the governing board of a district to expel a student for good cause when the presence of the student causes a continuing danger to the physical safety of the student or others.

Existing law requires that the expulsion be accompanied by a hearing.

This bill would authorize the governing board of a district to either deny enrollment, permit enrollment, or permit conditional enrollment to any individual who has been expelled from a community college within the preceding 5 years, or who is, at the time of the application, undergoing expulsion procedures, for certain offenses, as provided, if the board determines that the person continues to pose a risk to the safety of others. This bill would require the board or a delegate to hold a hearing, before taking action to deny enrollment or permit conditional enrollment, before making the determination as to whether the person continues to pose a risk. The bill would authorize a governing board of a district to delegate its authority under these provisions to the superintendent or president of the district, or to his or her designee.

The bill would expressly apply specified immunities to an exercise of discretion by a community college district, and its officers and employees, under these provisions.

The bill would also allow the community college district to request information from another community college district in determining whether the applicant continues to pose a danger to the physical safety of others. The bill would require any community college district receiving the request to respond to the request within 5 working days.

By requiring a community college district to hold a hearing and to respond to the request of another community college for information regarding an expelled student, this bill would create a statemandated local program.

This bill is pending on the Senate floor.

AB 360 (Brownley D) Charter schools.

This bill would expressly state that a charter school is subject to the California Public Records Act and the Ralph M. Brown Act, unless it is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the school would be subject to the Bagley-Keene Open Meeting Act.

Existing law prohibits certain public officials, including members of governing boards of school districts and citizens' oversight committees, from entering into a contract in which the official or the official's family member has a financial interest. This bill would expressly state that a charter school is subject to these provisions.

This measure would also expressly state that a charter school is subject to the Political Reform Act of 1974, which requires the adoption of a conflict-of-interest code that requires designated employees of the agency to file statements of economic interest disclosing any investments, business positions, interests in real property, or sources of income that may foreseeably be affected materially by any governmental decision made or participated in by the designated employee by virtue of his or her position.

Finally, this bill would expressly authorize an individual to serve as a member of the governing body of a charter school and be employed in a separate position at that charter school. The bill would require a member of the governing body of a charter school to abstain from voting on any matter affecting his or her own employment or any personnel matter that uniquely affects a relative of the member.

This measure is sponsored by the California School Boards Association. Similar measures have been approved by the legislature but vetoed by former Governor Schwarzenegger in previous years. New Governor Jerry Brown may be more willing to sign this bill. The provisions authorizing employees to serve on charter boards are intended to address concerns raised in opponents of similar measures in previous years.

This bill was approved by the Senate and is pending concurrence in the Assembly.

AB 387 (Bonilla D) Pupils: excused absences: military deployment activities.

Existing law requires a pupil to be excused from school for specified types of absences and prohibits those excused absences from generating state apportionment payments by deeming them as absences in computing average daily attendance.

This bill would include spending time with an immediate family member, who is an active duty member of the uniformed services, as defined, and has been called to duty for, is on leave from, or has

immediately returned from, deployment to a combat zone or combat support position, as another type of excused absence. The bill would require that absences granted pursuant to these provisions be granted for a period of time to be determined at the discretion of the superintendent of the school district.

This bill was approved by the Senate and is pending concurrence in the Assembly.

SB 161 (Huff R) Schools: emergency medical assistance: administration of epilepsy medication.

Existing law provides that in the absence of a credentialed school nurse or other licensed nurse onsite at the school, a school district is authorized to provide school personnel with voluntary medical training to provide emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia.

This bill would authorize a school district to participate in a program to provide nonmedical school employees with voluntary emergency medical training to provide, in the absence of a credentialed school nurse or other licensed nurse onsite at the school, emergency medical assistance to pupils with epilepsy suffering from seizures, in accordance with guidelines developed by the State Department of Education in consultation with the State Department of Public Health. The bill would require the State Department of Education to post these guidelines on its Internet Web site by July 1, 2012.

The bill would allow a parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's health care provider, to request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the emergency antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available. The bill would require a school district that elects to train school employees to ensure that the school distributes an electronic notice, as specified, to all staff regarding the request. The bill would authorize the State Department of Education to include, on its Internet Web site, a clearinghouse of best practices in training nonmedical personnel in administering an emergency antiseizure medication pursuant to these provisions.

The bill would repeal these provisions on January 1, 2017.

This bill was approved by the Senate and is pending concurrence in the Assembly.

SB 402 (Correa D) Education: curriculum frameworks.

Existing law sets forth the courses of study for grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

Existing law defines "curriculum framework" as an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks for adoption by the State Board of Education in accordance with regulations.

This bill would require each curriculum framework to describe how content can be delivered to intentionally build creativity, innovation, critical thinking, problem solving, collaboration, and communication into and across each content area, to the extent the description is deemed appropriate by the state board.

This bill is pending on the Senate floor.

SB 547 (Steinberg D) Public school performance accountability.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API), consisting of specified indicators, to measure the performance of schools and pupils.

This bill would make these provisions inoperative on July 1, 2014, and repeal them as of January 1, 2015. The bill would require the Superintendent, in consultation with a specified advisory committee, to develop an Education Quality Index (EQI), which would replace the API and consist of a State Assessment Index, a Graduation Rate Index, a College Preparedness Index, and a Career Readiness Index. The bill would require that these indices consist of specified criteria. The bill would require the state board to provide opportunities for public input, make changes as necessary, and adopt the EQI no later than August 1, 2014. Commencing with the 2014-15 school year, the bill would require that all schools and school districts be evaluated using an EQI value. The bill would require the Superintendent to report to the Governor and the appropriate policy and fiscal committees of the Legislature by July 1, 2013 and annually thereafter, specified information relating to the creation of additional indices. The bill also would require the Superintendent, in consultation with a specified advisory committee, and subject to an appropriation in the annual Budget Act or another statute for this purpose, to contract for an independent evaluation of the effectiveness and reliability of the EQI and any statutory changes recommended for improvement, and to submit the evaluation and recommendations in a report to the Governor and the appropriate policy and fiscal committees of the Legislature by July 1, 2018. To the extent that this bill would impose new duties on school districts in connection with the establishment of the EQI, including, but not limited to, new reporting duties, it would impose a state-mandated local program.

This bill would also make conforming and clarifying changes relating to the duties of a specified advisory committee. The bill would require this advisory committee, for purposes of work relating to

the EQI, to seek input through the establishment of subcommittees or other methods from persons with expertise in various areas, and, commencing January 1, 2012, through July 1, 2016, to hold a public meeting at least once each quarter per year.

SB 547 is pending on the Assembly Floor.

SB 821 (Fuller R) School district reorganization: fiscal action affecting newly organized or reorganized school districts.

Under existing law, the process of school district reorganization begins with the submission of a petition that is reviewed by the county superintendent of schools and, if sufficient, forwarded to the county committee on school district organization and the State Board of Education for additional review and public hearings. The county committee on school district organization is authorized to formulate plans and recommendations for the reorganization of school districts. The reorganization, if approved by the county committee on school district organization or the State Board of Education state board, is required to be voted upon during the next available election. The reorganization plans are also required to meet specified requirements, and the reorganization plans for school districts with more than 500,000 pupils based on average daily attendance are required to satisfy additional conditions.

This bill would, with respect to a school district involved in a reorganization, as specified, require the interim or governing board of the existing school district or districts, and, where applicable, the administrators of the existing school district or districts, to notify the county superintendent of schools in writing and provide relevant documents and information no less than 10 schooldays, as defined, before taking any action on any matter that could have a material fiscal impact on, or impose a debt or liability on, the existing, proposed, newly formed, or newly organized school district.

The bill would authorize the county superintendent of schools to review any action taken or proposed to be taken by any interim or existing governing board of the school district or school district administrators to determine whether that action would have a material fiscal impact, debt, or liability on the existing, proposed, newly formed, or newly organized school district. The bill would further provide that if, based on the county superintendent of schools review, the county superintendent of schools determines that the action or proposed action would have a material fiscal impact on the existing, proposed, newly formed, or newly organized school district, and that action is unnecessary for the immediate functioning of the existing or newly formed school district, the county superintendent of schools would be authorized to stay or rescind that action.

This bill has been enrolled and sent to the Governor's desk for signing.

SB 931 (Vargas D) Public employee organizations.

The Meyers-Milias-Brown Act, the Ralph C. Dills Act, the provisions commonly referred to as the Educational Employment Relations Act, and the Higher Education Employer-Employee Relations Act each provide for negotiations concerning wages, hours, and other terms and conditions of employment between a state or local public employer and representatives of recognized employee organizations. Those acts prohibit public employers from, among other things, intimidating, coercing, or discriminating against employees because of their exercise of rights guaranteed under the acts, as specified.

This bill would additionally prohibit public agencies from using public funds to pay outside consultants or legal advisors for the purpose of counseling the public employer about ways to minimize or deter the exercise of rights guaranteed under this chapter. Under this bill, these provisions would not apply to payments for representation of a public sector employer before any court, administrative agency, or tribunal of arbitration, or for payments for engaging in collective bargaining on behalf of the employer with respect to wages, hours, or other terms and conditions of employment.

This bill is pending on the Senate Floor.

CHAPTERED BILLS

AB 93 (Lara D) Elections: City of Bell.

Existing provisions of the California Constitution and statute authorize the recall of local officers. Existing law provides that the results of a recall election be declared in substantially the manner provided by law for a regular election for the office.

Existing law requires the local elections official to conduct a canvass of the vote after an election and, upon completion of the canvass, to certify the results to the local governing body. Under existing law, upon the completion of the canvass and before installing the new officers, the governing body is required to adopt a resolution reciting the fact of the election and other information, as specified, and to declare the results and install the newly elected officers. Depending upon whether the city election is consolidated, existing law prescribes different timelines for when the governing body is required to meet to make the above declaration and install the newly elected officers.

In lieu of any inconsistent provisions set forth above, with respect to the March 8, 2011, City of Bell General Municipal Election, Special Recall Election, and Special Election to Fill a Vacancy, this bill would authorize the City of Bell to comply, subject to approval by the Los Angeles County Board of Supervisors, with an alternative procedure for certification, declaration of election results, and installation of newly elected officers. Under this alternative procedure, upon completion of the canvass of the votes by the Los Angeles County Registrar-Recorder/County Clerk, the City of Bell City Clerk would be required to certify the election results to the Los Angeles County Board of Supervisors.

Under the alternate procedure, the Los Angeles County Board of Supervisors would, within 7 days of receiving the certification, adopt the above-described resolution and declare the results of the elections. Within 48 hours of the above-described resolution being adopted and the declaration being made, under the alternate procedure, the City of Bell City Clerk would install the newly elected officers at the Bell Council Chambers of the Bell City Hall. This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Bell.

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

AB 230 (Carter D) Joint educational programs: middle college high school students: enrollment priority.

Existing law establishes the California Community Colleges, under the administration of the Board of

Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law authorizes the establishment of middle college high schools, which are alternative high schools located on community college campuses, and structured as broad-based, comprehensive instructional programs focusing on college preparatory and school-to-work curricula, career education, work experience, community service, and support and motivational activities. Existing law requires the governing board of a community college district to assign a low enrollment priority to specified special part-time or full-time students, which includes middle college high school students, in order to ensure that these students do not displace regularly admitted students.

This bill would provide that the low enrollment priority provisions do not apply to a student attending a middle college high school, if the student is seeking to enroll in a community college course that is required for the student's middle college high school program.

SB 614 (Kehoe D) Childhood immunization.

Existing law, commencing July 1, 2011, until June 30, 2012, prohibits a defined governing authority, which includes the authority of a private institution, from unconditionally admitting or advancing any pupil to the 7th through 12th grade levels of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

This bill would, until June 30, 2012, authorize the county office of education, the governing board of a school district, or the governing body of a charter school to allow a pupil, advancing to or enrolled in any of grades 7 to 12, inclusive, to conditionally attend school for up to 30 calendar days, as specified, if that pupil has not been fully immunized with all pertussis boosters appropriate for the pupil's age.

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



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LEGISLATIVE REPORT

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

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.

This bill is still pending action on the Senate floor.

AB 48 (Pérez, John A. – D) Teachers: best practices: teacher evaluations.

Recommended Position:
SUPPORT

Approved Position:
TRACK

Date:
6/2/2011

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.

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.

This is a 2-year bill.

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

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.

The bill is still pending on the Senate floor.

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.

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:

- Adult Education*
- California High School Exit Exam (CAHSEE) Instructional Support and Services*
- Regional Occupational Centers and Programs (ROC/Ps)*
- Supplemental Instruction (Summer School)*

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.

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. OUSD may wish to consider an oppose position for the same reasons.

AB 224 (Bonilla – D) School accountability: Academic Performance Index.

Recommended Position:
TRACK

Approved Position:
TRACK

Date:
6/2/2011

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. It's an important one for OUSD to continue to watch 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.

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.

This bill includes a number of provisions to broaden the measures included in the calculation of a school's API. Specifically, this bill:

- 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:
 - 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:
 - 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 measures in the API of middle and junior high schools.

This is a two year bill.

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 underwent non-substantive amendments in the Senate and has been sent over to the Assembly for concurrence.

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

Recommended Position: OPPOSE	Approved Position: TRACK	Date: 6/2/2011
<p>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.</p> <p>Specifically, the bill <u>prohibits</u> (for the purposes above) the following types of restraint/seclusion:</p> <ol style="list-style-type: none"> 1) Mechanical restraint such as zip-ties/handcuffs, except for transportation, postural support, or improved mobility 2) Physical restraint for exceptional needs students <u>ONLY</u>, 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" <p>The seclusion prohibition in the bill begins on Jan. 1, 2014, until which time seclusion is allowable only if <u>all</u> the following conditions are met:</p> <ol style="list-style-type: none"> 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 <p>This is now a two year bill.</p>		
<p>AB 677 (Skinner – D) Education finance: Oakland Unified School District: sale of surplus property</p>		
Recommended Position: SPONSOR	Approved Position: SPONSOR	Date: 1/1/2011

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 has been approved by the legislature is awaits the Governor's approval.

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 is now a two year bill.

SB 547 (Steinberg – D) Public school performance accountability

Recommended Position: SUPPORT	Approved Position:	Date:
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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.

This bill is currently pending action in the Assembly.

From: Pamela Bachilla [pamela@kstreet.us.com]
Sent: Wednesday, August 17, 2011 10:01 PM
To: 'Gary Yee'; 'Jody London'; 'David Kakishiba'; noel.gallo@ousd.k12.ca.us; jumoke.hodge@ousd.k12.ca.us; 'Alice Spearman'; christopher.dobbins@ousd.k12.ca.us
Cc: 'Tony Smith'; 'Jacqueline Minor'; 'Vernon Hal'; 'Edgar Rakestraw'; afrack@kstreet.us.com; 'Sandra Vargas'; 'Pamela Bachilla'
Subject: State Take-Overs Informational Hearing

Dear OUSD Board Members and Leadership,

We wanted to report on the success of yesterday's informational hearing on state take-overs. Many elements of the hearing worked in favor of OUSD's ability to seek redress for fines imposed on the district.

- 1) The hearing was televised, meaning all comments are on the record and available to the public. You can view the full hearing at:
<http://www.calchannel.com/channel/viewVideo/2908>
and
<http://www.calchannel.com/channel/viewVideo/2909>
- 2) There was full attendance from the committee membership, with up to 6 legislators in the room to listen to the important issues raised
- 3) Asm. Swanson and several members of the committee took the State Controller's deputy to task on the issue of punitive fines levied against districts. He pledged that the issue of punitive fines is now a priority for the Controller
- 4) Gary Yee did a GREAT job raising critical points, including redress on the issue of fines, late/retroactive audits by the SCO that date back many years (and are not helpful because they are not on time), the desire to work collaboratively with the state rather than having an adversarial relationship with the Controller's office, and former SPI Jack O'Connell's failure to appoint trustees with adequate fiscal expertise
- 5) Finally, other members of the committee referenced AB 609 (our sponsored OUSD audit fines bill) several times as a solution to the problems raised in the hearing. The bill is currently parked in Assembly Appropriations (dead for the year) but can be resurrected in the second year of session, and many of the members expressed the desire to do so.

This hearing built great momentum, awareness, and interest in a 2012 legislative solution to the challenges faced by OUSD and other districts following state take-over.

We look forward to sharing more with you about the hearing on our inter-governmental relations committee call.

Thank you,

Pam, Sandra, and Afrack

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Sent: Fri 8/12/2011 8:00 AM
To: Gary Yee; Alice Spearman; Christopher Dobbins; Jody London; Noel Gallo; Jumoke Hodge
Cc: Edgar Rakestraw; Jacqueline Minor; Vernon Hal; sandra@kstreet.us.com; afrack@kstreet.us.com
Subject: August 16th Informational Hearing

Hello OUSD Board Members,

As you know, Assembly member Swanson is holding his first (and possibly only) hearing on state-district take-overs next Tuesday, August 16th at 10am. They are developing and finalizing the agenda for the hearing this week.

Given that it may be Assembly Member Swanson's only hearing on the topic, he wants to work with OUSD to provide an opportunity to shed light on our experience. (I understand that he still wants to hold a hearing in Oakland, but the Speaker may not grant his request. So far, there's nothing scheduled.)

Gary Yee is representing the board as a scheduled speaker at the hearing, and we will be sure he has talking points and support in preparing his comments.

Additional members of the board are welcome to offer their views-and will be prioritized-during the public comments section at the end of the hearing. This will be roughly between 11:15am and 12:30pm. If you are interested in attending the hearing and speaking during the public comments section, please let us know and we will be in touch with you right away to ensure you have any materials and talking points you'd like us to prepare for you. For those of you who've come up for hearings in the past, the format and preparation for comments will be very similar.

Thank you,

Pam, Sandra, and Afrack

(For those of you who may be torn about making the trip up to attend the hearing, we would advise that it's a good opportunity to share Oakland's experiences and grievances "for the record." Therefore, it is important that at least one board member speak at the hearing. We would also note that informational hearings do not always produce profound/new/different outcomes, so as you think about your schedule and availability, it's not an absolutely critical appearance.)

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