



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

SUBJECT Legislative Update: Including, but not limited to, information on legislation.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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RECOMMENDATION

This item is presented to the State Board of Education (SBE) for information and action as deemed necessary and appropriate.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the June 2004 informational memorandum and update of legislative measures that fall under the six core principles adopted by the SBE at the November 2003 meeting was provided.

SUMMARY OF KEY ISSUES

The legislative measures presented include bills that fall under the six SBE adopted principles and bills that members of the board have requested be included in the update.

The first attachment is an update of legislative measures provided to the SBE in the June memorandum. Many of these measures remain unchanged and will be only briefly summarized. New measures or measures that have been amended will include more detailed descriptions. The status of all measures will be reflected after the summary. The second attachment is an update of the measures requested by board member Glee Johnson during the May 13, 2004, board meeting.

The Legislature is scheduled to adjourn for summer recess (provided a budget bill has been enacted) on July 2, 2004, and will reconvene on August 2, 2004.

FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal impact is noted in the attached legislative update.

ATTACHMENT(S)

[Attachment 1](#): Legislative update (4 pages)

[Attachment 2](#): Legislative updates requested by members (1 page)

Legislative Update

1. Preserve the existing assessment system including the Standardized Testing and Reporting (STAR) Program, the California High School Exit Exam (CAHSEE), and the California English Language Development Test (CELDT).

SB 1448 (Alpert): STAR reauthorization

As amended, May 12, 2004, this bill, sponsored by the Superintendent of Public Instruction, extends the repeal date of the act to January 1, 2011, changes the Norm Referenced Test from grades three and eight to grades three and seven.

This measure passed the Senate Floor 37-0 and is scheduled to be heard in the Assembly Education Committee on June 23, 2004.

AB 2413 (Diaz): English Learners: Testing

As amended, May 20, 2004, this bill would require CDE, beginning on January 1, 2005, to develop academic assessments of English language arts and mathematics in the primary language of limited-English-proficient pupils, as identified in the annual language census.

This measure passed Assembly floor 46-31 and is awaiting a hearing in the Senate Education Committee.

AB 921 (Firebaugh): English language learners

This bill is an urgency measure sponsored by the SPI and requires the SPI to release a request for proposals to develop an English language development assessment (CELDT) that is age and developmentally appropriate with sufficient range to assess English reading and writing skills for pupils in kindergarten and grade one.

California is not in compliance with NCLB's requirement to test English language learners in grades K-1 in reading and writing. Federal Title I and III requires California to add reading and writing assessments in grades K and 1, ("A State shall approve evaluation measures for use...that are designed to assess... the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English"). Compliance was required by March 2004.

AB 921 has been recently amended by the Senate education Committee to require the SBE to seek a waiver from the federal government on these provisions, before CDE can begin development and implementation.

This bill passed the Assembly floor 48-29 on June 4, 2003, and is awaiting a hearing in the in the Senate Education Committee.

2. Maintain the accountability system, making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.

SB 1419 (Vasconcellos): School accountability: Opportunity to Learn Index

This bill creates the Opportunities for Teaching and Learning (OTL) index as a component of the Public School Performance Accountability Program (E.C.52051).

This measure passed off the Senate floor on May 25, 2004, with a 25-11 vote and is awaiting a hearing in the Assembly Education Committee.

AB 1846 (Goldberg): NCLB

This bill would designate the Superintendent of Public Instruction as the "state educational agency" that carries out the provisions of NCLB. Under NCLB the "the state educational agency" is responsible for all decision-making, including implementation, submission of the state plan, application of federal funds, and reporting requirements related to NCLB. Currently, the SBE serves as the state education agency.

This bill passed the Senate Education Committee 9-0 on June 16, 2004, and is awaiting a hearing in the Senate Appropriations Committee.

3. Encourage more submission of instructional materials by publishers that will meet California's rigorous requirements.

SB 1405 (Karnette): High School Reform-instructional materials

This bill, sponsored by the Superintendent of Public Instruction, would improve high school instructional materials by creating a State of California "seal of approval" to identify materials aligned to California's world-class standards.

This measure passed the Senate floor 24-13 on May 25, 2004, and is currently awaiting a hearing in the Assembly Education Committee.

SB 1380 (Escutia): Instructional Materials

This bill requires the State Board of Education (SBE) to annually solicit recommendations from school districts regarding the adoption of instructional materials, and requires the SBE to adopt recommended instructional materials unless the SBE, within 90 days, makes written factual findings that the instructional materials fail to meet certain criteria.

This bill passed the Assembly Education Committee 9-0 on June 16, 2004, and is awaiting a committee assignment.

4. Safeguard the academic content standards as the foundation of California's K-12 educational system.

AB 2744 (Goldberg): Testing: Content Standards

This bill would remove the authority of the State Board of Education to modify proposed content and performance standards and instead would require the Superintendent of Public Instruction to appoint content standards review panels in each subject area to review content standards every three years. Upon the establishment of content standards the Superintendent of Public Instruction shall also appoint a content standards panel.

This bill passed off the Assembly floor on May 25, 2004, with a vote of 46-31 and is awaiting a committee hearing in the Senate Education Committee.

5. Strengthen coordination between K-12 and higher Education.

SB 905 (Chesbro): Educational Enrichment

As introduced, January 26, 2004, this bill revises the current law on educational enrichment as it relates to concurrent enrollment of pupils in high school and community college. This bill makes changes to current law by eliminating specified requirements for and restrictions upon the admission of K-12 students to a community college summer session as special part-time or full-time students.

This measure passed the Assembly Appropriations Committee 10-0 on June 3, 2004, and was re-referred to the committee with recommendations.

AB 1819 (La Malfa): Concurrent Enrollment

This bill would remove enrollment caps on the number of high school students who may enroll in community colleges as special admit students. This bill is an urgency measure and will require a 2/3 floor vote for passage.

This measure passed the Assembly Floor with a 74-0 vote on May 17, 2004, and is awaiting a hearing in the Senate Education Committee.

6. Encourage only high-quality charter schools.

AB 1860 (Reyes): Charter Schools

As amended April 26, 2004, the bill makes several changes to charter school law and makes specific changes to who may petition to start up a charter school.

This bill passed the Assembly floor 47-32 on May 25, 2004, and is awaiting a hearing in the Senate Education Committee.

SB 1531 (Knight): Charter Schools

As amended May 4, 2004, this bill would remove the restriction on the number of charter schools that are authorized to operate in California each year, pursuant to recommendations made recently by the Rand Report and the Legislative Analyst's Office.

This measure passed off of the Senate floor 21-7 on May 26, 2004, and is awaiting a hearing in the Assembly Education Committee.

SB 1617 (Ducheny): Charter Schools

Authorizes the State Board of Education (SBE) to grant waivers of up to five years in length to allow charter schools statewide to receive funding for non-continuously enrolled adult students. The author's intent is to have programs for high school dropouts, regardless of their age, to earn their diploma. The author and supporters stated that while the SBE has authority to define "satisfactory progress" for continuing education students in regulations, it overstepped its boundaries when it restricted enrollment in a charter school to continuously enrolled students age 19-22.

The measure passed the Senate floor 33-2 on May 25, 2004, and was heard in the Assembly Education Committee on June 16, 2004. The Committee held the bill over so that the author can work with committee staff on amendments to address the following concerns:

- ADA per adult student enrolled in a charter school would cost nearly twice that if the student were in Adult Education;
- K-12 money should not be spent to pay for adult continuing education; and
- The measure creates a competitive program and more of a mess for Adult Education funding.

SB 1423 (Brulte): Charter Schools

Exempts a charter school authorized by Riverside Unified School District and operated in cooperation with the Riverside Community College District from several charter requirements, including the requirement that students over age 19 must be continuously enrolled in the charter school and make satisfactory progress toward a diploma in order to generate ADA.

The measure passed the Senate floor 32-0 on May 25, 2004, and was held in the Assembly Education Committee on June 16, 2004, so that the following committee amendments can be taken:

- Make the program a pilot project with a sunset and evaluation;
- Limit adult enrollment, without continuous enrollment, to students age 19-20;
- Tighten the credential portion of the bill to require that non-credentialed teachers must have an advanced degree; and
- Cap the charter school student age 19-20 at 10 percent of total enrollment (10% of 300).

NOTE: The Senate joined SB 1617 (Ducheny) with SB 1423 (Brulte). Neither author knows why the Senate did this.

**Legislation requested by Board members
Categorical Block Grant Proposals**

SB 1510 (Alpert): Categorical education reform

As amended May 12, 2004, makes various changes to the school funding process and would move, effective 2005-06, various K-12 funding programs into block grants that share similar characteristics.

This measure passed the Senate floor 32-0 on May 27, 2004, and is awaiting a hearing in the Assembly Education Committee.

AB 1650 (Simitian): Teacher support and development

Categorical Block Grant, Teacher Support and Development Act of 2003. Establishes the Teacher Support and Development Act of 2003 (TSD block grant) by consolidating and streamlining 13 of existing K-12 teacher support and development programs into a formula-based block grant. The SPI would calculate the amount of the TSD block grant awarded to each school district.

This bill passed the Assembly Floor with a vote of 74-1 and is scheduled to be heard in the Senate Education Committee on June 23, 2004.