

Amend Sec. 15 of Chapter 12, Statutes of 2009

SEC. 15. Section 42605 is added to the Education Code, to read:

42605. (a) (1) Unless otherwise prohibited under federal law or otherwise specified in subdivision (e), for the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive, school districts, charter schools, ~~and~~ county offices of education or other appropriate educational agency may use funding received, pursuant to subdivision (b),

from any of these items listed in paragraph (2) that are contained in an annual Budget Act, for any educational purpose:

(2) 6110-104-0001, 6110-105-0001, 6110-108-0001, 6110-122-0001, 6110-123-0001, 6110-124-0001, 6110-137-0001, 6110-144-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-181-0001, 6110-188-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-195-0001, 6110-198-0001, 6110-204-0001, 6110-208-0001, 6110-209-0001, 6110-211-0001, 6110-227-0001, 6110-228-0001, 6110-232-0001, 6110-240-0001, 6110-242-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-266-0001, 6110-267-0001, 6110-268-0001, and 6360-101-0001.

(b) (1) For the 2009-10 fiscal year to the 2012-13 fiscal year, inclusive, the Superintendent or other responsible state agency, as appropriate shall apportion from the amounts provided in the annual Budget Act for the items enumerated in paragraph (2) of subdivision (a), an amount to a school district, charter school, ~~and~~ county office of education or other appropriate educational entity based on the same relative proportion that the local education agency received in the 2008-09 fiscal year for the programs funded through the items enumerated in paragraph (2) of subdivision (a).

(2) No part of this section, or Section 42 of Chapter 12, Statutes of 2009, shall be construed to allow a school district that receives funding on behalf of a charter school pursuant to Sections 47634.1 and 47651 to redirect this funding for another purpose unless otherwise authorized in law or pursuant to an agreement between a charter school and its chartering authority. Notwithstanding paragraph (1) of subdivision (b), for the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive, A-a school district that receives funding on behalf of a charter school pursuant to Sections 47634.1 and 47651 shall continue to distribute the funds to those charter schools based on the ~~amounts~~ relative proportion that the school district distributed in the ~~2007-08 2008-09~~ fiscal year, and shall adjust those amounts ~~as specified in this section~~ to reflect changes in charter school attendance in the district. The amounts allocated shall be adjusted for any greater or lesser amount appropriated for the items enumerated in paragraph (2) of subdivision (a).

(3) Notwithstanding paragraph (1) of subdivision (b), for the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive, the Superintendent or other responsible state agency, as appropriate, shall apportion from the amounts appropriated by Item 6110-211-0001 of the annual Budget Act, an amount to a charter school in accordance with the per pupil methodology prescribed in Section 47634.1(c). Subdivision (d) of Section 47634.1 shall not be operative for the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive.

(4) Notwithstanding paragraph (1) of subdivision (b), for the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive, the Superintendent or other responsible state agency, as appropriate, shall apportion from the amounts provided in the annual Budget Act, an amount to a school district, charter school and county office of education based on the same relative proportion that the local education agency received in the 2007-08 fiscal year for the programs funded through the following items contained in the annual Budget

Act: 6110-104-0001, 6110-105-0001, 6110-156-0001, 6110-190-0001, schedule (3) of 6110-193-0001, 6110-198-0001, 6110-232-0001, and schedule (2) of 6110-240-0001.

(c) (1) This section does not obligate the state to refund or repay reductions made pursuant to this section. A decision by a school district to reduce funding pursuant to this section for a state-mandated local program shall constitute a waiver of the subvention of funds that the school district is otherwise entitled to pursuant to Section 6 of Article XIII B of the California Constitution on the amount so reduced.

(2) As a condition of receipt of funds the governing board of the school district or board of the county office of education, as appropriate, at a regularly scheduled open public hearing shall take testimony from the public, discuss, and approve or disapprove the proposed use of funding and make explicit for budget items in subdivision (a)(2) the purposes for which the funds will be used.

(3) Using the Standardized Account Code Structure (SACS) reporting process, a local educational agency shall report expenditures of funds made flexible pursuant to this section by using the appropriate function codes to indicate the activities for which these funds were expended. The State Department of Education shall collect and provide this information to the Department of Finance and the appropriate policy and budget committees of the Legislature annually by April 15 beginning in 2010 through 2014.

(d) For the 2008-09 fiscal year to the 2012-13 fiscal year, inclusive, local education agencies ~~that use the flexibility provision of the section~~ shall be deemed to be in compliance with the program and funding requirements contained in statutory, regulatory, and provisional language, associated with the items enumerated in subdivision (a).

(e) Notwithstanding subdivision (d), the following requirements shall continue to apply:

(1) For Items 6110-105-0001 and 6110-156-0001, the amount authorized for flexibility shall exclude the funding provided for instruction of CalWORKs eligible students pursuant to schedules (2) and (3), and provisions 2 and 4.

(2) (A) Any instructional materials purchased by a local education agency shall be the materials adopted by the state board for kindergarten and grades 1 to 8, inclusive, and for grades 9 to 12, inclusive, the materials purchased shall be aligned with state standards as defined by Section 60605, and shall also meet the reporting and sufficiency requirements contained in Section 60119.

(B) For purposes of this section, "sufficiency" means that each pupil has sufficient textbooks and instructional materials in the four core areas as defined by Section 60119, and that all pupils within the local education agency who are enrolled in the same course shall have identical textbooks and instructional materials, as defined in Section 1240.3.

(3) For Item 6110-195-0001, the item shall exclude monies that are required to fund awards for teachers that have previously met the requirements necessary to obtain these awards, until the award is paid in full.

~~(4) As a condition of exercising the authority conferred on local educational agencies to transfer funds to their general funds pursuant to subdivision (a), both of the following requirements shall be met:
(A) The governing board of the school district, or the county board of~~

~~—education, as appropriate, at a regularly scheduled open public hearing, shall
—take testimony from the public, discuss, and approve each transfer and the
—proposed use of funding.~~

~~—(B) In the existing Standardized Account Code Structure (SACS)
—reporting process, a local educational agency shall report the amounts
—transferred pursuant to this section by using the appropriate program code
—for which these funds were expended. The State Department of Education
—shall collect and provide this information to the Department of Finance and
—to the appropriate policy and budget committees of the Legislature by
—February 28, 2010.~~

~~(5) (4) For Item 6110-266-0001, a county office of education shall conduct
at least one site visit to each of the required schoolsites pursuant to Section
1240.~~

~~(5) Notwithstanding Section 15(d), any district or county office of education that operates the child
care component of the Cal-SAFE program shall be required to comply with Education Code sections
54746(c)(5) and (6).~~

~~(f)(1) This section shall not be construed to invalidate any sections of state law pertaining to teacher
credentialing requirements and any sections of state law pertaining to the functions requiring credentials.~~

Proposed teacher induction changes

SEC. XX Section 44259 of the Education Code is amended as follows:

44259. (a) Except as provided in subparagraphs (A) and (C) of paragraph (3) of subdivision (b), each program of professional preparation for multiple or single subject teaching credentials shall not include more than one year of, or the equivalent of one-fifth of a five-year program in, professional preparation.

(b) The minimum requirements for the preliminary multiple or single subject teaching credential are all of the following:

(1) A baccalaureate degree or higher degree from a regionally accredited institution of postsecondary education. Except as provided in subdivision (c) of Section 44227, the baccalaureate degree shall not be in professional education. The commission shall encourage accredited institutions to offer undergraduate minors in education and special education to students who intend to become teachers.

(2) Passage of the state basic skills examination that is developed and administered by the commission pursuant to Section 44252.5.

(3) Satisfactory completion of a program of professional preparation that has been accredited by the committee on accreditation on the basis of standards of program quality and effectiveness that have been adopted by the commission. In accordance with the commission's assessment and performance standards, each program shall include a teaching performance assessment as set forth in Section 44320.2 which is aligned with the California Standards for the Teaching Profession. The commission shall ensure that each candidate recommended for a credential or certificate has demonstrated satisfactory ability to assist pupils to meet or exceed state content and performance standards for pupils adopted pursuant to subdivision (a) of Section 60605. Programs that meet this requirement for professional preparation shall include any of the following:

(A) Integrated programs of subject matter preparation and professional preparation pursuant to subdivision (a) of Section 44259.1.

(B) Postbaccalaureate programs of professional preparation, pursuant to subdivision (b) of Section 44259.1.

(C) Internship programs of professional preparation, pursuant to Section 44321, Article 7.5 (commencing with Section 44325), Article 11 (commencing with Section 44380), and Article 3 (commencing with Section 44450) of Chapter 3.

(4) Study of alternative methods of developing English language skills, including the study of reading as described in subparagraphs (A) and (B), among all pupils, including those for whom English is a second language, in accordance with the commission's standards of program quality and effectiveness. The study of reading shall meet the following requirements:

(A) Commencing January 1, 1997, satisfactory completion of comprehensive reading instruction that is research-based and includes all of the following:

(i) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding skills.

(ii) A strong literature, language, and comprehension component with a balance of oral and written language.

- (iii) Ongoing diagnostic techniques that inform teaching and assessment.
- (iv) Early intervention techniques.
- (v) Guided practice in a clinical setting.

(B) For the purposes of this section, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text and the relationship of direct, systematic, explicit phonics to the components set forth in clauses (i) to (v), inclusive.

A program for the multiple subjects credential also shall include the study of integrated methods of teaching language arts.

(5) Completion of a subject matter program that has been approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310) or passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280). The commission shall ensure that subject matter standards and examinations are aligned with the state content and performance standards for pupils adopted pursuant to subdivision (a) of Section 60605.

(6) Demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Section 44335.

(7) Commencing January 1, 2000, demonstration, in accordance with the commission's standards of program quality and effectiveness, of basic competency in the use of computers in the classroom as determined by one of the following:

(A) Successful completion of a commission-approved program or course.

(B) Successful passage of an assessment that is developed, approved, and administered by the commission.

(c) The minimum requirements for the professional clear multiple or single subject teaching credential shall include all of the following requirements:

(1) Possession of a valid preliminary teaching credential, as prescribed in subdivision (b), possession of a valid equivalent credential or certificate, or completion of equivalent requirements as determined by the commission.

(2) ~~Subject to the availability of funds in the annual Budget Act to provide statewide access to eligible beginning teachers, as defined in subdivision (d) of Section 44279.1 and e~~ Except as provided in paragraph (3), completion of a program of beginning teacher induction, including one of the following:

(A) A program of beginning teacher support and assessment approved by the commission and the Superintendent pursuant to Section 44279.1, a provision of the Marian Bergeson Beginning Teacher Support and Assessment System.

(B) An alternative program of beginning teacher induction that is provided by one or more local educational agencies and has been approved by the commission and the Superintendent on the basis of initial review and periodic evaluations of the program in relation to appropriate standards of credential program quality and effectiveness that have been adopted by the commission, the Superintendent, and the state board pursuant to this subdivision. The standards for alternative programs shall encourage innovation and experimentation in the continuous preparation and induction of beginning teachers. Any alternative program of beginning teacher induction that has met state standards pursuant to this subdivision may apply for state funding pursuant to Sections 44279.1 and 44279.2.

(C) An alternative program of beginning teacher induction that is sponsored by a regionally accredited college or university, in cooperation with one or more local school districts, that addresses the individual professional needs of beginning teachers and meets the commission's standards of induction. The commission shall ensure that preparation and induction programs that qualify candidates for professional credentials extend and refine each beginning teacher's professional skills in relation to the California Standards for the Teaching Profession and the standards of pupil performance adopted pursuant to Section 60605.

(3) (A) If a candidate satisfies the requirements of subdivision (b), including completion of an accredited internship program of professional preparation, and if that internship program fulfills induction standards and is approved as set forth in this subdivision, the commission shall determine that the candidate has fulfilled the requirements of paragraph (2).

(B) If an approved induction program is verified as unavailable to a beginning teacher, or if the beginning teacher is required under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) to complete subject matter coursework to be qualified for a teaching assignment, the commission shall accept completion of an approved fifth-year program after completion of a baccalaureate degree at a regionally accredited institution as fulfilling the requirements of paragraph (2). The commission shall adopt regulations to implement this subparagraph.

(4) Experience that includes the application of knowledge and skills previously acquired in a preliminary credential program, in accordance with commission standards, that addresses the following:

(A) Health education, including study of nutrition, cardiopulmonary resuscitation, and the physiological and sociological effects of abuse of alcohol, narcotics, and drugs and the use of tobacco. Training in cardiopulmonary resuscitation shall also meet the standards established by the American Heart Association or the American Red Cross.

(B) Field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs.

(C) Advanced computer-based technology, including the uses of technology in educational settings.

(d) The commission shall develop and implement standards of program quality and effectiveness that provide for the areas of application listed in subparagraphs (A) to (C), inclusive, of paragraph (4) of subdivision (c), starting in professional preparation and continuing through induction.

(e) A credential that was issued prior to January 1, 1993, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission may not, by regulation, invalidate an otherwise valid credential, unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no more restrictive than the credential for which it was substituted with respect to the kind of service authorized and the grades, classes, or types of schools in which it authorizes service.

(f) A credential program that is approved by the commission may not deny an individual access to that program solely on the grounds that the individual obtained a teaching credential through completion of an internship program when that internship program has been accredited by the commission.

(g) Notwithstanding this section, persons who were performing teaching services as of January 1, 1999, pursuant to the language of this section that was in effect prior to that date, may continue to perform those services without complying with any requirements that may be added by the amendments adding this subdivision.

(h) Subparagraphs (A) and (B) of paragraph (4) of subdivision (b) do not apply to any person who, as of January 1, 1997, holds a multiple or single subject teaching credential, or to any person enrolled in a program of professional preparation for a multiple or single subject teaching credential as of January 1, 1997, who subsequently completes that program. It is the intent of the Legislature that the requirements of subparagraphs (A) and (B) of paragraph (4) of subdivision (b) be applied only to persons who enter a program of professional preparation on or after January 1, 1997.

Suspend Local Match Requirement for the Deferred Maintenance Program

SEC. X. (a) Notwithstanding any other provision of law, for the 2008-09 through the 2012-13 fiscal years, school districts shall not be required to deposit in their deferred maintenance fund, established pursuant to Section 17582 of the Education Code, the amount specified in Section 17584(b).

(b) Notwithstanding any other provision of law, subdivision (a) of Section 17587 of the Education Code is inoperative for the 2008-09 through the 2012-13 fiscal years.

Instructional Materials Cleanup

1240.3. (a) For the purposes of Section 1240, for the 2008-09 and 2009-10 fiscal years, sufficient textbooks or instructional materials include standards-aligned textbooks or instructional materials, or both, that were adopted prior to July 1, 2008, by the state board or local educational agency pursuant to statute, unless those local educational agencies purchased or arranged to purchase textbooks or instructional materials adopted by the state board after that date. It is the intent of the Legislature that each local educational agency provide each pupil with the same core state-adopted, standards-aligned textbook or instructional material, excluding supplemental materials when appropriate, as is provided to every other pupil enrolled in the same grade and same course offered by the local educational agency.

(b) Notwithstanding Section 1240 or any other law, for the 2008-09 and 2009-10 fiscal years, a county superintendent of schools, in making visits to schools as specified in Section 1240, shall determine the status of sufficient textbooks as defined in subdivision (a). It is the intent of the Legislature that local educational agencies not be required to purchase the Mathematics and English Language adoptions in the same year or in consecutive years.

(c) This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

CSR Amendments (Source: CDE)

SEC 17 of SBx3 4

52124.3. (a) For the 2008-09, 2009-10, 2010-11, and 2011-12 fiscal years only, the amounts deducted pursuant to subdivision (d) of Section 52124 shall be as follows:

(1) Five percent of the amount to which the school district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 20.5 but less than 21.5.

(2) Ten percent of the amount to which the school district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 21.5 but less than 22.5.

(3) Fifteen percent of the amount to which the school district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 22.5 but less than 23.0.

(4) Twenty percent of the amount to which the school district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 23.0 but less than 25.0.

(5) Thirty percent of the amount to which the school district would otherwise be eligible for each class for which the annual average enrollment determined pursuant to Section 52124.5 is greater than or equal to 25.0.

(b) For fiscal years 2008-09 through 2011-12, a A local educational agency is eligible to receive funding pursuant to this section chapter only if it was participating in the K-3 Class Size Reduction Program as of December 10, 2008. An eligible local educational agency may only receive funding for the grade level or levels for the same number of classes for which it had applied to receive 2008-09 Class Size Reduction Program funding as of December 10, 2008-January 31, 2009. A local educational agency meeting this criteria is eligible for reduced funding under this section only for the number of classes reported on the 2008-09 Operations Application, and is not eligible for funds under this chapter for classes in addition to that number.