



# ACSA

## Governmental Relations

### 2007 Legislative Highlights

### *The Year in Review*

---

During the 2007 legislative session the number of education bills tracked by ACSA was over 350. While ACSA did not have a formal position on all bills introduced, we are providing an end-of-year report on those measures that were of most concern and were either signed or vetoed during the recently completed session. In addition to these major proposals, ACSA staff played a major role in state budget negotiations and continues to be actively engaged in discussions around adequate school funding and reform and ESEA/NCLB reauthorization. Please find below those legislative proposals that the ACSA Governmental Relations department felt most significantly impacted education during the 2007 legislative session.

This legislative session also included two of ACSA's sponsored bills. These bills would have made significant policy improvements to our state's education system. The first, SB 961 (Scott), offered an option in the AB 430 practicum for a school district to choose to have its principals complete the traditional, locally-developed AB 430 program, or to participate in two years of locally-based leadership coaching. The leadership coaching legislation was designed to provide the bridge between the knowledge gained in training and the successful adaptation/implementation of that knowledge at the school site. The state would have provided \$5,000 per year, with a \$1,000 match required from the district. This funding would be provided for two years. The legislation is based on the research demonstrating that the success of a principal influences improvement in student achievement. This bill was held in the Senate Appropriations Committee, but ACSA plans to re-introduce it again next year.

AB 1148 (Brownley) was the result of a collaborative effort on the part of numerous education groups, the textbook publishers and the California Department of Education (CDE) to arrive at consensus on some very modest but important efficiency reforms around textbooks; these reforms centered on costs and ordering procedures for K-12 instructional materials. These reforms bring greater transparency and discussion when budgets are developed about the true costs of instructional materials. Specifically, this bill would require the CDE to report annually in December the price quotations on the essential components of each program for each K-8 adoption to the Legislature, the Secretary of Education and to the Department of Finance. The CDE would be responsible for providing an estimate of the net per-pupil cost of purchasing a complete set of instructional materials, including consumable workbooks. This was ACSA's fourth year sponsoring legislation in the area of costs, ordering procedures, and reforming the instructional materials adoption process. Unfortunately, our efforts resulted in yet another veto.

Arguably one of the most politically charged measures was AB 1403 (Arambula). This bill would have established a pilot program to allow the county superintendents of Fresno and Tulare to assume responsibility for overseeing school districts subject to program improvement and corrective action measures. ACSA opposed the measure on several fronts but specifically on the basis that it lacked appropriate accountability measures for a state-approved pilot program. ACSA was willing to remove our opposition if the author accepted our proposed language recommending that there be voluntary participation in this pilot on the part of the school districts targeted so they could either continue to work with SPI Jack O'Connell, or their local county superintendent, as it relates to intervention and sanctions. The author rejected our recommendations and therefore ACSA continued to oppose. This bill was held in the Senate Appropriations Committee.

## CAHSEE

**AB 347** (Nava) Pupils: high school exit examination: intensive instruction and services.

This bill, among other things, satisfies the requirements of the settlement agreement reached in the Valenzuela v. O'Connell, et. al, lawsuit challenging the California High School Exit Exam (CAHSEE). This bill expands the services available to students for up to two years after completion of grade twelve (currently students in the Classes of 2006 and 2007) who have not yet passed the CAHSEE under the Intensive Service and Instruction and the Middle and High School Counseling Programs. More specifically, the bill authorizes the provision of intensive instruction and services on Saturdays, evenings, or at a time and location deemed appropriate by the school district, and expands the scope of intensive instruction and services to include instruction in English language arts or mathematics as needed, to pass both parts of CAHSEE, including services to improve English proficiency as needed. Lastly, the bill requires posting of notifications informing eligible students of intensive instruction and counseling in time to avail themselves of such help. . ACSA supports this bill because it finds a middle ground in the legal dispute referenced above, as well as ensuring California's high school students have numerous opportunities to be successful. Final Outcome: Signed

**AB 1379** (Brownley) High schools: requirements for graduation.

This bill would have required the Superintendent of Public Instruction (SPI), in consultation with the Secretary for Education and the High School Exit Examination Standards Panel, to identify alternative criteria and measures by which high school pupils who are regarded as proficient but who are unable to pass the high school exit examination to demonstrate their competence and receive a high school diploma. The SPI would be required to hold in different areas of the state at least 3 public hearings related to the demonstration of competency to receive a high school diploma. The hearings would be required to include consideration of testimony by various individuals and a review of High School Exit Examination results and the multiple measures approaches used for high stakes educational decisions in other states. The SPI would be required to report his or her findings and make recommendations for the development of a multiple measures approach to the Legislature no later than October 1, 2008. Final Outcome: Vetoed

**SB 123** (Romero) High school exit examination.

This bill would have deferred special education pupils from having to satisfy the California High School Exit Exam (CAHSEE) requirement for high school graduation until 2008 if certain criteria were met. This bill would have required the California Department of Education to convene a "panel of educators" to make recommendations regarding standardized, evidence-based assessments for students with disabilities by July 1, 2008. The State Board of Education would have been required to adopt regulations by November 1, 2008. The Governor's veto message stated that this bill was vetoed on the grounds that it was premature, considering that the CDE and the SBE were nearing a final settlement in the case of Chapman, et al. v. the California Department of Education, et. al. This bill would not only interfere with current legal negotiations but also circumvent the SBE's authority. ACSA will be monitoring this matter very closely in the coming legislative session. Final Outcome: Vetoed

## **Career Technical Education**

**SB 13** (Wyland) School facilities funding process: career technical education facilities.

This bill requires the California Department of Education (CDE) to include in its application for new construction plan approval certain questions relating to career technical education facilities, including whether the project will include facilities related to career technical education, and if not, how the applicant district plans to meet the needs of pupils related to career technical education. CDE is required to maintain the answers to those questions in a publicly accessible manner and to provide a summary of the responses to those questions to the Office of Public School Construction (OPSC) on a quarterly basis. The OPSC is required to post the summary to its Web site as soon as possible after receiving it. Final Outcome: Signed

**SB 52** (Scott) Teacher credentialing: designated subjects: career technical education.

This bill modifies the requirements for credentials issued to career-technical education teachers and requires the Commission on Teacher Credentialing (CTC) to align the credential subject areas to industry sectors identified by the State Board of Education (SBE). Secondly, the bill requires the CTC to establish a list of authorized subjects for the designated subject preliminary and professional clear career technical education teaching credential and requires the list to reflect the 15 industry sectors. Lastly, by April 1, 2008, the CTC is required to make recommendations to the Legislature on the minimum requirements for designated subject career technical education teaching credentials. ACSA supports this bill because it reforms the credentialing procedures for career technical education educators and because it is one of the most critical components of enhancing career technical education programs in our public high schools. Final Outcome: Signed

**SB 405** (Steinberg) Schools: curriculum: opportunities for pupils.

This bill expands the requirements of the Middle and High School Supplemental Counseling program to include an individualized review of the career goals of the pupil and academic and career technical education opportunities. This bill also requires school districts to provide pupils and their parents with information on eligibility for admission to a four-year institution of postsecondary education. Final Outcome: Signed

**SB 406** (Steinberg) Pupils: work permits.

This bill would have authorized certificated employees, who are employed by the applicable school district, authorized by the superintendent of the school district in which that employee works, or designated by the principal of the school in which that employee works if that principal was authorized by the superintendent of the district to issue work permits, to issue a permit to work to a minor enrolled in the school, and would authorize a similar procedure for private schools. The individuals responsible for issuing work permits to pupils would be required to have a working knowledge of California labor laws as they relate to minors and of education laws related to work permits. The county superintendent of schools or his or her designee would have been authorized to issue a work permit to a pupil who does not attend a school that has a person authorized to issue a work permit to that pupil, provided that the person issuing the permit complies with the specified requirements before issuing the permit. Final Outcome: Vetoed

## Charter Schools

### **AB 1281** (Soto) Charter schools.

The Charter Schools Act of 1992 permits teachers, parents, guardians, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. This bill would have revised the description of the procedures relating to pupil suspension or expulsion. This bill additionally would require a description of how the charter school intends to serve pupils with disabilities, a description of the qualifications and planned professional development of school administrators and teachers who will serve this special pupil population, and information on how the school will meet increased expenses involved in serving special pupil populations. Final Outcome: Vetoed

### **SB 345** (Aanestad) Charter schools.

This bill authorizes a charter school to pay teacher salaries on alternative schedules in the same manner as a school district; authorizes the Chief Executive of a charter school, or their designee, to issue work permits for charter school pupils; and authorizes the Center for Advanced Research and Technology (CART), operating pursuant to a joint powers agreement between the Clovis USD and the Fresno USD, to receive the charter school general purpose funding for fiscal year 2007-08. In September, the Legislature enacted and the Governor signed legislation that appropriates \$18 million in Proposition 98 funding to the Charter School Faculty Grant Program. The program provides facility assistance for charters in low-income communities. To qualify for the funding, the charter school must be housed in an area where more than 70% of the students receive free and reduced lunch. ACSA opposed this bill. Final Outcome: Signed

## School Accountability

### **AB 400** (Nunez) Public school accountability.

This bill would have required the Superintendent of Public Instruction (SPI), in consultation with the State Board of Education, to incorporate various indicators into the API including high school graduation rates, rates by which pupils complete a course of study at an achievement level that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, and rates by which pupils complete a course of study that provides the skills and knowledge necessary to attain entry-level employment in business or industry when they graduate from high school. This would become effective in 2009-10. The indicators incorporated by the SPI would constitute the other 50% of the API. The SPI would be required to implement the percentage adjustments to the API on or before June 30, 2014. The Superintendent would have been authorized to convene an advisory committee of recognized experts to provide recommendations for implementing the requirements imposed by this bill. The advisory committee, once convened, also would have been required to develop recommendations for the inclusion of multiple measures in the API of middle and junior high schools. This bill was vetoed by the Governor on the grounds that the current API must continue to be based on objective, reliable, valid and consistent statistical measurements. ACSA raised several concerns, including making modifications to our current API without first ensuring a fully operational student data system. ACSA supports the inclusion of multiple measures, but on grounds that they are valid and reliable. ACSA will be engaged in this discussion in the coming legislative session. Final Outcome: Vetoed

**AB 438** (Price) Schools: accountability.

This bill would have streamlined the current exit criteria for state accountability and state mandated programs. Schools that already face many hurdles in terms of reaching state accountability standards experience far more difficulties when they are unclear on what requirements must be attained to exit the various state accountability and state mandated programs. Due to the large quantity of Academic Performance Index (API) exit criteria in the state, combining the requirements of the Immediate Intervention/Underperforming Schools Program (II/USP), High Priority Schools Grant Program (HPSGP), and School Assistance and Intervention Teams (SAIT) would alleviate the problems many schools and districts face in determining the proper exit criteria. Specifically, this bill would have amended the Education Code to require K-12 institutions to exceed the (API) growth target for the school averaged over three years (two years for II/USP) to exit the state accountability or state mandated program. Any cost for making this technical adjustment in the law could be managed within existing resources and would ultimately result in overall savings to the state as more schools exit the programs. ACSA was supportive of this bill. Final Outcome: Vetoed

**AB 1061** (Mullin) School accountability: report card.

This bill requires deletion of certain items from the list of school conditions for which assessments are required to be included in the school accountability report card, including, among others, the quality of school instruction and leadership, classroom discipline and climate for learning, the availability of qualified substitute teachers, the degree to which pupils are prepared to enter the workforce, and whether the school qualifies for the Governor's Performance Award Program. The Legislature is required to find and declare that the changes made to the act by those provisions further the purposes of the act. ACSA was supportive of this bill and pleased to have the bill signed. Final Outcome: Signed

**AB 1216** (Laird) School accountability: program improvement local educational agencies.

Sponsored by the California Department of Education (CDE), this bill would ensure that the District Assistance and Intervention Teams (DAITs) can be assigned once a local education agency faces corrective action under NCLB. ACSA supports this bill, which would strengthen the role of the DAITs by requiring a report and recommendations to assist school districts in NCLB Program Improvement to build local capacity and focus resources on improved academic achievement. DAIT teams are required to have experience in all aspects of local school district operations, including governance and budget. ACSA feels they will be in the best position to assist the state in learning on a "case by case" basis what school districts will need to move toward exiting NCLB Program Improvement. The bill was held in the Senate Appropriations Committee but the funding continued in the budget trailer bills, only to be blue-penciled by the Governor for a lack of a state plan to use the funds. Final outcome: Vetoed the resources.

**SB 219** (Steinberg) Pupil achievement: Academic Performance Index: alternative education.

This bill requires that, by July 1, 2011, the Academic Performance Index (API) include additional information regarding test scores, dropout rates and other accountability data of pupils who were referred by the school or school district of residence to an alternative education program. This bill also requires the advisory committee to recommend to the SPI and the state board certain matters relative to the assignment of the accountability data on pupils in alternative education programs. These requirements imposed by the bill would become operative only if local educational agencies receive a per pupil allocation prior to the 2010-11 fiscal year for implementation of the California Longitudinal Pupil Achievement Data System. ACSA was able to make numerous improvements to this bill as it surfaced out of the Assembly Appropriations Committee, including a longer date for implementation on drop-out data and making provisions of the bill contingent on funding for CALPADs. Another modification required that the PSAA Committee review how long scores stay with the district or school of residence when a student is referred to an alternative program by that district or school and whether it is even appropriate to assign the score with district or school of residence. No student referred by a juvenile court or other non-education referral will require scores to revert back to a residential district or school (CYA, Juvenile Hall, Probation etc.), and lastly the Alternative Ed programs have the right to also count their students test scores so they can demonstrate progress regardless of whether a district or school has to keep score. This way no alternative education program loses scores they worked to accomplish. All these modifications, while important, won't become effective unless the state completes CALPADS, which could be years away. ACSA was neutral as a result of the last minute improvements made on this bill. Final Outcome: Signed

**Textbook**

**SB 733** (Torlakson) Instructional Materials Funding Realignment Program.

This bill reauthorizes the Instructional Materials Funding Realignment (IMFR) program until July 1, 2015, and requires the program to be administered as if it had been operative at the beginning of the 2007-08 fiscal year. The Legislative Analyst's Office (LAO) released a report titled "Reforming California's Instructional Material Adoption Process," which concludes that the existing process for adopting K-8 instructional materials is a "complex maze of activities" and a "highly prescriptive process that can be linked to less competition among publishers, more limited district choice, higher cost, questionable quality and little useful information." Several statewide educational organizations, including ACSA, have expressed an interest in having the Legislature review the current process for instructional material adoptions and in developing legislation to address some of the concerns that have been expressed by the LAO and school districts throughout the state. The IMFRP supports the goals of the Williams Settlement by annually allocating funds that help ensure each student is provided with sufficient instructional materials. In addition, the IMFRP adheres to the same priorities as the Williams Settlement by first requiring the purchase of instructional materials in the core subject areas of reading/language arts, mathematics, science, and history-social science. The program then allows districts the flexibility to purchase additional materials in other subject areas. ACSA fully supports extending the sunset date of the IMFRP and providing local school districts with the ability to use IMFRP funds for standards-based instructional materials that meet the unique needs of pupils, and not be limited to a few selections adopted by the State Board of Education. Final Outcome: Signed

**SB 734** (Torlakson) Instructional materials: reviews: fees.

This bill re-establishes a fee-supported process for the “follow-up adoption” of instructional materials at times between the dates of the regular 4 to 6 year adoption cycle. This bill also requires the State Board of Education to establish a process for the social content review of instructional material outside of the primary and follow-up adoption processes. Since the "follow-up" adoption process sunsetted earlier this year, the state does not have authority to conduct these adoptions and assess fees for this purpose. "Follow-up" adoptions provide an opportunity for additional publishers to submit IM for review and eventual use by schools. Absent this process, the list of instructional materials remains the same throughout the entire adoption cycle (six or eight years) and publishers do not have an opportunity to resubmit updated versions of the instructional materials. ASCA was supportive of this bill because it provides the state with the authority to conduct "follow-up" adoptions and to assess fees to pay for this process and any review of instructional material for social content adherence. Final Outcome: Signed

### **Teacher Credentialing**

**SB 112** (Scott) Teachers.

This bill amends the Education Code to exempt retired teachers who return to service from taking the California Basic Educational Skills Test (CBEST) and from the requirement to complete an induction program. The fact that over the next five years, large numbers of California’s teaching workforce will retire or leave the teaching profession makes it important to support school districts that want to tap into the expertise of former in-state and out-of-state teachers to help fill specific positions, serve as substitute teachers, or mentor newly certificated teachers. Yet, despite years of successful teaching, many of these teachers would be forced to pass CBEST before they would be eligible for re-employment. This requirement discourages many accomplished teachers who retired or took time out to raise a family from returning to employment in our public schools. ACSA is supportive of this bill and pleased to have the bill signed. Final Outcome: Signed

**SB 193** (Scott) Teacher credentialing: paraprofessional teacher training program.

This bill makes several adjustments to the California School Paraprofessional Teacher Training Program including requiring evaluations of the program to occur every five years instead of annually; extending the repayment periods; and requiring program participants to obtain a certificate of clearance form the Commission on Teacher Credentialing prior to participation. ACSA was supportive of this bill and pleased to have the bill signed. Final Outcome: Signed

**SB 363** (Simitian) Teacher credentialing: identification number.

This bill requires the Commission on Teacher Credentialing (CTC) to establish a non-personally identifiable educator identification number for each educator to whom it issues a credential to provide a service in the public schools. Currently, the CTC is required to establish a non-personally identifiable "teacher" identification number for each person authorized to teach in California. This bill would expand this definition to include all educators licensed by the CTC as originally envisioned by the Feasibility Study Report issued under the direction of the California Department of Education. This bill simply clarifies the original intent of SB 1614. ACSA was supportive of this bill and is actively participating at the state level in the establishment of a statewide data system that includes all educators. Final Outcome: Signed

**SB 859** (Scott) Teacher credentialing: visiting faculty permits.

This bill creates the Visiting Faculty Permit, issued by the Commission on Teacher Credentialing (CTC), to authorize individuals with college teaching experience to teach in departmentalized classes. This bill also requires the CTC to issue a preliminary single subject credential, professional clear single subject credential or a certificate to teach English learners to Visiting Faculty Permit holders who satisfy specified requirements. ACSA was supportive of this bill since it ensures additional avenues for school districts to attract credentialed professionals to teach English learners. Final Outcome: Signed

### **School Facilities**

**AB 1014** (Bass) School facilities.

This act authorizes the board to supplement the cohort survival enrollment projection with the number of un-housed pupils who are anticipated as a result of dwelling units proposed pursuant to approved and valid tentative subdivision maps. This bill, in addition, would authorize the board to supplement the projection with modified weighting mechanisms, subject to specified conditions, and an adjustment to reflect the effects of specified changes in birth rates. School districts would be authorized to submit an enrollment projection for either a 5th year or 10th year beyond the fiscal year in which the application is made. A school district that bases its enrollment projection calculation on a high school attendance area would be authorized to use pupil residence in that attendance area to calculate enrollment. The board would be authorized to adopt regulations to specify the format and certification requirements for a school district that submits residency data. ACSA supported this bill. Final Outcome: Signed

**AB 1450** (Brownley) School facilities: replacement buildings: reconfiguration.

This bill would have made revisions to the single-story replacement grant program by allowing a school district to replace an existing building with a grade group configuration other than the current configuration at the existing site, allowing the school district to serve the current grade group configuration at a different site, deleting the requirement that the increase in pupil capacity on the site will be maximized by the multi-story replacement building and replacing "single story" building with "existing" building. The Governor indicated his concerns and stated that this bill needed further refinement but he would be open to discussion within the content of a future education bond negotiation. Final Outcome: Vetoed

**SB 18** (Perata) Public works: labor compliance programs.

This bill would have added the Kindergarten-University Public Education Facilities Bond Act of 2006 as a source of funds for a public works project that would require an awarding body, if it chooses to use those funds, to initiate and enforce, or contract with a 3rd party to initiate and enforce, a labor compliance program. The Governor did not sign this bill but instead directed his secretary of labor and workforce development to work with all interested parties to achieve these goals. ACSA opposed this bill. Final Outcome: Vetoed

**SB 35** (Torlakson) School facilities: joint-use facilities.

This bill would have expanded the types of allowable projects available to be built pursuant to the joint-use agreements to include a career technical building or shop and physical education and outdoor recreational site development. This bill contains other related provisions and other existing laws. ACSA was supportive of this bill. Final Outcome: Vetoed

**SB 121** (Romero) School facilities: new construction: existing school building capacity: multi-track, year-round educational programs.

This bill would have increased eligibility for state school construction funding for certain school districts by making an exception to current law requirements that a district receives multi-track year-round educational operational grants must have its eligibility for new construction funding reduced. Specifically, this bill eliminates the requirements that the School Facility Program (SFP) eligibility be reduced as a result of a district receiving MTYRE operational grants. Secondly, this bill acknowledges the timeline for constructing schools by exempting districts from the eligibility reduction, thereby allowing time to build a school that will reduce the dependence of the districts on MTYRE calendars. ACSA believed that the provisions of this bill would go a long way to get students off of Concept 6 and reduce the number of schools on MTYRE calendars. Final Outcome: Vetoed

### **Special Education**

**AB 485** (Solorio) Special education: nonpublic, nonsectarian schools and agencies: certification revocation.

The State Superintendent of Public Instruction is authorized to revoke or suspend the certification of a nonpublic, nonsectarian school or agency for any of specified reasons. This bill prohibits a nonpublic, nonsectarian school or agency whose certification has been revoked and certain other administrators and entities involved with the school or agency from being eligible to apply for recertification for 2 years from the revocation date. Final Outcome: Signed

**AB 685** (Karnette) Special education: federal compliance.

This bill makes technical changes to several provisions of the Education Code and the Government Code regarding individuals with exceptional needs and special education to conform to new federal regulations regarding the Individuals with Disabilities Education Improvement Act (IDEA) of 2004. Final Outcome: Signed

**AB 962** (Houston) Speech-language pathologists.

This bill would express findings and declarations of the Legislature with respect to the services provided by speech-language pathology professionals and paraprofessionals. The bill would require the California Postsecondary Education Commission to assess and discuss issues, information, and barriers relating to, and progress made in the accomplishment of, the creation of additional speech-language pathology assistant training programs in a report to the Legislature. This bill requires the commission to confer with specified stakeholder groups in connection with this report. In addition, the bill requires this report to be submitted to the appropriate policy committees of the Assembly and the Senate on or before June 1, 2008. Final Outcome: Signed

**AB 1663** (Evans) Special education: conformance to federal law.

This bill makes various revisions generally conforming state law to federal requirements relating to, among others, pupil identification, assessment, and eligibility; individualized education program development, including notice, implementation, and review; procedural safeguards, including due process hearing procedures and requirements; and pupil information confidentiality. The bill also makes clarifying, conforming, and other technical changes. To the extent that these revisions would impose new duties on local educational agencies, the bill would impose a state-mandated local program. Final Outcome: Signed

**SB 418** (Migden) Local government finance: special education funding.

This bill, beginning with the 2007-08 fiscal year, requires excess county Educational Revenue Augmentation Fund (ERAF) funds to be apportioned to cover not more than 50% of the amount determined to a special education local plan area (SELPA) for the funding of out-of-home care in licensed children's institutions. This bill also requires the California Department of Education to apportion the remaining 50% to the applicable SELPA. ACSA was neutral on this bill. Final Outcome: Signed

### **Retirement**

**AB 221** (Anderson) Public retirement systems: investments: Iran.

This bill requires the Board of Administration of the Public Employees Retirement System and the Teacher's Retirement Board of the State Teachers Retirement System to sell or transfer any investments in a company with business operations in Iran until Iran is removed from the United States Department of State's list of countries that have been determined to repeatedly provide support for acts of international terrorism and the President of the United States determines and certifies that Iran has ceased its efforts to design, develop, manufacture, or acquire a nuclear explosive device or related materials and technology, as specified. ASCA was neutral on this bill. Final Outcome: Signed

**AB 554** (Hernandez) Public employees: benefits.

This bill expands the group of employers eligible to participate in the California Employers' Retirement Benefit Trust Fund (Prefunding Plan) administered by the California Public Employees' Retirement System (CalPERS) to include all California public employers. The Prefunding Plan allows agencies that contract with CalPERS for employee health benefits to prefund the future cost of their retiree health insurance benefits and other post-employment benefits (OPEB). The Governmental Accounting Standards Board (GASB) is a non-profit organization that formulates accounting standards for state and local governments. GASB standards are not law, but are accounting principles that improve the relevance of financial reporting. GASB recently issued statements 43 and 45 requiring all post-employment benefit plans other than pension plans and all governmental employers to report information about their funding progress and assets on hand with regard to post-employment benefits other than retirement (e.g., health care, vision care, and dental care). If employers produce financial statements that are not in compliance with the GASB requirements, they will be considered out of conformity with Generally Accepted Accounting Principles and receive a qualified auditor opinion. ACSA was neutral on this bill. Final Outcome: Signed

**AJR 5** (Hernandez) Social Security: retirement benefits: public employees.

This bill requests the President and the Congress of the United States to enact the Social Security Fairness Act which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act. This effort is currently gaining awareness at the federal level and, as a result, Congress has agreed to hold hearings on this topic in early 2008. ACSA has gathered over 10,000 signatures in support of this repeal and will play an active role until this modification is gained in our Social Security law. Final Outcome: Signed

**SB 901** (Padilla) State teachers' retirement: postretirement earnings.

The State Teachers' Retirement Law limits the amount of postretirement compensation that may be earned in specified types of employment by a retired member. That law, operative until January 1, 2008, provides exemptions from this limit and specifies that the limitation provisions do not apply to either compensation earned by a member retired for service who has returned to work after retirement and, for at least 12 consecutive months, has not performed specified activities or compensation earned for the performance of activities for which the employer is not able to receive state apportionment or compensation that is not creditable, as specified. This bill extends the operation of both these provisions until June 30, 2009, and extends the provisions related to an exemption based upon the employer not being able to receive state apportionment or compensation that is not creditable indefinitely. This bill will continue to provide a structure for the application of earnings limitation in CalSTRS. Most importantly, this bill will continue to assist the school community in meeting the current classroom demands through one more school year or until a new approach is enacted. ACSA was supportive of this bill and will continue to work closely with those involved to ensure a more reasonable approach is enacted long-term. Final Outcome: Signed

### **Other / Miscellaneous**

**AB 494** (Huffman) State Board of Education: waiver authority.

This bill would have expressed the Legislature's intent that high achieving schools and school districts be given additional deference when applying for waivers, as specified. In addition, this bill would also express the Legislature's intent that the state board give particular attention to certain factors when identifying high achieving schools and school districts. Final Outcome: Vetoed

**AB 774** (Houston) Physical education: volunteer instructors.

This bill authorizes a school district or county office of education maintaining a registry to impose other requirements on prospective registrants, including, but not limited to, certification in cardiopulmonary resuscitation. This bill would authorize a school under the jurisdiction of a school district or county office of education maintaining a registry, upon approval of the person acting as the coordinator of or overseeing the after school activities of the school, to allow a registrant to provide instruction in physical recreation to pupils after school hours or provide other services. Instruction in physical recreation provided to a pupil by a volunteer would be prohibited from counting toward satisfaction of either the physical education course requirements for graduation from high school or the required number of minutes of instruction in physical education. ACSA was neutral on this bill. Final Outcome: Signed

**AB 1222** (Laird) Mandate Reform

This bill amends existing law which states that whenever the Legislature or a state agency mandates a new program the state is required to provide a subvention of funds and establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. Requires that a test claim also identify the effective date and register number of regulations alleged to contain a mandate. Final Outcome: Signed

**AB 1381** (Nunez) Gangs: Office of Gang and Youth Violence Policy.

This bill states the intent of the Legislature regarding the creation of the Office of Gang and Youth Violence. The bill would also require the office to submit a report to the Legislature on or before March 1, 2009, containing recommendations and other information, as specified. Final Outcome: Signed

**AJR 23** (Hancock) No Child Left Behind Act of 2001: reauthorization.

This bill urges the Congress of the United States to amend the federal No Child Left Behind Act of 2001 to provide states more flexibility in the implementation of the law and in the identification of schools in need of improvement in order to strategically target resources and interventions toward those schools and school districts that are most in need, to permit adequate yearly progress to accommodate a range of accountability models and to respect parental choice. Lastly, and most importantly, this measure urges the President and the Congress of the United States to fully fund the requirements of the No Child Left Behind Act of 2001 for the life of the act. ACSA was supportive of this bill. Final Outcome: Signed

**SB 170** (Denham) School attendance: residency requirements.

This bill extends the operation of the provision authorizing the school district in which a parent or the legal guardian of the pupil is physically employed to allow the pupil to attend a school in that district through June 30, 2012, and would repeal the provision on January 1, 2013. This bill contains other related provisions. ACSA was neutral on this bill. Final Outcome: Signed

**SB 601** (Torlakson) Teachers: Physical Education Professional Development Program.

This bill requires the California Department of Education (CDE) to ensure that the data collected through CPM indicates the extent to which each school within the jurisdiction of a school district or county office of education performs specified duties regarding the provision of instruction in physical education, including, among others, providing the required minimum minutes of instruction and conducting physical fitness testing. The department would be required to submit annually a report to the Governor and the Legislature that summarizes the data collected through CPM regarding those items and to post annually a summary of that data on the Internet Web site of the department. Final Outcome: Signed

**SB 777** (Kuehl) Teachers: Physical Education Professional Development Program

This bill would have revised the current list of prohibited bases of discrimination and the kinds of prohibited instruction, activities, and instructional materials in the Education Code and instead refers to the protected characteristics contained in the definition of hate crimes in the Penal Code. This bill would have also defined disability, gender, nationality, race or ethnicity, religion and sexual orientation for this purpose. This bill proposed changes to the current references to "handicapped" individuals in the Education Code to, instead, refer to individuals with physical disabilities. ACSA was neutral on this bill. Final Outcome: Vetoes

**SB 964** (Romero) Local Agencies; Brown Act Requirements

This bill prohibits the use of a series of communications of any kind by a majority of a local legislative body to discuss, deliberate, or take action on any item of business. Provides that when members of the body are authorized to access a writing of the body or an agency as permitted, the local agency shall not discriminate between or among any of those members as to which writing, or portion thereof, is made available or when it is made available. Provides no result and would create additional lawsuits and confusion in the field. ACSA was opposed to this bill. Final Outcome: Vetoes

## **Adult Education & ROC/Ps**

### **AB 973** (Fuller) Regional Occupation Centers and Programs; Fees

This bill would have required a state department, commission, board, body, bureau, or other agency to waive the application fee for a certificate, license and examination that it issues or administers if the applicant is a pupil who is enrolled in a public high school or has graduated from a public high school no more than one year prior to the date of application. The applicant needs to have fulfilled all of the requirements to receive the certificate or license, or to take the examination, by completing a course offered by a regional occupational center or program. ACSA was supportive of this bill. Final Outcome: Vetoed

### **AB 1291** (Mendoza) Anti-Gang Violence Parenting Classes

This bill authorizes the Juvenile Court, if a minor is found to be a ward of the court by reason of the commission of a gang-related offense and the court finds the minor is a first-time offender and orders a parent or guardian shall retain custody of the minor, either subject to or without the supervision of a probation officer, to order the parent to attend anti-gang violence parenting classes. This bill provides that the parent shall be liable for the cost of the classes. Final Outcome: Signed

## **English Language Learners**

### **AB 252** (Coto) Pupil Testing: Primary Language Assessments

This bill would have authorized the Department of Education to make a primary language assessment available to public schools for assessing pupils enrolled in dual language immersion programs that include the primary language of the assessments at their own expense. Requires districts to enter an agreement with the state testing contractor. Requires state Standards Tests administered in previous years. ACSA was supportive of this bill. Final Outcome: Vetoed

### **AB 280** (Coto) Instructional Programs: State Seal of Biliteracy

This bill would have established the State Seal of Biliteracy to recognize high school graduates who have mastered languages in addition to English. Requires the seal to be awarded by the Superintendent of Public Instruction. Requires the State Department of Education to prepare and deliver to school districts the seal insignia. Requires participating school districts to maintain certain records and to affix an appropriate insignia to the diploma or transcript of pupils who earn the seal. ACSA was supportive of this bill. Final Outcome: Vetoed