

SixTen and Associates

Mandate Reimbursement Services

KEITH B. PETERSEN, MPA, JD, President
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

Telephone: (858) 514-8605
Fax: (858) 514-8645
E-Mail: Kbpsixten@aol.com

September 25, 2003

Certified Mail : 7001 0360 0000 5999 8942

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

RECEIVED

SEP 29 2003

**COMMISSION ON
STATE MANDATES**

Re: TEST CLAIM OF San Jose Unified School District
Statutes of 2002/Chapter 1037
Parental Involvement Programs

Dear Ms. Higashi:

Enclosed are the original and seven copies of the San Jose Unified School District test claim for the above referenced mandate.

I have been appointed by the District as its representative for the test claim. The District requests that all correspondence originating from your office and documents subject to service by other parties be directed to me, with copies to:

Patrick Day,
Director of Special Projects
San Jose Unified School District
855 Lenzen Street, Suite 1060
San Jose, California 95814

The Commission regulations provide for an informal conference of the interested parties

Paula Higashi, Executive Director,
Commission on State Mandates

September 25, 2003

within thirty days. If this meeting is deemed necessary, I request that it be conducted in conjunction with a regularly scheduled Commission hearing.

Sincerely,



for Keith B. Petersen

C: Patrick Day, Director of Special Projects
San Jose Unified School District

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
CSM 2 (1/91)

For Official Use Only

TEST CLAIM FORM

Claim No. 03-TC-16

Local Agency or School District Submitting Claim

SAN JOSE UNIFIED SCHOOL DISTRICT

Contact Person

Telephone Number

Keith B. Petersen, President
SixTen and Associates

Voice: 858-514-8605
Fax: 858-514-8645

Claimant Address

San Jose Unified School District
855 Lenzen Avenue Lenzen Avenue
San Jose, California 95126-2736

Representative Organization to be Notified

Dr. Carol Berg, Consultant, Education Mandated Cost Network
c/o School Services of California
1121 L Street, Suite 1060
Sacramento, CA 95814

Voice: 916-446-7517
Fax: 916-446-2011

This claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551 (a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code citation(s) within the chaptered bill, if applicable.

Chapter 1037, Statutes of 2002
Chapter 749, Statutes of 2001
Chapter 1031, Statutes of 1998
Chapter 864, Statutes of 1998
Chapter 1400, Statutes of 1990

Parental Involvement Programs

Education Code Section 11500
Education Code Section 11501
Education Code Section 11502
Education Code Section 11503
Education Code Section 11504

Education Code Section 11506
Education Code Section 49091.10
Education Code Section 40091.14
Education Code Section 51101
Education Code Section 51101.1

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

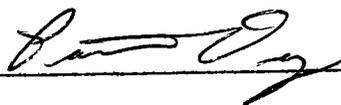
Patrick Day, Director of Special Projects
San Jose Unified School District

Voice: (408) 535-6142
Fax: (408) 535-2317

Signature of Authorized Representative

Date

X



September 24, 2003

1 Claim Prepared By:
2 Keith B. Petersen
3 SixTen and Associates
4 5252 Balboa Avenue, Suite 807
5 San Diego, CA 92117
6 Voice: (858) 514-8605
7

8 BEFORE THE
9
10 COMMISSION ON STATE MANDATES
11
12 STATE OF CALIFORNIA
13

14 Test Claim of:)
15) No. CSM _____
16 San Jose Unified School District,)
17) Chapter 1037, Statutes of 2002
18) Chapter 749, Statutes of 2001
19) Chapter 1031, Statutes of 1998
20) Chapter 864, Statutes of 1998
21) Chapter 1400, Statutes of 1990
22)
23 Test Claimant.)
24) Education Code Section 11500, 11501,
25) 11502, 11503, 11504, 11506, 49091.10,
26) 49091.14, 51101 and 51101.1
27)
28) Parental Involvement Programs
29 _____)
30 TEST CLAIM FILING
31

32 PART 1. AUTHORITY FOR THE CLAIM

33 The Commission on State Mandates has the authority pursuant to Government
34 Code section 17551(a) to "...hear and decide upon a claim by a local agency or school
35 district that the local agency or school district is entitled to be reimbursed by the state for
36 costs mandated by the state as required by Section 6 of Article XIII B of the California
37 Constitution." San Jose Unified School District is a "school district" as defined in

1 Government Code section 17519.¹

2 PART II. LEGISLATIVE HISTORY OF THE CLAIM

3 This test claim alleges mandated costs reimbursable by the state for school
4 districts and county offices of education to adopt and implement policies and procedures
5 to encourage the involvement of parents and guardians in the education of their
6 children.

7 SECTION 1. LEGISLATIVE HISTORY PRIOR TO JANUARY 1, 1975

8 Prior to January 1, 1975, there were no statutes, codes, or regulations which
9 required school districts to adopt or implement policies and procedures concerning
10 parental involvement as set forth in this test claim.

11 SECTION 2. LEGISLATIVE HISTORY AFTER DECEMBER 31, 1974

12 Chapter 1400, Statutes of 1990, Section 1, added Chapter 16, "Programs to
13 Encourage Parental Involvement", to Part 7, Division 1 of Part 1 of the Education Code,
14 Sections 11500 through 11506.

15 Education Code Section 11500² states the findings and declarations of the

¹ Government Code Section 17519, as added by Chapter 1459/84:

"School District" means any school district, community college district, or county superintendent of schools."

² Education Code Section 11500, added by Chapter 1400, Statutes of 1990, Section 1:

"The Legislature hereby finds and declares all of the following:

(a) Despite a substantial increase in school funding over the last five years, a significant percentage of the school-aged population, particularly in large urban areas, is

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Legislature. Subdivision (a) provides that despite a substantial increase in school
2 funding over the last five years, a significant percentage of the school-aged population,
3 particularly in large urban areas, is learning well below the statewide average and is
4 making only marginal progress at best. Subdivision (b) provides that parental
5 involvement and support in the education of children is an integral part of improving
6 academic achievement. Educational research has established that properly constructed
7 parent involvement programs can play an important and effective role in the participation
8 of parents in their children's schools and in raising pupil achievement levels.
9 Subdivision (c) provides that the federal government has recognized the critical role of
10 parents in the educational process and now mandates parental involvement programs
11 as a condition of eligibility for funds under the Augustus F. Hawkins-Robert T. Stafford
12 Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297).

learning well below the statewide average and is making only marginal progress at best.

(b) Parental involvement and support in the education of children is an integral part of improving academic achievement. Educational research has established that properly constructed parent involvement programs can play an important and effective role in the participation of parents in their children's schools and in raising pupil achievement levels.

(c) The federal government has recognized the critical role of parents in the educational process and now mandates parental involvement programs as a condition of eligibility for funds under the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297).

(d) The State Board of Education has also adopted a policy urging the creation of parent involvement programs in all schools.

(e) California's School Improvement Program has historically maintained parent involvement as one of its component parts.

(f) Research and experience have demonstrated that these programs succeed only when certain components are made part of the program."

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Subdivision (d) provides that the State Board of Education has also adopted a policy
2 urging the creation of parent involvement programs in all schools. Subdivision (e)
3 provides that California's School Improvement Program has historically maintained
4 parent involvement as one of its component parts and subdivision (f) provides that
5 research and experience have demonstrated that these programs succeed only when
6 certain components are made part of the program.

7 Section 11501³ states the intent of the Legislature in enacting the chapter to
8 ensure that parent involvement programs are properly designed and implemented and to
9 provide a focus and structure for these programs based on prior experience and
10 research while maintaining sufficient local flexibility to design a program that best meets
11 the needs of the local community.

12 Section 11502⁴ states the following purposes and goals for school districts for

³ Education Code Section 11501, added by Chapter 1400, Statutes of 1990,
Section 1:

"It is the intent of the Legislature in enacting this chapter to ensure that parent involvement programs are properly designed and implemented and to provide a focus and structure for these programs based on prior experience and research while maintaining sufficient local flexibility to design a program that best meets the needs of the local community."

⁴ Education Code Section 11502, added by Chapter 1400, Statutes of 1990,
Section 1:

"It is the purpose and goal of this chapter to do all of the following:

(a) To engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society.

(b) To inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to

1 parental involvement:

2 (a) Helping parents to develop skills to use at home that support their
3 children's academic efforts at school and their children's development as
4 responsible future members of our society.

5 (b) Informing parents that they can directly affect the success of their
6 children's learning, by providing parents with techniques and strategies that they
7 may utilize to improve their children's academic success and to assist their
8 children in learning at home.

9 (c) Building consistent and effective communication between the home and
10 the school so that parents may know when and how to assist their children in
11 support of classroom learning activities.

12 (d) Training teachers and administrators to communicate effectively with
13 parents.

14 (e) Integrating parent involvement programs, including compliance with this
15 chapter, into the school's master plan for academic accountability.

improve their children's academic success and to assist their children in learning at home.

(c) To build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities.

(d) To train teachers and administrators to communicate effectively with parents.

(e) To integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability.”

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Section 11503⁵ requires the governing board of each school district to establish a
2 parent involvement program for each school in the district that receives funds under
3 Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended
4 by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School
5 Improvement Amendments of 1988 (P.L. 100-290). That program shall contain at least
6 the following elements:

7 (a) Procedures to ensure that parents are consulted and participate in the

⁵ Education Code Section 11503, added by Chapter 1400, Statutes of 1990,
Section 1:

“The governing board of each school district shall establish a parent involvement program for each school in the district that receives funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-290). That program shall contain at least the following elements:

(a) Procedures to ensure that parents are consulted and participate in the planning, design, implementation, and evaluation of the program.

(b) Regular and periodic programs throughout the school year that provide for training, instruction, and information on all of the following:

(1) Parental ability to directly affect the success of their children's learning through the support they give their children at home and at school.

(2) Home activities, strategies, and materials that can be used to assist and enhance the learning of children both at home and at school.

(3) Parenting skills that assist parents in understanding the development needs of their children and in understanding how to provide positive discipline for, and build healthy relationships with, their children.

(4) Parental ability to develop consistent and effective communications between the school and the parents concerning the progress of the children in school and concerning school programs.

(c) An annual statement identifying specific objectives of the program.

(d) An annual review and assessment of the program's progress in meeting those objectives. Parents shall be made aware of the existence of this review and assessment through regular school communications mechanisms and shall be given a copy upon the parent's request.”

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 planning, design, implementation, and evaluation of the program.

2 (b) Regular and periodic programs throughout the school year that provide for
3 training, instruction, and information on all of the following:

4 (1) Parental ability to directly affect the success of their children's
5 learning through the support they give their children at home and at
6 school.

7 (2) Home activities, strategies, and materials that can be used to assist
8 and enhance the learning of children both at home and at school.

9 (3) Parenting skills that assist parents in understanding the
10 development needs of their children and in understanding how to
11 provide positive discipline for, and build healthy relationships with,
12 their children.

13 (4) Parental ability to develop consistent and effective communications
14 between the school and the parents concerning the progress of the
15 children in school and concerning school programs.

16 (c) An annual statement identifying specific objectives of the program.

17 (d) An annual review and assessment of the program's progress in meeting
18 those objectives. Parents shall be made aware of the existence of this
19 review and assessment through regular school communications
20 mechanisms and shall be given a copy upon the parent's request.

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Section 11504⁶ requires the governing board of each school district to adopt a
2 policy on parent involvement, consistent with the goals set forth in Section 11502, for
3 those schools not receiving funds under the Augustus F. Hawkins-Robert T. Stafford
4 Elementary and Secondary School Improvement Amendments of 1988.

5 Section 11506⁷ provides that schools which receive federal funds under Chapter
6 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the
7 Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School
8 Improvement Amendments of 1988 (P. L. 100-297), and receive funds for school
9 improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28
10 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of
11 Chapter 1 of Part 29, may receive funds for school improvement plans pursuant to

⁶ Education Code Section 11504, added by Chapter 1400, Statutes of 1990,
Section 1:

“The governing board of each school district shall adopt a policy on parent involvement, consistent with the purposes and goals set forth in Section 11502, for each school not governed by Section 11503.”

⁷ Education Code Section 11506, added by Chapter 1400, Statutes of 1990,
Section 1:

“Schools that receive federal funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P. L. 100-297), and receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29, may receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 only if they comply with this chapter.”

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant
2 to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 only if they comply
3 with this chapter.

4 Chapter 864, Statutes of 1998, Section 2, added Education Code Section 51101⁸.

⁸ Education Code Section 51101, added by Chapter 864, Statutes of 1998,
Section 2:

“(a) Except as provided in subdivision (c), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate

school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, attendance policies, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a bi-annual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Subdivision (a) provides that, except as provided in subdivision (c), the parents and
2 guardians of pupils enrolled in public schools have the right, and should have the
3 opportunity, as mutually supportive and respectful partners in the education of their
4 children within the public schools, to be informed by the school, and to participate in the
5 education of their children, as follows:

- 6 (1) Within a reasonable period of time following making the request, to
7 observe the classroom or classrooms in which their child is enrolled or for
8 the purpose of selecting the school in which their child will be enrolled in
9 accordance with the requirements of any intradistrict or interdistrict pupil
10 attendance policies or programs.
- 11 (2) Within a reasonable time of their request, to meet with their child's teacher
12 or teachers and the principal of the school in which their child is enrolled.
- 13 (3) To volunteer their time and resources for the improvement of school
14 facilities and school programs under the supervision of district employees,
15 including, but not limited to, providing assistance in the classroom with the
16 approval, and under the direct supervision, of the teacher. Although

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction."

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 volunteer parents may assist with instruction, primary instructional
2 responsibility shall remain with the teacher.

3 (4) To be notified on a timely basis if their child is absent from school without
4 permission.

5 (5) To receive the results of their child's performance on standardized tests
6 and statewide tests and information on the performance of the school that
7 their child attends on standardized statewide tests.

8 (6) To request a particular school for their child, and to receive a response
9 from the school district. This paragraph does not obligate the school
10 district to grant the parent's request.

11 (7) To have a school environment for their child that is safe and supportive of
12 learning.

13 (8) To examine the curriculum materials of the class or classes in which their
14 child is enrolled.

15 (9) To be informed of their child's progress in school and of the appropriate
16 school personnel whom they should contact if problems arise with their
17 child.

18 (10) To have access to the school records of their child.

19 (11) To receive information concerning the academic performance standards,
20 proficiencies, or skills their child is expected to accomplish.

21 (12) To be informed in advance about school rules, attendance policies, dress
22 codes, and procedures for visiting the school.

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 help pupils to achieve academic and other standards of the school.

2 (2) A description of the school's responsibility to provide a high quality
3 curriculum and instructional program in a supportive and effective learning
4 environment that enables all pupils to meet the academic expectations of
5 the school.

6 (3) The manner in which the parents and guardians of pupils may support the
7 learning environment of their children, including, but not limited to, the
8 following:

9 (A) Monitoring attendance of their children.

10 (B) Ensuring that homework is completed and turned in on a timely
11 basis.

12 (C) Participation of the children in extracurricular activities.

13 (D) Monitoring and regulating the television viewed by their children.

14 (E) Working with their children at home in learning activities that extend
15 learning in the classroom.

16 (F) Volunteering in their children's classrooms, or for other activities at
17 the school.

18 (G) Participating, as appropriate, in decisions relating to the education
19 of their own child or the total school program.

20 Chapter 1031, Statutes of 1998, Section 2, added Education Code Section

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 49091.10⁹. Subdivision (a) requires each classroom instructor to compile and store all
2 primary supplemental instructional materials, including textbooks, teacher's manuals,
3 films, tapes, and software and to make these materials available for inspection by a
4 parent or guardian. The governing board is required to develop and adopt procedures
5 regarding timely inspections, receiving inspection requests, scheduling inspections and
6 supervision during the inspection of these materials. Subdivision (b) requires school
7 districts to arrange for observation of classes and activities upon request by a parent or
8 guardian. The governing board is also required to adopt procedures regarding parent
9 and guardian observations, reviewing requests from parents or guardians to observe
10 classes and/or activities, scheduling observations with the parent or guardian and the
11 classroom instructor or activity director and admission of the parent or guardian to the
12 school site.

⁹ Education Code Section 49091.10, added by Chapter 1031, Statutes of 1998,
Section 2:

"(a) All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

(b) A parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of the school district. Upon written request by the parent or guardian, school officials shall arrange for the parental observation of the requested class or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district."

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 Chapter 1031, Statutes of 1998, Section 2, added Education Code Section

2 49091.14¹⁰ which requires school districts to compile the curriculum, including titles,
3 descriptions, and instructional aims, for every course offered by the school district in a
4 prospectus at least once each year and to make the prospectus available for review at
5 each school site. School districts are required to reproduce the prospectus and make it
6 available upon request and may charge the requestor an amount not to exceed the cost
7 of duplication.

8 Chapter 749, Statutes of 2001, Section 1, amended Education Code Section

9 51101¹¹ to add a new subdivision (c) which provides that all schools who participate in

¹⁰ Education Code Section 49091.14, added by Chapter 1031, Statutes of 1998, Section 2:

“The curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, shall be compiled at least once annually in a prospectus. Each schoolsite shall make its prospectus available for review upon request. When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication.”

¹¹ Education Code Section 51101, added by Chapter 864, Statutes of 1998, Section 1, as amended by Chapter 749, Statutes of 2001, Section 1:

“(c) All schools that participate in the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop with parents or guardians for all children enrolled at that schoolsite, a school-parent compact pursuant to Section 6319 of Title 20 of the United States Code.

(ed) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.”

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 the High Priority Schools Grant Program for Low Performing Schools established
2 pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28
3 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop
4 with parents or guardians for all children enrolled at that schoolsite, a school-parent
5 compact pursuant to Section 6319 of Title 20 of the United States Code. Former
6 subdivision (c) was relettered as subdivision (d).

7 Chapter 1037, Statutes of 2002, Section 2, amended Education Code Section
8 51101¹², subdivision (a)(12) to include disciplinary rules and procedures and promotion

¹² Education Code Section 51101, added by Chapter 864, Statutes of 1998,
Section 2, as amended by Chapter 1037, Statutes of 2002, Section 2:

“(a) Except as provided in subdivision (d), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

...
(12) To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Section 35291, attendance, and promotion policies pursuant to Section 48070.5, dress codes, and procedures for visiting the school.

...
(16) To be notified, as early in the school year as practicable pursuant to Section 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 policies to these items requiring notice in advance; to add a new subdivision (a)(16)
2 which requires school districts to notify parents or guardians, as early in the school year
3 as practicable if their child is identified as being at risk of retention and of their right to
4 consult with school personnel responsible for a decision to promote or retain their child
5 and to appeal a decision to retain or promote their child; and subdivision (b) was
6 amended to specifically include parents whose primary language is not English.

7 Chapter 1037, Statutes of 2002, Section 3, added Education Code Section
8 51101.1¹³. Subdivision (a) requires school districts to take all reasonable steps to

social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:..."

¹³ Education Code Section 51101.1, as added by Chapter 1037, Statutes of 2002, Section 3:

"(a) A parent or guardian's lack of English fluency does not preclude a parent or guardian from exercising the rights guaranteed under this chapter. A school district shall take all reasonable steps to ensure that all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language, pursuant to Section 48985, of the rights and opportunities available to them pursuant to this section.

(b) Parents and guardians of English learners are entitled to participate in the education of their children pursuant to Section 51101 and as follows:

(1) To receive, pursuant to paragraph (5) of subdivision (a) of Section 51101, the results of their child's performance on standardized tests, including the English language development test.

(2) To be given any required written notification in English and the pupil's home language pursuant to Section 48985 and any other applicable law.

(3) To participate in school and district advisory bodies in accordance with federal and state laws and regulations.

(4) To support their children's advancement toward literacy. School personnel shall encourage parents and guardians of English learners to support their child's progress toward literacy both in English and, to the extent possible, in the child's home language. School districts are encouraged to make available, to the extent possible, surplus or undistributed instructional materials to parents and

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 ensure that all parents and guardians of pupils who speak a language other than English
2 are properly notified in English and in their home language, pursuant to section 48985¹⁴,
3 of the rights and opportunities available to them pursuant to this section. Subdivision (b)
4 provides that parents and guardians of English learners are entitled to participate in the
5 education of their children pursuant to Section 51101 and, in addition, requires school
6 districts to do the following:

- 7 (1) To inform parents and guardians of the results of their child's performance
8 on standardized tests, including the English language development test.
- 9 (2) To provide any written notification in English and the pupil's home
10 language pursuant to Section 48985 and any other applicable law.
- 11 (3) To encourage parents and guardians to participate in school and district

guardians, pursuant to subdivision (d) of Section 60510, in order to facilitate
parental involvement in their children's education.

(5) To be informed, pursuant to Sections 33126 and 48985, about
statewide and local academic standards, testing programs, accountability
measures, and school improvement efforts.

(c) A school with a substantial number of English learners is encouraged to
establish parent centers with personnel who can communicate with the parents and
guardians of these children to encourage understanding of and participation in the
educational programs in which their children are enrolled."

¹⁴ Education Code Section 48985, added by Chapter 36, Statutes of 1977,
Section 476, as amended by Chapter 219, Statutes of 1981, Section 2:

"When 15 percent or more of the pupils enrolled in a public school that provides
instruction in kindergarten or any of grades 1 through 12 speak a single primary
language other than English, as determined from the census data submitted to the
Department of Education pursuant to Section 52164 in the preceding year, all notices,
reports, statements, or records sent to the parent or guardian of any such pupil by the
school or school district shall, in addition to being in English, be written in such primary
language, and may be responded to either in English or the primary language."

1 advisory bodies.

2 (4) To encourage parents and guardians of English learners to support their
3 child's progress toward literacy both in English and, to the extent possible,
4 in the child's home language.

5 (5) To inform parents and guardians about statewide and local academic
6 standards, testing programs, accountability measures, and school
7 improvement efforts.

8 Subdivision (c) requires schools with a substantial number of English learners to
9 establish parent centers with personnel who can communicate with the parents and
10 guardians of these children to encourage understanding of, and participation in, the
11 educational programs in which their children are enrolled.

12 **PART III. STATEMENT OF THE CLAIM**

13 **SECTION 1. COSTS MANDATED BY THE STATE**

14 The Statutes and Education Code Sections referenced in this test claim result in
15 school districts incurring costs mandated by the state, as defined in Government Code
16 section 17514¹⁵, by creating new state-mandated duties related to the uniquely

¹⁵ Government Code section 17514, as added by Chapter 1459/84:

"Costs mandated by the state" means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIIB of the California Constitution.

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 governmental function of providing services to the public and these statutes apply to
2 school districts and do not apply generally to all residents and entities in the state.¹⁶

3 The new duties mandated by the state upon school districts and county offices of
4 education require state reimbursement of the direct and indirect costs of labor, materials
5 and supplies, data processing services and software, contracted services and
6 consultants, equipment and capital assets, staff and student training and travel to
7 implement the following activities:

8 A) Pursuant to Chapter 16 ("Programs to Encourage Parental Involvement"),
9 commencing with Education Code Section 11500, Chapter 6.6 ("The Education
10 Empowerment Act of 1998"), commencing with Education Code Section
11 49091.10, and Chapter 1.5 ("Parental Involvement"), commencing with Education
12 Code Section 51100, developing, adopting and implementing policies and
13 procedures, and periodically updating those policies and procedures, to
14 encourage the involvement of parents and guardians in the education of their
15 children.

16 B) Pursuant to Education Code Section 11502, subdivision (a), engaging parents

¹⁶ Public schools are a Article XIII B, Section 6 "program," pursuant to Long Beach Unified School District v. State of California, (1990) 225 Cal.App.3d 155, 172; 275 Cal.Rptr. 449:

"In the instant case, although numerous private schools exist, education in our society is considered to be a peculiarly government function. (Cf. Carmel Valley Fire Protection Dist. v. State of California (1987) 190 Cal.App.3d at p.537) Further, public education is administered by local agencies to provide service to the public. Thus public education constitutes a 'program' within the meaning of Section 6."

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 positively in their children's education by helping parents develop skills to use at
2 home that support their children's academic efforts at school and their children's
3 development as responsible future members of our society.

4 C) Pursuant to Education Code Section 11502, subdivision (b), informing parents
5 that they can directly affect the success of their children's learning, by providing
6 parents with techniques and strategies that they may utilize to improve their
7 children's academic success and to assist their children in learning at home.

8 D) Pursuant to Education Code Section 11502, subdivision (c), building consistent
9 and effective communication between the home and the school so that parents
10 may know when and how to assist their children in support of classroom learning
11 activities.

12 E) Pursuant to Education Code Section 11502, subdivision (d), training teachers and
13 administrators to communicate effectively with parents.

14 F) Pursuant to Education Code Section 11502, subdivision (e), integrating parent
15 involvement programs into the school's master plan for academic accountability.

16 G) Pursuant to Education Code Section 11504, adopting a policy on parent
17 involvement, consistent with the purposes and goals set forth in Section 11502,
18 for each school not governed by Section 11503.

19 H) Pursuant to Education Code Section 49091.10, subdivision (a), making all
20 primary supplemental instructional materials and assessments, including
21 textbooks, teacher's manuals, films, tapes, and software available for inspection
22 by a parent or guardian in a reasonable timeframe or in accordance with

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 procedures determined by the governing board of the school district.

2 I) Pursuant to Education Code Section 49091.10, subdivision (b), upon written
3 request by a parent or guardian, arranging for the parental observation of the
4 requested class or classes or activities by that parent or guardian in a reasonable
5 timeframe and in accordance with procedures determined by the governing board
6 of the school district.

7 J) Pursuant to Education Code Section 49091.14, compiling in a prospectus, at
8 least once annually, the curriculum, including titles, descriptions, and instructional
9 aims, of every course offered by each school in the district; making that
10 prospectus available for review upon request; and reproducing and making
11 copies available

12 K) Pursuant to Education Code Section 51101, subdivision (a), informing parents
13 and guardians of enrolled pupils and, where appropriate, to allow participation by
14 parents and guardians, as follows:

15 (1) Allowing observation of the classroom or classrooms in which their child is
16 enrolled or for the purpose of selecting the school in which their child will
17 be enrolled in accordance with the requirements of any intradistrict or
18 interdistrict pupil attendance policies or programs.

19 (2) For the teacher and the principal to meet with the parent or guardian within
20 a reasonable time after a request for such a meeting.

21 (3) Supervising parents and guardians who volunteer their time and resources
22 for the improvement of school facilities and school programs, including, but

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 not limited to, providing assistance in the classroom with the approval, and
2 under the direct supervision, of the teacher.

3 (4) Notifying parents and guardians on a timely basis if their child is absent
4 from school without permission.

5 (5) Providing to parents and guardians the results of their child's performance
6 on standardized tests and statewide tests and providing information on the
7 performance of the school that their child attends on standardized
8 statewide tests.

9 (6) Responding to requests of parents and guardians that their child be
10 enrolled in a particular school.

11 (7) To provide a school environment that is safe and supportive of learning.

12 (8) Allowing parents and guardians to examine the curriculum materials of the
13 class or classes in which their child is enrolled.

14 (9) Informing parents and guardians of their child's progress in school and of
15 the appropriate school personnel whom they should contact if problems
16 arise with their child.

17 (10) Providing parents and guardians with access to the school records of their
18 child.

19 (11) Providing parents and guardians with information concerning the academic
20 performance standards, proficiencies, or skills their child is expected to
21 accomplish.

22 (12) Informing parents and guardians, in advance, about school rules, including

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 disciplinary rules and procedures pursuant to Section 35291, attendance,
2 retention, and promotion policies pursuant to Section 48070.5, dress
3 codes, and procedures for visiting the school.

4 (13) Providing parents and guardians with information about any psychological
5 testing the school does involving their child and to cease such testing
6 when they deny permission to give the test.

7 (14) Scheduling and implementing a biannual open forum for the purpose of
8 informing parents about current school issues and activities and answering
9 parents' questions.

10 (15) Responding to parent's and guardian's questions about anything in their
11 child's record that they may feel is inaccurate or misleading or is an
12 invasion of privacy

13 (16) Notifying parents and guardians as early in the school year as practicable
14 pursuant to Section 48070.5, if their child is identified as being at risk of
15 retention and of their right to consult with school personnel responsible for
16 a decision to promote or retain their child and to appeal a decision to retain
17 or promote their child.

18 L) Pursuant to Education Code Section 51101, subdivision (b), working together
19 with parents and guardians in a mutually supportive and respectful partnership to
20 help their children succeed in school

21 M) Pursuant to Education Code Section 51101, subdivision (b), developing, jointly
22 with parents and guardians, and adopting a policy that outlines how parents or

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 guardians of pupils, school staff, and pupils may share the responsibility for
2 continuing the intellectual, physical, emotional, and social development and
3 well-being of pupils at each schoolsite. The policy shall include, but is not
4 necessarily limited to, the following:

- 5 (1) The means by which the school and parents or guardians of pupils may
6 help pupils to achieve academic and other standards of the school.
- 7 (2) A description of the school's responsibility to provide a high quality
8 curriculum and instructional program in a supportive and effective learning
9 environment that enables all pupils to meet the academic expectations of
10 the school.
- 11 (3) The manner in which the parents and guardians of pupils may support the
12 learning environment of their children, including, but not limited to, the
13 following:
- 14 (a) Monitoring attendance of their children.
 - 15 (b) Ensuring that homework is completed and turned in on a timely
16 basis.
 - 17 (c) Participation of the children in extracurricular activities.
 - 18 (d) Monitoring and regulating the television viewed by their children.
 - 19 (e) Working with their children at home in learning activities that extend
20 learning in the classroom.
 - 21 (f) Volunteering in their children's classrooms, or for other activities at
22 the school.

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 (g) Participating, as appropriate, in decisions relating to the education
2 of their own child or the total school program.

3 N) Pursuant to Education Code Section 51101.1, subdivision (a), taking all
4 reasonable steps to ensure that all parents and guardians of pupils who speak a
5 language other than English are properly notified in English and in their home
6 language, pursuant to Section 48985, of the rights and opportunities available to
7 them pursuant to the section.

8 O) Pursuant to Education Code Section 51101.1, subdivision (b), ensuring the
9 participation of parents and guardians of English learners pursuant to Section
10 51101 as follows:

11 (1) Providing, pursuant to paragraph (5) of subdivision (a) of Section 51101,
12 the results of their child's performance on standardized tests, including the
13 English language development test.

14 (2) Giving any required written notification in English and the pupil's home
15 language pursuant to Section 48985 and any other applicable law.

16 (3) Allowing participation in school and district advisory bodies in accordance
17 with federal and state laws and regulations.

18 (4) Encouraging parents and guardians of English learners to support their
19 child's progress toward literacy both in English and, to the extent possible,
20 in the child's home language.

21 (5) Informing those parents and guardians, pursuant to Sections 33126 and
22 48985, about statewide and local academic standards, testing programs,

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

1 of costs mandated by the state apply to this test claim. Note, that to the extent school
2 districts may have previously performed functions similar to those mandated by the
3 referenced code sections, such efforts did not establish a preexisting duty that would
4 relieve the state of its constitutional requirement to later reimburse school districts when
5 these activities became mandated.¹⁸

6 **SECTION 3. FUNDING PROVIDED FOR THE MANDATED PROGRAM**

7 Schools may receive federal funds under Chapter 1 of the federal Elementary
8 and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert
9 T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P. L.
10 100-297), and may receive funds for school improvement plans pursuant to Chapter 6
11 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article
12 2 (commencing with Section 54020) of Chapter 1 of Part 29, and may receive funds for
13 school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of
14 Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020)
15 of Chapter 1 of Part 29 if they comply with the requirements of Chapter 16.

in a ballot measure approved by the voters in a statewide election.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.”

¹⁸ Government Code section 17565, added by Chapter 879, Statutes of 1986:

“If a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate.”

Test Claim of San Jose Unified School District
Chapter 1037/2002 - Parental Involvement Programs

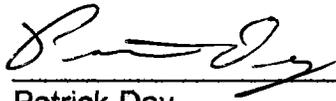
- 1 Education Code Section 11504
- 2 Education Code Section 11506
- 3 Education Code Section 49091.10
- 4 Education Code Section 49091.14
- 5 Education Code Section 51101
- 6 Education Code Section 51101.1
- 7 /
- 8 /
- 9 /
- 10 /
- 11 /
- 12 /
- 13 /
- 14 /
- 15 /
- 16 /
- 17 /
- 18 /
- 19 /
- 20 /
- 21 /
- 22 /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

PART V. CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 22, 2003, at San Jose, California by:



Patrick Day
Director of Special Projects
San Jose Unified School District

Voice: (408) 535-6142
Fax: (408) 535-2317

PART VI. APPOINTMENT OF REPRESENTATIVE

San Jose School District appoints Keith B. Petersen, SixTen and Associates, as its representative for this test claim.



Patrick Day
Director of Special Projects
San Jose Unified School District

Sept. 22, 2003
Date

EXHIBIT 1
DECLARATION OF DON IGLESIAS

1 **DECLARATION OF DON IGLESIAS**

2
3 **San Jose Unified School District**

4
5 Test Claim of San Jose Unified School District

6
7 COSM_____

8
9 Chapter 1037, Statutes of 2002
10 Chapter 749, Statutes of 2001
11 Chapter 1031, Statutes of 1998
12 Chapter 864, Statutes of 1998
13 Chapter 1400, Statutes of 1990

14
15 Education Code Section 11500
16 Education Code Section 11501
17 Education Code Section 11502
18 Education Code Section 11503
19 Education Code Section 11504
20
21 Education Code Section 11506
22 Education Code Section 49091.10
23 Education Code Section 49091.14
24 Education Code Section 51101
25 Education Code Section 51101.1

26 Parental Involvement Programs

27 I, Don Iglesias, Deputy Superintendent of Instruction, San Jose Unified School
28 District, make the following declaration and statement.

29 In my capacity as Deputy Superintendent of Instruction, I am responsible for
30 implementing programs intended to promote parental involvement in the district. I am
31 familiar with the requirements of the Education Code Sections above. These Education
32 Code Sections require the San Jose Unified School District to implement the following
33 activities:

- 34 A) Pursuant to Chapter 16 ("Programs to Encourage Parental Involvement"),
commencing with Education Code Section 11500, Chapter 6.6 ("The Education
Empowerment Act of 1998"), commencing with Education Code Section
49091.10, and Chapter 1.5 ("Parental Involvement"), commencing with Education
Code Section 51100, developing, adopting and implementing policies and

1 procedures, and periodically updating those policies and procedures, to
2 encourage the involvement of parents and guardians in the education of their
3 children.

4 B) Pursuant to Education Code Section 11502, subdivision (a), engaging parents
5 positively in their children's education by helping parents develop skills to use at
6 home that support their children's academic efforts at school and their children's
7 development as responsible future members of our society.

8 C) Pursuant to Education Code Section 11502, subdivision (b), informing parents
9 that they can directly affect the success of their children's learning, by providing
10 parents with techniques and strategies that they may utilize to improve their
11 children's academic success and to assist their children in learning at home.

12 D) Pursuant to Education Code Section 11502, subdivision (c), building consistent
13 and effective communication between the home and the school so that parents
14 may know when and how to assist their children in support of classroom learning
15 activities.

16 E) Pursuant to Education Code Section 11502, subdivision (d), training teachers and
17 administrators to communicate effectively with parents.

18 F) Pursuant to Education Code Section 11502, subdivision (e), integrating parent
19 involvement programs into the school's master plan for academic accountability.

20 G) Pursuant to Education Code Section 11504, adopting a policy on parent
21 involvement, consistent with the purposes and goals set forth in Section 11502,

1 for each school not governed by Section 11503.

2 H) Pursuant to Education Code Section 49091.10, subdivision (a), making all
3 primary supplemental instructional materials and assessments, including
4 textbooks, teacher's manuals, films, tapes, and software available for inspection
5 by a parent or guardian in a reasonable timeframe or in accordance with
6 procedures determined by the governing board of the school district.

7 I) Pursuant to Education Code Section 49091.10, subdivision (b), upon written
8 request by a parent or guardian, arranging for the parental observation of the
9 requested class or classes or activities by that parent or guardian in a reasonable
10 timeframe and in accordance with procedures determined by the governing board
11 of the school district.

12 J) Pursuant to Education Code Section 49091.14, compiling in a prospectus, at
13 least once annually, the curriculum, including titles, descriptions, and instructional
14 aims, of every course offered by each school in the district; making that
15 prospectus available for review upon request; and reproducing and making
16 copies available

17 K) Pursuant to Education Code Section 51101, subdivision (a), informing parents
18 and guardians of enrolled pupils and, where appropriate, to allow participation by
19 parents and guardians, as follows:

20 (1) Allowing observation of the classroom or classrooms in which their child is
21 enrolled or for the purpose of selecting the school in which their child will

1 be enrolled in accordance with the requirements of any intradistrict or
2 interdistrict pupil attendance policies or programs.

3 (2) For the teacher and the principal to meet with the parent or guardian within
4 a reasonable time after a request for such a meeting.

5 (3) Supervising parents and guardians who volunteer their time and resources
6 for the improvement of school facilities and school programs, including, but
7 not limited to, providing assistance in the classroom with the approval, and
8 under the direct supervision, of the teacher.

9 (4) Notifying parents and guardians on a timely basis if their child is absent
10 from school without permission.

11 (5) Providing to parents and guardians the results of their child's performance
12 on standardized tests and statewide tests and providing information on the
13 performance of the school that their child attends on standardized
14 statewide tests.

15 (6) Responding to requests of parents and guardians that their child be
16 enrolled in a particular school.

17 (7) To provide a school environment that is safe and supportive of learning.

18 (8) Allowing parents and guardians to examine the curriculum materials of the
19 class or classes in which their child is enrolled.

20 (9) Informing parents and guardians of their child's progress in school and of
21 the appropriate school personnel whom they should contact if problems

- 1 arise with their child.
- 2 (10) Providing parents and guardians with access to the school records of their
- 3 child.
- 4 (11) Providing parents and guardians with information concerning the academic
- 5 performance standards, proficiencies, or skills their child is expected to
- 6 accomplish.
- 7 (12) Informing parents and guardians, in advance, about school rules, including
- 8 disciplinary rules and procedures pursuant to Section 35291, attendance,
- 9 retention, and promotion policies pursuant to Section 48070.5, dress
- 10 codes, and procedures for visiting the school.
- 11 (13) Providing parents and guardians with information about any psychological
- 12 testing the school does involving their child and to cease such testing
- 13 when they deny permission to give the test.
- 14 (14) Scheduling and implementing a biannual open forum for the purpose of
- 15 informing parents about current school issues and activities and answering
- 16 parents' questions.
- 17 (15) Responding to parent's and guardian's questions about anything in their
- 18 child's record that they may feel is inaccurate or misleading or is an
- 19 invasion of privacy
- 20 (16) Notifying parents and guardians as early in the school year as practicable
- 21 pursuant to Section 48070.5, if their child is identified as being at risk of

1 retention and of their right to consult with school personnel responsible for
2 a decision to promote or retain their child and to appeal a decision to retain
3 or promote their child.

4 L) Pursuant to Education Code Section 51101, subdivision (b), working together
5 with parents and guardians in a mutually supportive and respectful partnership to
6 help their children succeed in school

7 M) Pursuant to Education Code Section 51101, subdivision (b), developing, jointly
8 with parents and guardians, and adopting a policy that outlines how parents or
9 guardians of pupils, school staff, and pupils may share the responsibility for
10 continuing the intellectual, physical, emotional, and social development and
11 well-being of pupils at each schoolsite. The policy shall include, but is not
12 necessarily limited to, the following:

13 (1) The means by which the school and parents or guardians of pupils may
14 help pupils to achieve academic and other standards of the school.

15 (2) A description of the school's responsibility to provide a high quality
16 curriculum and instructional program in a supportive and effective learning
17 environment that enables all pupils to meet the academic expectations of
18 the school.

19 (3) The manner in which the parents and guardians of pupils may support the
20 learning environment of their children, including, but not limited to, the
21 following:

- 1 (a) Monitoring attendance of their children.
- 2 (b) Ensuring that homework is completed and turned in on a timely
- 3 basis.
- 4 (c) Participation of the children in extracurricular activities.
- 5 (d) Monitoring and regulating the television viewed by their children.
- 6 (e) Working with their children at home in learning activities that extend
- 7 learning in the classroom.
- 8 (f) Volunteering in their children's classrooms, or for other activities at
- 9 the school.
- 10 (g) Participating, as appropriate, in decisions relating to the education
- 11 of their own child or the total school program.
- 12 N) Pursuant to Education Code Section 51101.1, subdivision (a), taking all
- 13 reasonable steps to ensure that all parents and guardians of pupils who speak a
- 14 language other than English are properly notified in English and in their home
- 15 language, pursuant to Section 48985, of the rights and opportunities available to
- 16 them pursuant to the section.
- 17 O) Pursuant to Education Code Section 51101.1, subdivision (b), ensuring the
- 18 participation of parents and guardians of English learners pursuant to Section
- 19 51101 as follows:
- 20 (1) Providing, pursuant to paragraph (5) of subdivision (a) of Section 51101,
- 21 the results of their child's performance on standardized tests, including the

1 English language development test.

2 (2) Giving any required written notification in English and the pupil's home
3 language pursuant to Section 48985 and any other applicable law.

4 (3) Allowing participation in school and district advisory bodies in accordance
5 with federal and state laws and regulations.

6 (4) Encouraging parents and guardians of English learners to support their
7 child's progress toward literacy both in English and, to the extent possible,
8 in the child's home language.

9 (5) Informing those parents and guardians, pursuant to Sections 33126 and
10 48985, about statewide and local academic standards, testing programs,
11 accountability measures, and school improvement efforts.

12 P) Pursuant to Education Code Section 51101.1, subdivision (c), establishing parent
13 centers with personnel who can communicate with the parents and guardians of
14 these children to encourage understanding of and participation in the educational
15 programs in which their children are enrolled when a school has a substantial
16 number of English learners.

17 It is estimated that the District incurred more than \$1,000 for the fiscal year of
18 July 1, 2002 through June 30, 2003 to implement these new duties mandated by the
19 state and for which it cannot otherwise obtain reimbursement.

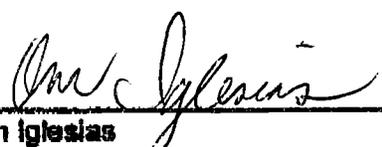
20 The foregoing facts are known to me personally and if so required, I could testify
21 to the statements made herein. I hereby declare under penalty of perjury under the laws

Declaration of Don Iglesias
San Jose Unified School District

1 of the State of California that the foregoing is true and correct, except where stated
2 upon information and belief and where so stated I declare that I believe them to be true.

3 EXECUTED this 22 day of September, 2003 in the City of San Jose,
4 California.

5
6
7
8
9
10



Don Iglesias
Deputy Superintendent of Instruction
San Jose Unified School District

EXHIBIT 2
COPIES OF STATUTES CITED

CHAPTER 1400

An act to add Chapter 16 (commencing with Section 11500) to Part 7 of the Education Code, relating to education.

[Approved by Governor September 27, 1990. Filed with Secretary of State September 28, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 16 (commencing with Section 11500) is added to Part 7 of the Education Code, to read:

CHAPTER 16. PROGRAMS TO ENCOURAGE PARENTAL INVOLVEMENT

11500. The Legislature hereby finds and declares all of the following:

- (a) Despite a substantial increase in school funding over the last five years, a significant percentage of the school-aged population, particularly in large urban areas, is learning well below the statewide average and is making only marginal progress at best.
- (b) Parental involvement and support in the education of children is an integral part of improving academic achievement. Educational research has established that properly constructed parent involvement programs can play an important and effective role in the participation of parents in their children's schools and in

raising pupil achievement levels.

(c) The federal government has recognized the critical role of parents in the educational process and now mandates parental involvement programs as a condition of eligibility for funds under the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297).

(d) The State Board of Education has also adopted a policy urging the creation of parent involvement programs in all schools.

(e) California's School Improvement Program has historically maintained parent involvement as one of its component parts.

(f) Research and experience have demonstrated that these programs succeed only when certain components are made part of the program.

11501. It is the intent of the Legislature in enacting this chapter to ensure that parent involvement programs are properly designed and implemented and to provide a focus and structure for these programs based on prior experience and research while maintaining sufficient local flexibility to design a program that best meets the needs of the local community.

11502. It is the purpose and goal of this chapter to do all of the following:

(a) To engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society.

(b) To inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home.

(c) To build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities.

(d) To train teachers and administrators to communicate effectively with parents.

(e) To integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability.

11503. The governing board of each school district shall establish a parent involvement program for each school in the district that receives funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-290). That program shall contain at least the following elements:

(a) Procedures to ensure that parents are consulted and participate in the planning, design, implementation, and evaluation of the program.

(b) Regular and periodic programs throughout the school year that provide for training, instruction, and information on all of the

following:

(1) Parental ability to directly affect the success of their children's learning through the support they give their children at home and at school.

(2) Home activities, strategies, and materials that can be used to assist and enhance the learning of children both at home and at school.

(3) Parenting skills that assist parents in understanding the development needs of their children and in understanding how to provide positive discipline for, and build healthy relationships with, their children.

(4) Parental ability to develop consistent and effective communications between the school and the parents concerning the progress of the children in school and concerning school programs.

(c) An annual statement identifying specific objectives of the program.

(d) An annual review and assessment of the program's progress in meeting those objectives. Parents shall be made aware of the existence of this review and assessment through regular school communications mechanisms and shall be given a copy upon the parent's request.

11504. The governing board of each school district shall adopt a policy on parent involvement, consistent with the purposes and goals set forth in Section 11502, for each school not governed by Section 11503.

11505. To the extent permitted by federal law, a school district may contract with nonprofit organizations and agencies experienced in administering parent involvement programs to design or implement, or design and implement, a school's parent involvement program.

11506. Schools that receive federal funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P. L. 100-297), and receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29, may receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 only if they comply with this chapter.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000),

reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SCHOOLS AND SCHOOL DISTRICTS—PROFESSIONAL DEVELOPMENT
PROGRAMS—PARENTAL INVOLVEMENT

CHAPTER 864

A.B. No. 1665

AN ACT to amend Sections 44670.5 and 52870 of, and to add Chapter 1.5 (commencing with Section 51100) to Part 28 of, the Education Code, relating to education.

[Approved by Governor September 26, 1998.]

[Filed with Secretary of State September 28, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, Torlakson. Education: parental involvement.

(1) Existing law requires each school that establishes a school development plan and that receives funds for that purpose, or that chooses to use certain provisions of law, to have a single plan to strengthen subject matter and instruction, as specified. As a part of the plan, schools may provide time for professional development activities, for a total of not more than 8 days per year.

Existing law requires the plan to include professional development programs for personnel employed at the school and requires the professional development programs to include certain elements.

This bill would require the plan to describe opportunities for parents and guardians of pupils to participate in professional development programs.

(2) Existing law requires the governing board of each school district, at the beginning of the first semester or quarter of the regular school term, to notify parents or guardians of specified rights or responsibilities of the parents or guardians.

This bill would provide that parents or guardians of pupils enrolled in public schools have specified rights and should have specified opportunities with regard to the education of their children.

This bill would also provide that the parents and guardians of pupils have the responsibility to work together in a mutually supportive and respectful partnership with schools, and would require the governing board of a school district to adopt a policy developed jointly with parents and guardians that outlines that working relationship. The policy would be required to include certain elements.

Additions or changes indicated by underline; deletions by asterisks * * *

4437

(3) Existing law places various responsibilities on the State Department of Education and the State Board of Education, including, among other duties, the development and distribution of various guidelines pertaining to school programs.

This bill would, upon approval by the State Board of Education, require the State Department of Education to make materials that describe a comprehensive partnership at schools that involves parents and guardians of pupils in the public schools of California on or before December 31, 1999. The materials would be required to include the responsibilities of each parent or guardian, and of each teacher, principal, and other school personnel in fostering and participating in parent involvement activities and programs. The materials would be required to include a statement that parent participation in activities and programs shall only apply to the extent that the participation does not conflict with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

(4) Existing law provides that, if a school district and school participate in school-based program coordination, any schoolsite advisory committee may elect to designate the schoolsite council to function as that advisory committee for all purposes.

This bill would require that, if the governing board of a school district adopts a policy establishing a schoolwide decisionmaking body at each school to promote continuous improvement through a single planning process that coordinates federal and state programs and services, then that body may be designated as the single decisionmaking or coordinating body, if the composition of the body meets specified requirements.

(5) This bill, by placing new duties on school districts relating to parental involvement in the education process, would thereby impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 44670.5 of the Education Code is amended to read:

44670.5. (a) Each school that is receiving funds for the purposes of this article or that chooses to utilize the provisions of this article shall have a single plan to strengthen subject matter and instruction, consistent with rules and regulations adopted by the school district governing board. If a school develops or has developed a school plan pursuant to Article 3 (commencing with Section 52850) of Chapter 12 of Part 28 of the School-Based Program Coordination Act, the planning requirements of this article shall be met by including within that plan the requirements specified in Section 44670.9 and by meeting the requirements of Sections 44670.3 and * * * this section.

(b) If a school develops or has developed a school plan pursuant to the School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act, Article 7 (commencing with Section 54720) of Chapter 9 of Part 29, or any other state or federal categorical education program, the provision of that school plan shall be included within the plan to strengthen subject matter and instruction, developed pursuant to this article and, in so doing, the school shall be deemed to have complied with the requirements of those programs. The plans shall include professional development of the personnel employed at the school necessary to meet the requirements of the plan. * * * The plan shall also describe opportunities for parents to participate in professional development programs. The professional development programs shall also include all of the following:

(1) Provide opportunities for all school personnel and interested parents or guardians of pupils enrolled in the school to participate in ongoing staff development activities pursuant to the objectives specified in Section 44670.3.

(2) Be designed and implemented under the direction of * * * parents and guardians of pupils enrolled in the school, classroom teachers, other participating school personnel, including the school principal and one or more mentor teachers, and, as appropriate, other nonadministrative certificated personnel, including, but not limited to, counselors, librarians, and nurses, and, as appropriate, in consultation with resource agencies or consortia established pursuant to Article 2 (commencing with Section 44680), institutions of higher education, and subject matter projects established pursuant to this code. Classroom teachers selected by teachers shall comprise the majority of any group designated to design professional development activities for instructional personnel.

(3) Allow for diversity in professional development activities, including, but not limited to, study of theory and rationale, observation of demonstration lessons, practice opportunities for peer coaching, consultation, and feedback in the classroom setting, and systematic observation during visits to other classrooms or schools.

(4) Be conducted during time that is set aside for that purpose throughout the year, including, but not limited to, time on a continuing basis when participating school personnel are released from their regular duties.

(5) Be evaluated and modified on a continuing basis by participating school personnel in consultation and, as appropriate, with regional resource consortia personnel and subject matter project personnel, based upon benefits to staff and pupils.

(6) Include the school principal and other administrative personnel as active continuing participants in one or more professional development activities implemented pursuant to a school development plan.

(7) Make available followup activities to assist participating staff in using newly acquired skills on the job.

(8) Promote the professional development of instructional paraprofessionals in the schools, including activities that will encourage instructional paraprofessionals to pursue the education and training necessary to become classroom teachers.

SEC. 2. Chapter 1.5 (commencing with Section 51100) is added to Part 28 of the Education Code, to read:

CHAPTER 1.5. PARENTAL INVOLVEMENT

51100. The Legislature finds and declares all of the following:

(a) It is essential to our democratic form of government that parents and guardians of schoolage children attending public schools and other citizens participate in improving public education institutions. Specifically, involving parents and guardians of pupils in the education process is fundamental to a healthy system of public education.

(b) Research has shown conclusively that early and sustained family involvement at home and at school in the education of children results both in improved pupil achievement and in schools that are successful at educating all children, while enabling them to achieve high levels of performance.

(c) All participants in the education process benefit when schools genuinely welcome, encourage, and guide families into establishing equal partnerships with schools to support pupil learning.

(d) Family and school collaborative efforts are most effective when they involve parents and guardians in a variety of roles at all grade levels, from preschool through high school.

51101. (a) Except as provided in subdivision (c), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, attendance policies, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a bi-annual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

51102. Upon approval of the materials by the State Board of Education, the State Department of Education shall make materials available that describe a comprehensive partnership at a schoolsite that involves parents and guardians of pupils in the public schools of California in the education of their children in a variety of roles at all grade levels on or before December 31, 1999. The materials shall include information about the possible roles of each teacher, principal, parent or guardian, and other school personnel in fostering and participating in parent involvement activities and programs. The materials shall also include a statement that the right of parents and guardians to participate in parent activities and programs shall only apply to the extent that the participation does not conflict with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

SEC. 4. Section 52870 of the Education Code is amended to read:

52870. (a) Notwithstanding any other provisions of this chapter, if a school district and school participate in the school-based program coordination, any schoolsite advisory committee may elect to designate the schoolsite council to function as that advisory committee for all purposes required by statute or regulations for a period of up to two years.

* * * (b) If the governing board of a school district adopts a policy that establishes a schoolwide decisionmaking body at each school to promote continuous improvement through a single planning process that coordinates federal and state programs and services, then that body may be designated as a single decisionmaking or coordinating body, if the composition of the body meets the requirements of Section 52852.

(c) It is the intent of the Legislature that, to the extent possible, the members of the schoolsite council represent the composition of the school's pupil population.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SCHOOLS AND SCHOOL DISTRICTS—CURRICULUM—REQUIREMENTS

CHAPTER 1031

A.B. No. 1216

AN ACT to amend Section 49063 of, and to add Chapter 6.6 (commencing with Section 49091.10) to Part 27 of, the Education Code, relating to schools.

[Approved by Governor September 30, 1998.]

[Filed with Secretary of State September 30, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, Kaloogian. School districts: parental, pupil, and teacher procedures.

Existing law grants pupils, parents, and guardians certain rights regarding the delivery of educational services. Existing law requires the governing board of each school district at the beginning of each school year to notify the parent or guardian of its minor pupils regarding the rights or the responsibilities of the parent or guardian under certain provisions of law, including the right to be excused from health, family life, and sex education instruction due to religious beliefs and the right to refuse a physical examination of pupils.

This bill would impose a state-mandated local program by requiring that all primary supplemental instruction materials and assessments be compiled and stored by the classroom

Additions or changes indicated by underline; deletions by asterisks * * *

6087

Ch. 1031

instructor and made available promptly for inspection by a parent or guardian of a pupil, and by granting the parent or guardian the right to observe the instruction and other school related activities that involve his or her child, in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

This bill would prohibit a pupil from being compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. The bill would require that its provisions not be construed to affect a pupil's right or ability to obtain confidential medical care or confidential counseling relating to the diagnosis or treatment of a drug- or alcohol-related problem, or mental health treatment or counseling on an outpatient basis, without the consent of his or her parent or guardian. The bill would further require that its provisions not be construed to restrict the authority of school or law enforcement officials to investigate, or intervene in, cases of suspected child abuse. The bill would prohibit a pupil from being tested for a behavioral, mental, or emotional evaluation without the consent of his or her parent or guardian.

The bill would require the curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, to be compiled at least once annually in a prospectus, thereby imposing a state-mandated local program. The bill would require the notice regarding the rights and responsibilities of parents or guardians to include notice of the availability of this prospectus, thereby imposing a state-mandated local program.

Existing law authorizes the governing board of a school district to provide a comprehensive educational counseling program for all pupils and requires confidentiality of information received while counseling a pupil 12 years of age or older, except as specified.

This bill would, notwithstanding provisions of law to the contrary, prohibit a school from requiring a pupil or a pupil's family to participate in any assessment, analysis, evaluation or monitoring of the quality or character of a pupil's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan.

Existing law sets forth the rights and responsibilities of teachers.

The bill would provide that a teacher has the right to refuse to submit to any evaluation or survey conducted by the school district that addresses certain matters.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 49063 of the Education Code is amended to read:

49063. School districts shall notify parents in writing of their rights under this chapter upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Section 48980. The notice shall be, insofar as is practicable, in the home language of the pupil. The notice shall take a form which reasonably notifies parents of the availability of the following specific information:

- (a) The types of pupil records and information contained therein which are directly related to students and maintained by the institution.
- (b) The position of the official responsible for the maintenance of each type of record.
- (c) The location of the log or record required to be maintained pursuant to Section 49064.
- (d) The criteria to be used by the district in defining "school officials and employees" and in determining "legitimate educational interest" as used in Section 49064 and paragraph (1) of subdivision (a) of Section 49076.
- (e) The policies of the institution for reviewing and expunging those records.

6088

Additions or changes indicated by underline; deletions by asterisks * * *

- (f) The right of the parent to access to pupil records.
- (g) The procedures for challenging the content of pupil records.
- (h) The cost if any which will be charged to the parent for reproducing copies of records.
- (i) The categories of information which the institution has designated as directory information pursuant to Section 49073.
- (j) Any other rights and requirements set forth in this chapter, and the right of the parent to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the General Education Provisions Act (20 U.S.C.A. Sec. 1232g).
- (k) The availability of the prospectus prepared pursuant to Section 49091.14.

SEC. 2. Chapter 6.6 (commencing with Section 49091.10) is added to Part 27 of the Education Code, to read:

CHAPTER 6.6. THE EDUCATION EMPOWERMENT ACT OF 1998

Article 1. Parental Review

49091.10. (a) All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

(b) A parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of the school district. Upon written request by the parent or guardian, school officials shall arrange for the parental observation of the requested class or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district.

49091.12. (a) A pupil may not be compelled to affirm or disavow any particular personally or privately held world view, religious doctrine, or political opinion. This section does not relieve pupils of any obligation to complete regular classroom assignments.

(b) Nothing in this chapter shall be construed to affect a pupil's right or ability to obtain confidential medical care or confidential counseling relating to the diagnosis or treatment of a drug- or alcohol-related problem, or mental health treatment or counseling on an outpatient basis, without the consent of his or her parent or guardian. Nothing in this chapter shall be construed to restrict the authority of school officials or law enforcement officials to investigate, or intervene in, cases of suspected child abuse.

(c) A pupil may not be tested for a behavioral, mental, or emotional evaluation without the informed written consent of his or her parent or guardian.

(d) A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, does not constitute written consent under this section.

49091.14. The curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, shall be compiled at least once annually in a prospectus. Each schoolsite shall make its prospectus available for review upon request. When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication.

49091.16. It is the intent of the Legislature to encourage pupil-school-parent compacts that are voluntary.

49091.18. Notwithstanding any provision of law to the contrary, a school may not require a pupil or a pupil's family to submit to or participate in any of the following:

Additions or changes indicated by underline; deletions by asterisks * * *

6089

- (a) Any assessment, analysis, evaluation, or monitoring of the quality or character of the pupil's home life.
- (b) Any form of parental screening or testing.
- (c) Any nonacademic home-based counseling program.
- (d) Parent training.
- (e) Any prescribed family education service plan.
- (f) Nothing in this section shall be construed as preventing the screening, testing, or training of public school employees.

49091.19. No provision of this chapter shall be construed as restricting teachers in the assignment of homework.

Article 2. Teacher Rights

49091.24. A teacher shall have the right to refuse to submit to any evaluation or survey conducted by the school district concerning the following:

- (a) Personal values, attitudes, and beliefs.
- (b) Sexual orientation.
- (c) Political affiliations or opinions.
- (d) Critical appraisals of other individuals with whom the teacher has a family relationship.
- (e) Religious affiliations or beliefs.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

6090

Additions or changes indicated by underline; deletions by asterisks * * *

**SCHOOLS AND SCHOOL DISTRICTS—COMPACTS—
HIGH PRIORITY SCHOOLS GRANT PROGRAM
FOR LOW PERFORMING SCHOOLS**

CHAPTER 749

A.B. No. 961

AN ACT to amend Sections 51101, 52054, and 52058 of, to add Sections 52054.3 and 52055.51 to, and to add Article 3.5 (commencing with Section 52055.600) to Chapter 6.1 of Part 28 of, the Education Code and to amend Item 6110-123-0001 of Section 2.00 of the Budget Act of 2001, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Filed with Secretary of State October 12, 2001.]

Governor's reduction message follows this Chapter

LEGISLATIVE COUNSEL'S DIGEST

AB 961, Steinberg. Low-performing schools.

(1) Existing law requires the governing board of a school district to develop jointly with parents and guardians, and to adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite.

This bill would, consistent with federal law, require a school that participates in the High Priority Schools Grant Program for Low Performing Schools established by this bill and that maintains kindergarten or any of grades 1 to 5, inclusive, to jointly develop with parents or guardians for all children enrolled at that schoolsite a school-parent compact.

(2) Existing law establishes various programs designed to improve the academic achievement of pupils, including, among others, the Public Schools Accountability Act of 1999 which contains the Immediate Intervention/Underperforming Schools Program (IIUSP) and requires the Superintendent of Public Instruction to develop an Academic Performance Index (API) to measure the performance of schools. Existing law requires a school district that participates in the IIUSP to contract with an external evaluator to assist the school in the development of its school action plan.

This bill would add to the duties of the external evaluator the provision of technical assistance to the participating school and would, as an alternative to contracting with the external evaluator, allow a school district to contract with entities with proven expertise specific to the challenges inherent in low-performing schools. The bill would authorize a school selected on or after September 2001 to participate in the IIUSP to use an existing plan instead of the required action plan, as specified.

The bill would provide an alternative to the existing sanctions to which a school is subject if it does not meet its API growth target and fails to show significant growth.

This bill would establish the High Priority Schools Grant Program for Low Performing Schools within the Public Schools Accountability Act of 1999. The bill would require the Superintendent of Public Instruction to invite schools ranked in the 5 lowest deciles of the API to participate in the IIUSP and the High Priority Schools Grant Program for Low Performing Schools. Priority for participation would be given to schools ranked in the lowest deciles, as specified. Participation in the IIUSP would be required in order to receive funding under the program established by the bill. The bill would require a school to develop and submit an action plan containing specified components. The bill would require a school district to report certain information annually to the Superintendent of Public Instruction regarding a participating school's progress toward achieving specified goals.

Additions or changes indicated by underline; deletions by asterisks * * *

4863

The bill would, 24 months after receipt of funding, subject a participating school that has not met its growth targets each year to review by the State Board of Education. After a specified number of months of plan implementation, schools that do not meet their API growth targets and that fail to show significant growth would be subject to the sanctions existing under the IIUSP and the alternative sanctions established by this bill. A school participating in the High Priority Schools Grant Program for Low Performing Schools that meets or exceeds its API growth target would continue to receive funding under this program for a 4th year, as specified.

This bill would appropriate \$3,000,000 from the General Fund to the State Department of Education to provide training, as specified, and for costs associated with the administration and oversight of the High Priority Schools Grant Program for Low Performing Schools and would authorize those funds to be expended to fund up to 18 positions in the department. The bill would reduce by \$3,000,000 the appropriation made in the Budget Act of 2001 for purposes of low-performing schools.

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

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 51101 of the Education Code is amended to read:

51101. (a) Except as provided in subdivision (d), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, attendance policies, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) All schools that participate in the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop with parents or guardians for all children enrolled at that schoolsite, a school-parent compact pursuant to Section 6319 of Title 20 of the United States Code.

(d) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

SEC. 2. Section 52054 of the Education Code is amended to read:

52054. (a) Commencing in the 2001-02 fiscal year, by November 15 of the year that the school is selected to participate, the governing board of a school district having jurisdiction over a school selected for participation in the program * * * may do either of the following:

(1) Contract with an external evaluator from the list of external evaluators and shall appoint a broad-based schoolsite and community team, consisting of a majority of nonschool-site personnel. In a school that has a limited-English-proficient pupil population that constitutes at least 40 percent of the total pupil population, an external evaluator shall have demonstrated experience in working with a limited-English-proficient pupil population. Not less than 20 percent of the members of the team shall be parents or legal guardians of pupils in the school.

(2) Contract with any entity that has proven successful expertise specific to the challenges inherent in low-performing schools. These entities may include, but are not limited to:

(A) Institutions of higher education.

(B) County offices of education.

(C) School district personnel.

(b) The selected external evaluator or entity shall solicit input from the parents and legal guardians of the pupils of the school. At a minimum, the evaluator or entity shall do all of the following:

(1) Inform the parents and legal guardians, in writing, that the school has been selected to participate in the Immediate Intervention/Underperforming Schools Program due to its below average performance.

(2) Hold a public meeting at the school, in cooperation with the principal, to which all parents and legal guardians of pupils in the school receive a written invitation. The invitation to the meeting may be combined with the written notice required by paragraph (1).

(3) Solicit, at the public meeting, the recommendations and opinions of the participating parents and legal guardians of pupils in the school regarding actions that should be taken to improve the performance of the school. These opinions and recommendations shall be considered by the external evaluator or entity and the community team in the development or modification of the action plan pursuant to this section or Section 52054.3.

(4) Provide technical assistance to the schoolsite.

(5) Notify all parents and legal guardians of pupils in the school of their opportunity to provide written recommendations of actions that should be taken to improve the performance of the school which shall be considered by the external evaluator or entity and the community team in the development or modification of the action plan pursuant to this section or Section 52054.3. Notice required by this subdivision may be combined with the written notice required by paragraph (1).

(c) By February 15 of the school year in which the school is selected to participate, the selected external evaluator or entity, in collaboration with the broad-based schoolsite and community team selected pursuant to subdivision (a), shall complete a review of the school that identifies weaknesses that contribute to the school's below average performance, make recommendations for improvement, and begin to develop an action plan to improve the academic performance of the pupils enrolled at the school. The action plan shall include percentage growth targets at least as high as the annual growth targets adopted by the State Board of Education pursuant to Section 52052. The action plan shall include an expenditure plan and shall be of a scope that does not require expenditure of funds in excess of those provided pursuant to this article or otherwise available to the school. The action plan may not be of a scope that requires reimbursement by the Commission on State Mandates for its implementation.

(d) At a minimum, the action plan shall do all of the following:

(1) Review and include the school and district conditions identified in the school accountability report card pursuant to Section 33126.

(2) Identify the current barriers at the school and district toward improvements in pupil achievement.

(3) Identify schoolwide and districtwide strategies to remove these barriers.

(4) Review and include school and school district crime statistics, in accordance with Section 628.5 of the Penal Code.

(5) Examine and consider disaggregated data regarding pupil achievement and other indicators to consider whether all groups and types of pupils make adequate progress toward short-term growth targets and long-term performance goals. The disaggregated data to be included and considered by the plan shall, at a minimum, provide information regarding the achievement of English language learners, pupils with exceptional needs, pupils who qualify for free and reduced price meals, and all pupils, * * * in numerically significant subgroups.

(6) Set short-term academic objectives pursuant to Section 52052 for a two-year period that will allow the school to make adequate progress toward the growth targets established for

each participating school for pupil achievement as measured by all of the following to the extent that the data is available for the school:

- (A) The achievement test administered pursuant to Section 60640.
- (B) Graduation rates for grades 7 to 12, inclusive.
- (C) Attendance rates for pupils and school personnel for elementary, middle, and secondary schools.
- (D) Any other indicators approved by the State Board of Education.
- (e) The school action plan shall focus on improving pupil academic performance, improving the involvement of parents and guardians, improving the effective and efficient allocation of resources and management of the school, and identifying and developing solutions that take into account the underlying causes for low performance by pupils.
- (f) The team, in the development of the action plan, shall consult with the exclusive representatives of employee organizations, where they exist.
- (g) The school action plan may propose to increase the number of instructional days offered at the schoolsite and also may propose to increase up to a full 12 months the amount of time for which certificated employees are contracted, if all of the following conditions are met:
 - (1) Provisions of the plan proposed pursuant to this subdivision shall not violate current applicable collective bargaining agreements.
 - (2) An agreement is reached with the exclusive representative concerning staffing specifically to accommodate the extended school year or 12-month contract.
- (h) The team, in the development of the action plan, shall consult with the exclusive representatives of employee organizations, where they exist.
- (i) Upon its completion, the action plan shall be submitted to the governing board of the school districts for its approval. * * * The approval may be conducted during a regularly scheduled public meeting.

* * *

SEC. 3. Section 52054.3 is added to the Education Code, to read:

52054.3. A school selected on or after September 2001 may elect to use an existing plan instead of the action plan required pursuant to Section 52054 if that plan meets the requirements specified pursuant to subdivisions (c), (d), (e), (f), (g), (h), and (i) of Section 52054. If an existing plan needs modification, the external evaluator or entity with which the school district contracts pursuant to Section 52054 shall provide technical assistance in making those modifications.

SEC. 4. Section 52055.51 is added to the Education Code, immediately following Section 52055.5, to read:

52055.51. (a) Instead of the actions specified in subdivision (c) of Section 52055.5, as that section read on January 1, 2001, and notwithstanding any other provision of law, the Superintendent of Public Instruction, with the approval of the State Board of Education, may require the district to enter into a contract with a school assistance and intervention team.

(b) Team members should possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic assessment, parent-school relations, and evaluation and research-based reform strategies and have proven successful expertise specific to the challenges inherent in low-performing schools.

(c) The team shall provide intensive support and expertise to implement the school reform initiatives in the plan. Decisions about interventions shall be data driven. A school assistance and intervention team shall work with school staff, site planning teams, administrators, and district staff to improve pupil literacy and achievement by assessing the degree of implementation of the current action plan, refining and revising the action plan, and making recommendations to maximize the use of fiscal resources and personnel in achieving the goals of the plan. The district shall provide support and assistance to enhance the work of the team at the targeted schoolsites.

Additions or changes indicated by underline; deletions by asterisks * * *

4867

(2) A finding that the principal failed to take specific enumerated actions pursuant to paragraph (1).

(h) An action taken pursuant to subdivision (e), (f), or (g) shall not increase local costs or require reimbursement by the Commission on State Mandates.

(i) An action taken pursuant to subdivision (e), (f), or (g) shall be accompanied by specific findings by the Superintendent of Public Instruction and the State Board of Education that the action is directly related to the identified causes for continued failure by a school to meet its performance goals.

52055.655. (a) Notwithstanding subdivision (c) of Section 52055.650, a school participating in the High Priority Schools Grant Program for Low Performing Schools that meets or exceeds its API growth target shall continue to receive funding under this program in the amount specified in Sections 52054.5 and 52055.600 for one additional year of implementation, less the amount received pursuant to Section 52057.

(b) From funds made available to the State Department of Education pursuant to the act adding this section, the State Department of Education shall conduct a study on the issue of sustainability of funding for low-performing schools. The issues to be addressed in this study shall include, but are not limited to, the following:

(1) An objective rather than a comparative view of the necessity of sustaining supplemental funding over time to address the ongoing needs of low-performing pupils, and the impact of policies that only provide funding over a specified period of time.

(2) An analysis of the ability of a school to sustain growth in academic achievement, particularly when the pupil population that continuously attends the school manifests issues of poverty and low socioeconomic status, and other characteristics that are generally out of the direct control of the school.

SEC. 6. Section 52058 of the Education Code is amended to read:

52058. (a) Each school district with schools participating in the Immediate Intervention/Underperforming Schools Program established pursuant to Section 52053 and the High Priority Schools Grant Program for Low Performing Schools established pursuant to Section 52055.600 shall submit to the Superintendent of Public Instruction an evaluation of the impact, costs, and benefits of the program as it relates to the school district and the schools under its jurisdiction that are participating in the program and whether or not the schools met their growth targets, with an analysis of the reasons why the schools have or have not met those growth targets. Costs to develop and submit the evaluation shall be funded with resources provided pursuant to Article 3 (commencing with Section 52053). The evaluation shall be submitted by November 30, subsequent to the first full year of action plan implementation by participating schools, and on November 30, of each year thereafter.

(b) By January 15, 2000, the Superintendent of Public Instruction shall develop, and the State Board of Education shall approve, the guidelines for a request for proposal for an independent evaluator as described in this subdivision. By September 1, 2000, the Superintendent of Public Instruction shall contract with an independent evaluator to prepare a comprehensive evaluation of the implementation, impact, costs, and benefits of the Immediate Intervention/Underperforming Schools Program, the High Priority Schools Grant Program for Low Performing Schools, and the High Achieving/Improving Schools Program. The preliminary results of the evaluation shall be disseminated to the Legislature, the Governor, and interested parties no later than March 31, 2002, with a final report no later than June 30, 2002. The final report shall include recommendations for necessary or desirable modifications to the programs established pursuant to this chapter.

(c) The evaluations shall consider all of the following:

(1) Pupil performance data, including, but not limited to, results of assessments used to determine whether or not schools have made significant progress towards meeting their growth targets.

(2) Program implementation data, including, but not limited to, a review of startup activities, community support, parental participation, staff development activities associated with implementation of the program, percentage of fully credentialed teachers, percentage of teachers who hold emergency credentials, percentage of teachers assigned outside their

subject area of competence, the accreditation status of the school if appropriate, average class size per grade level, and the number of pupils in a multitrack year-round educational program.

(3)(A) Pupil performance data, and its impact on the API, for each of the following subgroups:

(i) English language learners.

(ii) Pupils with exceptional needs.

(iii) Pupils that qualify for free or reduced price meals and are enrolled in schools that receive funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-290).

(B) Information concerning individual pupils may not be disclosed in the process of preparing pupil performance data pursuant to this subdivision.

(d) The Superintendent of Public Instruction shall recommend and the State Board of Education shall approve a schedule for biennial evaluations of the programs established pursuant to this chapter, subsequent to the evaluation required by this section. The biennial evaluations shall be submitted, with appropriate recommendations, by June 30 of every odd-numbered year, commencing with the year 2003.

SEC. 7. Item 6110-123-0001 of Section 2.00 the Budget Act of 2001 is amended to read:

6110-23-0001--For local assistance, Department of Education (Proposition 98), for implementation of the Public Schools Accountability Act, pursuant to Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code 514,970,000

Schedule:

(1) 20.60.030.031-Immediate Intervention/Underperforming Schools Program	160,970,000
(2) 20.60.030.032-High Achieving/Improving Schools Program	157,000,000
(3) 20.60.030.034-Low-Performing Schools	197,000,000

Provisions:

1. Funds appropriated in Schedule (1) are provided solely for the purpose of implementing the Immediate Intervention/Underperforming Schools Program, pursuant to Article 3 of Chapter 6.1 (commencing with Section 52053) of Part 28 of the Education Code. Of this amount, \$21,500,000 is for the purpose of providing planning grants of \$50,000 each to a third cohort of new schools, and the remainder is provided to fully fund implementation grants for the first and second cohorts of schools that received planning grants under the program during the 1999-00 and 2000-01 fiscal years.
2. Funds appropriated in Schedule (2) are provided solely for the purpose of implementing the Governor's High Achieving/Improving Schools Program, pursuant to Article 4 of Chapter 6.1 (commencing with Section 52056) of Part 28 of the Education Code.
3. Funds appropriated in Schedule (3) are provided solely for the purpose of implementing a low-performing school program, pursuant to legislation enacted during the 2001-02 Regular Session.

SEC. 8. (a) Notwithstanding any other provision of law, funds appropriated in Schedule (3) of Item 6110-123-0001 of Section 2.00 of the Budget Act of 2001 shall be available through the 2003-04 fiscal year for implementation of the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of the Education Code, including providing planning grants authorized by Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of the Education Code and implementation grants authorized by Article 3 (commencing with Section 52053) of, and Article 3.5 (commencing with Section 52055.600) of, Chapter 6.1 of Part 28 of the Education Code for those schools participating in each of those programs.

(b) The sum of three million dollars (\$3,000,000) is hereby appropriated from the General Fund to the State Department of Education in augmentation of Item 6110-001-0001 of

Additions or changes indicated by underline; deletions by asterisks * * * 4879

Section 2.00 of the Budget Act of 2001 to provide training for individuals who wish to function as external evaluators pursuant to Section 52054 or as members of a school assistance and intervention team pursuant to Section 52055.51 and for costs associated with the administration and oversight of the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of the Education Code and the Immediate Intervention/Underperforming Schools Program established pursuant to Article 3 (commencing with Section 52053 of Part 28 of the Education Code and may be expended to fund up to 18 positions in the department.

SEC. 9. It is the intent of the Legislature to appropriate funds for purposes of this article for the 2002-03 fiscal year and for subsequent fiscal years.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

California is experiencing a crisis with respect to the learning development and achievement of millions of pupils in California's public schools, and the program proposed by this act is designed and enacted to enable these pupils to progress and to succeed, and there is no time to waste in meeting the needs of these pupils. Therefore, in order to begin implementation of the High Priority Schools Grant Program for Low Performing Schools during the 2001-02 fiscal year, it is necessary that this act take effect immediately.

GOVERNOR'S REDUCTION MESSAGE

I am signing Assembly Bill 961, however I am reducing the appropriation made in section 8 of this bill by \$2,142,000. This section would appropriate \$3.0 million to the Department of Education for training and administration costs associated with this program. Absent a detailed expenditure plan from the Department of Education justifying this need, I am unable to support an augmentation in excess of that which I believe is necessary to begin implementation of this program.

While I am signing this bill, I am concerned that numerous sections within this bill are unclear and may be interpreted in a way not intended, potentially resulting in significant costs. I am signing this bill with the understanding that the author will introduce urgency legislation to clean up these issues.

GRAY DAVIS, Governor

EDUCATION—PARENTS RIGHTS ACT

CHAPTER 1037

S.B. No. 1595

AN ACT to amend Section 51101 of, and to add Sections 51101.1 and 51101.2¹ to, the Education Code, relating to English learners.

[Filed with Secretary of State September 28, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1595, Escutia. Pupils: English learners.

Existing law gives the parents and guardians of pupils enrolled in public schools the right to be informed by the school and to participate in the education of their children and specifies the information they have a right to receive and the ways they may participate in the education of their children. Among the parental rights listed in a particular provision are the right to be informed in advance about school rules, attendance policies, dress codes, and procedures for visiting the school.

This bill would add disciplinary rules and procedures and retention and promotion policies, which are provided for in other provisions of existing law, to the list of things about which parents have a right to be informed. The bill would add to the list of rights the right to be notified, as early in the school year as practicable, and as required by existing law, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

The bill would provide that a parent or guardian's lack of English fluency does not preclude a parent or guardian from exercising the rights guaranteed by existing law, would specify that a school district to take all reasonable steps to ensure that parents and guardians who speak a language other than English are notified, as required by existing law, of the rights and opportunities available to them pursuant to existing law, and would list rights and opportunities available to parents and guardians of pupils who speak a language other than English.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the Parents Rights Act of 2002.

SEC. 2. Section 51101 of the Education Code is amended to read:

¹ Education Code § 51101.2 does not appear in enrolled bill.

51101. (a) Except as provided in subdivision (d), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Section 35291, attendance, retention, and promotion policies pursuant to Section 48070.5, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(16) To be notified, as early in the school year as practicable pursuant to Section 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social development and well-being of

pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) All schools that participate in the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop with parents or guardians for all children enrolled at that schoolsite, a school-parent compact pursuant to Section 6319 of Title 20 of the United States Code.

(d) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

SEC. 3. Section 51101.1 is added to the Education Code, to read:

51101.1. (a) A parent or guardian's lack of English fluency does not preclude a parent or guardian from exercising the rights guaranteed under this chapter. A school district shall take all reasonable steps to ensure that all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language, pursuant to Section 48985, of the rights and opportunities available to them pursuant to this section.

(b) Parents and guardians of English learners are entitled to participate in the education of their children pursuant to Section 51101 and as follows:

(1) To receive, pursuant to paragraph (5) of subdivision (a) of Section 51101, the results of their child's performance on standardized tests, including the English language development test.

(2) To be given any required written notification in English and the pupil's home language pursuant to Section 48985 and any other applicable law.

(3) To participate in school and district advisory bodies in accordance with federal and state laws and regulations.

(4) To support their children's advancement toward literacy. School personnel shall encourage parents and guardians of English learners to support their child's progress toward literacy both in English and, to the extent possible, in the child's home language. School districts are encouraged to make available, to the extent possible, surplus or undistributed instructional materials to parents and guardians, pursuant to subdivision (d) of Section 60510, in order to facilitate parental involvement in their children's education.

(5) To be informed, pursuant to Sections 33126 and 48985, about statewide and local academic standards, testing programs, accountability measures, and school improvement efforts.

2001-2002 REGULAR SESSION

Ch. 1038, § 1

(c) A school with a substantial number of English learners is encouraged to establish parent centers with personnel who can communicate with the parents and guardians of these children to encourage understanding of and participation in the educational programs in which their children are enrolled.

Additions or changes indicated by underline; deletions by asterisks * * *

5195

EXHIBIT 3
COPIES OF CODE SECTIONS CITED

§ 11500. Legislative findings and declarations

The Legislature hereby finds and declares all of the following:

(a) Despite a substantial increase in school funding over the last five years, a significant percentage of the school-aged population, particularly in large urban areas, is learning well below the statewide average and is making only marginal progress at best.

(b) Parental involvement and support in the education of children is an integral part of improving academic achievement. Educational research has established that properly constructed parent involvement programs can play an important and effective role in the participation of parents in their children's schools and in raising pupil achievement levels.

(c) The federal government has recognized the critical role of parents in the educational process and now mandates parental involvement programs as a condition of eligibility for funds under the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297).

(d) The State Board of Education has also adopted a policy urging the creation of parent involvement programs in all schools.

(e) California's School Improvement Program has historically maintained

(f) Research and experience have demonstrated that these programs succeed only when certain components are made part of the program.

§ 11501. Legislative intent

It is the intent of the Legislature in enacting this chapter to ensure that parent involvement programs are properly designed and implemented and to provide a focus and structure for these programs based on prior experience and research while maintaining sufficient local flexibility to design a program that best meets the needs of the local community.

§ 11502. Purpose

It is the purpose and goal of this chapter to do all of the following:

(a) To engage parents positively in their children's education by helping parents to develop skills to use at home that support their children's academic efforts at school and their children's development as responsible future members of our society.

(b) To inform parents that they can directly affect the success of their children's learning, by providing parents with techniques and strategies that they may utilize to improve their children's academic success and to assist their children in learning at home.

(c) To build consistent and effective communication between the home and the school so that parents may know when and how to assist their children in support of classroom learning activities.

(d) To train teachers and administrators to communicate effectively with parents.

(e) To integrate parent involvement programs, including compliance with this chapter, into the school's master plan for academic accountability.

(Added by Stats.1990, c. 1400 (A.B.322), § 1.)

§ 11503. Parent involvement program; establishment; elements

The governing board of each school district shall establish a parent involvement program for each school in the district that receives funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-290).¹ That program shall contain at least the following elements:

(a) Procedures to ensure that parents are consulted and participate in the planning, design, implementation, and evaluation of the program.

(b) Regular and periodic programs throughout the school year that provide for training, instruction, and information on all of the following:

(1) Parental ability to directly affect the success of their children's learning through the support they give their children at home and at school.

(2) Home activities, strategies, and materials that can be used to assist and enhance the learning of children both at home and at school.

(3) Parenting skills that assist parents in understanding the development needs of their children and in understanding how to provide positive discipline for, and build healthy relationships with, their children.

(4) Parental ability to develop consistent and effective communications between the school and the parents concerning the progress of the children in school and concerning school programs.

(c) An annual statement identifying specific objectives of the program.

(d) An annual review and assessment of the program's progress in meeting those objectives. Parents shall be made aware of the existence of this review and assessment through regular school communications mechanisms and shall be given a copy upon the parent's request.

§ 11504. Adoption of policy on parent involvement

The governing board of each school district shall adopt a policy on parent involvement, consistent with the purposes and goals set forth in Section 11502, for each school not governed by Section 11503.

(Added by Stats.1990, c. 1400 (A.B.322), § 1.)

§ 11506. Receipt of funds; eligibility; compliance with chapter

Schools that receive federal funds under Chapter 1 of the federal Elementary and Secondary Education Act of 1965, as amended by the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297),¹ and receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29, may receive funds for school improvement plans pursuant to Chapter 6 (commencing with Section 52000) of Part 28 or economic impact aid pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 only if they comply with this chapter.

20

§ 49091.10. Parental right to inspect instructional materials and observe school activities

(a) All primary supplemental instructional materials and assessments, including textbooks, teacher's manuals, films, tapes, and software shall be compiled and stored by the classroom instructor and made available promptly for inspection by a parent or guardian in a reasonable timeframe or in accordance with procedures determined by the governing board of the school district.

(b) A parent or guardian has the right to observe instruction and other school activities that involve his or her child in accordance with procedures determined by the governing board of the school district to ensure the safety of pupils and school personnel and to prevent undue interference with instruction or harassment of school personnel. Reasonable accommodation of parents and guardians shall be considered by the governing board of the school district. Upon written request by the parent or guardian, school officials shall arrange for the parental observation of the requested class, or classes or activities by that parent or guardian in a reasonable timeframe and in accordance with procedures determined by the governing board of the school district.

(Added by Stats.1998, c. 1031 (A.B.1216), § 2.)

§ 49091.14. Prospectus of school curriculum

The curriculum, including titles, descriptions, and instructional aims of every course offered by a public school, shall be compiled at least once annually in a prospectus. Each schoolsite shall make its prospectus available for review upon request. When requested, the prospectus shall be reproduced and made available. School officials may charge for the prospectus an amount not to exceed the cost of duplication.

(Added by Stats.1998, c. 1031 (A.B.1216), § 2.)

§ 51101. Rights of parents and guardians to information; mutually supportive partnership between parents and educators; policy development

(a) Except as provided in subdivision (d), the parents and guardians of pupils enrolled in public schools have the right and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as follows:

(1) Within a reasonable period of time following making the request, to observe the classroom or classrooms in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled in accordance with the requirements of any intradistrict or interdistrict pupil attendance policies or programs.

(2) Within a reasonable time of their request, to meet with their child's teacher or teachers and the principal of the school in which their child is enrolled.

(3) To volunteer their time and resources for the improvement of school facilities and school programs under the supervision of district employees, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher. Although volunteer parents may assist with instruction, primary instructional responsibility shall remain with the teacher.

(4) To be notified on a timely basis if their child is absent from school without permission.

(5) To receive the results of their child's performance on standardized tests and statewide tests and information on the performance of the school that their child attends on standardized statewide tests.

(6) To request a particular school for their child, and to receive a response from the school district. This paragraph does not obligate the school district to grant the parent's request.

(7) To have a school environment for their child that is safe and supportive of learning.

(8) To examine the curriculum materials of the class or classes in which their child is enrolled.

(9) To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child.

(10) To have access to the school records of their child.

(11) To receive information concerning the academic performance standards, proficiencies, or skills their child is expected to accomplish.

(12) To be informed in advance about school rules, including disciplinary rules and procedures pursuant to Section 35291, attendance, retention, and promotion policies pursuant to Section 48070.5, dress codes, and procedures for visiting the school.

(13) To receive information about any psychological testing the school does involving their child and to deny permission to give the test.

(14) To participate as a member of a parent advisory committee, schoolsite council, or site-based management leadership team, in accordance with any rules and regulations governing membership in these organizations. In order to facilitate parental participation, schoolsite councils are encouraged to schedule a biannual open forum for the purpose of informing parents about current school issues and activities and answering parents' questions. The meetings should be scheduled on weekends, and prior notice should be provided to parents.

(15) To question anything in their child's record that the parent feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.

(16) To be notified, as early in the school year as practicable pursuant to Section 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal a decision to retain or promote their child.

(b) In addition to the rights described in subdivision (a), parents and guardians of pupils, including those parents and guardians whose primary language is not English, shall have the opportunity to work together in a mutually supportive and respectful partnership with schools, and to help their children succeed in school. Each governing board of a school district shall develop jointly with parents and guardians, and shall adopt, a policy that outlines how parents or guardians of pupils, school staff, and pupils may share the responsibility for continuing the intellectual, physical, emotional, and social

Additions or changes indicated by underline; deletions by asterisks * * *

EDUCATION CODE

§ 51101

development and well-being of pupils at each schoolsite. The policy shall include, but is not necessarily limited to, the following:

(1) The means by which the school and parents or guardians of pupils may help pupils to achieve academic and other standards of the school.

(2) A description of the school's responsibility to provide a high quality curriculum and instructional program in a supportive and effective learning environment that enables all pupils to meet the academic expectations of the school.

(3) The manner in which the parents and guardians of pupils may support the learning environment of their children, including, but not limited to, the following:

(A) Monitoring attendance of their children.

(B) Ensuring that homework is completed and turned in on a timely basis.

(C) Participation of the children in extracurricular activities.

(D) Monitoring and regulating the television viewed by their children.

(E) Working with their children at home in learning activities that extend learning in the classroom.

(F) Volunteering in their children's classrooms, or for other activities at the school.

(G) Participating, as appropriate, in decisions relating to the education of their own child or the total school program.

(c) All schools that participate in the High Priority Schools Grant Program for Low Performing Schools established pursuant to Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain kindergarten or any of grades 1 to 5, inclusive, shall jointly develop with parents or guardians for all children enrolled at that schoolsite, a school-parent compact pursuant to Section 6319 of Title 20 of the United States Code.

(d) This section may not be construed so as to authorize a school to inform a parent or guardian, as provided in this section, or to permit participation by a parent or guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

(Added by Stats.1998, c. 864 (A.B.1665), § 2. Amended by Stats.2001, c. 749 (A.B.961), § 1, eff. Oct. 12, 2001; Stats.2002, c. 1037 (S.B.1595), § 2.)

§ 51101.1. Rights of parents and guardians who lack English fluency; participation in educational process; information and communication

(a) A parent or guardian's lack of English fluency does not preclude a parent or guardian from exercising the rights guaranteed under this chapter. A school district shall take all reasonable steps to ensure that all parents and guardians of pupils who speak a language other than English are properly notified in English and in their home language, pursuant to Section 48985, of the rights and opportunities available to them pursuant to this section.

(b) Parents and guardians of English learners are entitled to participate in the education of their children pursuant to Section 51101 and as follows:

(1) To receive, pursuant to paragraph (5) of subdivision (a) of Section 51101, the results of their child's performance on standardized tests, including the English language development test.

(2) To be given any required written notification in English and the pupil's home language pursuant to Section 48985 and any other applicable law.

(3) To participate in school and district advisory bodies in accordance with federal and state laws and regulations.

(4) To support their children's advancement toward literacy. School personnel shall encourage parents and guardians of English learners to support their child's progress toward literacy both in English and, to the extent possible, in the child's home language. School districts are encouraged to make available, to the extent possible, surplus or undistributed instructional materials to parents and guardians, pursuant to subdivision (d) of Section 60510, in order to facilitate parental involvement in their children's education.

(5) To be informed, pursuant to Sections 33126 and 48985, about statewide and local academic standards, testing programs, accountability measures, and school improvement efforts.

(c) A school with a substantial number of English learners is encouraged to establish parent centers with personnel who can communicate with the parents and guardians of these children to encourage understanding of and participation in the educational programs in which their children are enrolled.

(Added by Stats.2002, c. 1037 (S.B.1595), § 3.)